

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION

ANTHONY D. SEILER,)	
)	
Plaintiff,)	
)	
v.)	17-1370
)	
VICTOR KRUSE, <i>et al.</i>)	
)	
Defendants.)	

ORDER

In its Summary Judgment Order entered January 15, 2019, the Court indicated an inclination to grant summary judgment in favor of Defendants. *See* (Doc. 36). The Court granted the parties 30 days to address the Seventh Circuit’s recent decision in *Miranda v. Cty. of Lake*, 900 F.3d 335 (7th Cir. 2018), as it was not decided until after the parties had filed their respective motions for summary judgment. Defendants filed in response and argument in support of their motion for summary judgment, arguing that their conduct was not objectively unreasonable. (Doc. 37). Plaintiff did not file any argument/opposition or request additional time to do so. The deadline for doing so has since passed.

Accordingly, for the reasons stated in the Court’s Order entered January 15, 2019 (Doc. 36), Defendants’ Motion for Summary Judgment (Doc. 29) is granted. Plaintiff’s Motion for Summary Judgment (Doc. 21) is denied.

IT IS THEREFORE ORDERED:

- 1) **Plaintiff’s Motion for Summary Judgment [21] is DENIED.**
- 2) **Defendants’ Motion for Summary Judgment [29] is GRANTED. The clerk of the court is directed to enter judgment in favor of Defendants and against Plaintiff. All pending motions not addressed below are denied as moot, and this case is**

terminated, with the parties to bear their own costs. Plaintiff remains responsible for the \$350.00 filing fee.

- 3) If Plaintiff wishes to appeal this judgment, he must file a notice of appeal with this Court within 30 days of the entry of judgment. Fed. R. App. P. 4(a)(4). A motion for leave to appeal in forma pauperis MUST identify the issues the Plaintiff will present on appeal to assist the court in determining whether the appeal is taken in good faith. *See* Fed. R. App. P. 24(a)(1)(c); *see also Celske v Edwards*, 164 F.3d 396, 398 (7th Cir. 1999)(an appellant should be given an opportunity to submit a statement of his grounds for appealing so that the district judge “can make a reasonable assessment of the issue of good faith.”); *Walker v. O’Brien*, 216 F.3d 626, 632 (7th Cir. 2000)(providing that a good faith appeal is an appeal that “a reasonable person could suppose...has some merit” from a legal perspective). If Plaintiff does choose to appeal, he will be liable for the \$505.00 appellate filing fee regardless of the outcome of the appeal.

Entered this 28th day of February, 2019.

s/Colin S. Bruce
COLIN S. BRUCE
UNITED STATES DISTRICT JUDGE