

MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



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IN THE COURT OF APPEALS OF INDIANA

Raj K. Patel,
Appellant-Plaintiff,

v.

The United Parcel Services, Inc.
("UPS"),
Appellee-Defendant.

March 22, 2023

Court of Appeals Case No.
22A-CT-2627

Appeal from the
Marion Superior Court

The Honorable
Marc T. Rothenberg, Judge
The Honorable
Jason G. Reyome, Magistrate

Trial Court Cause No.
49D07-2207-CT-24880

Memorandum Decision

PANEL PER CURIAM

[1] Raj K. Patel (“Patel”) is a serial litigant who has filed a series of “sprawling complaint[s]” in courts across the nation. *Patel v. Patel*, 834 F. App’x 244, 245 (7th Cir. 2021). Several of the complaints have been dismissed by federal courts that concluded that the claims were so frivolous as to divest the courts of subject-matter jurisdiction. *See, e.g., Patel v. Biden*, 2021 WL 2882481 (D.D.C. July 2, 2021); *Patel v. Patel*, 2020 WL 5204102 (S.D. Ind. Sept. 1, 2020); *see also Patel v. United States*, 2021 WL 3861233 (D.N.J. Aug. 30, 2021) (citing *Steel Co. v. Citizens for a Better Env’t.*, 523 U.S. 83, 89 (1998)) (noting that the manner in which Patel’s claims were pleaded “may also divest this Court of subject matter jurisdiction.”). The record further suggests that Patel has been barred from filing new claims in the federal district court of the southern district of Indiana for a period of two years.

[2] Today, Patel appeals the dismissal of his latest complaint, which apparently stems from his feeling injured by the appearance of the word “LOSE” on an internet page maintained by the United Parcel Service delineating the delivery of a document associated with a different Patel complaint. We need not consider the merits of his appeal. On February 2, 2023, we issued an order directing Patel to comply with our appellate rules and file an appendix within ten days of the order. Patel did not comply, filing his appendix beyond the deadline. It is well settled that “[a]lthough we prefer to dispose of cases on their merits, where an appellant fails to substantially comply with the appellate rules, then dismissal of the appeal is warranted.” *Hughes v. King*, 808 N.E.2d 146, 147 (Ind. Ct. App. 2004) (citing *Angleton v. Estate of Angleton*, 671 N.E.2d 921, 924

n.3 (Ind. Ct. App. 1996), *trans. denied*). Here, Patel failed to meet the requirements of our appellate rules and further failed to follow an order of this court.¹ That order warned that failure to timely file an appendix could result in the dismissal of this appeal. We hold that it does.

[3] The Seventh Circuit Court of Appeals has warned Patel “that frivolous appeals may result in a monetary sanction, the nonpayment of which will lead to a filing bar under *Support Systems International, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995).” *Patel*, 834 F. App’x at 245. Though we decline today to impose sanctions beyond the dismissal of this appeal, we conclude with a similar warning, noting that “[t]he courts of this state, after due consideration of an abusive litigant’s entire history, may fashion and impose reasonable conditions and restrictions . . . on the litigant’s ability to commence or continue actions in this state that are tailored to the litigant’s particular abusive practices.” *Dunigan v. State*, 191 N.E.3d 851, 858 (Ind. Ct. App. 2022) (quoting *Zavodnik v. Harper*, 17 N.E.3d 259, 266 (Ind. 2014)), *trans. denied*. If Patel continues his prolific and abusive litigation, he may well face sanctions in the future.

[4] Dismissed.

All judges concur.

¹ The appendix that was eventually filed does not appear to comport with the requirements of Appellate Rule 50.