

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

FREDERICK H. SHULL, JR.,)	
)	
Plaintiff,)	
vs.)	1:10-cv-0463-TWP-WGH
)	
WILLIAM R. CAST, et al.,)	
)	
Defendants.)	

Entry Directing Filing of Third Amended Complaint

Plaintiff Frederick H. Shull, Jr., filed his second amended complaint on June 29, 2010, alleging that he was denied the opportunity to apply to the Indiana University School of Medicine’s Master of Science in Medical Science and Medical Doctorate programs because of his race.

I.

“District courts should not have to read and decipher tomes disguised as pleadings.” *Lindell v. Houser*, 442 F.3d 1033, 1035 n.1 (7th Cir. 2006). That, however, is precisely what Shull has presented in his 145-page complaint containing 196 counts against 20 defendants.

The *Federal Rules of Civil Procedure*—and Rule 8(a)(2) in particular—require that pleadings contain “a short and plain statement of the claim showing that the pleader is entitled to relief” The purpose of this requirement is “to give the defendant fair notice of what the claim is and the grounds upon which it rests.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)(citing *Conley v. Gibson*, 355 U.S. 41, 47 (1957)); *see also Wade v. Hopper*, 993 F.2d 1246, 1249 (7th Cir. 1993)(noting that the main purpose of Rule 8 is rooted in fair notice: a complaint “must be presented with intelligibility sufficient for a court or opposing party to understand whether a valid claim is alleged and if so what it is.”) (quotation omitted)). The second amended complaint violates both the spirit and the letter of Rule 8(a)(2).

The remedy for the untidy and sprawling second amended complaint is to direct that a third amended complaint be filed. Shull shall have **through September 22, 2010**, in which to file a third amended complaint, and in doing so shall conform to Rule 8(a)(2) in particular. In addition, in assembling the third amended complaint Shull shall not include

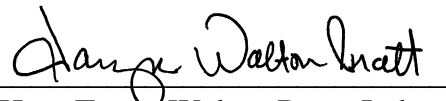
claims for which there is no recognized cause of action—those being claims pursuant to 18 U.S.C. §§ 241 and 242—as to which *Lerch v. Boyer*, 929 F. Supp. 319, 322 (N.D. Ind. 1996), is instructive—and claims based on IND. CODE § 35-46-2-1—as to which *Baker v. Washington Bd. of Works.*, 2000 WL 33252101 (S.D. Ind. 2000) (citing *Right Reason Publications v. Silva*, 691 N.E.2d 1347, 1352 (Ind. App. Ct. 1998)), is instructive.

II.

Because there is no legally sufficient pleading setting forth Shull's claims, his motion for injunction (dkt 36) cannot be reasonably evaluated and is therefore **denied**.

IT IS SO ORDERED.

Date: 08/10/2010


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

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