

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

CECIL A. BATES,)
v. Plaintiff,) No. 1:13-cv-548-TWP-MJD
STATE OF INDIANA, et al.,)
Defendants.)

Entry and Order Dismissing Action

I.

Cecil Bates brings this action pursuant to 42 U.S.C. § 1983. The statute of limitations for a § 1983 action brought in Indiana is two years. *Logan v. Wilkins*, 644 F.3d 577, 581 (7th Cir. 2011); *Behavioral Inst. of Ind., LLC v. Hobart City of Common Council*, 406 F.3d 926, 929 (7th Cir. 2005); see IND. CODE 34-11-2-4. Bates has been notified that the claims he asserts appear to be time-barred. He was given an opportunity to file an amended complaint in which that obvious deficiency could be addressed. His most recent deadline expired more than a month ago and an amended complaint has not been filed.

Bates was granted leave to proceed *in forma pauperis*. This triggers the screening provisions of 28 U.S.C. § 1915(e)(2) and means, in part, that the action is to be dismissed if the complaint fails to state a claim upon which relief can be granted. Here, because the complaint asserts only claims which are barred by the applicable statute of limitations, the complaint fails to state a claim upon which relief can be granted. *Jones v. Bock*, 549 U.S. 199, 215 (2007) (“If the allegations, for example, show that relief is barred by the applicable statute of limitations, the complaint is subject to dismissal for failure to state a claim;”).

Based on the foregoing, the action is dismissed.

II.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 02/21/2014

Tanya Walton Pratt

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

Distribution:

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