

**United States District Court  
Northern District of Indiana**

DALE K. WINGATE, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 2:10-CV-294 JVB
v.	)	
	)	
FRED SHIVALEC, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION AND ORDER**

Dale K. Wingate, a *pro se* plaintiff, filed an *in forma pauperis* petition and a complaint pursuant to 42 U.S.C. § 1983. Wingate alleges that on July 17, 2005, he was arrested by Chesterton Police Officers outside of their jurisdiction even though he told them to leave his property. He alleges that he suffered serious injury when the officers attacked and beat him. Wingate does not say what happened after the arrest, so it is unclear whether he was actually prosecuted or convicted.

“Indiana’s two-year statute of limitations . . . is applicable to all causes of action brought in Indiana under 42 U.S.C. § 1983.” *Snodderly v. R.U.F.F. Drug Enforcement Task Force*, 239 F.3d 892, 894 (7th Cir. 2001). That is to say, Wingate only had until July 17, 2007 to file a lawsuit involving the events of July 17, 2005. He did not actually file this case until July 16, 2010, nearly three years after that deadline expired. Therefore the complaint is untimely and cannot proceed.

For the foregoing reasons, the *in forma pauperis* petition is denied and this case is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

**SO ORDERED** on July 22, 2010.

          s/Joseph S. Van Bokkelen            
Joseph S. Van Bokkelen  
United State District Judge  
Hammond Division