

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

JOHN NOTTINGHAM, )  
v. Plaintiff, ) 1:06-cv-674-SEB-VSS  
NATIONAL CITY BANK, )  
Defendant. )

## ENTRY

## I.

The clerk shall send the plaintiff a filed copy of the complaint and a filed copy of the plaintiff's request to proceed *in forma pauperis*.

## II.

The plaintiff's request to proceed *in forma pauperis* is **denied and this action is dismissed**. The reasons for this disposition are the following:

1. Pursuant to 28 U.S.C. § 1915(e)(2)(B), a court shall dismiss a case at any time if the court determines that the action (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.

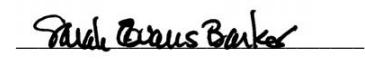
2. The claim against National City Bank is legally insufficient for the same reasons explained in the Entry dismissing No. 1:06-cv-637-SEB-VSS. That is, there is no allegation that this defendant acted under "color of state law" (such as would be required to support a claim pursuant to 42 U.S.C. § 1983), there is no other stated or discernible basis for the existence of a "federal question" (such as would be required to support this court's jurisdiction under 28 U.S.C. § 1331), and there is no allegation of diversity of citizenship or of the required minimum \$75,000.00 in controversy (such as would be required to support the exercise of this court's diversity jurisdiction).

3. In short, the complaint fails to state a viable claim against the defendant, and hence must be dismissed at this early point regardless of the plaintiff's financial circumstances.

Judgment consistent with this Entry shall now issue.

**IT IS SO ORDERED.**

Date: 04/28/2006

  
SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana