

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Samuel Der-Yeghiayan	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	10 C 4213	DATE	9/24/2010
CASE TITLE	Bibiano Favela vs. Carol A Kipperman, et al.		

DOCKET ENTRY TEXT

For the reasons stated below, Plaintiff's motion to reinstate [10] is denied and Plaintiff's motion for appointment of counsel [14] is denied as moot.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

This matter is before the court on Plaintiff Bibiano Favela's (Favela) motion to reinstate and motion for appointment of counsel. On August 3, 2010, we dismissed the instant action since Favela had failed to state a valid claim in his complaint. On August 4, 2010, in accordance with Federal Rule of Civil Procedure 58(b), the Clerk of Court entered judgment in this action since the court had denied all relief fo Favela. Favela then, approximately one month later, filed a proposed amended complaint on August 31, 2010. Favela requests that the court consider his amended complaint and reinstate the instant action. Favela filed his proposed amended complaint after judgment had been entered in this case, and thus it was untimely. *See Sigsworth v. City of Aurora, Ill.*, 487 F.3d 506, 512 (7th Cir. 2007)(citing *Paganis v. Blonstein*, 3 F.3d 1067 (7th Cir. 1993), for the proposition that "unless a final judgment is set aside or vacated, a plaintiff may not amend her complaint"). Favela has not shown that the court erred in dismissing the instant action. Finally, even if we were to consider Favela's proposed amended complaint, he has failed to state a valid claim. Favela appears dissatisfied with the outcome of his criminal case and appeal and is seeking monetary damages for what he contends are constitutional violations. However, Favela has failed to include facts that would plausibly suggest a valid claim. Therefore, we deny the motion to reinstate and deny as moot the

STATEMENT

motion for appointment of counsel.