

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

GREG GAMACHE,	)	
	)	
Plaintiff,	)	
vs.	)	No. 1:11-cv-468-TWP-DML
	)	
THE STATE OF INDIANA,	)	
	)	
Defendant.	)	

**Entry and Order Directing Dismissal of Action**

The plaintiff's request to proceed *in forma pauperis* (Dkt. No. 2) is **granted**.

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 fails to state a claim on which relief may be granted. "Factual allegations [in a complaint] must be enough to raise a right to relief above the speculative level." *Bell Atl. Corp. v. Twombly*, 127 S. Ct. 1955, 1965 (2007). That is, there must be "enough facts to state a claim to relief that is plausible on its face." *Id.* at 1974. A claim has facial plausibility "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009). In addition, 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).

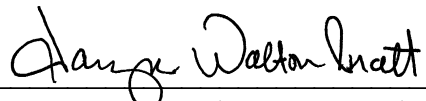
Based on the above standard, this action is **dismissed**. The reason for this disposition is that the action against the State of Indiana—which is the sole defendant—is barred by the Eleventh Amendment. *Indiana Protection and Advocacy Services v. Indiana Family and Social Services Admin.*, 603 F.3d 365, 370 (7th Cir. 2010)(explaining that the

Eleventh Amendment acts as a bar to “actions in federal court against a state, state agencies, or state officials acting in their official capacities”). This is a barrier which may be raised by the court *sua sponte*. *Id.* at 370-71.

Judgment consistent with this Entry shall now issue.

**IT IS SO ORDERED.**

Date: 04/28/2011

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

Distribution:

Greg Gamache  
1816 Fairgrounds Road  
St. Charles, MO 63303