

NO.: USCA7:No 21-1550

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IN THE  
**SUPREME COURT OF THE UNITED STATES**

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KEVIN martin - Petitioner;

v.

Ashlyn Lidford - Respondent(s);

**ON PETITION FOR WRIT OF CERTIORARI TO  
UNITED STATES SUPREME COURT**

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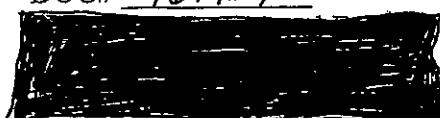
**APPENDIX OF PETITIONER**

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Attorney for Petitioner:

wabash valley corr  
Facility  
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Carlisle, IN 47838-1111 Petitioner / pro se

DOC# 169789



## UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse  
Room 2722 - 219 S. Dearborn Street  
Chicago, Illinois 60604



Office of the Clerk  
Phone: (312) 435-5850  
[www.ca7.uscourts.gov](http://www.ca7.uscourts.gov)

## PLRA C.R. 3(b) FINAL ORDER

May 12, 2021

No. 21-1550	KEVIN L. MARTIN, Plaintiff - Appellant  v.  ASHLYNN LEDFORD, Defendant - Appellee
<b>Originating Case Information:</b>	
District Court No: 2:19-cv-00201-JRS-DLP Southern District of Indiana, Terre Haute Division District Judge James R. Sweeney	

The pro se appellant was DENIED leave to proceed on appeal in forma pauperis by the appellate court on April 15, 2021 and was given fourteen (14) days to pay the \$505.00 filing fee. The pro se appellant has not paid the \$505.00 appellate fee. Accordingly,

**IT IS ORDERED** that this appeal is **DISMISSED** for failure to pay the required docketing fee pursuant to Circuit Rule 3(b).

**IT IS FURTHER ORDERED** that the appellant pay the appellate fee of \$505.00 to the clerk of the district court. The clerk of the district court shall collect the appellate fees from the prisoner's trust fund account using the mechanism of Section 1915(b). *Newlin v. Helman*, 123 F.3d 429, 433 (7th Cir. 1997).

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

KEVIN L. MARTIN, )  
Plaintiff, )  
v. )  
ASHLYNN LEDFORD, )  
Defendant. )  
No. 2:19-cv-00201-JRS-DLP

## **ORDER TO SHOW CAUSE**

On June 3, 2020, the Court sanctioned the plaintiff preventing him from making further filings in this action, apart from a notice of appeal, until he pays a fine. Dkt. [93]. He has not yet complied with the sanction order and thus is unable to comply with the Court's final pre-trial scheduling order which required him to file final witness and exhibit lists on January 8, 2021. Dkt. [107].

Neither the Court nor the defendant can prepare for trial without the plaintiff's final witness and exhibit lists and other pre-trial filings. Therefore, the plaintiff shall have **through February 15, 2021**, in which to take the actions necessary to comply with the sanction order so that the filing restriction is lifted and to show cause why this action should not be dismissed for failure to comply with Court Orders. Failure to comply with this deadline will result in the dismissal of this action without further notice.

**IT IS SO ORDERED.**

Date: 1/12/2021

JAMES R. SWEENEY II, JUDGE  
United States District Court  
Southern District of Indiana

3

Distribution:

KEVIN L. MARTIN  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

KEVIN L. MARTIN, )  
 )  
 Plaintiff, ) ) No. 2:19-cv-00201-JRS-DLP  
 v. )  
 )  
 ASHLYNN LEDFORD, )  
 )  
 Defendant. )

**ORDER DISMISSING ACTION FOR FAILURE TO PROSECUTE**

On June 3, 2020, the Court sanctioned the plaintiff preventing him from making further filings in this action, apart from a notice of appeal, until he pays a fine. Dkt. [93]. He has not yet complied with the sanction order and thus was unable to comply with the Court's final pre-trial scheduling order which required him to file final witness and exhibit lists on January 8, 2021. Dkt. [107]. The Court issued an order to the plaintiff to 1) take the actions necessary to comply with the sanction order so that the filing restriction would be lifted; and 2) show cause why this action should not be dismissed for failure to comply with Court Orders. The Court warned the plaintiff that failure to comply with the order's deadline would result in the dismissal of this action without further notice. Dkt. [114].

The deadline has passed, and the plaintiff has not taken the actions necessary to comply with the sanction order so that the filing restriction could be lifted. Neither the Court nor the defendant can prepare for trial without the plaintiff's final witness and exhibit lists and other pre-trial filings. Therefore, the action is dismissed for failure to prosecute. Final judgment consistent with this order shall now issue.

**IT IS SO ORDERED.**

(5)

Date: 2/17/2021

James Sweeney II

JAMES R. SWEENEY II, JUDGE  
United States District Court  
Southern District of Indiana

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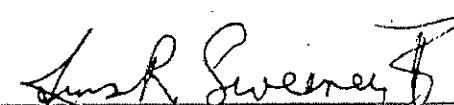
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

KEVIN L. MARTIN, )  
Plaintiff, )  
v. ) No. 2:19-cv-00201-JRS-DLP  
ASHLYNN LEDFORD, )  
Defendant. )

**FINAL JUDGMENT**

The Court now enters FINAL JUDGMENT. The action is dismissed for failure to prosecute.

Date: 2/17/2021

  
\_\_\_\_\_  
JAMES R. SWEENEY II, JUDGE  
United States District Court  
Southern District of Indiana

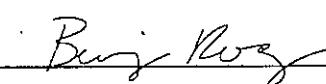
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Roger A.G. Sharpe, Clerk

BY:   
\_\_\_\_\_  
Deputy Clerk, U.S. District Court

**Additional material  
from this filing is  
available in the  
Clerk's Office.**