

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KEITH RENALDO IRVING,

Plaintiff,

v.

Case No. 12-cv-702-JPG-PMF

CHRISTINE BROWN, VIPIN K. SHAH, M.D.,
BRINDA GAYLE, DONALD GAETZ and JANE
DOE NURSE MS. LUCAS,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the motion to dismiss for lack of prosecution filed by defendants Shah, Lucas and Gale (Doc. 43). Plaintiff Keith Renaldo Irving failed to respond to the motion in the time allotted by Local Rule 7.1(c) and moved without providing the Court his new address. In a November 29, 2012, order (Doc. 44), Magistrate Judge Philip M. Frazier ordered Irving to respond to the pending motion to dismiss on or before December 17, 2012, and warned him that his failure to respond will be considered an admission that this action should be dismissed for lack of prosecution. Irving has not responded to the motion to dismiss as ordered. As it warned it would do, the Court hereby construes his failure to respond as an admission that he no longer wants to prosecute this case and accordingly, **GRANTS** the motion to dismiss for lack of prosecution (Doc. 43), **DISMISSES** this action **with prejudice** for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b) and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: January 16, 2013

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE