

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

SHAWN STEVENS,)
)
Plaintiff,)
)
v.) Case No. 3:13-cv-175-TWP-WGH
)
WALTS DRIVE-A-WAY and)
DONALD MEISLER,)
)
Defendants.)

Order Dismissing Case With Prejudice

On June 27, 2014, this Court’s Entry granted in part and denied in part the Defendant’s Motion to Dismiss for Failure to State a Claim. (Dkt. No. 26.) In that Entry, Plaintiff was granted until July 11, 2014, to amend his complaint to include allegations that, if true, would entitle him to relief under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act or the Age Discrimination in Employment Act. Mr. Stevens has not filed an amended complaint, and the Court therefore **DISMISSES with prejudice** those claims at this time.

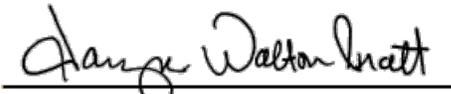
On July 31, 2014, Defendants filed a Motion to Dismiss for failure to state a claim with respect to the remaining claims. (Dkt. No. 29.) Plaintiff has not responded to this motion, nor did he appear at a status conference held before Magistrate Judge William G. Hussmann, Jr., on August 27, 2014. Having reviewed the District Court citations found in the Brief in Support of Defendants’ Motion to Dismiss (Dkt. No. 30), including

Carpenter v. Phillips, 419 Fed. Appx. 658, 659 (7th Cir. 2011), the Court agrees that Plaintiff's claims under HIPPA are barred because in this particular case Plaintiff has failed to make a showing that Congress did intend to create a private right of action as a remedy under the HIPPA statute. Those claims are, therefore, **DISMISSED with prejudice**.

Likewise, Plaintiff's claims brought under 5 U.S.C. § 552a(g)(1) must be brought against a federal agency. There is no private right of action under this statute against private individuals or corporations. These remaining claims are, therefore, **DISMISSED with prejudice**, as well.

SO ORDERED.

Date: 9/26/2014


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

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