

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

JULIUS JOHNSON,)	
)	
Plaintiff,)	
)	
vs.)	1:08-cv-1074-DFH-TAB
)	
MONON FITNESS CENTER,)	
)	
Defendant.)	

Entry and Notice

This action was dismissed without prejudice on September 5, 2008, based on the plaintiff's failure to prosecute by failing to file an amended complaint. The initial complaint had been dismissed as unintelligible. On September 22, 2008, following the entry of judgment, the plaintiff filed an untitled document which appears to track a list in which legal terminology is present. If this document is thought to be the overdue amended complaint, it fails to warrant relief from the disposition of this section for two reasons. Procedurally, the document was filed after the entry of final judgment, and the law is that after judgment is entered, the complaint can only be amended with "leave of court" and after a successful Rule 59(e) or Rule 60(b) motion. *Amendola v. Bayer*, 907 F.2d 760, 765 n.5 (7th Cir. 1990) (citing *Twohy v. First Nat. Bank*, 758 F.2d 1185, 1196 (7th Cir. 1985)). Substantively, the list/amended complaint filed on September 22, 2008, to the extent it is intelligible, fails to state a viable claim for relief.

Based on the foregoing, the final judgment entered in this action will remain in place, and any relief which could be thought to be sought through the filing of September 22, 2008, is **denied**.

So ordered.



DAVID F. HAMILTON, CHIEF JUDGE
United States District Court
Southern District of Indiana

Date: October 30, 2008

Distribution:

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