

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

December 8, 2023

Before

FRANK H. EASTERBROOK, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 23-3266	IN RE: JOSHUA P. LINDSEY, Petitioner
<p>Petition for Writ of Mandamus</p>	
<p>District Court No: 1:20-cv-00444-SEB-TAB District Judge Sarah Evans Barker</p>	

The following are before the court:

1. PETITIONER'S PETITION FOR WRIT OF MANDAMUS, filed on November 27, 2023, by the pro se petitioner.
2. PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS, filed on November 27, 2023, by the pro se petitioner.

IT IS ORDERED that the petition for writ of mandamus and the motion are DENIED.

form name: c7_Order_3J (form ID: 177)

CERTIFIED COPY



A True Copy

Teste:

Deputy Clerk
of the United States
Court of Appeals for the
Seventh Circuit

(RJ)
(Appendix - A)

proceeds *in forma pauperis*, such that no monetary sanction would have an impact. See *Rivera v. Drake*, 767 F.3d 685, 687 (7th Cir. 2014). The Court also considered—and will again consider in the face of any future willful false statements from Mr. Lindsey—referring such false statement(s) for prosecution of perjury. For now, however, the sanctions imposed will protect the Court's resources and other parties from Mr. Lindsey's abusive litigation practices and willful dishonesty. See *Martin v. Fowler*, 804 F. App'x 414 (7th Cir. 2020) (affirming imposition of filing bar as sanction for making a false statement on request to recruit counsel).

V. Conclusion

IT IS ORDERED that:

The law and facts are on the side of the defendant. Mr. Lindsey did not exhaust his available administrative remedies prior to filing this civil action on February 7, 2020.

This action is DISMISSED with prejudice as a sanction for Mr. Lindsey's continued dishonesty and abusive litigation tactics.

Mr. Lindsey is barred from filing any papers in this Court (with the exception of habeas cases and a Notice of Appeal) until he pays the district court filing fees he owes to this Court in the amount of Two Thousand Six Hundred and Fifty Dollars (\$2,650.00). After two years, Mr. Lindsey may seek modification or rescission of this order.

IT IS SO ORDERED.

Date: 3/10/2021

Sarah Evans Barker

SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JOSHUA LINDSEY,

Plaintiff,

v.

NOLL,

Defendant.

) No. 1:20-cv-00444-SEB-TAB

FINAL JUDGMENT

The Court now enters FINAL JUDGMENT. The action is DISMISSED with prejudice as a sanction for Mr. Lindsey's continued dishonesty and abusive litigation tactics. Mr. Lindsey is barred from filing any papers in this Court (with the exception of habeas cases and a Notice of Appeal) until he pays the district court filing fees he owes to this Court in the amount of Two Thousand Six Hundred and Fifty Dollars (\$2,650.00). After two years, Mr. Lindsey may seek modification or rescission of this order.

Date: 3/31/2021

SARAH EVANS BARKER
SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Distribution:

JOSHUA LINDSEY
112177
PENDLETON - CF
PENDLETON CORRECTIONAL FACILITY
Electronic Service Participant - Court Only

Necc Doc 87
Filed 3/10/21

(A)
Appendix C
SEARCHED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JOSHUA LINDSEY.

Plaintiff:

Y

NOLL.

Defendant:

No. 1:20-cv-00444-SEB-TAB

ORDER CONTINUING FILING RESTRICTIONS

Mr. Lindsey was sanctioned for his continued dishonesty and abusive litigation practices on March 10, 2021. Dkt. 87. He was barred from filing any papers in this Court (with the exception of habeas cases and a Notice of Appeal) until he pays the district court filing fees owed to this Court in the amount of Two Thousand Six Hundred and Fifty Dollars (\$2,650.00). After two years, Mr. Lindsey was permitted to seek modification or rescission of this order. Dkt. 89 (Judgment entered March 31, 2021).

Two years have now passed, and Mr. Lindsey seeks rescission of the sanction order. Dkt. 100. Mr. Lindsey explains that he is indigent and unable to pay the sanction. *Id.* at 6. He "swears under the penalty of federal perjury charges that Linsey will never again file any type of fraudulent documents with any U.S. Court." *Id.* at 11. He states that he has requested correctional staff to review his documents before filing to make the court feel comfortable. *Id.* at 8. In support he provides the following attachment:

Appendix - I

(EXPIRED ~~10/00~~) A) B) C)

(PAGE # 89)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JOSHUA P. LINDSEY,

Plaintiff,

v.

MARTIAL KNIESER,

Defendant.

