

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

RC,PROSE,PE

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:16-cv-00080-LJM-DKL**

ROSALES v. CORIZON, INC. et al
Assigned to: Judge Larry J. McKinney
Referred to: Magistrate Judge Denise K. LaRue
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/04/2016
Jury Demand: Both
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**OSCAR ROSALES**

represented by **OSCAR ROSALES**
194882
WABASH VALLEY - CF
WABASH VALLEY
CORRECTIONAL FACILITY - Inmate
Mail/Parcels
6908 S. Old US Hwy 41
P.O. Box 1111
CARLISLE, IN 47838
PRO SE

V.

Defendant**CORIZON, INC.**

represented by **Adriana Katzen**
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Defendant

NEIL JOHN MARTIN
M.D.

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ATTORNEY TO BE NOTICED

Jeb Adam Crandall
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**INDIANA DEPARTMENT OF
CORRECTIONS**
COMMISSIONER

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Defendant

MICHAEL MITCHEFF
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ATTORNEY TO BE NOTICED

Defendant

PULKIT J. PATEL

represented by **PULKIT J. PATEL**
.
PRO SE

Recruited Counsel**ANDREA CIOBANU***Recruited Counsel for Plaintiff*represented by **Andrea Lynn Ciobanu**

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Email: aciobanu@ciobanulaw.com**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/04/2016	<u>1</u>	CONSENT to Prisoner E-Service by OSCAR ROSALES. Pursuant to General Order 2013-1, documents submitted by OSCAR ROSALES to the court for filing will generate a Notice of Electronic Filing that will constitute official service upon registered users of CM/ECF. If any parties to the case are not registered CM/ECF users, the Clerk of the Court will mail the document via U.S. Postal Service on behalf of the inmate. NOTE: The E-Filing Program does not affect the obligation of other parties to serve copies of documents in accordance with the Federal Rules of Civil Procedure. (AAM) (Entered: 03/07/2016)
03/04/2016	<u>2</u>	COMPLAINT against All Defendants, filed by OSCAR ROSALES. (No fee paid with this filing) (Attachments: # <u>1</u> Exhibit: documents related to medical issues)(AAM) (Additional attachment(s) added on 3/7/2016: # <u>2</u> Proposed Summons, # <u>3</u> Exhibit Proposed Notice of Lawsuit) (AAM). (Entered: 03/07/2016)
03/04/2016	<u>3</u>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff OSCAR ROSALES. (Attachments: # <u>1</u> Exhibit Transaction History)(AAM) (Entered: 03/07/2016)
03/04/2016	<u>4</u>	MOTION for Temporary Restraining Order, filed by Plaintiff OSCAR ROSALES. (AAM) (Entered: 03/07/2016)
03/04/2016	<u>5</u>	BRIEF/MEMORANDUM in Support re <u>4</u> MOTION for Temporary Restraining Order, filed by Plaintiff OSCAR ROSALES. (AAM) (Entered: 03/07/2016)
03/04/2016	<u>6</u>	NOTICE OF APPLICATION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION, filed by Plaintiff OSCAR ROSALES, re <u>4</u> MOTION for Temporary Restraining Order, <u>5</u> Brief/Memorandum in Support of Motion. (AAM) (Entered: 03/07/2016)
03/04/2016	<u>7</u>	DECLARATION IN SUPPORT OF PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION of Oscar Rosales re <u>4</u> Motion for TRO by OSCAR ROSALES. (AAM) (Entered: 03/07/2016)

