

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

TRAVIS CUNNINGHAM,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 3:16-CV-441 JD
)	
INDIANA DEPARTMENT OF)	
CORRECTIONS and WESTVILLE)	
CORRECTIONAL FACILITY)	
)	
Defendants.)	

OPINION AND ORDER

Travis Cunningham, a pro se prisoner, sent the clerk a document captioned, “In 42 U.S.C. 1983 Act Civil Rights Complaint” with several other documents. This complaint names the Indiana Department of Corrections and the Westville Correctional Facility as defendants and alleges that they are “depriving plaintiff his due process of law in evidence proceedings and good time credit, plus credit class[, b]reaching plaintiff’s court sentence order, and denying him medical treatment for mental illness[, c]ausing plaintiff mental anguish, duress, and pain, and suffering[, m]oney loss from not being allowed to work at work release.” DE 1 at 1.

Because Cunningham did not put a case number on any of these papers, the clerk properly used them to open this new case. However, Cunningham is already suing these same defendants raising similar claims in 3:16-CV-397. It would be malicious to sue the same defendants for the same events in two cases. Though it is unclear what Cunningham intended when he filed these papers, it does not appear that he intended to bring a duplicate lawsuit.

For these reasons, this case is **DISMISSED WITHOUT PREJUDICE** as inadvertently opened and the clerk is **DIRECTED** to transfer Cunningham’s filings in this case (DE 1, 2, 3, and

