

**NONPRECEDENTIAL DISPOSITION**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 August 28, 2024\*

Decided August 28, 2024

**Before**MICHAEL Y. SCUDDER, *Circuit Judge*THOMAS L. KIRSCH II, *Circuit Judge*JOSHUA P. KOLAR, *Circuit Judge*

No. 23-3320

MATTIE T. LOMAX,  
*Plaintiff-Appellant,**v.*RICHARD JARDIN, d/b/a GOOD  
ENERGY HOLDINGS, et al.,  
*Defendants-Appellees.*Appeal from the United States District  
Court for the Northern District of  
Illinois, Eastern Division.

No. 1:22-cv-07277

Steven C. Seeger,  
*Judge.*

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\* The appellees were not served with process and are not participating in this appeal. We have agreed to decide the case without oral argument because the brief and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

## ORDER

Mattie Lomax brought this suit against her landlord. The district court dismissed it after Lomax ignored orders designed to correct defects in her complaint, despite warnings from the court that ignoring the orders would lead to dismissal. Because the district court did not abuse its discretion in dismissing the case, we affirm.

Lomax's initial federal complaint against her landlord contained several problems. To start, the filing was titled "Motion to Remove," but it cited 28 U.S.C. § 1404(a) (the statute authorizing a change of venue). The opening paragraph likewise states that Lomax wished to "remove this matter to the Northern District of Illinois." Despite the reference to removal, Lomax did not file the state-court documents that 28 U.S.C. § 1446(a) requires in removal cases. In addition, the only federal law mentioned was the Fair Housing Act, but Lomax did not assert how the landlord violated that statute. Lomax accompanied her complaint with a request to proceed in forma pauperis.

Given the confusion of Lomax's filing, the district court gave her a roadmap for proceeding, and warned her that a "failure to comply will lead to dismissal." First, the court gave Lomax an opportunity to amend her complaint, which she filed along with a motion for summary judgment. The amended complaint sought relief under 42 U.S.C. § 1983 because, Lomax alleged, her landlord had sexually assaulted her. Next, the court reviewed Lomax's application to proceed in forma pauperis and ruled that it was incomplete because Lomax did not adequately state her employment history. It granted Lomax "leave to file an updated application to proceed in forma pauperis, and an amended complaint," warning that failure to submit these two documents by the deadline it set "will lead to dismissal." The court also denied Lomax's motion for summary judgment as premature.

Lomax did not heed the court's warning. Although she updated her application to proceed in forma pauperis, her filing did not include her amended complaint. The court concluded that Lomax lacked the financial resources to pay the filing fee, but it dismissed the case because Lomax did not comply with its order to file both the application and amended complaint. Lomax moved to reconsider. The court stated that it would consider reopening the case once Lomax submitted her amended complaint. Again, Lomax did not comply with the court's order. Instead of filing an amended complaint, she filed another motion to reconsider the court's denial of her application to proceed in forma pauperis—even though the court had told her that the problem was

not her financial status, but rather that she failed to file an amended complaint. The court then dismissed the case because Lomax failed to follow its order.

Lomax appeals the district court's dismissal of her case, but she does not raise any discernable arguments for reversal. Instead, she argues that the court should have granted her motion for summary judgment. Although she is pro se, Lomax is required to comply with Rule 28(a) of the Federal Rules of Appellate Procedure by, among other things, developing an argument explaining why the district court's decision was incorrect. *See Atkins v. Gilbert*, 52 F.4th 359, 361 (7th Cir. 2022). Because Lomax does not do so, we could dismiss the appeal. But we prefer to decide cases on the merits when we can, *see id.*, and we do so here.

The district court has inherent power to manage its docket, and with that power comes the discretionary authority to dismiss a case for failure to obey reasonable orders. *Dorsey v. Varga*, 55 F.4th 1094, 1104 (7th Cir. 2022). Here, the district court did not abuse its discretion. It twice ordered Lomax to submit her amended complaint: first, it ordered her to do so along with her updated application to proceed in forma pauperis; second, it told her to file the amended complaint when it concluded that Lomax met the financial requirements to proceed in forma pauperis. Lomax twice failed to do so, despite the warning that failure will lead to dismissal. She filed her updated application without the amended complaint. And then she moved to reconsider the court's ruling on her application (even though the court accepted that she lacked the financial resources to pay the filing fees upfront) still without submitting her amended complaint. We are mindful of Lomax's status as a pro se litigant, but she is still required to follow the court's orders. *See DJM Logistics, Inc. v. FedEx Ground Package Sys., Inc.*, 39 F.4th 408, 415 (7th Cir. 2022). We also recognize that Lomax had filed an amended complaint earlier in the case. But judges are permitted to order litigants to resubmit or cite key documents rather than have to root out the documents themselves. *See Gross v. Town of Cicero*, 619 F.3d 697, 702–03 (7th Cir. 2010).

We close by noting that even if the district court had reviewed the amended complaint that Lomax filed earlier in the case, it would not have survived screening because it fails to state a claim. *See* 28 U.S.C. § 1915(e)(2)(B)(ii). In the amended complaint, Lomax alleges that her landlord violated 42 U.S.C. § 1983 by sexually assaulting her. But a § 1983 defendant must be one who allegedly acts "under color of state law." *Nat'l Collegiate Athletic Ass'n v. Tarkanian*, 488 U.S. 179, 191 (1988). Lomax's landlord appears to be a private person, and she did not contend, either in the district court or in her brief on appeal, that he acted under color of state law. The amended

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complaint also names a police officer as a defendant, but Lomax alleges only that the officer was called to speak to her; she does not allege what the officer did wrong, let alone that he violated a constitutional right. This is fatal because a suit under § 1983 requires an allegation that the defendant deprived the plaintiff of a right protected by federal law. *See Jones v. Cummings*, 998 F.3d 782, 788 (7th Cir. 2021).

AFFIRMED