LESSON PLAN:

KEY DIFFERENCES BETWEEN STATE & FEDERAL COURTS



U.S. DISTRICT COURT

Southern District of Indiana

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INTRODUCTION

The United States District Court for the Southern District of Indiana is pleased to present this educational lesson plan on the differences between state and federal courts. This lesson plan is designed to help teachers engage students in learning about the important role that the judiciary plays in this country's democracy.

In the United States, there are two separate court systems - the federal courts and the state courts. Each court system has jurisdiction over certain types of cases, although there are instances when this jurisdiction overlaps. This lesson plan is designed to examine the similarities and differences between state and federal courts and to explain the role that both types of courts play in the lives of this country's citizens.

GRADE LEVELS:

This lesson plan can be adapted for middle school or high school use.

INDIANA ACADEMIC STANDARDS:

Middle School

8.2 Civics and Government

High School

United States Government (USG) Standard 1: The Nature of Politics & Government

United States Government (USG) Standard 2: The Foundations of Government in the United States

United States Government (USG) Standard 3: Purposes, Principles and Institutions of Government in the United States

United States Government (USG) Standard 5: Roles of Citizens in the United States

OBJECTIVES:

After completing this lesson, a student should be able to:

- Understand the different roles that state and federal courts play in the judicial process and be able to discuss how the courts play an important purpose in the lives of citizens
- Know the meaning of legal vocabulary terms
- Identify the structure of state and federal court systems and be able to discuss similarities and differences between the two
- Determine whether a case with certain characteristics would be heard in state or federal court

VOCABULARY

BANKRUPTCY

A legal term describing a situation where an individual or business cannot repay their debts and must seek assistance from a court of law

CONCURRENT JURISDICTION

A situation that occurs when both state and federal laws govern a particular matter

DEFENDANT

The individual or entity on trial for a crime or sued in a court of law

DISPOSITION

To complete a case or case file

DISTRICT JUDGE

A United States federal judge, nominated by the President and confirmed by the Senate; a district judge serves as a federal trial court judge

DIVERSITY OF CITIZENSHIP

A case involving parties from different states, and amounts of money greater than \$75,000

DOUBLE JEOPARDY

The prosecution of a person twice for the same crime

DUAL SOVEREIGNTY

A provision of law allowing for the double prosecution of a person by more than one government for the same crime, because each government entity has jurisdiction to prosecute, notwithstanding the double jeopardy rule

FEDERALISM

A system of government in which a national government shares power with local entities, such as states or provinces

FELONY

A serious crime, often involving acts of violence and usually punishable by imprisonment

GRAND JURY

A jury selected to examine the validity of a case prior to charging an individual with a crime

HABEAS CORPUS

A provision of law by which a person can report an unlawful imprisonment or detention to a court and request that the court schedule a hearing to determine if the detained person is being lawfully held

INTERSTATE

Existing, or carried out, between two or more states

JURISDICTION

The official power of an entity to make legal decisions and judgments

MAGISTRATE JUDGE

A federal judge, appointed to an 8-year term by the judges of a district court; a magistrate judge typically handles pretrial case management, settlement conferences, initial appearances, and other matters as assigned by a district judge

MISDEMEANOR

A less serious criminal act resulting in a smaller punishment that may or may not include prison time

PROSECUTE

To begin or continue legal proceedings against a person or organization

SOVEREIGN

A government holding ultimate authority within its limited sphere

KEY CONCEPTS

FEDERAL VS. STATE COURT - WHAT'S THE DIFFERENCE?

The United States Constitution gives certain powers to the federal government and reserves the rest for states. This sharing of power is known as **federalism**. Federal laws are passed by Congress and apply to all states, whereas state laws are passed by each individual state's legislature and only apply within that state's boundaries.

Since both the federal government and states have different sets of laws, federal and state courts hear different types of cases. Federal courts gain their authority from Article III of the United States Constitution. In general, federal courts hear cases arising from Constitutional matters or laws enacted by Congress. State courts gain their authority from their state's laws. They have authority over matters involving state laws.

