

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

BRENT LELAND ARTHUR,)
)
 Plaintiff,)
)
 v.) No. 2:15-cv-00326-JMS-WGH
)
 UNITED STATES OF AMERICA,)
)
 Defendant.)

Entry Dismissing Action and Directing Entry of Final Judgment

The plaintiff brought this case against the United States seeking \$33,000,000 in compensation for undescribed “Constitutional Violations resulting in Permanent Bodily Injury.” The Court screened the plaintiff’s complaint and dismissed it for failure to state a claim upon which relief can be granted in the Court’s Entry dated October 23, 2015. In that Entry, the Court permitted the plaintiff to file an amended complaint that explains “who did what when in accordance with Rule 8 of the *Federal Rules of Civil Procedure*,” and gave him detailed instructions on the format and content of his amended complaint.

Instead of filing an amended complaint as instructed, the plaintiff submitted several letters to the Court. He stated that “a complete statement of the events” can be found in letters he sent to Chief Justice Loretta Rush of the Indiana Supreme Court. He also briefly summarized those facts, stating that, among other things, a law enforcement officer snuck a hallucinogenic drug into his pocket during booking that the plaintiff ate, which caused him to hallucinate, and he has been “limping” ever since.

In an Entry dated November 16, 2015, the Court explained that it cannot consider information sent to the Indiana Supreme Court and that “he must send it to this Court” for it to be

considered. Further, the Court explained that “the summary in the plaintiff’s letter does not constitute an amended complaint nor comply with the Court’s directions in its October 23, 2015, Entry on how to file an amended complaint.” Finally, the Court noted that “the events summarized in his letter do not at all relate to any conduct over which the United States could be sued.” The Court then extended the deadline for the plaintiff to file an amended complaint that complies with the Court’s instruction and cures the deficiencies explained.

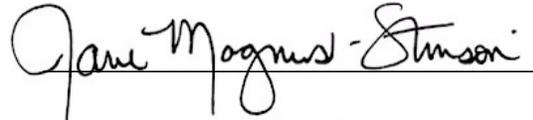
The plaintiff has not filed an amended complaint in accordance with the Court’s instructions. He instead filed three more letters with the Court. The first two explain that the Indiana Supreme Court has the necessary information regarding this case and that he has received deficiencies notices from them (and the letters also repeat allegations regarding a hallucinogenic planted in his pocket that he took). The third letter reiterates that he sent the Indiana Supreme Court detailed information regarding his allegations in this case and asks the Court to let him know if the Court is unable to obtain the information from that Court.

The Court has already explained to the plaintiff that it cannot consider information he sent to the Indiana Supreme Court and, further, that he must file an amended complaint in accordance with the Court’s instructions. He has failed to do so and has ignored the Court’s previous instructions on how he must proceed in this action. Further, even if the plaintiff’s letters were construed as an amended complaint, he has again failed to allege any wrongdoing on the part of the United States, let alone conduct for which the United States may be held liable. *See, e.g., Furry v. United States*, 712 F.3d 988, 992 (7th Cir. 2013) (explaining the federal tort claims act “waived the United States’s sovereign immunity for suits brought by persons injured by the negligence of federal employees acting within the scope of their employment”). For these reasons and the reasons set forth in the Court’s previous Entries dated October 23, 2015, and November 16, 2015,

this action is **dismissed** for failure to state a claim upon which relief may be granted pursuant to
28 U.S.C. § 1915A.

IT IS SO ORDERED.

Date: December 1, 2015

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style with a horizontal line underneath the name.

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

Distribution:

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