

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

ERIC SMITH,)
)
Petitioner,)
)
vs.) 2:12-CV-46-JMS-WGH
)
SUPERINTENDENT BROWN,)
)
Respondent.)

Entry and Order Directing Dismissal of Action

Eric Smith is serving the executed sentence imposed by an Indiana state court following his conviction for arson. *See Smith v. State*, 779 N.E.2d 978 (Ind. Ct. App. Nov. 19, 2002), *trans. denied*. In this action seeking a writ of habeas corpus, Smith challenges the validity of a prison disciplinary proceeding.

Because of his abusive litigation in federal courts, Smith has been sanctioned through the issuance of a restricted filer order. The order in Smith's case was issued by the Seventh Circuit Court of Appeals in No. 09-2444 on June 10, 2009. The text of the restrictive filer Order is the following:

Smith is fined \$500. Until he pays that sum in full to the clerk of this court, he is barred from filing further civil suits in the courts of this circuit, in accordance with *Support Systems International v. Mack*, 345 F.3d 185 (7th Cir. 1995).

This court is fully bound, as are the litigants before it, by the orders of a higher court, and "[i]n a hierarchical system, decisions of a superior court are authoritative on inferior courts." *Reiser v. Residential Funding Corp.*, 380 F.3d 1027, 1029 (7th Cir. 2004). "[D]istrict judges must follow the decisions of this court whether or not they agree." *Id.*

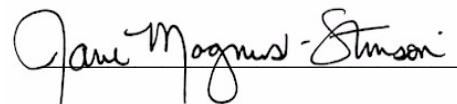
Smith violated the Court of Appeals=Order in No. 09-2444 by submitting this action. He cannot obtain the relief he seeks, which is evident from the face of his petition for writ of habeas corpus. The action is therefore dismissed pursuant to Rule 4 of the *Rules Governing Section 2254 Proceedings in the United States District Courts*.

Smith's request to proceed *in forma pauperis* [2] is **granted**. In addition, his motion for file-stamped copy of petition [3] is **granted** and a copy of the requested material shall be included with the distribution of this Entry.

Judgment dismissing the action without prejudice shall now issue.

IT IS SO ORDERED.

Date: 03/05/2012



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

Note to Clerk: Processing this document requires actions in addition to docketing and distribution.