

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

MICHAEL WILSON,)
v.)
Plaintiff,)
LARRY MCKINNEY,)
Defendant.)
No. 1:10-cv-1080-SEB-TAB

Entry and Order Directing Dismissal of Action

Although the requirements of notice pleading are minimal, "a plaintiff can plead himself out of court by alleging facts which show that he has no claim." *Jackson v. Marion County*, 66 F.3d 151, 153 (7th Cir. 1995). A plaintiff "pleads himself out of court when it would be necessary to contradict the complaint in order to prevail on the merits." *Tamayo v. Blagojevich*, 526 F.3d 1074, 1086 (7th Cir. 2008)(citing *Kolupa v. Roselle Park Dist.*, 438 F.3d 713, 715 (7th Cir. 2006)). That is the case here. For the reasons set forth in the motion to dismiss (dkt 6) and also for the reasons referenced in the Order to Show Cause issued on August 30, 2010, the action is **dismissed** because Judge McKinney is entitled to absolute immunity based on the claims and supporting allegations, and hence the complaint fails to state a claim upon which relief can be granted. The motion to dismiss (dkt 6) is **granted** and the plaintiff's motion to dismiss filed in opposition (dkt 14) is **denied**.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 09/27/2010

Sadie Marcus Barker

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