

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

STUART SHOWALTER,)	
)	
vs.)	No. 1:08-cv-01283-SEB-TAB
)	
JEFF WOODARD, et al.,)	
)	
Defendants.)	

**Entry Discussing Motion for Summary Judgment as to Claim
Against Don Vaughn**

Plaintiff alleges that Don Vaughn, Town Judge of the Town of Thorntown, complained to the Town of Thorntown that plaintiff had a sign in plaintiff's yard that violated a town ordinance. Plaintiff further alleges that as Town Judge, Vaughn had a duty to abstain from initiating a complaint that would be heard in Town Court until such time as a special judge was appointed. Vaughn is sued in his individual capacity.

In response to the motion for summary judgment, plaintiff does not cite to any authority for his proposition that Judge Vaughn, in his role as a private citizen, was prohibited from registering a complaint with the Town. There is no evidence that Judge Vaughn presided in any way over any complaint he caused to be filed. Indeed, plaintiff makes it clear that he does not bring his complaint against Judge Vaughn in his official capacity. Don Vaughn, as a citizen, has not forfeited his First Amendment right to petition the government for redress. See *Dobbey v. Illinois Dept. of Corrections*, 574 F.3d 443, 446-47 (7th Cir. 2009); *Tarpley v. Keistler*, 188 F.3d 788, 795 (7th Cir. 1999). Accordingly, Don Vaughn is entitled to judgment as a matter of law. The motion for summary judgment brought by defendant Don Vaughn is **granted**. No partial final judgment shall issue at this time as to the claim resolved in this Entry.

IT IS SO ORDERED.

Date: 05/05/2010



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

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