

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

DANIEL KELLER,)	
)	
Plaintiff,)	
)	
vs.)	1:11-cv-1323-JMS-TAB
)	
MONROE COUNTY POLICE)	
DEPARTMENT, et al.,)	
)	
Defendants.)	

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The plaintiff's request to proceed *in forma pauperis* is **granted**. The plaintiff shall have **through November 23, 2011**, in which to pay at least half of the \$350 filing fee. He shall have **through December 30, 2011**, in which to pay the second half or whatever balance remains. Payments shall be made to the clerk of the District Court, Room 105, 46 E. Ohio St., Indianapolis, IN 46204.

2. The court takes judicial notice of its own records. *In re Salem*, 465 F.3d 767, 771 (7th Cir. 2006) (citing cases). That includes, in this case, the plaintiff's prior action involving the same claim. *Keller v. Monroe County Sheriff's Department*, No. 1:11-cv-387-JMS-DML (S.D.Ind. May 12, 2011).

3. After a litigant brings a federal action that proceeds to a final judgment, the litigant cannot bring another case about the same events against the same people, even if there were errors in the original suit. *Taylor v. Sturgell*, 128 S. Ct. 2161, 2171 (2008); *United States ex rel. Lusby v. Rolls Royce Corp.*, 570 F.3d 849, 851 (7th Cir. 2009); *In re Ingersoll, Inc.*, 562 F.3d 856, 861 (7th Cir. 2009).

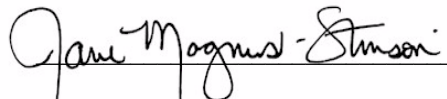
a. "Under the federal common law of res judicata, a subsequent suit is barred if the claim on which it is based arises from the same incident, events, transaction, circumstances, or other factual nebula as a prior suit that had gone to final judgment." *Okoro v. Bohman*, 164 F.3d 1059, 1062 (7th Cir. 1999) (citations omitted). The doctrine of res judicata applies where the following elements are present: (1) a final judgment on the merits in an earlier action, (2) an identity of the cause of action in both the earlier and later suit, and (3) an identity of parties or their privies in the two suits. *Tice v. American Airlines*, 162 F.3d 966, 970 (7th Cir. 1998), *cert. denied*, 527 U.S. 1036 (1999).

b. A **copy** of the Entry and Judgment issued on May 12, 2011, in No. 1:11-cv-387-JMS-DML shall be included with the plaintiff's copy of this Entry.

c. The plaintiff shall have **through October 25, 2011**, in which to show cause why the present action should not be dismissed as barred by *res judicata*.

IT IS SO ORDERED.

Date: 10/04/2011

A handwritten signature in black ink, reading "Jane Magnus-Stinson", written over a horizontal line.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

Daniel Keller
P.O. Box 542
Sacramento, CA 95812-0542

Note to Clerk: Processing this document requires actions in addition to docketing and distribution.