MAMON v. SHEPHERD et al Doc. 19

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA INDIANAPOLIS DIVISION

KEVIN J. MAMON,)	
	Plaintiff,)	
VS.)	No. 1:13-cv-00345-JMS-DMI
MIKE SHEPHERD, et al.,)	
	Defendants.)	

ENTRY

Judgment dismissing this action without prejudice was entered on the clerk's docket on June 10, 2013. [Dkt. 12.] Three post-judgment motions are now pending.

Although the action was dismissed without prejudice, the dismissal left no claims unresolved and no unaddressed issues. *See Price v. Wyeth Holdings Corp.*, 505 F.3d 624, 629 (7th Cir. 2007) ("[A] 'cause' (that is, lawsuit) cannot continue to exist once every 'cause of action' within it has been dismissed."). The settled law is that no amended complaint can be filed after the entry of final judgment unless and until that final judgment has been vacated. *See Figgie Int'l, Inc. v. Miller*, 966 F.2d 1178, 1179 (7th Cir. 1992) ("It is well settled that after a final judgment, a plaintiff may amend a complaint under Rule 15(a) only with leave of court after a motion under Rule 59(e) or Rule 60(b) has been made and the judgment has been set aside or vacated."); *Amendola v. Bayer*, 907 F.2d 760, 765 n.1 (7th Cir. 1990) ("In this circuit, after a judgment has been entered, a party must have the judgment reopened pursuant to Federal Rule of Civil Procedure 59(e) or 60(b) and then request leave to amend pursuant to Rule 15(a).").

In this case, the final judgment has not been vacated. A motion for relief from judgment is pending. [Dkt. 14.] The plaintiff's motion requesting copies, [dkt 16], presents an administrative matter and is **granted.** A copy of the amended complaint, [dkt 10], shall be

included with the plaintiff's copy of this Entry. The motion pertaining to the possible viability of claims in the amended complaint and for leave to supplement the amended complaint, [dkt 15], is denied without prejudice because the final judgment has not been vacated.

The motion for relief from judgment filed on July 17, 2013, remains pending. [Dkt. 14.] Under the circumstances described above, the supplemental complaint, [dkt 18], is of no effect at present.

IT IS SO ORDERED.

Date: 10/18/2013

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

Distribution:

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