UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RICKY UNDERHILL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:15-cv-01119-JMS-MJD
	)	
KEITH BUTTS, et al.,	)	
	)	
Defendants.	)	

Entry Dismissing Action and Directing Entry of Final Judgment

The plaintiff has responded to the Court's order to show cause why this action should not be dismissed for failure to state a claim upon which relief can be granted.

The plaintiff first contends that he was denied recreation three times, not just one, in retaliation for filing grievances. Otherwise, he repeats his claim that the named defendants harassed and retaliated against him because he filed many grievances. Although he disagrees with the Court's dismissal of his retaliation claim, he has not shown that the dismissal was incorrect. The conduct of the defendants has not deterred him from First Amendment activity, which is an element of any retaliation claim. *Bridges v. Gilbert*, 557 F.3d 541, 546 (7th Cir.2009). This defeats his claim of retaliation.

With respect to the claim that the plaintiff was unlawfully videotaped, an inmate does not have a constitutional right not to be videotaped during a telephonic conference with judicial officers. The Court considered whether the plaintiff's allegations could state a claim of denial of access to the courts, but the plaintiff was not prevented from pursuing his federal case. Indeed, the defendants stopped videotaping conferences as of June 12, 2014, and an in-person conference was conducted at the courthouse on June 20, 2014. The Court understands that the plaintiff feels

wronged, but these circumstances did not violate the plaintiff's First Amendment right to access the courts.

The Court has considered the plaintiff's response to the order to show cause, but finds that the complaint was properly dismissed. The action is now dismissed for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b). This dismissal counts as a "strike" pursuant to 28 U.S.C. § 1915(g). Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 08/27/2015

Jane E. Magnus-Stinson

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

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