

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals**For the Seventh Circuit****Chicago, Illinois 60604**

Submitted April 28, 2023*

Decided May 1, 2023

BeforeMICHAEL B. BRENNAN, *Circuit Judge*MICHAEL Y. SCUDDER, *Circuit Judge*AMY J. ST. EVE, *Circuit Judge*

No. 22-3182

JERICO MATIAS CRUZ,
*Plaintiff-Appellant,**v.*STATE OF ILLINOIS and
BRIAN KELLIHER,
*Defendants-Appellees.*Appeal from the United States
District Court for Northern District of
Illinois, Eastern Division.

No. 20 C 7767

Jorge L. Alonso,
*Judge.***ORDER**

Jerico Matias Cruz appeals the judgment dismissing his civil-rights action for, among other things, failure to prosecute his case. *See* FED. R. CIV. P. 41(b). We affirm.

*The Appellees were not served with process and are not participating in this appeal. After examining the appellant's brief and the record, we have concluded that the case is appropriate for summary disposition. *See* FED. R. APP. P. 34(a)(2).

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After he was arrested at the James R. Thompson Center in downtown Chicago, Cruz sued the State of Illinois and a responding police officer for unlawful arrest and discrimination. District Judge Dow granted Cruz leave to proceed in forma pauperis. In doing so, however, the judge expressed concern that the court may be precluded from adjudicating Cruz's federal claims because of apparent ongoing state-court proceedings. (Before filing this action in federal court, Cruz had filed a complaint in an Illinois trial court, challenging the accuracy of the Illinois State Police's documentation of events related to the arrest.) Judge Dow later granted Cruz's request for leave to amend his complaint.

Cruz eventually filed an amended complaint but neither mentioned his state case nor described wrongful actions taken by any defendant.

Judge Alonso, who had been reassigned the case, screened the amended complaint and determined that Cruz's conclusory allegations failed to state a claim. *See* 28 U.S.C. § 1915(e)(2). The judge dismissed the complaint without prejudice and allowed Cruz 28 days in which to file a second amended complaint or the case would be dismissed.

After the deadline for filing an amended complaint passed, Cruz moved for an extension of time on account of competing obligations—he asserted that he had been occupied with campaign operations for his bid for a seat with the United States House of Representatives. The court denied the motion on grounds that the delay was within Cruz's control, *see Sherman v. Quinn*, 668 F.3d 421, 427 (7th Cir. 2012) (running for office is "entirely voluntary"), and Cruz had not shown excusable neglect to justify an extension. *See* FED. R. CIV. P. 6(b)(1)(B). The court dismissed the case with prejudice for three reasons: Cruz's noncompliance with the court's order, failure to prosecute, and failure to state a claim. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–30 (1962).

Cruz appeals the court's judgment, but he says nothing to suggest why the court was wrong to dismiss his suit based on noncompliance with its order or failure to prosecute. Although we construe pro se briefs generously, an appellate brief must contain a discernible argument and support for it. *See* FED. R. APP. P. 28(a)(8)(A); *Anderson v. Hardman*, 241 F.3d 544, 545 (7th Cir. 2001). In the end, Cruz has supplied us with no reason to suggest that the district court committed any reversible error in dismissing the case with prejudice for the three reasons listed above.

AFFIRMED