

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

CHRISTOPHER MITCHELL,)	
)	
Plaintiff,)	
)	
vs.)	No. 2:13-cv-00393-JMS-WGH
)	
MARION COUNTY JUDICIAL SYSTEM,)	
DICK BROWN,)	
)	
Defendants.)	

Entry and Order Dismissing Action

I.

The complaint of Christopher Mitchell was dismissed pursuant to 28 U.S.C. § 1915A(b) in paragraph 4 of the Entry issued on November 14, 2013. Final judgment was not issued at that time. Instead, Mitchell was given through December 11, 2013, in which to either file a legally sufficient amended complaint or show cause why final judgment should not be issued. Mitchell did not take the former step, but has attempted the latter step through his filing of December 27, 2013.

Mitchell’s filing does two things: first, it explains that Mitchell has been the victim of mismanagement of his action for post-conviction relief pending in Marion County; and second, it contains Mitchell’s request that the State of Indiana be joined as a defendant.

Mitchell is a “prisoner” as defined in 28 U.S.C. § 1915(h). His complaint was dismissed for the reasons explained in paragraph 3 of the Entry issued on November 14, 2013. His filing of December 27, 2013 does not show that the explanation for the dismissal was incorrect or could

be altered. Additionally, there could be no value in adding the State of Indiana as a defendant.

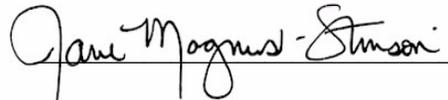
Pursuant to 28 U.S.C. § 1915A(b) this statute, "[a] complaint is subject to dismissal for failure to state a claim if the allegations, taken as true, show that plaintiff is not entitled to relief." *Jones v. Bock*, 127 S. Ct. 910, 921 (2007). As has been both explained and reviewed, Mitchell's complaint fails to state a claim upon which relief can be granted. Dismissal of the action pursuant to 28 U.S.C. ' 1915A(b) is therefore mandatory. *Gladney v. Pendleton Corr. Facility*, 302 F.3d 773, 775 (7th Cir. 2002). The dismissal, however, shall be without prejudice.

II.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 01/27/2014



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

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