

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

Edward Hamilton (N-23132),)	
)	
Plaintiff,)	
)	Case No. 19 C 50219
v.)	
)	Hon. Philip G. Reinhard
I.D.O.C., et al.,)	
)	
Defendants.)	

ORDER

Plaintiff has not submitted an amended complaint as previously ordered. This case is dismissed with prejudice for failure to state a claim. The dismissal of this case counts as a dismissal under 28 U.S.C. § 1915(g). *See Paul v. Marberry*, 658 F.3d 702, 704-05 (7th Cir. 2011). Plaintiff has now accumulated at least three strikes under 28 U.S.C. § 1915(g). The court directs the Clerk of Court to terminate all pending motions as moot and enter final judgment. Case closed.

STATEMENT

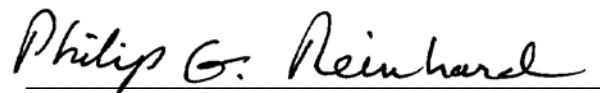
By order dated October 1, 2019, the court dismissed plaintiff's complaint because it failed to state a claim on which relief could be granted but allowed plaintiff leave to amend his pleading if he believed he could state a valid federal claim [11]. At that time, the court warned plaintiff that failure to submit an amended complaint by November 4, 2019, would result in dismissal of this case for failure to state a claim. Plaintiff has not submitted an amended complaint to date. Accordingly, this case is dismissed with prejudice for failure to state a claim. *See* [11], October 1, 2019 order (discussing deficiencies in plaintiff's complaint).

The dismissal of this case counts as a dismissal under 28 U.S.C. § 1915(g). *See Paul v. Marberry*, 658 F.3d 702, 704-05 (7th Cir. 2011). Plaintiff has now accumulated at least three strikes under 28 U.S.C. § 1915(g). *See Hamilton v. Griffin*, Case No. 98 C 3964 ([6]); *Hamilton v. Scott*, Case No. 85 C 7160 ([75]); and plaintiff's two recent cases *Hamilton v. Joos*, Case No. 19 C 50218 and *Hamilton v. I.D.O.C.*, Case No. 19 C 50219. Plaintiff is warned that when a prisoner has had a total of three federal cases or appeals dismissed as frivolous, malicious, or failing to state a claim, he may not file suit in federal court without prepaying the filing fee unless he is in imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Plaintiff is also warned that his failure to inform the court of his strikes and moving to proceed *in forma pauperis* when he is not in imminent danger of serious harm constitutes a fraud on the court and will result in dismissal of his case. *See* 28 U.S.C. § 1915(b)(1); *Sloan v. Lesza*, 181 F.3d 857, 859 (7th Cir. 1999).

If plaintiff wants to appeal this dismissal, he may file a notice of appeal in this court within thirty days of the entry of judgment. FED. R. APP. P. 4(a)(1)(A). If plaintiff chooses to appeal, he will be responsible for paying the \$505 appellate filing fee irrespective of the outcome of the appeal. *Evans v. Ill. Dep't of Corr.*, 150 F.3d 810, 812 (7th Cir. 1998). If the appeal is found to be non-meritorious, plaintiff may accumulate another strike under 28 U.S.C. § 1915(g). The court directs the Clerk of Court to terminate all pending motions as moot and enter final judgment. Case closed.

Date: 12/02/2019

ENTER:


United States District Court Judge

Notices mailed by Judicial Staff. (LC)