STATE AND FEDERAL COURTS IN INDIANA

Indiana's State Courts:

Indiana's state court system is made up of trial courts, the Indiana Court of Appeals, and the Indiana Supreme Court. In most Indiana counties, trial court judges are elected by voters to six-year terms. In Lake, Allen, Marion, and St. Joseph counties, a lawyer wishing to fill a judicial vacancy must first apply to a local nominating commission. According to the State of Indiana, "A local judicial nominating commission reviews the applications, interviews the candidates, and selects the best as finalists. The Governor then appoints one of the finalists to fill the open position. After their first term, these judges then run for retention in the general election, allowing voters to decide whether or not to keep them on the bench." (see https://www.in.gov/judiciary/5245.htm for more details).

Trial courts are the point of origination for most cases. They include circuit courts, superior courts, town/county courts, and probate courts. If a party chooses to appeal a decision issued by a trial court, the case would go to the Indiana Court of Appeals for review, or in certain cases, directly to the Indiana Supreme Court.

Most appeals in criminal and civil matters are sent to the Indiana Court of Appeals. This group of 15 judges reviews appealed cases in panels of three. If parties are unhappy with the ruling of the Court of Appeals, they may ask the Indiana Supreme Court to review the decision. It is then up to the Indiana Supreme Court to decide whether they will take the case.

The Indiana Tax Court is an appellate court that primarily hears appeals involving the amount of taxes owed. When a person thinks that they have paid too much in taxes, they can file an appeal with the Indiana Tax Court. The court also maintains a small claims docket for processing refunds from the Department of Revenue under \$5,000. The small claims docket also handles appeals of final determination on the assessed value made by the State Board of Tax Commissioners if the amount is less than \$15,000 for a tax year. The Indiana Tax Court is presided over by just one judge.

The Indiana Supreme Court is the highest court of appeal in Indiana. There are five justices on the Indiana Supreme Court. The court has discretionary jurisdiction (i.e. it decides whether to hear a case) over cases that have first been appealed to the Indiana Court of Appeals. It has mandatory jurisdiction (i.e. it must hear the case) over cases involving criminal sentences of death or life in prison. These cases come to the Indiana Supreme Court directly from the trial courts.

The Indiana Supreme Court also has original exclusive jurisdiction over admissions to practice law; discipline and disbarment of attorneys; unauthorized practice of law; discipline, removal, and retirement of judges; supervision over the jurisdiction of lower courts; and appeals cases where a state or federal statute was declared unconstitutional. The Indiana Supreme Court also maintains the ability to take a case on petition, without it first going through the regular appellate channels, assuming that it involves substantial questions of law, emergency, or tremendous public importance.

Court of Appeals judges and Supreme Court Justices are both chosen by merit selection. Prospective judges must submit their names to the State Judicial Nominating Commission, who then forwards the names of finalists to the governor. The governor appoints the new judge. The judge is then confirmed by a retention vote in the next regularly scheduled election. If retained, the judge is subject to a retention vote every 10 years.

Indiana's Federal Courts

There are two federal courts in Indiana: the Northern District of Indiana and the Southern District of Indiana. The district courts function as federal trial courts. Each district operates independently. The Southern District of Indiana includes 60 of Indiana's 92 counties and is comprised of four divisions: Indianapolis, Evansville, New Albany, and Terre Haute. The Northern District of Indiana includes 32 counties and is comprised of three divisions: Fort Wayne, Hammond, and South Bend. They also have a sub-office in Lafayette.

The Southern District of Indiana has five full-time district judges and one district judge on senior status.* It also has five full-time magistrate judges and two part-time magistrate judges. The Northern District of Indiana has four full-time district judges and four district judges on senior status. It also has five magistrate judges.

*Judges on senior status choose what percentage of caseload to retain.

District judges are termed Article III judges because their positions are authorized by Article III of the United States Constitution. They are nominated by the President, confirmed by the Senate, and serve lifetime appointments (during what the Constitution calls "good behavior").

Magistrate judges are termed statutory judges because their positions are created and governed solely by Congressional statute. Magistrate judges are selected and appointed by district judges and serve renewable 8-year terms. District judges may authorize magistrate judges to handle most parts of a civil or criminal matter. Generally speaking, magistrate judges handle pretrial case management, initial appearances, and settlement conferences. With party consent and approval of the district judge, a magistrate judge may occasionally preside at civil trials or handle a sentencing hearing. District judges generally preside at jury trials and handle final disposition of cases.

