

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CAROLYN WENDY HERZ,)	
)	
Plaintiff,)	NO. 1:18-cv-00347-TWP-DML
)	
v.)	
)	
RICHARD L. YOUNG,)	
DAVID F. HAMILTON,)	
UNITED STATES DEPARTMENT OF JUSTICE,)	
EVAN GOODMAN,)	
JOHN HANLEY,)	
MATTHEW HEADLEY,)	
STEPHEN CLAY,)	
MICHAEL MCQUILLEN,)	
LEWIS WAGNER LLP,)	
BOSE MCKINNEY & EVANS LLP,)	
LAURA BINFORD,)	
BRIAN BURBRINK,)	
PATRICK HEALY,)	
JOSEPH CARLASARE,)	
JANET FRENCH,)	
EVAN BAYH,)	
HILLARY CLINTON,)	
DAVID KENNEDY, Individually and as Judge of)	
Davidson County, Tennessee Seventh Circuit Court,)	
and)	
EXECUTIVE COMMITTEE OF THE UNITED)	
STATES DISTRICT COURT FOR THE)	
NORTHERN DISTRICT OF ILLINOIS,)	
)	
Defendants.)	

ORDER DISMISSING ACTION AND DIRECTING FINAL JUDGMENT

This action has been removed from the Hamilton Superior Court, where it had been docketed as No. 29D03-1801-CT-711. See Docket No. 1, citing 28 U.S.C. §§ 1442(a) (civil actions brought against the United States, its officers, or agencies may be removed to the United States District Court), 1446.

Plaintiff Carolyn Wendy Herz is the same person as Carolyn H. Srivastava, a restricted filer in this Circuit and in this Court as explained in this Court's order of February 13, 2018. (*See* Docket No. 13.) That Order stayed these proceedings and directed Plaintiff to show cause no later than March 16, 2018 why this action should not be dismissed because restrictions have been imposed on her ability to file papers in all federal courts.

Plaintiff filed a response on March 16, 2018, titled Plaintiff Carolyn Herz's Verified Objection to Court's Order as Unlawful; and 2) Notice of Voluntary Dismissal of Some Defendants. (Docket No. 15.) In her response, Plaintiff denies that she is also known as Carolyn H. Srivastava and that anyone who claims to know her by that name is "delusional and may be hallucinating." *Id.* In case No. 1:13-cv-200-SEB-DML at Docket No. 27, Judge Sarah Evans Barker noted that plaintiff (Srivastava) had provided notice that she had undergone a legal name change, and her new name is Carol Herz. Since that time, the Courts in this district have repeatedly recognized that Carolyn H. Srivastava and Carolyn Wendy Herz are the same person, and that all notices and orders which pertain to Carolyn H. Srivastava also pertain to Carolyn Wendy Herz. *See* Order to Show Cause and Stay Proceedings, Docket No. 13; *See also Herz v. Simon*, 1:18-cv-0001-WTL-DML, Docket No. 6; *Herz v. Goodman*, 1:17-cv-1640-SEB-DML, Docket No. 9; *Herz v. Goodman*, 1:17-cv-1102-SEB-TAB, Docket No. 10; *Herz v. Goodman*, 1:16-cv-2868-JMS-DML, Docket No. 12; *Herz v. Pescovitz*, 1:16-cv-1360-WTL-TAB, Docket No. 8; *Herz v. Bayh*, 1:16-cv-876-SEB-TAB, Docket No. 20; *Herz v. Bayh*, 1:15-cv-0434-RLY-DML, Docket No. 20; *Herz v. Hamilton*, 1:15-cv-0161-WTL-DML, Docket No. 15; *Herz v. United States*, 1:14-cv-2102-WTL-DML, Docket No. 16; *Herz v. Phenninger*, 1:14-cv-2001-RLY-DKL, Docket No. 11; *Herz v. United States*, 1:14-cv-496-WTL-DKL, Docket No. 11; *In re Srivastava*, 1:04-mc-104-SEB-DML, Docket No. 24.

Regarding the merits of her filing, Plaintiff's response fails to demonstrate that (a) her restricted filer status as referenced above has been altered or does not apply to the present action, (b) she could prosecute this action through the filing of documents in light of her restricted filer status, or (c) there is any reason to delay entry of final judgment. Accordingly, this Court finds that the orders making Plaintiff a restricted filer prevent her from filing documents in this case. Because Plaintiff cannot proceed, this action must be dismissed for failure to prosecute. To prevent further abusive litigation by Plaintiff, this dismissal is with prejudice.

Judgment consistent with this Order shall now issue.

IT IS SO ORDERED.

Date: 3/21/2018



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

Distribution by U.S. Mail to:

Carolyn Wendy Herz
3105 Lehigh Court
Indianapolis, IN 46268-1320

Distribution to electronically registered counsel via ECF