

***** PUBLIC DOCKET *****

PROSE

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:15-cv-00385-JMS-MJD**

ELLISON v. UNITED STATES OF AMERICA
Assigned to: Judge Jane Magnus-Stinson
Referred to: Magistrate Judge Mark J. Dinsmore
Demand: \$9,999,000
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 11/16/2015
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: U.S. Government Defendant

Plaintiff**KYLE ELLISON**

represented by **KYLE ELLISON**
88432-054
TERRE HAUTE - FCI
TERRE HAUTE FEDERAL
CORRECTIONAL INSTITUTION
Inmate Mail/Parcels
P.O. BOX 33
TERRE HAUTE, IN 47808
PRO SE

V.

Defendant**UNITED STATES OF AMERICA**

represented by **Gina M. Shields**
UNITED STATES ATTORNEY'S
OFFICE
10 West Market Street
Suite 2100
Indianapolis, IN 46204
317-226-6333
Fax: 317-226-6125
Email: Gina.Shields@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/16/2015	<u>1</u>	COMPLAINT against UNITED STATES OF AMERICA, filed by KYLE ELLISON. (No fee paid with this filing) (Attachments: # <u>1</u> Exhibit Claim and response, # <u>2</u> Envelope)(AAM) (Entered: 11/17/2015)

11/16/2015	2	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff KYLE ELLISON. (Attachments: # 1 Exhibit Inmate Statement, # 2 Envelope) (AAM) (Entered: 11/17/2015)
11/17/2015	3	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (AAM) (Entered: 11/17/2015)
11/18/2015	4	ENTRY - Plaintiff's 2 Motion for Leave to Proceed in forma pauperis is GRANTED. The plaintiff is assessed an initial partial filing fee of Seventy-Two Dollars and Seventy-Nine Cents (\$72.29). He shall have through December 21, 2015, in which to pay this sum to the clerk of the district court. The complaint has been screened and shall proceed as submitted. The clerk shall issue process to the United States. Process shall consist of a summons. The Marshal for this District or his deputy shall serve the summons, the complaint, and a copy of this Entry on the officials entitled to notice. This shall be done at the expense of the United States. Signed by Judge Jane Magnus-Stinson on 11/18/2015. Copy Mailed to Plaintiff via U.S. Mail. (JD) (Entered: 11/18/2015)
11/18/2015	5	Summons Issued as to UNITED STATES OF AMERICA. (Attachments: # 1 USM 285 Form)(JD) (Entered: 11/18/2015)
11/18/2015	6	Documents for service by USM - 1 Complaint, 5 Summons Issued, 4 Entry. Electronic Notice to USM.(JD) (Entered: 11/18/2015)
11/23/2015	7	RETURN of USM Service - UNITED STATES OF AMERICA served on 11/23/2015. (GSO) (Entered: 11/23/2015)
12/04/2015	8	RETURN of USM Service on behalf of KYLE ELLISON. UNITED STATES OF AMERICA served on 11/25/2015, care of United States Attorney General. (GSO) (Entered: 12/07/2015)
12/23/2015	9	RECEIPT #IP048920 for partial filing fee in the amount of \$72.90, paid by Plaintiff. (DJH) (Entered: 12/23/2015)
01/22/2016	10	NOTICE of Appearance by Gina M. Shields on behalf of Defendant UNITED STATES OF AMERICA. (Shields, Gina) (Entered: 01/22/2016)
01/22/2016	11	ANSWER to 1 Complaint <i>and Affirmative Defenses</i> , filed by UNITED STATES OF AMERICA.(Shields, Gina) (Entered: 01/22/2016)
01/26/2016	12	Entry Directing Development of Affirmative Defense Regarding Asserted Failure to Exhaust Available Administrative Remedies - The defendant shall have through February 25, 2016, in which to either 1) file a dispositive motion in support of the affirmative defense that the plaintiff failed to exhaust his administrative remedies prior to filing this lawsuit, 2) notify the court that this affirmative defense is not amenable to resolution through a dispositive motion, or 3) notify the court that the defendant will not pursue the affirmative defense of failure to exhaust. If a dispositive motion is filed, the plaintiff shall have thirty (30) days in which to respond. The defendants shall then have fifteen (15) days in which to reply. All other proceedings and deadlines are stayed. (See Entry.) Signed by Judge Jane Magnus-Stinson on