Cases appealed from a district court are heard by the United States Court of Appeals. The Southern District of Indiana is part of the 7th Judicial Circuit, so its appeals cases are heard by the Court of Appeals for the 7th Circuit, which meets in Chicago. Cases appealed from the Court of Appeals for the 7th Circuit go to the United States Supreme Court.

The United States judicial system also has a bankruptcy court and a tax court. The bankruptcy court handles all matters related to personal and corporate bankruptcy. Federal courts have exclusive jurisdiction over bankruptcy matters. The United States Tax Court specializes in matters involving disputes over federal income tax. Tax court judges are appointed to a 15-year term.

OTHER PARTICIPANTS IN STATE AND FEDERAL COURT/LAW ENFORCEMENT

State Court:

Who prosecutes a crime? The state attorney, district attorney, or city attorney serves as the prosecutor for state criminal cases. These individuals are employed by the state or the city/county whose cases they prosecute.

Who enforces the law? City and town police departments, county sheriff's offices, and other special state authorities enforce the law.

Federal Court:

Who prosecutes a crime? The United States Attorney's Office acts as the prosecutor for all federal criminal cases.

Who enforces the law? Many federal agencies, including the Federal Bureau of Investigations (FBI), Drug Enforcement Agency (DEA), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Secret Service, Internal Revenue Service (IRS), Immigration and Customs Enforcement (ICE), and the United States Marshals Service.

TYPES OF CASES

Although there is some overlap, state and federal courts tend to hear distinctly different types of cases. Whereas the cases heard by state courts tend to originate from issues regulated by state law, federal courts hear cases involving the United States Constitution or federal laws enacted by Congress. State courts handle the vast majority of everyday criminal and civil cases. The Federal Judicial Center estimates that for criminal cases, the ratio is 30 million state cases to 1 million federal cases.

Below is a list showing types of cases commonly heard by state and federal courts:

Criminal Cases:

FEDERAL STATE

Habeas corpus matters
Crimes taking place on federal property
Killing a federal agent
Espionage & treason
Federal tax fraud
Mail or wire fraud
Crimes of an interstate nature, such as
transporting stolen goods across state
lines
Other criminal violations of federal law

Bank robbery, if the bank was FDIC insured

Most murder cases
Most robbery and burglary cases
Most arson cases
Most rape cases
Traffic violations
Other crimes that break state laws

Civil Cases:

FEDERAL STATE

Bankruptcy

Patent litigation
Copyright litigation
Antitrust cases
Any lawsuit in which the United States
government is a party
Matters involving state law, when the state
law is argued to be in violation of the
United States Constitution
Certain maritime matters
Questions of civil law arising from the United
States Constitution
Diversity of citizenship

Tort cases (personal injury)
Probate (estates and wills)
Family law (divorce, marriage, adoption)
Most civil cases in which the state is a party
Malpractice
Real estate cases
Broken contracts

OVERLAPPING JURISDICTION

Disputes between two states

Overlapping jurisdiction occurs when both state and federal laws govern a particular matter. This is known as **concurrent jurisdiction**. For civil matters, the parties involved in the case decide whether to take their case to state or federal court. There are often logistical considerations, like location of the nearest court and monetary concerns (it tends to be more expensive to litigate in federal court). For criminal cases, the federal prosecution arm of government, the United States Attorney's Office, chooses whether to file charges in federal court. If the United States Attorney chooses not to file charges, then charges must be filed in state court.

By law, the United States Attorney's Office is required to only prosecute cases that they believe they can prove beyond a reasonable doubt. To determine this, the United States Attorney's Office utilizes a **grand jury**. The grand jury meets in secret, reviews the evidence, and determines whether the evidence is conclusive enough to charge a person with a crime. In contrast, state courts do not have the same burden of proof. They are required to litigate anyone suspected of breaking the law, regardless of the quality of their evidence.

The term **double jeopardy** refers to the idea that a person can't be tried twice for the same crime. There are rare instances in matters that break both state and federal laws when double jeopardy doesn't apply. That's because the Constitution only protects a person against multiple prosecutions by the same **sovereign** (possessor of power or control). Since state and federal governments are separate sovereign powers, they may both choose to prosecute an individual whose crime broke both state and federal law.

