

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CRISTINA NICHOLE IGLESIAS (A.K.A	)	
CRISTIAN NOEL IGLESIAS),	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil No. 19-cv-00415-JPG
	)	
IAN CONNORS AND DR. KATHLEEN	)	
HAWK SAWYER, DIRECTOR OF THE	)	
FEDERAL BUREAU OF PRISONS,	)	
	)	
Defendants.	)	

**DEFENDANT’S RESPONSE TO “MOTION BY PLAINTIFF  
TO DISMISS COUNT 5 OF HER COMPLAINT WITHOUT PREJUDICE  
AND ENTER A SUMMARY OF JUDGMENT IN FAVOR OF DEFENDANT DR.  
KATHLEEN HAWK SAWYER AS TO COUNT 5 ONLY”**

Defendant, Dr. Kathleen Hawk Sawyer, in her official capacity as Director of the Federal Bureau of Prisons, by her attorneys, Steven D. Weinhoef, United States Attorney for the Southern District of Illinois, and Laura J. Jones, Assistant United States Attorney, responds to the “Motion by Plaintiff to Dismiss Count 5 of Her Complaint Without Prejudice and Enter a Summary of Judgement [sic] in Favor of Defendant Dr. Kathleen Hawk Sawyer as to Count 5 Only,” and states as follows:

1. Plaintiff filed a document on October 2, 2019, with the following caption: “Response by Plaintiff to the Defendant Dr. Kathleen Hawk Sawyer to Dismiss, Alternatively, to Enter Summary of Judgement [sic] to Count 5 of the Plaintiff’s complaint. Motion by Plaintiff to dismiss Count 5 of her complaint without Prejudice and enter a Summary of Judgment in Favor of Defendant Dr. Kathleen Hawk Sawyer as to Count 5 Only.” (Doc. 25).

2. Plaintiff asks this Court to dismiss Count 5 of her complaint without prejudice so that she can exhaust her administrative remedies. *See also* p. 4 (“Plaintiff will move this Court to

Dismiss Count (5) of her complaint only, as she did not file the Administrative Remedy on the Rehabilitation Act Without Prejudice and enter Summary of Judgement [sic] to Defendant Dr. Kathleen Hawk Sawyer only.”)

3. Director Hawk Sawyer has no objection to a dismissal of Count 5 without prejudice.

4. Because the parties agree that plaintiff’s complaint should be dismissed without prejudice, her request for a preliminary injunction should also be denied as moot. *Boutte v. Principi*, No. 02-c-1916, 2003 WL 262425, at \*1 (N.D. Ill. Jan. 27, 2003) (holding that motion for preliminary injunction motion was denied as moot where the complaint was dismissed). Defendant Hawk Sawyer had filed a motion for extension to respond (Doc. 21) which would also be moot.

For these reasons, defendant Dr. Kathleen Hawk Sawyer, in her official capacity as Director of the Federal Bureau of Prisons, requests that plaintiff’s motion to dismiss Count 5 without prejudice be granted.

DR. KATHLEEN HAWK SAWYER  
DIRECTOR OF THE FEDERAL BUREAU  
OF PRISONS

STEVEN D. WEINHOFET  
United States Attorney

s/ Laura J. Jones  
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HAWK SAWYER, DIRECTOR OF THE	)	
FEDERAL BUREAU OF PRISONS,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on October 16, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and I hereby certify that I mailed by United States Postal Service, the document to the following non-registered participant:

ADDRESS:

Cristian Noel Iglesias  
#17248-018  
Marion – US Penitentiary  
Inmate Mail/Parcels  
P.O. Box 1000  
Marion, IL 62959

*s/ Laura J. Jones*  
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