

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

ANTWAN BAKER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:15-cv-00793-TWP-DML
)	
DALE YOUNG detective, BRIMER detective,)	
DINGS detective, SORIA detective,)	
)	
Defendants.)	

Entry Dismissing Action and Directing Entry of Final Judgment

The Entry of July 21, 2015, gave the Plaintiff Antwan Baker (“Mr. Baker”) the opportunity to show cause why this civil action should not be dismissed because each of the claims alleged is barred by the applicable statute of limitations. In response, Mr. Baker argues that he filed a complaint against the same defendants based on the same circumstances on February 3, 2014, in case number 1:14-cv-153-WTL-DML. That complaint was dismissed for failure to state a claim upon which relief could be granted.

No relief is warranted on this basis alone. First, this information is contrary to what the plaintiff reported in the complaint associated with this action.

IV PREVIOUS LAWSUITS

Have you ever sued anyone for the same things you wrote in this complaint?

NO YES- [Print or type the following information about the case]

Court:

Judge:

Docket Number:

Date Filed:

Date Closed:

See dkt. 1, at page 4. In addition, the complaint in 1:14-cv-153-WTL-DML was dismissed because the complaint shows on its face that the plaintiff suffered no Fourth Amendment or other violation of his federally secured rights. The Court wrote, "Baker's complaint thus shows on its face that he has no plausible claim under § 1983." Case 1:14-cv-153-WTL-DML, dkt. 15 at p. 4. The fact that the complaint was dismissed without prejudice does not mean that the plaintiff can file the same claims more than a year later and expect a different result. Nor, did the prior action toll the statute of limitations for filing a new civil action based on the same facts. If the plaintiff disagreed with the Court's ruling in 1:14-cv-153-WTL-DML, his remedy would be to appeal that decision.

Under these circumstances, this action must be dismissed pursuant to 28 U.S.C. § 1915A. *See Koch v. Gregory*, 536 Fed. Appx. 659 (7th Cir. 2013) (stating that when the language of the complaint plainly shows that the statute of limitations bars the suit, dismissal under § 1915A is appropriate). Judgment consistent with this Entry shall now issue.

The **clerk is directed** to update the docket sheet to reflect the plaintiff's DOC # consistent with the distribution portion of this Entry.

IT IS SO ORDERED.



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

Date: 8/18/2015

Distribution:

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