

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

ERIC SMITH,)
vs.)
Petitioner,)
vs.) 2:12-cv-173-JMS-WGH
SUPERINTENDENT,)
vs.)
Respondent.)

Entry and Order Directing Dismissal of Action

I.

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. 2002), *trans. denied*. He has filed the present action seeking a writ of habeas corpus challenging a prison disciplinary proceeding.

Because of his abusive litigation in federal courts, Smith has been sanctioned through the issuance of a species of restricted filer orders. 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).

Smith violated the Court of Appeals= Order in No. 09-2444 by submitting this action. The action is dismissed. Judgment dismissing the action without prejudice shall now issue.

II.

The petitioner's request to proceed *in forma pauperis* [3] is **granted**.

III.

The petitioner's motion for file-stamped copies [4] is **granted**. A copy of the petition for a writ of habeas corpus and a copy of the notice of jurisdictional statement shall be included with the petitioner's copy of this Entry.

IT IS SO ORDERED.

Date: 06/26/2012

Distribution:

Eric D. Smith
#112675
Westville Correctional Facility
5501 South 1100 West
Westville, IN 46391



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