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APPELLANT PRO SE:

JAMES H. HIGGASON, JR.  
Westfield, Indiana

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**IN THE  
COURT OF APPEALS OF INDIANA**

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JAMES H. HIGGASON, JR., )  
 )  
Appellant-Defendant, )  
 )  
vs. ) No. 46A03-0609-CV-418  
 )  
STATE OF INDIANA, )  
 )  
Appellee-Plaintiff. )

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APPEAL FROM THE LAPORTE SUPERIOR COURT  
The Honorable Paul J. Baldoni, Judge  
Cause No. 46D03-0608-SC-1025

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June 19, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

PER CURIAM

James H. Higgason, Jr. appeals from the small claims court's decision that Higgason is

foreclosed from bringing a civil action because he is not in immediate danger of serious bodily injury.<sup>1</sup> He challenges the constitutionality of IC 34-58-2-1 and raises the issue of whether the Indiana legislative and judicial branches of government are conspiring together to deny inmates' constitutional rights.

For the reasons set forth in *Higgason v. Ind. Dep't. of Correction*, 864 N.E.2d 1133 (Ind. Ct. App. 2007), we summarily affirm the decision of the trial court's order of dismissal.

Affirmed.

KIRSCH, J., DARDEN, J., and MATHIAS, J., participating.

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<sup>1</sup> IC 34-58-2-1 provides:

If an offender has filed at least three (3) civil actions in which a state court has dismissed the action or a claim under IC 34-58-1-2, the offender may not file a new complaint or petition unless a court determines that the offender is in immediate danger of serious bodily injury (as defined in IC 35-41-1-25).