UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ANGELITO C. MERCADO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:17-cv-00323-JMS-MJD
	)	
BARTHOLOMEW COUNTY SHERIFF'S DEPARTMENT, MATT MYERS Sheriff,	)	
	)	
Defendants.	)	

Entry Denying Motion to Proceed *in forma pauperis*, Dismissing Complaint, and Directing Dismissal of Action

I.

Plaintiff Angelito's Mercado's renewed motion to proceed *in forma pauperis* [dkt. 13] is **granted**. No payment of a fee is required at this time. Notwithstanding the foregoing ruling, the plaintiff should be aware that he owes the filing fee. "All [28 U.S.C.] § 1915 has ever done is excuse *pre*-payment of the docket fees; a litigant remains liable for them, and for other costs, although poverty may make collection impossible." *Abdul-Wadood v. Nathan*, 91 F.3d 1023, 1025 (7th Cir. 1996).

II.

In his initial complaint, Mercado asserted that while he was incarcerated at the Bartholomew County Jail, his legal mail has been stolen and the grievance process has not been followed. That complaint was dismissed for failure to state a claim upon which relief can be granted. In dismissing the complaint, the Court explained that the complaint must identify those

who are personally responsible for the alleged constitutional deprivations and that an inmate does not have a constitutional right to a grievance procedure.

Mercado has filed a belated amended complaint. Like the initial complaint, the amended complaint is now subject to the screening requirement of 28 U.S.C. § 1915(e)(2)(B). Like the complaint, the amended complaint must be **dismissed**. The amended complaint alleges only that Mercado's grievances were ignored or mishandled and that Captain Martocia is responsible for the grievance process. But, as the Court has already explained, because there is no constitutional right to a grievance process, an alleged failure to execute a grievance process properly fails to state a claim upon which relief can be granted. *See Antonelli v. Sheahan*, 81 F.3d 1422, 1430-31 (7th Cir. 1996) ("any right to a grievance procedure is a procedural right, not a substantive one. Accordingly, a state's inmate grievance procedures do not give rise to a liberty interest protected by the Due Process Clause.").

In short, Mercardo was given an opportunity to file an amended complaint that states a claim upon which relief can be granted, but has failed to do so. This action must be therefore **dismissed for failure to state a claim for relief**. Mercardo's renewed motion to maintain evidence [dkt 14] is **denied**. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 3/28/2017

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

Distribution:

ANGELITO C. MERCADO
Bartholomew County Jail
543 2nd Street
Columbus, IN 47201