

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

CHRISTOPHER E. WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 1:16-cv-01017-LJM-MJD  
 )  
 BENJAMIN D. LOVERIDGE Dr., )  
 )  
 Defendant. )

**Entry Denying Motion to Consolidate, Denying Motion for Leave to Proceed *In Forma Pauperis*, Dismissing Case, and Directing Entry of Final Judgment**

**I.**

The plaintiff moves to consolidate this case with three other cases he filed—No. 1:16-cv-1018-WTL-MPB, No. 1:16-cv-1019-RLY-DKL, and No. 1:16-cv-1020-TWP-DML—because “all four cases have similar causes of action.” Pursuant to Federal Rule of Civil Procedure 42(a)(2), the Court “may” consolidate actions “[i]f actions before the court involve a common question of law or fact.”

The plaintiff’s duplicative motions to consolidate [dks. 6, 10] are **denied**. First, at least two of his cases state entirely different claims than the one presented here. Second, and more importantly, the cases are all at different stages. One has been transferred to the Northern District of Indiana. Another, along with this case, have pending motions to show cause why the case should not be dismissed. Finally, as explained below, this case must be dismissed, and thus consolidating this case with his other pending cases is not appropriate here.

## II.

In the Court's Entry dated May 11, 2016, the Court explained that Mr. Washington's claims, on the face of the complaint, were barred by the two-year statute of limitations for § 1983 claims brought in Indiana, and the Court ordered him to show cause why judgment consistent with that decision should not be issued. Mr. Washington has responded to the Court's show cause order. He points out that he previously filed these claims in federal court in No. 1:14-cv-00780-JMS-TAB. That case was filed on May 15, 2014, and was dismissed without prejudice on April 1, 2015, because Mr. Washington failed to exhaust his administrative remedies. He contends that he has two years from the date final judgment was entered in that case to file the instant case.

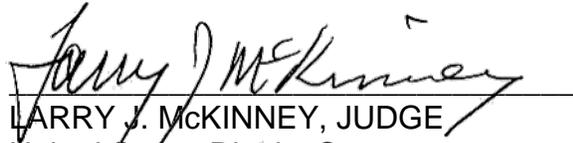
Mr. Washington misunderstands the statute of limitations. As explained in the Court's previous Entry, § 1983 claims "accrue when the plaintiff knows or should know that his or her constitutional rights have been violated." *Savory v. Lyons*, 469 F.3d 667, 672 (7th Cir. 2006). Mr. Washington's claims accrued on February 20, 2014, and thus the two-year period ended on February 20, 2016.

To the extent that Mr. Washington contends the limitations period was tolled, this too is incorrect. Not only do federal courts "federal courts apply the statute of limitations governing personal injury actions in the state where the injury took place," *Serino v. Hensley*, 735 F.3d 588, 590 (7th Cir. 2013), but they also "borrow[] the state's tolling rules—including any equitable tolling doctrines," *Johnson v. Rivera*, 272 F.3d 519, 521 (7th Cir. 2001). Although, for example, Illinois law tolls the statute of limitations while an inmate exhausts his administrative remedies, *see id.*, Indiana's tolling rules do not similarly contain such a limitation. Moreover, Mr. Washington has not explained the delay between the dismissal of his previous case on April 1, 2015, and the filing of the instant case on May 5, 2016, and thus has failed to provide any basis for tolling.

For the reasons explained above and the reasons set forth in the Court's Entry dated May 11, 2016, Mr. Washington's claims are barred by the statute of limitations. Mr. Washington's motion for summary judgment on the merits of his medical claims [dkt. 13] is therefore **denied**, and his renewed motion for leave to proceed *in forma pauperis* [dkt. 9] is **denied as moot**. Judgment in accordance with this opinion shall issue.

**IT IS SO ORDERED.**

Date: 6/8/2016

  
LARRY J. MCKINNEY, JUDGE  
United States District Court  
Southern District of Indiana

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