

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHNNY BAIR,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 11-cv-0718-MJR
)	
RANDY GROUNDS,)	
and DANA TYLKA,)	
)	
Defendants.)	

ORDER ON THRESHOLD REVIEW

REAGAN, District Judge:

Johnny Bair filed suit in this Court alleging deprivations of his constitutional rights pursuant to 42 U.S.C. § 1983, based on an incident that occurred while he was housed at Robinson Correctional Center (“Robinson”). After being granted in forma pauperis status, Bair filed an amended complaint, naming two Defendants - the Warden and Assistant Warden of Robinson - Randy Grounds and Dana Tylka.

On preliminary review of the amended complaint pursuant to 28 U.S.C. § 1915A, the Court concluded that portions of the action merited dismissal under § 1915A. As to Plaintiff’s request for injunctive relief, the Court dismissed that claim as moot, due to the fact Plaintiff had been released from prison. *See, e.g., Grayson v. Schuler*, 666 F.3d 450, 451 (7th Cir. 2012); *Lehn v. Holmes*, 364 F.3d 862, 871 (7th Cir. 2004). As to Plaintiff’s damages claim, the Court found that the first amended complaint did not state a facially plausible claim for deliberate indifference to a serious medical need under the Eighth Amendment (or any other constitutionally-protected claim). The Court dismissed that claim without prejudice and offered Plaintiff a chance to file a *second* amended complaint.

The Order plainly stated: “If Plaintiff wants to proceed on his claim for damages, he must file a Second Amended Complaint by September 4, 2012. Failure to do so will result in dismissal of this case under Federal Rule of Civil Procedure 41(b). The dismissal shall be with prejudice ...” (Doc. 9, p. 3).

Despite the Court’s warning that failure to file a second amended complaint by September 4, 2012 *would* result in dismissal of this case, as of September 6, 2012, Plaintiff

had neither filed a second amended complaint nor requested an extension of time in which to do so.

Accordingly, the Court **DISMISSES** this case **with prejudice** pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of Court shall enter judgment (in favor of Defendants and against Plaintiff) and close the case.

IT IS SO ORDERED.

DATED September 6, 2012.

s/ Michael J. Reagan _____
Michael J. Reagan
United States District Judge