

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

SUSAN PRAMUK,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO. 2:12-CV-77
)	
PURDUE CALUMET UNIVERSITY,)	
)	
Defendant.)	

OPINION AND ORDER

This matter is before the court on Plaintiff Susan Pramuk’s complaint and her petition to proceed *in forma pauperis*. For the reasons set forth below, the court takes the Plaintiff’s motion to proceed *in forma pauperis* under advisement and affords the Plaintiff the opportunity to file an amended complaint.

Plaintiff Susan Pramuk has filed the Complaint in this action under 42 U.S.C. § 1983, alleging that Purdue Calumet University violated her federally protected rights. (DE 1). Pramuk’s Section 1983 claim against Purdue Calumet University, however, is barred by the Eleventh Amendment, which provides: “The Judicial Power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.” The Eleventh Amendment bars “a suit by a citizen against the citizen’s own State in Federal Court.” *Johns v. Stewart*, 57 F.3d 1544, 1552 (10th Cir. 1995). The Eleventh

Amendment's jurisdictional bar extends to state agencies, including state universities, as well as to the State itself. *Kashani v. Purdue University*, 813 F.2d. 843 (7th Cir. 1987). A State may elect to waive its Eleventh Amendment immunity, but Indiana has not done so. *Meadows v. State of Indiana*, 854 F.2d 1068, 1069 (7th Cir. 1988).

But Pramuk may proceed against this defendant on an age discrimination claim or under the Americans with Disabilities Act, both of which she cites in the body of her complaint. (DE 1 at 2). Accordingly, the Court will permit the Plaintiff to file an amended complaint on the proper form.

For the foregoing reasons, the Court:

(1) **TAKES** the Plaintiff's application to proceed without prepaying fees or costs (DE 2) **UNDER ADVISEMENT**;

(2) **AFFORDS** Plaintiff until May 7, 2012, within which to file an amended complaint;

(3) **DIRECTS** the Clerk to place this cause number on a blank form complaint for presenting an age discrimination claim and/or a claim under the Americans with Disabilities Act, and to enclose said form complaint with the copy of this order sent to Plaintiff; and

(4) **CAUTIONS** Plaintiff that the failure to file an amended complaint may result in the dismissal of this action without prejudice and without further notice.

DATED: April 6, 2012

**/S/RUDY LOZANO, Judge
United States District Court**