

Case. No. 1:11-cv-01624-TWP-DKL

Plaintiff alleges that Mr. Rinker has made continuous deductions from his prison account

by initiating wire transfers to an Indiana Department of Correction employee's personal bank account. The transactions referenced by the Plaintiff are consistent with transactions already challenged in his third amended complaint. Specifically, Plaintiff has alleged as a result of a disciplinary charge, the Superintendent approved Plaintiff having to pay restitution for a correctional officer's glasses. There is no reason to add a defendant who merely allegedly carried out the directions of the Superintendent. Indeed, the underlying claim, as discussed in the ruling denying the Plaintiff's motion for preliminary injunction, has already been asserted against defendants who were personally responsible for making the decisions at issue, and "[t]o the extent Mr. Meineke's claims are barred by *Heck* and have not been invalidated, there is no likelihood of success on this claim." (Entry Denying Motion for Preliminary Injunction, docket #55, April 22, 2013). If it is clear that an amendment would be futile, leave to amend should be denied. *Bogie v. Rosenberg*, 705 F.3d 603, 608 (7th Cir. 2013).

Accordingly, the motion for leave to amend a fourth time (Dkt No. 57) is **DENIED**.

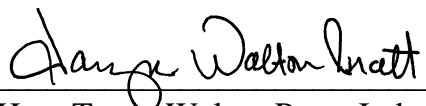
IT IS SO ORDERED.

Date: 05/01/2013

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