

# In the Indiana Supreme Court

Eric J. Mapes,  
Appellant,

v.

State of Indiana,  
Appellee.

Court of Appeals Case No.  
22A-MI-2489

Trial Court Case No.  
08C01-2112-MI-27



## Published Order Denying Transfer and Admonishing Appellant

The trial court dismissed this case, in which Appellant challenges his sex-offender registration requirements, as barred by *res judicata*. After Appellant initially attempted impermissibly to appeal that decision directly to this Court, we transferred jurisdiction to the Court of Appeals. Ind. Appellate Rule 6. The Court of Appeals denied leave to proceed *in forma pauperis* and later dismissed this appeal for failure to timely file an Appellant’s Brief. App. R. 45(D). We now deny transfer and issue this published order to caution Appellant that continuing his pattern of misuse of motions practice, and his misuse of Clerk’s Office resources and abuse towards its personnel, will likely result in the Court restricting his filings and his communications with Clerk personnel. To the extent Appellant seeks the Chief Justice’s recusal, that matter is addressed by a separate order.

### Background

Since July 2019, Appellant has initiated ten separate Court of Appeals or Supreme Court cases, including this one, into which he has made at least 140 distinct filings (not inclusive of attachments to those filings). *See Mapes v. Hatcher*, No. 19A-SC-1566; *Mapes v. State*, No. 20A-PC-550; *Mapes v. State*, No. 20A-CR-574; *Mapes v. State*, No. 21A-PC-250; *Mapes v. State*, No. 21A-IF-1619; *State ex rel. Mapes v. State*, No. 21S-OR-379; *Mapes v. Jones*, No. 22S-MI-336; *Mapes v. State*, No. 22S-MI-337, *Mapes v. Jones*, No. 22A-MI-2488.

Only one of those ten cases—his appeal from the denial of post-conviction relief in No. 21A-PC-250—survived to a decision on the merits. Six others were dismissed—in this case, for failure to timely file an Appellant’s Brief; and in five others, because they did not challenge a final judgment or interlocutory order appealable of right. Two more, including this case, were transferred because they were filed in the wrong court. And one was an original action in this Court that was dismissed as seeking an inappropriate remedy.

His cases have also consistently involved procedural or substantive deficiencies. At least five, including this one, involved multiple defective attempts to obtain leave to proceed *in forma pauperis*, failing to correct defects unambiguously identified in Notices of Defect. And at least six

of them, including this one, involved challenges to Appellant’s sex-offender registration requirements—making at least five of them repetitive and barred by *res judicata*, after those challenges were decided adversely to Appellant in No. 21A-PC-250.

Moreover, many of Appellant’s individual filings are repetitive, immaterial, or otherwise abusive of the judicial process—as typified by his recent filings in this case:

- From January 5–9, Appellant filed twelve immaterial “motions,” “notices,” and “declarations”—including a “Notice of Citizens Arrest” of and a “Civil Complaint” against the State’s counsel, and a “Motion for Default Judgment” erroneously (and prematurely) alleging that the State had not timely filed a response brief. On January 11, this Court denied some of those motions and struck others as additional merits arguments under the guise of motions practice. *See Care Group Heart Hosp., LLC v. Sawyer*, 93 N.E.3d 743 (Ind. 2018) (disapproving “repeated attempts . . . to submit unauthorized supplemental merits briefs under the pretext of motions practice”).
- Within hours of that order, Appellant filed a “motion to correct error” and a “Formal Legal Notice of Retaliation and Deprivations of Rights by the Indiana Supreme Court Pursuant to 28 C.F.R. 35.134 and 42 U.S.C. 12203.” On January 12, this Court denied the motion, and denied the “notice,” which included no prayer for relief, as moot.
- From January 12–17, Mapes filed five more documents of similar character to the others. This Court summarily denied some and denied others as moot on January 18.

#### **Pending Matters and Conduct Towards Clerk’s Office Staff**

Besides Appellant’s petition to transfer, five more documents, filed January 18–19 and January 27, are now before the Court:

- “Appellant’s Final Notice to the Court,” which in substance seeks the Chief Justice’s recusal;
- a “Verified Civil Complaint,” which appears to be a copy of a **proposed** civil action against the Chief Justice under 42 U.S.C. § 1983 in the Northern District of Indiana;
- a copy of a letter from Alaska sex-offender registration authorities, filed without explanation using the “Motion to Amend” e-filing code;
- “Appellant’s Notice of Retaliation and Deprivations of Rights,” which also seeks the Chief Justice’s recusal; and
- “Appellant’s Affidavit and Ex Post Facto Claim” (accompanied by a copy of the same letter from Alaska sex-offender registration authorities previously filed under the “Motion to Amend” e-filing code), which advances further arguments on the merits of Appellant’s claims outside of the briefing permitted by Indiana Appellate Rule 57(C)–(E).

Finally, the Clerk of this Court reports that Appellant has for several years engaged in a pattern of repeated, lengthy phone calls to Clerk personnel—typically daily or more frequently, and typically 20–30 minutes at a time—with questions that Clerk staff cannot answer, or simply venting about his cases. And on at least one occasion (August 11, 2021), Appellant during one such call directed an unacceptable and explicit epithet at the Case Manager he was speaking to.

Such calls are not good-faith efforts for Appellant to receive appropriate information regarding the status of a case; they serve only to prevent Clerk personnel from addressing legitimate business for other filers.

Appellant’s right of access to the courts is not a license to engage in such conduct with impunity. “There is no right to engage in abusive litigation, and the state has a legitimate interest in the preservation of valuable judicial and administrative resources.” *Zavodnik v. Harper*, 17 N.E.3d 259, 264 (Ind. 2014). And “[e]very resource that courts devote to an abusive litigant is a resource denied to other legitimate cases with good-faith litigants.” *Id.* Courts have the inherent authority to impose reasonable restrictions on any abusive litigant, *id.* at 265, “tailored to the litigant’s particular abusive practices,” *id.* at 266—including instructing “the clerk to reject without return for correction future filings that do not strictly comply with applicable rules of procedure and conditions ordered by the court.” *Id.* at 269.

Despite our findings of Appellant’s abusive conduct and our inherent authority to restrain it, the Court declines to impose protective restrictions on Appellant **at this time**. However, **the Court cautions Appellant** that if he continues similar abuse of motions practice and of Clerk’s Office personnel and resources, such restrictions will likely be ordered against him—for example, rejection without opportunity to cure for any filings that do not comply strictly with the Rules of Appellate Procedure, and limitation to written communications with the Clerk’s Office.

### Conclusion

This matter has come before the Indiana Supreme Court on a petition to transfer jurisdiction following the issuance of a decision by the Court of Appeals. The petition was filed pursuant to Indiana Appellate Rule 57. The Court has reviewed the decision of the Court of Appeals. Any record on appeal that was submitted has been made available to the Court for review, along with all briefs that may have been filed in the Court of Appeals and all the materials filed in connection with the request to transfer jurisdiction. Each participating member of the Court has voted on the petition. Each participating member has had the opportunity to voice that Justice's views on the case in conference with the other Justices.

Being duly advised, the Court DENIES the appellant's petition to transfer jurisdiction. All other pending matters are DENIED AS MOOT. However, Appellant is CAUTIONED that further abuse of the appellate process will likely result in imposition of restrictions. No petition for rehearing is permitted. *See* App. R. 58(B).

Done at Indianapolis, Indiana, on 2/9/2023.



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Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.