

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

CECIL A. BATES,	)	
	)	
Plaintiff,	)	
v.	)	No. 1:13-cv-548-TWP-MJD
	)	
STATE OF INDIANA, et al.,	)	
	)	
Defendants.	)	

**Entry and Order Dismissing Action**

**I.**

Cecil Bates brings this action pursuant to 42 U.S.C. § 1983. The statute of limitations for a § 1983 action brought in Indiana is two years. *Logan v. Wilkins*, 644 F.3d 577, 581 (7th Cir. 2011); *Behavioral Inst. of Ind., LLC v. Hobart City of Common Council*, 406 F.3d 926, 929 (7th Cir. 2005); *see* IND. CODE ' 34-11-2-4. Bates has been notified that the claims he asserts appear to be time-barred. He was given an opportunity to file an amended complaint in which that obvious deficiency could be addressed. His most recent deadline expired more than a month ago and an amended complaint has not been filed.

Bates was granted leave to proceed *in forma pauperis*. This triggers the screening provisions of 28 U.S.C. § 1915(e)(2) and means, in part, that the action is to be dismissed if the complaint fails to state a claim upon which relief can be granted. Here, because the complaint asserts only claims which are barred by the applicable statute of limitations, the complaint fails to state a claim upon which relief can be granted. *Jones v. Bock*, 549 U.S. 199, 215 (2007)(“If the allegations, for example, show that relief is barred by the applicable statute of limitations, the complaint is subject to dismissal for failure to state a claim;”).

Based on the foregoing, the action is dismissed.

**II.**

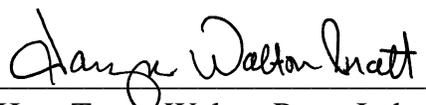
Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 02/21/2014

Distribution:

Cecil Bates  
745 W. 32<sup>nd</sup> St.  
Indianapolis, IN 46208



Hon. Tanya Walton Pratt, Judge  
United States District Court  
Southern District of Indiana