03/07/2016	8	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (AAM) (Entered: 03/07/2016)
03/10/2016	9	ENTRY - The plaintiff's 3 motion to proceed in forma pauperis is granted. He shall have through April 12, 2016, to pay an initial partial filing fee of \$18.82. The plaintiff's 4 motion for a temporary restraining order is denied for the present as premature because the complaint has not yet been screened and the defendants have not appeared. The plaintiff may seek to renew his motion after those steps are taken. Signed by Judge William T. Lawrence on 3/10/2016. (GSO) (Entered: 03/10/2016)
03/29/2016	10	RECEIPT #IP050300 for initial partial filing fee in the amount of \$18.82, paid by plaintiff. (MEB) (Entered: 03/30/2016)
04/25/2016	11	ENTRY Discussing Complaint and Directing Further Proceedings - Rosales's claims for deliberate indifference to his serious medical needs shall proceed against Dr. Neil Martin and Corizon. All other defendants shall be terminated. The clerk is designated pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to defendants Dr. Neil Martin and Corizon in the manner specified by Rule 4(d). (See Entry.) Signed by Judge William T. Lawrence on 4/25/2016. Copies distributed pursuant to distribution list. (GSO) (Additional attachment(s) added on 4/26/2016: # 1 Distribution List) (GSO). (Entered: 04/25/2016)
04/25/2016	12	NOTICE of Lawsuit & Waiver Issued by Clerk to Defendants Corizon, Inc. and Dr. Neil Martin. (GSO) (Entered: 04/25/2016)
05/11/2016	13	WAIVER OF SERVICE Returned Executed, filed by CORIZON, INC., NEIL JOHN MARTIN. (Katzen, Adriana) (Entered: 05/11/2016)
05/11/2016	14	NOTICE of Appearance by Adriana Katzen on behalf of Defendants CORIZON, INC., NEIL JOHN MARTIN. (Katzen, Adriana) (Entered: 05/11/2016)
05/19/2016	15	MOTION to Produce Documents, filed by Plaintiff OSCAR ROSALES c/s. (MAC) (Entered: 05/19/2016)
05/20/2016	16	ENTRY - 15 First Request for Production of Documents shall be terminated as amotion. However, the defendants shall treat the motion as a request for production of documents and shall respond accordingly. Signed by Judge William T. Lawrence on 5/20/2016. (LBT) (Entered: 05/23/2016)
06/02/2016	17	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed by Defendants CORIZON, INC., NEIL JOHN MARTIN. (Attachments: # 1 Text of Proposed Order)(Katzen, Adriana) (Entered: 06/02/2016)
06/02/2016	18	BRIEF/MEMORANDUM in Support re 17 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed by Defendants CORIZON, INC., NEIL JOHN MARTIN. (Katzen, Adriana) (Entered: 06/02/2016)
06/16/2016	19	RESPONSE to Motion re 17 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed by Plaintiff OSCAR ROSALES. (BRR) (Entered: 06/16/2016)

		06/16/2016)
07/07/2016	20	MOTION to Appoint Counsel, filed by Plaintiff OSCAR ROSALES. (Attachments: # 1 Exhibit)(BRR) (Entered: 07/07/2016)
07/21/2016	21	AMENDED COMPLAINT against CORIZON, INC., NEIL JOHN MARTIN, INDIANA DEPARTMENT OF CORRECTIONS, MICHAEL MITCHEFF, KIMBERLY HOBSON, REGINA ROBINSON, PULKIT J. PATEL, filed by OSCAR ROSALES.(BRR) (Entered: 07/21/2016)
07/21/2016	22	Notice and Motion of Application for Temporary Restraining Order and Preliminary Injunction, filed by Plaintiff OSCAR ROSALES. (BRR) Modified on 7/21/2016 (BRR). (Entered: 07/21/2016)
07/21/2016	23	BRIEF/MEMORANDUM in Support re 22 MOTION for Temporary Restraining Order, filed by Plaintiff OSCAR ROSALES. (BRR) (Additional attachment(s) added on 7/21/2016: # 1 Exhibits) (BRR). (Entered: 07/21/2016)
07/21/2016	24	DECLARATION in support of 22 Motion for TRO by OSCAR ROSALES. (BRR) (Entered: 07/21/2016)
07/22/2016	25	ENTRY - The defendants shall have through August 5, 2016, to respond to the plaintiff's motion for a temporary restraining order. Signed by Judge William T. Lawrence on 7/22/2016.(BRR) (Entered: 07/22/2016)
08/05/2016	26	NOTICE of Error in Amended Complaint 21 , filed by Plaintiff OSCAR ROSALES. (BRR) (Entered: 08/05/2016)
08/05/2016	27	RESPONSE in Opposition re 22 MOTION for Temporary Restraining Order and Preliminary Injunction, filed by Defendants CORIZON, INC., NEIL JOHN MARTIN. (Attachments: # 1 Exhibit A)(Katzen, Adriana) (Entered: 08/05/2016)
08/05/2016	28	NOTICE <i>Objection to Plaintiff's Evidence Submitted in Support of Motion for Temporary Restraining Order and Motion for Preliminary Injunction</i> , filed by Defendants CORIZON, INC., NEIL JOHN MARTIN, re 27 Response in Opposition to Motion. (Katzen, Adriana) (Entered: 08/05/2016)
08/09/2016	29	***PLEASE DISREGARD - STRICKEN AT 30 *** ANSWER to 21 Amended Complaint , filed by CORIZON, INC., NEIL JOHN MARTIN. (Katzen, Adriana) Modified on 8/12/2016 (BRR). (Entered: 08/09/2016)
08/12/2016	30	Entry Discussing Amended Complaint and Directing Further Proceedings - Plaintiff Oscar Rosales, an inmate at the Wabash Valley Correctional Facility, brings this action pursuant to 42 U.S.C. § 1983 alleging that the defendants have failed to properly treat his knee, back, and neck pain and his bladder issues. He has filed an Amended Complaint in which he alleges violations of the Eighth and Fourteenth Amendments to the United States Constitution and the Americans with Disabilities Act and the Rehabilitation Act. Based on the filing of the Amended Complaint, the motion to dismiss 17 is denied as moot. The claims alleged in the Amended Complaint shall

