

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

ANTHONY DALE JENKINS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:14-cv-00085-TWP-WGH
)	
TED R. TODD,)	
)	
Defendant.)	

Entry Discussing Amended Complaint and Dismissing Action

I.

In the Entry of September 10, 2014, the Court screened the complaint filed by *pro se* plaintiff Mr. Jenkins. The complaint was dismissed for failure to state a claim upon which relief could be granted. Mr. Jenkins was given the opportunity to either show cause why the action should not be dismissed or file an amended complaint. He has filed an amended complaint.

The amended complaint has been screened pursuant to 28 U.S.C. § 1915(e)(2). This statute directs that the Court dismiss a complaint or any claim within a complaint which “(i) is frivolous or malicious; (ii) fails to state a claim upon which relief may be granted; or (iii) seeks monetary relief from a defendant who is immune from such relief.” *Id.*

The amended complaint does not differ in substance from the original complaint. For the reasons the original complaint was dismissed, the amended complaint meets the same fate. Therefore, the Court need not go into a long discussion as to why the claims must be dismissed. As explained in the Entry of September 10, 2014, Mr. Jenkins brought the same claim in an earlier case and it was dismissed on the merits. *Jenkins v. Todd*, 4:14-cv-0069-RLY-DML (S.D. Ind. July

18, 2014), Therefore, this action is barred by the principles of *res judicata*. Mr. Jenkins' claims against his attorney who represented him in a 1982 criminal case fail to state a claim upon which relief can be granted.

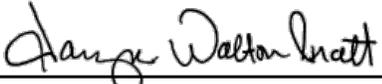
II.

Mr. Jenkins has failed to show cause why this action should not be dismissed. The action is **dismissed** for failure to state a claim upon which relief can be granted. Judgment consistent with this Entry and the Entry of September 10, 2014 (entered on the docket September 11, 2014), shall now issue.

IT IS SO ORDERED.

Date: 10/6/2014

Distribution:



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

ANTHONY DALE JENKINS, 1762 Rosewood Road, Scottsburg, IN 47170