

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ANGELITO C. MERCADO,)
Plaintiff,)
vs.)
MATT MYERS SHERIFF,) No. 1:17-cv-00912-TWP-TAB
BARTHOLOMEW COUNTY SHERIFF)
DEPARTMENT,)
Defendants.)

Entry Dismissing Action as Duplicative

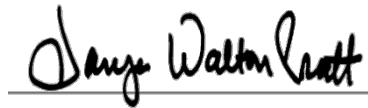
Plaintiff Angelito Mercado brings this action pursuant to 42 U.S.C. § 1983 alleging that when he was housed at the Bartholomew County Jail, he was subjected to unconstitutionally harsh conditions. He asserts that the cell he was assigned had no ventilation and a toilet that did not flush. Mercado further seeks joinder of this claim with his claims proceeding in Case No. 1:17-cv-324-JMS-MJD. But a review of the docket in that case shows that these same claims were brought in that case and were dismissed as duplicative because the same claims were previously brought in Case No. 1:17-cv-321-TWP-MJD.

The same result is required here. Because Mercado has already asserted the claims in this case in case No. 1:17-cv-321-TWP-MJD, this case must be **dismissed as duplicative**. See *Rizzo v. City of Wheaton, Ill.*, 462 Fed. Appx. 609, 613 (7th Cir. 2011); *Tripple Mfg. Co. v. Am. Power Conversion Corp.*, 46 F.3d 624, 629 (7th Cir. 1995). Mercado must pursue those claims in the earlier-filed case. Similarly, because these claims are duplicative of those proceeding in No. 1:17-cv-321-TWP-MJD, and have already been dismissed from No. 1:17-cv-324-JMS-MJD, the motion for joinder [dkt 3] is **denied**.

Judgment dismissing this action shall now issue.

IT IS SO ORDERED.

Date: 3/27/2017



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

Distribution to:

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