No. 1:21-cv-00671-JRS-DML

**ORDER DIRECTING CLERK TO STRIKE
DOCUMENTS AND RETURN THEM UNFILED**

Plaintiff Joshua Lindsey has not complied with the sanction order issued in another matter on March 10, 2021, which bars him from filing any papers in this Court (with the exception of habeas cases and a Notice of Appeal) until he pays the district court filing fees he owes to this Court in the amount of Two Thousand Six Hundred and Fifty Dollars (\$2,650.00). See *Lindsey v. Noll*, 1:20-cv-00444-SEB-TAB (S.D. Ind. Mar. 10, 2021), dkt. 87. In accordance with that order, the clerk is directed to strike from the docket and return unfiled all of the plaintiff's filings initiating this action. The clerk is directed to void any file stamp from this Court on the documents, terminate all pending motions, and close this action on the docket.

IT IS SO ORDERED.

Date: 3/19/2021

Distribution:

JOSHUA P. LINDSEY

112177

PENDLETON - CF

PENDLETON CORRECTIONAL FACILITY

Electronic Service Participant - Court Only


JAMES R. SWEENEY II, JUDGE
United States District Court
Southern District of Indiana

(Appendix E)
<img alt="Handwritten signature" data-bbox="640 900 900 950)</p>

(2)

(~~Page 100~~)
100

April 8, 2023

William P. Frame
Correctional Case Worker
Pendleton Correctional Facility
4200 Reformation Rd
Pendleton, IN 46062

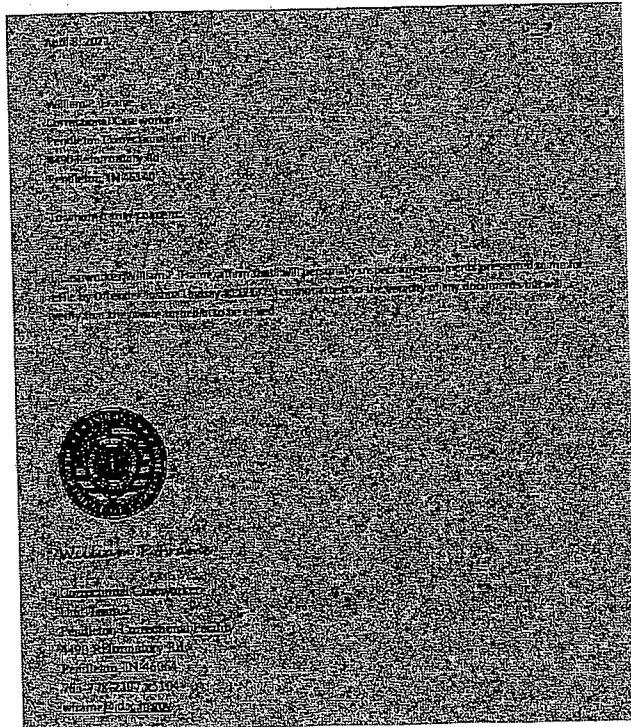
To whom it may concern:

I, Correctional Case Worker William P. Frame, swear that I will personally inspect any documents presented to me for review by Offender Status Unit/7132377.



William P. Frame
Correctional Case Worker
Unit Team 2
Pendleton Correctional Facility
4200 Reformation Rd
Pendleton, IN 46062
765-778-2107 x5102
wframe@icdc.in.gov

Dkt. 100 at 9. However, this document was previously submitted by Mr. Lindsey and has been materially altered in an attempt to mislead the Court.



(Appendix - D)

Dkt. 91 at 5.

(6) (2)

(EX-101) (B) (6) (a)

(PAGE # ~~007~~) ~~100~~)

"Creating and submitting fake documents is a fraud upon the court. Lindsey has been permitted numerous opportunities to stop. However, he continues to create fake documents in case after case. Enough is enough." *Lindsey v. Corizon Health Medical Services, et al.*, 3:16-cv-94-JVB-CAN (N.D. Ind. Mar. 24, 2016), dkt. 7 at p. 3.

Mr. Lindsey's motions seeking to rescind the filing bar, dkt. [99], [100], and [102], are denied. Mr. Lindsey is barred from filing any papers in this Court (with the exception of habeas cases and a Notice of Appeal) until he pays the district court filing fees he owes in the amount of Two Thousand Six Hundred and Fifty Dollars (\$2,650.00). After another two years, Mr. Lindsey may seek modification or rescission of this order.

IT IS SO ORDERED.

Date: 8/9/2023

Sarah Evans Barker

SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Distribution:

JOSHUA LINDSEY
112177
PENDLETON - CF
PENDLETON CORRECTIONAL FACILITY
Electronic Service Participant - Court Only

All Electronically Registered Counsel

(7) (20) (6) (3) (15) (B) (B) (C)
(Appendix J)

**Additional material
from this filing is
available in the
Clerk's Office.**