CRIME & PUNISHMENT

State Court:

In Indiana, state penalties for crimes are outlined in the Indiana Criminal Sentencing Guidelines contained within the Indiana Code. There are two levels of crime under which sentencing is imposed: **misdemeanor** and **felony**. Misdemeanors are less severe crimes, resulting in shorter (or no) prison sentences. Misdemeanors are broken into three classes, depending on severity (A-C). Class A is the most severe misdemeanor, with maximum fines up to \$5,000 and maximum jail time up to one year. Class C misdemeanors carry the lowest penalties, with jail times under two months and fines less than \$500.

Felony convictions result from more severe crimes. In Indiana, there are six levels of felony convictions. Level six, the lowest level, results in a prison sentence up to two and a half years and a fine up to \$10,000. Defendants accused of murder face prison sentences between 45 and 65 years.

Federal Court:

All federal courts, including the Southern District of Indiana, follow the Federal Sentencing Guidelines to determine a punishment for a person convicted of a crime. These guidelines are enacted by Congress, which is also responsible for determining which criminal acts are felonies and which are misdemeanors. Judges have some discretion within the sentencing guidelines to allow for individual circumstances.

In federal court, misdemeanors are classed into five categories. Class E, the lowest class, results in a sentence of five to 30 days, and a fine up to \$5,000. Class A, the most severe class, results in a prison sentence of six months to one year, and a fine up to \$100,000.

Felonies are also classed into five different categories. The lowest felony penalty, Class E, results in one to five years in prison and a fine up to \$250,000. Class A results a life sentence or death penalty sentence, and a fine up to \$250,000.

In general, federal sentencing guidelines tend to be more severe than state guidelines for the same, or similar, crime.

Further Reading

United States Courts, Comparing Federal & State Courts, https://www.uscourts.gov/about-federal-courts/court-role-and-structure/comparing-federal-state-courts

Judicial Learning Center, State Courts v. Federal Courts, https://judiciallearningcenter.org/state-courts-vs-federal-courts/

iCivics, The Judicial Branch, https://www.icivics.org/curriculum/judicial-branch

CLASSROOM ACTIVITIES







DISCUSSION QUESTIONS

- 1) What are some key differences between state and federal jurisdictions?
- 2) What are some factors that a federal prosecutor from the United States Attorney's Office might consider when deciding whether to prosecute a criminal case in federal court or to let the case move through the state court system instead?
- 3) What are some key differences between the ways that state court judges and federal judges are chosen for office?
- 4) What are some of the benefits and drawbacks of this country's dual court system?
- 5) Would you rather have your case heard in state or federal court? Why?
- 6) How would you feel if you, or someone you knew, were tried twice in two separate jurisdictions for the same crime?

CONTENT COMPREHENSION QUIZ

- 1. What document gives federal district judges the authority to resolve criminal and civil matters?
 - A. United States Statutes
 - B. United States Constitution
 - C. Federal Sentencing Guidelines
 - D. Magna Carta
- 2. Which is NOT a State of Indiana trial court?
 - A. Circuit Court
 - B. Superior Court
 - C. Tax Court
 - D. Probate Court
- 3. Which of the following is NOT a step to becoming an Indiana Court of Appeals judge or Indiana Supreme Court justice?
 - A. Apply to the State Judicial Nominating Commission
 - B. Run for office in a general election
 - C. Run for retention in a general election
 - D. Be appointed by the Governor
- 4. How many justices sit on the Indiana Supreme Court?
 - A. 3
 - B. 9
 - C. 5
 - D. 15
- 5. The Indiana Supreme Court can decide whether to hear a case that was first appealed to the Indiana Court of Appeals.

TRUE

FALSE

6. All cases involving a criminal death sentence must be appealed directly to the Indiana Supreme Court from the trial court, bypassing the Court of Appeals.

TRUE

FALSE

- 7. Which of the following courts acts as the trial court in the federal court system?
 - A. Circuit Court
 - B. Bankruptcy Court
 - C. District Court
 - D. Court of Appeals
- 8. Which of the following is not a division location of the United States District Court for the Southern District of Indiana?
 - A. Evansville
 - B. Indianapolis
 - C. Lafayette
 - D. Terre Haute
- 9. How does a person become a federal District Judge?
 - A. They are elected by ballot
 - B. They are nominated by the President of the United States and confirmed by the Senate
 - C. They are appointed by a federal nominating commission
 - D. They are nominated by the President of the United States and confirmed by the House of Representatives
- 10. Which of the following is handled by a Magistrate Judge?
 - A. Preside over an initial appearance
 - B. Supervise a settlement conference
 - C. Handle general pretrial case management
 - D. All of the above
- 11. The federal court system has exclusive jurisdiction over bankruptcy cases.

