

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

JOHN DOE, formerly known as JANE DOE,

Plaintiff,

v.

MICHAEL PENCE, in his official capacity as Governor of the State of Indiana; GREGORY ZOELLER, in his official capacity as Attorney General for the State of Indiana; and MYLA A. ELDRIDGE, in her official capacity as Marion County Clerk of the Court, and LILIA G. JUDSON, in her official capacity as Executive Director of the Indiana Supreme Court Division of State Court Administration,

Defendants.

Case No. 1:16-cv-02431-JMS-DML

APPELLANT'S DOCKETING STATEMENT

In compliance with Rule 3 of the Federal Rules of Appellate Procedure and Seventh Circuit Rule 3(c), Plaintiff John Doe submits this docketing statement.

1. **Statement of District Court Jurisdiction:** Plaintiff brought this action under 42 U.S.C. § 1983 challenging the constitutionality of the statute prohibiting non-citizens from obtaining a change of legal name in Indiana, Indiana Code § 34-28-2-2.5(a)(5), under the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the United States Constitution and the Free Speech Clause of the First Amendment to the United States Constitution. Accordingly, the District Court has general federal question jurisdiction under 28 U.S.C. § 1331.

2. **Statement of Appellate Jurisdiction:** On March 13, 2017, the District Court issued a Final Judgment and Entry on Defendants' Motions to Dismiss stating as follows:

Defendants' Motions to Dismiss pursuant to Rule 12(b)(1), [Filing No. 40; Filing No. 52], are **GRANTED**, and the case is **DISMISSED FOR LACK OF JURISDICTION**;

This is an appeal from the final judgment, and the Seventh Circuit has jurisdiction under 28 U.S.C. § 1291, which provides the courts of appeals with appellate jurisdiction over final judgments of district courts.

This is not a direct appeal from the decision of a magistrate judge.

No Rule 59(e) Motion to Alter or Amend Judgment or other motion tolling the time for filing a Notice of Appeal has been filed.

A Notice of Appeal is being filed contemporaneously with this Docketing Statement on April 11, 2017.

3. **Prior or Related Appellate Proceedings:** There have been no prior or related appellate proceedings in this case.

4. **Current Occupants of Offices Appearing in Their Official Capacities:** The following Defendants are named in their official capacities: Governor of the State of Indiana, Attorney General for the State of Indiana, Marion County Clerk of the Court, and Executive Director of the Indiana Supreme Court Division of State Court Administration. The Marion County Clerk of the Court and Executive Director of the Indiana Supreme Court Division of State Court Administration still occupy their respective offices. Defendant Vice President of the United State Michael is no longer the governor. On January 9, 2017, Governor Eric Holcomb was sworn in as Governor of the State of Indiana. Defendant Gregory Zoeller no longer serves as the attorney general. On January 9, 2017, Attorney General Curtis T. Hill, Jr. was sworn in as Attorney General of the State of Indiana.

Dated: April 11, 2017

Respectfully submitted,

/s Matthew J. Barragan

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CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2017, a copy of the foregoing *Appellant's Docketing Statement* was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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