

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANNABEL K. MELONGO,

Plaintiff

v.

ROBERT PODLASEK, JULIE GUNNIGLE,
KATE O'HARA, JAMES DILLON,
ANTONIO RUBINO, RICH LESIAK,
DR. MATTHEW MARKOS, MARILYN
FILISHIO, PAMELA TAYLOR, LAUREL
LAUDIN, KYLE FRENCH, AMBER
HAQQANI, LISA MADIGAN, ANITA
ALVAREZ, TOM DART, UNKNOWN
COOK COUNTY SHERIFF'S OFFICERS,
and COOK COUNTY, ILLINOIS,

Defendants.

Case No. 13-cv-4924

Judge John Z. Lee

Magistrate Sheila Finnegan

ORDER

Plaintiff Annabel K. Melongo's application for leave to proceed *in forma pauperis* (Dkt. #4) is granted. However, summonses shall not issue at this time. Plaintiff's motion for attorney representation (Dkt. #5) is granted. The Court assigns Dean A. Monco, Wood, Phillips, Katz, Clark & Mortimer, Northwestern Atrium Center, 500 W. Madison Street, Suite 1130, Chicago, IL, 60661-2511 (312-)876-1800 to represent Plaintiff in accordance with counsel's trial bar obligations under the District Court's Local Rule 83.37 (N.D. Ill.) The complaint on file is dismissed without prejudice to assigned counsel filing an amended complaint within 60 days if the amended complaint comports with appointed counsel's obligations under Rule 11 of the Federal Rules of Civil Procedure. The Clerk shall send a copy of this order to Dean A. Monco. If counsel is unable to file an amended complaint, he/she should so inform the Court.

Further, Plaintiff's motion to stay proceedings [6] is denied without prejudice at this time. The Court notes that the Seventh Circuit has clarified that IFP plaintiffs "have the same right as other plaintiffs to amend a timely filed complaint at least once as a matter of course . . ." and that even if "a timely complaint is dismissed but the action remains pending," the "amended complaint relates back to the filing of the original complaint" so long as the amended complaint asserts claims or defenses that arose out of the conduct alleged in the original complaint. *Luevano v. Wal-Mart Stores, Inc.*, --- F.3d ---, No. 11-cv-1917, 2013 WL 3599156, at **5-6 (7th Cir. Jul. 16, 2013). Thus, so long as Plaintiff's claims were timely filed in connection with her

original complaint (an analysis the Court does not undertake at this time), requiring Plaintiff to amend her complaint will not result in her claims being time-barred.

A handwritten signature in black ink, appearing to read "John Z. Lee". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

/s/ John Z. Lee

Date: 8/16/13