

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA

Terrance L. Harris v. Bites

No. 3:25-CV-16-CCB-SJF (N.D. Ind. Jan. 5, 2026) · No. 3:25-CV-16-CCB-SJF · Decided January 5, 2026

SUMMARY

The United States District Court for the Northern District of Indiana dismissed claims concerning the alleged destruction of a prisoner's tablet. The court dismissed the claims against Correctional Officer Berry without prejudice as unrelated and dismissed the claims against Correctional Officer Bites under 28 U.S.C. § 1915A because Indiana's post-deprivation remedies prevented a viable due process claim.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana
WRITING FOR THE COURT	Cristal C. Brisco
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	January 5, 2026
DOCKET	3:25-CV-16-CCB-SJF
DISPOSITION	dismissed
PROCEDURAL POSTURE	Prisoner civil-rights complaint screened under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	The court reviewed the prisoner complaint under 28 U.S.C. § 1915A to determine whether it was frivolous, malicious, failed to state a claim, or sought relief from an immune defendant. Pro se pleadings were construed liberally.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown
PARTIES	Terrance L. Harris v. Bites

TOPICS

- due process
- procedural due process
- prisoners rights
- civil rights
- pleadings

PRACTICE AREAS

- prisoner civil rights
- constitutional law
- civil procedure
- property deprivation

QUESTIONS PRESENTED

1. Whether the unrelated claim against Correctional Officer Berry should be dismissed without prejudice when Harris failed to select a claim after being given an opportunity to do so.
2. Whether Harris stated a federal due-process claim based on the alleged intentional or accidental destruction of his tablet by Correctional Officer Bites when Indiana provided an adequate post-deprivation remedy.
3. Whether Harris should be granted leave to amend the claim against Bites.

HOLDINGS

1. The claim against Correctional Officer Berry was properly dismissed without prejudice because it was unrelated to the claim against Correctional Officer Bites and Harris failed to select a claim to pursue.
2. Harris failed to state a federal due-process claim because Indiana provides an adequate post-deprivation remedy for the alleged accidental or intentional loss of his tablet.
3. Leave to amend was properly denied because amendment would be futile.

KEY QUOTATIONS

“A document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.”

“For intentional, as for negligent deprivations of property by state employees, the state’s action is not complete until and unless it provides or refuses to provide a suitable post deprivation remedy.” (533)

FACTUAL BACKGROUND

Harris alleged that Correctional Officer Bites broke his tablet on December 11, 2024. The complaint also asserted an unrelated claim against Correctional Officer Berry, but Harris did not select which claim to pursue after being ordered to do so.

PROCEDURAL HISTORY

Harris filed a complaint asserting two unrelated claims against Correctional Officers Bites and Berry. After the court ordered him to select one claim to pursue in the case, he failed to do so for eight months. The court selected the claim against Bites, dismissed the unrelated claim against Berry without prejudice, and dismissed the claim against Bites under § 1915A for failure to state a claim.

DISPOSITION

dismissed

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Hudson v. Palmer, 468 U.S. 517, 533 (1984)
- Wynn v. Southward, 251 F.3d 588, 593 (7th Cir. 2001)

- Abu-Shawish v. United States, 898 F.3d 726, 738 (7th Cir. 2018)
- Russell v. Zimmer, Inc., 82 F.4th 564, 572 (7th Cir. 2023)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA SOUTH BEND DIVISION TERRANCE L. HARRIS, Plaintiff, v. CAUSE NO. 3:25-CV-16-CCB-SJF BITES, Defendant. OPINION AND ORDER Terrance L. Harris, a prisoner without a lawyer, filed a complaint with two unrelated claims. ECF 1. He was given the chance to pick which one he wanted to pursue in this case. ECF 8.

He was told if he did not pick by the deadline, the court would pick one and dismiss the other. *Id.* Harris has not picked a claim in the eight months since that order was entered. The deadline has long since passed and the court now picks the claim against Correctional Officer Bites.

The claim against Correctional Officer Berry will be dismissed without prejudice so he can pursue it in a separate case if he chooses to do so. “A document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted).

Nevertheless, under 28 U.S.C. § 1915A, the court must review the merits of a prisoner complaint and dismiss it if the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. Harris alleges Correctional Officer Bites broke his tablet on December 11, 2024.

The Fourteenth Amendment provides that State officials shall not “deprive any person of life, liberty, or property, without due process of law,” but a State tort claims act which provides a method to seek reimbursement for the negligent loss or intentional deprivation of property meets the requirements of the due process clause by providing due process of law.

Hudson v. Palmer, 468 U.S. 517, 533 (1984) (“For intentional, as for negligent deprivations of property by state employees, the state’s action is not complete until and unless it provides or refuses to provide a suitable post deprivation remedy.”). Indiana’s tort claims act (Indiana Code § 34-13-3-1 et seq.) and other laws provide for state judicial review of property losses caused by government employees.

Those State laws provide an adequate post deprivation remedy to redress State officials’ accidental or intentional deprivation of a person’s property. See *Wynn v. Southward*, 251 F.3d 588, 593 (7th Cir. 2001) (“Wynn has an adequate post deprivation remedy in the Indiana Tort Claims Act, and no more process was due.”).

Because the Indiana Tort Claims Act provides Harris a post-deprivation remedy, he has not been denied due process and this complaint does not state a claim. “The usual standard in civil cases is to allow defective pleadings to be corrected, especially in early stages, at least where amendment would not be futile.” *Abu-Shawish v. United States*, 898 F.3d 726, 738 (7th Cir.

2018). “District courts, however, have broad discretion to deny leave to amend a complaint where the amendment would be futile.” *Russell v. Zimmer, Inc.*, 82 F.4th 564, 572 (7th Cir. 2023). For the reasons explained, such is the case here.

For these reasons, the court: (1) DISMISSES WITHOUT PREJUDICE the claims against Correctional Officer Berry because they are unrelated to the claims against Correctional Officer Bites; and (2) DISMISSES the claims against Correctional Officer Bites under 28 U.S.C. § 1915A because they do not state a claim for which relief can be granted. SO ORDERED on January 5, 2026. /s/Cristal C. Brisco CRISTAL C. BRISCO, JUDGE UNITED STATES DISTRICT COURT