

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

GABRIEL HARDEN,)
)
)
 Plaintiff,)
)
)
vs.) 1:11-cv-1682-TWP-TAB
)
)
INDIANA FAMILY AND SOCIAL)
SERVICES ADMINISTRATION,)
)
)
 Defendant.)

Entry and Order Directing Dismissal of Action

Gabriel Harden supplemented his complaint as directed in the Entry of January 10, 2012. Even as supplemented, however, for the reasons explained in that Entry the complaint fails to state a plausible claim for relief under either the Freedom of Information Act or the Privacy Act. *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009) (“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.”).

Dismissal of the action pursuant to 28 U.S.C. 1915A(b) is therefore mandatory, *Gladney v. Pendleton Corr. Facility*, 302 F.3d 773, 775 (7th Cir. 2002). This disposition is unaffected by the addition in Harden’s supplement of a reference to Indiana’s Access to Public Records Act, (“IAPRA”) IND. CODE 5-14-3-1 et seq.. There is no federal question associated with an action under the IAPRA statute, because “the Eleventh Amendment bars an action in federal court against a state, its agencies, or its officials in their official capacity” unless the state consents to suit

in federal court or Congress, pursuant to the Fourteenth Amendment, abrogates the state's Eleventh Amendment immunity, *Gossmeyer v. McDonald*, 128 F.3d 481, 487 (7th Cir. 1997)(citing cases), and because this is not a case in which the retention of a state law claim--added in the supplement--pursuant to the court's supplemental jurisdiction would be appropriate.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 02/27/2012

Distribution:

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Tanya Walton Pratt

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