

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

JOSHUA W. MURPHY,)	
)	
Plaintiff,)	
)	
v.)	No. 2:19-cv-00451-JPH-MJD
)	
J. T. BENNETT,)	
)	
Defendant.)	

**ORDER DISMISSING ACTION AND
DIRECTING ENTRY OF FINAL JUDGMENT**

Indiana prison inmate Joshua W. Murphy commenced this 42 U.S.C. § 1983 action on September 16, 2019, against a correctional officer for the officer's alleged discriminatory conduct toward Mr. Murphy's religion. Dkt. 1. Mr. Murphy alleged that his religion was made fun of and ridiculed by the officer, that on one occasion the officer failed to put meat on Mr. Murphy's meal tray and suggested that Allah should help him, and that the officer created an atmosphere where Mr. Murphy did not feel safe around the officer. *Id.*

The Court screened these allegations pursuant to 28 U.S.C. § 1915A and held they did not state a claim upon which relief can be granted. Dkt. 9. While unprofessional, the officer's verbal degradation of Mr. Murphy's religion did not interfere with Mr. Murphy's ability to practice his religion. *Id.* The one instance of being deprived of meat during a meal did not rise to the level of a federal constitutional violation. *Id.* And finally, feeling unsafe in an environment is likewise not a federal constitutional violation. *Id.* The complaint was dismissed for failure to state a claim upon which relief can be granted, and Mr. Murphy was allowed through November 22, 2019, in which to show cause why the submitted claims should be allowed to proceed or to file an amended complaint. *Id.*

Mr. Murphy responded on November 14, 2019, with a brief filing that merely restated his original allegations, but with less detail, and asked that they proceed. Dkt. 11. The Court finds that nothing in this filing demonstrates why the dismissal of the complaint was erroneous, nor does it assert new claims that should be allowed to proceed.

For the reasons explained in the Court's screening order of October 28, 2019 (dkt. 9), this action is **dismissed** for failure to state a claim upon which relief can be granted. 28 U.S.C. § 1915A. Final judgment consistent with this Order shall now enter.

Finally, Mr. Murphy is advised that this dismissal counts as one "strike" under 28 U.S.C. § 1915(g). The accumulation of three or more "strikes" will prohibit a prisoner from proceeding *in forma pauperis* in any civil case unless he demonstrates that his action challenges conduct that presents an imminent danger of serious physical injury. *Id.*

SO ORDERED.

Date: 12/2/2019



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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