

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RICHARD L. KELLY,)
)
Plaintiff,)
)
vs.) No. 1:15-cv-00400-TWP-TAB
)
MIKE PERSON,)
KELLY COUNSELOR,)
RANNA STOOPS,)
MIKE MITCHEFF,)
JOE THOMPSON,)
JANE DOE #1,)
MANDIP BARTELS,)
)
Defendants.)

Entry Dismissing Case for Failure to Show Cause

This matter is before the Court for determination of whether Plaintiff Richard Kelly has shown cause why this action should not be dismissed as duplicative of the claims he raised or could have raised in *Kelly v. Person*, No. 1:14-cv-01364-SEB-DML (S.D. Ind.), or *Kelly v. Mitcheff*, No. 3:13-cv-924-RL-CAN (N.D. Ind.). On March 11, 2015, the Court ordered Mr. Kelly to respond to a show cause order (Dkt. 5). Presently pending before the Court is Mr. Kelly’s Motion for Reply in which he states that he responded to the Court’s show cause order by attaching thirty-six pages of evidence to a previously filed motion for an extension of time. Mr. Kelly need not file a motion for the Court to determine whether he has adequately shown cause, and thus his Motion to file Reply to Argument (Dkt. 15) is **denied** as unnecessary.

The Court has considered all of the materials filed by Mr. Kelly, but none of them are responsive to the Court’s show cause order in that they do not explain why the claims raised in this case are not duplicative of the claims Mr. Kelly raised in two other currently pending cases.

The thirty-six pages of evidence Mr. Kelly filed do not shed any light on this question. They include several inmate grievance forms filed by Mr. Kelly—some concerning the prison e-filing program and other concerning medical treatment—and medical records. The documents related to medical treatment, if anything, reinforce that the claims raised in this action are duplicative of, or could have been raised in, Mr. Kelly’s other pending cases.

“A district court has an ample degree of discretion in deferring to another federal proceeding involving the same parties and issues to avoid duplicative litigation.” *Trippe Mfg. Co. v. Am. Power Conversion Corp.*, 46 F.3d 624, 629 (7th Cir. 1995); *see Rizzo v. City of Wheaton, Ill.*, 462 Fed. Appx. 609, 613 (7th Cir. 2011) (“District courts have ample discretion to dismiss duplicative litigation. . . .”). Mr. Kelly has not explained to the Court why his case should not be dismissed as duplicative of the claims that have been or could have been raised in *Kelly v. Person*, No. 1:14-cv-01364-SEB-DML (S.D. Ind.), or *Kelly v. Mitcheff*, No. 3:13-cv-924-RL-CAN (N.D. Ind.). Therefore, this action is **dismissed without prejudice** as duplicative of those cases. Judgment consistent with this entry shall now issue.

IT IS SO ORDERED.

Date: 5/14/2015



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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