		1/26/2016. Copy sent to Plaintiff via US Mail. (GSO) (Entered: 01/26/2016)
02/01/2016	13	Reassignment of Case to Magistrate Judge Mark J. Dinsmore. Magistrate Judge William G. Hussmann, Jr., is no longer assigned to the case. Please include the new case number (2:15-cv-00385-JMS-MJD), which includes the initials of the newly assigned judge, on all future filings in this matter. (JD) (Entered: 02/01/2016)
02/24/2016	14	MOTION for Summary Judgment (<i>Partial</i>), filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A-Declaration of Rupska, # 2 Exhibit B-Declaration of Allison-Armstrong)(Shields, Gina) (Entered: 02/24/2016)
02/24/2016	15	BRIEF/MEMORANDUM in Support re 14 MOTION for Summary Judgment (<i>Partial</i>), filed by Defendant UNITED STATES OF AMERICA. (Shields, Gina) (Entered: 02/24/2016)
02/24/2016	16	NOTICE <i>Rule 56</i> , filed by Defendant UNITED STATES OF AMERICA (Shields, Gina) (Entered: 02/24/2016)
03/10/2016	17	RESPONSE in Opposition to Defendant's 14 MOTION for Summary Judgment (<i>Partial</i>), filed by Plaintiff KYLE ELLISON. (Attachments: # 1 Exhibits, # 2 Envelope) (GSO) (Entered: 03/10/2016)
03/18/2016	18	REPLY in Support of Motion re 14 MOTION for Summary Judgment (<i>Partial</i>), filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit C-Decl of Melinda Caulton, # 2 Exhibit 1-Excerpts from FCC TH A&O Hdbk, # 3 Exhibit 2-BOP Tech. Ref. Manual, # 4 Exhibit 3-SENTRY Admn. Remedy Retrieval)(Shields, Gina) (Entered: 03/18/2016)
05/12/2016	19	Surreply to Defendant's 14 Motion for Partial Summary Judgment, filed by Plaintiff KYLE ELLISON. (Attachments: # 1 Exhibits, # 2 Envelope) (GSO) (Entered: 05/12/2016)
05/18/2016	20	MOTION for Leave to File <i>Response to Plaintiff's Surreply in Opposition to Motion for Partial Summary Judgment</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Def's Response to Plaintiff's Surreply in Oppos. to Motion for Partial Summary Jgmt, # 2 Text of Proposed Order)(Shields, Gina) (Entered: 05/18/2016)
05/19/2016	21	ORDER - granting 20 Motion for Leave to File. Defendant's Response to Plaintiff's Surreply in Opposition to Motion for Partial Summary Judgment is deemed filed as of the date it was tendered to the Court -- May 18, 2016. Copy to plaintiff via US Mail. Signed by Judge Jane Magnus-Stinson on 5/19/2016. (RSF) (Entered: 05/19/2016)
06/02/2016	22	ENTRY Discussing Defendant's Partial Motion for Summary Judgment - The United States' motion for partial summary judgment [dkt. 14] is denied. Ellison exhausted his administrative remedies regarding his claim that prison medical staff provided him with negligent medical care in treating the knot on his head. This claim shall proceed. See Entry for details. Copy sent to

		plaintiff via US Mail. Signed by Judge Jane Magnus-Stinson on 6/2/2016. (MAG) (Entered: 06/02/2016)
06/13/2016	23	ENTRY SETTING PRETRIAL SCHEDULE - Dispositive Motions due by 1/13/2017. Discovery due by 12/13/2016 (see entry). Copy sent to Plaintiff via U.S. Mail. Signed by Judge Jane Magnus-Stinson on 6/13/2016.(BRR) (Entered: 06/13/2016)
07/28/2016	24	NOTICE of Service of Initial Disclosures , filed by Defendant UNITED STATES OF AMERICA. (Shields, Gina) (Entered: 07/28/2016)
10/06/2016	25	MOTION <i>for Leave to Depose Prisoner</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order) (Shields, Gina) (Entered: 10/06/2016)
10/07/2016	26	MOTION for Extension of Time to November 14, 2016 <i>for Expert Disclosure Deadline</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Shields, Gina) (Entered: 10/07/2016)
10/07/2016	27	ORDER GRANTING LEAVE TO DEPOSE PRISONER - The Court, having reviewed the motion and being duly advised in the premises, now GRANTS 25 it. The United States is granted leave to depose Plaintiff, Kyle Ellison, a prisoner, on October 25, 2016, beginning at or about 9:00 a.m., or on such other date and time as counsel for the United States designates by filing an amended notice of deposition, if needed. (See Order.) Copy to plaintiff via US Mail. Signed by Judge Jane Magnus-Stinson on 10/7/2016. (RSF) (Entered: 10/07/2016)
10/07/2016	28	ORDER - granting 26 Motion for Extension of Time. The parties are afforded to and including November 14, 2016, to disclose any expert witnesses and provide a signed report from those experts that presents all the witness' opinions and all the other information required by Federal Rule of Civil Procedure 26(a)(2). Thirty days later, the opposing party must file a report by any rebuttal expert. Copy to plaintiff via US Mail. Signed by Judge Jane Magnus-Stinson on 10/7/2016. (RSF) (Entered: 10/07/2016)
10/24/2016	29	NOTICE of Taking Deposition by UNITED STATES OF AMERICA (Shields, Gina) (Entered: 10/24/2016)
11/14/2016	30	NOTICE <i>of Disclosure of Expert Witness</i> , filed by Defendant UNITED STATES OF AMERICA (Shields, Gina) (Entered: 11/14/2016)
11/21/2016	31	MOTION to Appointment of Recruitment of Counsel, filed by Plaintiff KYLE ELLISON. (Attachments: # 1 Declaration of Kyle Ellison re Counsel, # 2 Envelope)(DW) (Entered: 11/22/2016)
11/21/2016	32	MOTION to Stay Pretrial Schedule, filed by Plaintiff KYLE ELLISON. (Attachments: # 1 Envelope)(DW) (Entered: 11/22/2016)
11/21/2016	 33	MOTION for mediation, filed by Plaintiff KYLE ELLISON. (Attachments: # 1 Envelope)(DW) (Entered: 11/22/2016)

11/21/2016	34	MOTION for funding for expert review, filed by Plaintiff KYLE ELLISON. (Attachments: # 1 Envelope)(DW) (Entered: 11/22/2016)
11/29/2016	35	Entry Discussing Plaintiff's Motion to Appoint Counsel, Motion for Funding and Motion to Stay: For the reasons explained below, these requests [dks. 31 , 32 and 34] are denied ***SEE ENTRY FOR ADDITIONAL INFORMATION***. Copy sent to Plaintiff via US Mail. Signed by Judge Jane Magnus-Stinson on 11/29/2016. (DW) (Entered: 11/29/2016)
12/02/2016	36	RESPONSE in Opposition re 33 MOTION <i>for Mediation</i> , filed by Defendant UNITED STATES OF AMERICA. (Shields, Gina) (Entered: 12/02/2016)

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