TRUE

FALSE

12. In federal court, cases are prosecuted by the district attorney.

TRUE FALSE

13. Misdemeanor crimes result in more severe punishments than felony crimes.

TRUE FALSE

- 14. In Indiana State Court, how do judges determine a convicted criminal's sentence?
 - A. There are no guidelines; judges have complete authority to impose any sentence they wish
 - B. They follow national sentencing guidelines imposed by Congress
 - C. They use sentencing guidelines created by the Indiana Legislature
 - D. They don't the prosecutor chooses the sentence
- 15. Who has responsibility for creating the Federal Sentencing Guidelines?
 - A. The President
 - B. Congress
 - C. The Supreme Court
 - D. There are no Federal Sentencing Guidelines
- 16. In federal court, what is the lowest punishment you can receive for a misdemeanor offense?
 - A. Probation only; no prison sentence
 - B. A prison sentence of 5 to 30 days
 - C. A prison sentence of 3 months
 - D. A prison sentence of 1 year
- 17. The most severe punishment you can receive for a felony offense in federal court is the death penalty.

TRUE FALSE 18. You cannot be tried for the same crime in both State and Federal court.

TRUE FALSE

VOCABULARY QUIZ

1)	—refers to a government that holds ultimate authority within its limited sphere.
2) A ———— Senate.	is a federal trial court judge who is nominated by the President and confirmed by the
	cases, a person or company declares that they cannot pay their creditors and requests to dispose of debts.
4) A serious crin	ne, usually involving an act of violence, is known as a
5) To	means to begin or continue legal proceedings against a person or organization.
	clare, you report an unlawful imprisonment or detention to a court of law and rt's intervention.
7) The completion	on of a case or case file is known as
8) A	is a federal judge appointed to an 8-year term with the limited authority to assist with the ases.
9) A crime.	examines the validity of a case to determine if an individual should be charged with a
10) A	is a person or company who is sued in court, or who faces criminal charges in court.
11)	occurs when both state and federal laws govern a particular matter.
12) A less serio	us crime, resulting in a smaller punishment, is known as a
13) A case invol	ving parties from different states and amounts of money greater than \$75,000 is known as
14) the same persor	is a provision of law stating that governments with separate authority can both prosecute of for the same crime.
15) The official	power of an entity to make legal decisions and judgments is known as
16)	is a system of government in which a national government shares power with local entities.
17) The prosecu	ition of a person twice for the same crime is known as

VOCABULARY QUIZ WORD BANK

TEACHERS: For an advanced version of this activity, omit the word bank

GRAND JURY
CONCURRENT JURISDICTION
SOVEREIGN
JURISDICTION
HABEAS CORPUS
DOUBLE JEOPARDY
PROSECUTE
DIVERSITY OF CITIZENSHIP
MAGISTRATE JUDGE

DISTRICT JUDGE
DEFENDANT
MISDEMEANOR
DUAL SOVEREIGNTY
DISPOSITION
FELONY
FEDERALISM
BANKRUPTCY

IS IT STATE OR FEDERAL?

