

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
ILLINOIS

Juan Alvarado-Gonzalez v. Warden Kimberly (BMRCC), et al.

No. 24-cv-01371-SMY, United States District Court for the Southern District of Illinois (May 26, 2026)

SUMMARY

The United States District Court for the Southern District of Illinois dismissed Juan Alvarado-Gonzalez’s prisoner civil rights action with prejudice for failure to prosecute and failure to comply with an order requiring him to provide a current address. The court directed the Clerk to close the case and provided information regarding the deadline and requirements for appealing the dismissal.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                         |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of Illinois                                                                                                                                                                                                      |
| WRITING FOR THE COURT | Staci M. Yandle                                                                                                                                                                                                                                                         |
| JURISDICTION          | United States District Court for the Southern District of Illinois                                                                                                                                                                                                      |
| DECIDED               | May 26, 2026                                                                                                                                                                                                                                                            |
| DOCKET                | 24-cv-01371-SMY                                                                                                                                                                                                                                                         |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | The district court dismissed the prisoner civil-rights action with prejudice during case management after the plaintiff failed to update his address or otherwise communicate with the court despite an order and warning that noncompliance would result in dismissal. |
| PRECEDENTIAL VALUE    | Unpublished district court memorandum and order; precedential status not stated.                                                                                                                                                                                        |
| PARTIES               | Juan Alvarado-Gonzalez v. Warden Kimberly (BMRCC), et al.                                                                                                                                                                                                               |

TOPICS

- civil procedure
- appellate procedure
- prisoners rights
- section 1983

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with an order of the court.

## HOLDINGS

1. A district court may dismiss an action with prejudice under Federal Rule of Civil Procedure 41(b) when the plaintiff fails to prosecute the action and fails to comply with a court order, particularly after receiving notice that noncompliance would result in dismissal.

## FACTUAL BACKGROUND

Juan Alvarado-Gonzalez filed this action while in the custody of the Illinois Department of Corrections at Big Muddy River Correctional Center. The court received no communication from him after filing, and Illinois Department of Corrections records showed that he had been released on parole as of March 2, 2026. Despite an order requiring him to provide his current address by May 18, 2026 and warning that noncompliance would result in dismissal with prejudice, he failed to respond or update his address.

## PROCEDURAL HISTORY

Plaintiff filed the action on May 23, 2024 while incarcerated at Big Muddy River Correctional Center. After learning that plaintiff had been released on parole, the court ordered him to provide written notice of his current address by May 18, 2026 and warned that failure to comply would result in dismissal with prejudice. Plaintiff did not respond, and the court dismissed the case, directed the Clerk to close it, and ordered judgment entered.

## DISPOSITION

dismissed

## CASES CITED

- James v. McDonald's Corp., 417 F.3d 672, 681 (7th Cir. 2005)
- Ladien v. Astrachan, 128 F.3d 1051 (7th Cir. 1997)
- Lucien v. Breweur, 9 F.3d 26, 29 (7th Cir. 1993)
- Ammons v. Gerlinger, 547 F.3d 724, 725-26 (7th Cir. 2008)
- Sloan v. Lesza, 181 F.3d 857, 858-59 (7th Cir. 1999)
- Lucien v. Jockisch, 133 F.3d 464, 467 (7th Cir. 1998)

## OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS JUAN ALVARADO-GONZALEZ, #Y26876, ) ) Plaintiff, ) ) vs. ) Case No. 24-cv-01371-SMY ) WARDEN KIMBERLY (BMRCC), et al., ) ) Defendants. ) MEMORANDUM AND ORDER YANDLE, Chief Judge: This matter is before the Court for case management. Plaintiff Juan Alvarado-Gonzalez filed this action on May 23, 2024 while he was a prisoner in the custody of the Illinois Department of Corrections (“IDOC”) at Big Muddy River Correctional Center.

The Court has received no communication from Plaintiff since he filed this case, and IDOC online records show he was released on parole as of March 2, 2026.<sup>1</sup> The Court ordered Plaintiff to provide written notice of his current address by May 18, 2026, and warned him that failure to comply would result in the dismissal of this case with prejudice (Doc. 9).

The deadline has come and gone, and Plaintiff has failed to update his address or respond in any way. Accordingly, this case is DISMISSED with prejudice for failure to prosecute and failure to comply with an Order of the Court. FED. R. CIV. P. 41(b); see generally *James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th Cir. 2005); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir.

1997); *Lucien v. Breweur*, 9 F.3d 26, 29 (7th Cir. 1993) (dismissal for failure to prosecute is presumptively 1 IDOC Individual in Custody Search, <https://idoc.illinois.gov/offender/inmatesearch.html> (last visited May 26, 2026). with prejudice).

The Clerk is DIRECTED to CLOSE THIS CASE and enter judgment accordingly. If Plaintiff wishes to appeal this dismissal, his notice of appeal must be filed with this Court within thirty days of the entry of judgment. FED. R. APP. P. 4(a)(1)(A). A motion for leave to appeal in forma pauperis must set forth the issues Plaintiff plans to present on appeal. See FED.

R. APP. P. 24(a)(1)(C). If Plaintiff does choose to appeal, he will be liable for the \$505.00 appellate filing fee irrespective of the outcome of the appeal. See FED. R. APP. P. 3(e); 28 U.S.C. § 1915(e)(2); *Ammons v. Gerlinger*, 547 F.3d 724, 725-26 (7th Cir. 2008); *Sloan v. Lesza*, 181 F.3d 857, 858-59 (7th Cir. 1999); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir.

1998). Moreover, if the appeal is found to be nonmeritorious, Plaintiff may also incur a “strike.” A proper and timely motion filed pursuant to Federal Rule of Civil Procedure 59(e) may toll the 30-day appeal deadline. FED. R. APP. P. 4(a)(4). A Rule 59(e) motion must be filed no more than twenty-eight (28) days after the entry of the judgment, and this 28-day deadline cannot be extended.

IT IS SO ORDERED. DATED: May 26, 2026 \_\_\_\_\_ STACI M. YANDLE  
Chief U.S. District Judge