

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

CHARLES E. JUSTISE, SR.,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:15-cv-1776-TWP-MPB
)	
DAVID LIEBEL, MS. ROBERTS,)	
JOE SNIDER,)	
)	
Defendants.)	

Entry

This action has been closed since June 1, 2016, when it was transferred to the Northern District of Indiana. The transfer of this action left no issues remaining in the case for this Court. *Price v. Wyeth Holdings Corp.*, 505 F.3d 624, 629 (7th Cir. 2007) (“[A] ‘cause’ (that is, lawsuit) cannot continue to exist once every Acause of action@ within it has been dismissed.”). Moreover, it appears that a settlement has been reached in the transferred action. *See* dkt. 49-2. To the extent the plaintiff wishes to file a new action, he may do so. However, there is one and only one means by which to commence a civil action in federal court. That means is through the filing of a complaint. *In re Allied Signal Corp.*, 915 F.2d 190, 192 (6th Cir. 1990) (“an action is commenced with the filing of a complaint rather than a motion”); 1 James Wm. Moore et al., *MOORE'S FEDERAL PRACTICE* § 3.02[1] (3d ed.2000) (“an action is not commenced by . . . filing a motion with the court . . .”).

According to Rule 3 of the Federal Rules of Civil Procedure, a civil action is commenced upon the filing of a complaint with the court. If the plaintiff wishes to file a lawsuit, he must file a complaint, and in doing so he shall be guided by the following: (a) the complaint shall comply with the requirement of Rule 8(a)(2) of the *Federal Rules of Civil*

Procedure that pleadings contain “a short and plain statement of the claim showing that the pleader is entitled to relief. . . .”; (b) the complaint shall comply with the requirement of Rule 10 that the allegations in a complaint be made in numbered paragraphs, each of which should recite, as far as practicable, only a single set of circumstances; (c) the complaint must identify what legal injury he claims to have suffered and what persons are responsible for each such legal injury; and (d) the complaint shall contain a clear statement of the relief which is sought. If the plaintiff takes that step (submitting a complaint) he contemporaneously must either pay the \$400.00 filing fee or demonstrate that he lacks the financial ability to do so.

Accordingly, the plaintiff’s motion to clarify this Court’s previous order, dkt. [49] is **denied**.

IT IS SO ORDERED.

Date: 11/29/2017



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Electronic distribution to counsel of record via CM/ECF and by U.S. mail to:

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