- 1) A group of three armed men rob a bank. They are caught and arrested. The bank is FDIC insured. Will the defendants be tried in state or federal court? Why?
- 2) A pickpocket steals a man's wallet while he is visiting Yosemite National Park. She is stopped by a ranger while attempting to flee the park, and the wallet is recovered. Will the pickpocket be tried in state or federal court? Why?
- 3) A burglar breaks into a home and steals multiple items, including a TV, computer, and other electronic equipment. He attempts to sell the goods at a local pawn shop, where he is caught and arrested. Will he be tried in state or federal court? Why?
- 4) A man builds a privacy fence in his backyard. His neighbor believes that a portion of the fence has been placed on her property. Unable to resolve their dispute, the neighbor files a lawsuit. Will she file in state or federal court? Why?
- 5) A drug dealer drives to Ohio to pick up a shipment of drugs. He is stopped at a traffic stop in Indiana after crossing state lines. The drugs are discovered in his car. Will the drug dealer be tried in state or federal court? Why?
- 6) After an elderly man dies, his son discovers that the father did not leave him any property in his recently updated will. The son believes that the newer will is not valid because his father had dementia at the time it was written. The son contests the will in court. Will the case be heard in state or federal court? Why?
- 7) A woman sends a letter in the mail inviting people to invest in a phony real estate opportunity. Several individuals invest their life savings, and lose all their money when the investment is determined to be phony. Will the woman be prosecuted in state or federal court? Why?
- 8) A drug company alleges that a competitor stole their patented formula for a new antibiotic drug. The company decides to file a lawsuit against the competitor. Which court will the case be filed in state or federal? Why?
- 9) A man is angry that a local auto repair shop failed to fix his car correctly. To retaliate, the man returns to the shop after it is closed, and starts a fire. He is caught and charged with arson. Will his case be heard in state or federal court? Why?
- 10) A company who sells wholesale party supplies alleges that they were harmed by ads that an out-of-state competitor ran making false claims about their standards of quality. The party supplier claims that they lost sales totaling more than \$500,000. Where will they file their lawsuit state or federal court? Why?
- 11) While shopping in a big-box retail store, a woman slips and falls due to a puddle of water caused by a broken refrigerator unit. The woman sues, claiming negligence. Where will she file her lawsuit state or federal court? Why?

ANSWER KEY

Content Comprehension Quiz

- 1) A. United States Constitution
- 2) C. Tax Court
- 3) B. Run for office in a general election
- 4) C. 5
- 5) TRUE
- 6) TRUE
- 7) C. District Court
- 8) C. Lafayette
- 9) B. They are nominated by the President and confirmed by the Senate
- 10) D. All of the above
- 11) TRUE
- 12) FALSE
- 13) FALSE
- 14) C. They use sentencing guidelines created by the Indiana Legislature and outlined in the Indiana Code
- 15) B. Congress
- 16) B. A prison sentence of 5 to 30 days
- 17) TRUE
- 18) FALSE

Vocabulary Quiz

- 1) SOVEREIGN
- 2) DISTRICT JUDGE
- 3) BANKRUPTCY
- 4) FELONY
- 5) PROSECUTE
- 6) HABEAS CORPUS
- 7) DISPOSITION
- 8) MAGISTRATE JUDGE
- 9) GRAND JURY
- 10) DEFENDANT
- 11) CONCURRENT JURISDICTION
- 12) MISDEMEANOR
- 13) DIVERSITY OF CITIZENSHIP
- 14) DUAL SOVEREIGNTY
- 15) JURISDICTION
- 16) FEDERALISM
- 17) DOUBLE JEOPARDY

Is it State or Federal?

- 1. **FEDERAL** The Federal Deposit Insurance Corporation (FDIC) is an independent federal agency. Because the bank is insured by the FDIC, the crime can be prosecuted in federal court.
- 2. **FEDERAL** Yosemite National Park is operated by the federal government; therefore any crime taking place within its borders is subject to federal prosecution.
- 3. **STATE** The crime took place entirely within state boundaries, and therefore is exclusively within the jurisdiction of state law.
- 4. **STATE** Real estate matters arising from claims by two or more residents of the same state will be resolved in state court.
- 5. **FEDERAL** The drugs crossed state lines, making it an interstate offense. Crimes committed across multiple state lines become the jurisdiction of the Federal Government.
- 6. **STATE** Probate matters, including contesting a will in court, fall under state jurisdiction
- 7. **FEDERAL** Because the United States Postal Service is a federal agency, crimes committed by use of the mail (i.e. mail fraud) fall under federal iurisdiction.
- 8. **FEDERAL** Patent litigation is governed by federal law, and within the exclusive jurisdiction of the federal government.
- 9. **STATE** Crimes of arson, committed within a single state's borders, fall under the jurisdiction of that state's laws.
- 10. **FEDERAL** Because the parties are citizens/corporations of more than one state, and because the amount in dispute exceeds \$75,000, the case meets the requirements to file a "diversity of citizenship" dispute in federal court 11. **STATE** This is a classic example of a tort claim the woman filed suit as a result of a fall.



United States District Court for the Southern District of Indiana

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