

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

HAROLD EDWARD MCCOY,	)	
	)	
Petitioner,	)	
v.	)	No. 1:13-cv-1832-TWP-MJD
	)	
PAROLE BOARD, et al.,	)	
	)	
Respondent.	)	

**Entry and Order Dismissing Action**

This matter is before the Court on a Petition for Writ of Habeas Corpus filed by Petitioner Harold Edward McCoy, an Indiana prisoner. The portion of this action in which Mr. McCoy seeks habeas relief with respect to his state court conviction in No. 39D01-9402-CF-220 is dismissed for lack of jurisdiction pursuant to 28 U.S.C. § 2244(a) because a prior habeas action was dismissed on the merits in No. IP 96-655-C. Additionally, Mr. McCoy is on restricted filer status with the Seventh Circuit, and he has not shown that he has obtained leave from the Court of Appeals to file a second or successive petition. Under the Prison Litigation Reform Act, 28 U.S.C. § 1915 *et seq.* a prisoner who accumulates three “strikes” for filing litigation or appeals that are dismissed for failure to state a claim or are malicious or frivolous is barred (with certain exceptions) from filing future suits *in forma pauperis*. 28 U.S.C. § 1915(g).

In light of Mr. McCoy’s restricted filer status in this Circuit, any portion of this action that is not a habeas action challenging his state court conviction, cannot be considered by this Court. Specifically, the court refers to the restricted filer status imposed in *McCoy v. Miller*, No. 00-1647 (7th Cir. March 27, 2000) (Slip Opinion): the United States Court of Appeals for the Seventh Circuit imposed a \$500.00 fine on Mr. McCoy, and ordered that "until he pays that sum in full to

the clerk of this court, clerks of all courts within this circuit will return, unfiled, any papers he tenders in civil litigation ." Mr. McCoy must first show cause that he has complied with the Order imposed by the Seventh Circuit and that he is allowed to file this action.

Judgment consistent with this Entry shall now issue.

SO ORDERED.

Date: 02/19/2014

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

Distribution:

Harold Edward McCoy  
#881103  
NEW CASTLE CORRECTIONAL FACILITY - Inmate Mail/Parcels  
1000 Van Nuys Road  
NEW CASTLE, IN 47362