		<p>proceed as directed in this Entry. Rosales's claims for deliberate indifference to his serious medical needs shall proceed against Dr. Neil Martin, Dr. Pulkit J. Patel, Dr. Mitcheff, and Corizon. His claim under the Rehabilitation Act shall proceed against the Commissioner of the IDOC in his official capacity. All other defendants shall be terminated. Corizon and Dr. Martin have already appeared in this action. In addition, Corizon and Dr. Martin filed an Answer to the Amended Complaint before the screening of the Amended Complaint was complete. Accordingly, the Answer to the Amended Complaint 29 is stricken as premature. Corizon and Dr. Martin shall have twenty-one days from the date of this Entry to Answer the Amended Complaint as screened. The clerk is designated pursuant to Fed. R. Civ. P. 4 (c)(3) to issue process to defendants Dr. Pulkit Patel, Dr. Mitcheff, and the Commission of the IDOC in the manner specified by Rule 4(d). Process shall consist of the complaint, applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry. (See Entry.) Copies to parties pursuant to the distribution list. Signed by Judge William T. Lawrence on 8/12/2016.(BRR) (Entered: 08/12/2016)</p>
08/12/2016	31	<p>NOTICE of Lawsuit & Waiver Issued by Clerk to: 1) Commissioner, Indiana Department of Correction; 2) Michael Mitcheff, 3) Pulkit Patel. (BRR) (Entered: 08/12/2016)</p>
08/22/2016	32	<p>Mail Returned as undeliverable re 31 NOTICE of Lawsuit & Waiver Issued by Clerk sent to PULKIT J. PATEL. (BRR) (Entered: 08/23/2016)</p>
08/23/2016	33	<p>WAIVER OF SERVICE Returned Executed, filed by INDIANA DEPARTMENT OF CORRECTIONS. INDIANA DEPARTMENT OF CORRECTIONS waiver sent on 8/12/2016. (Attachments: # 1 Envelope) (BRR) (Entered: 08/24/2016)</p>
08/23/2016	34	<p>WAIVER OF SERVICE Returned Executed, filed by MICHAEL MITCHEFF. MICHAEL MITCHEFF waiver sent on 8/12/2016. (Attachments: # 1 Envelope)(BRR) (Entered: 08/24/2016)</p>
08/26/2016	35	<p>Entry - The plaintiff's motion to appoint counsel 20 is granted to the extent that the Court will attempt to recruit pro bono counsel to represent the plaintiff in this action. This action shall continue to proceed as directed in the pretrial schedule. If counsel is appointed for the plaintiff, a conference will be held to direct the further development of the action. Signed by Judge William T. Lawrence on 8/26/2016. (BRR) (Entered: 08/26/2016)</p>
08/26/2016	36	<p>Entry Directing Further Proceedings - Mail sent to defendant Dr. Pulkit J. Patel was returned undeliverable. The clerk is again designated pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to defendant Dr. Pulkit Patel in the manner specified by Rule 4(d). Process shall consist of the complaint, applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry. Copies sent to Dr. Patel via US Mail. Signed by Judge William T. Lawrence on 8/26/2016.(BRR) (Entered: 08/26/2016)</p>

08/26/2016	37	NOTICE of Lawsuit & Waiver Issued by Clerk, TO: Dr. Pulkit Patel. (BRR) (Entered: 08/26/2016)
08/30/2016	38	Defendant's Answer to Plaintiff's Amended Complaint 21 , filed by Defendants CORIZON, INC., NEIL JOHN MARTIN, MICHAEL MITCHEFF . (Katzen, Adriana) Modified on 8/31/2016 (BRR). (Entered: 08/30/2016)
08/31/2016	39	ENTRY SETTING PRETRIAL SCHEDULE - Dispositive Motions due by 4/7/2017. Discovery due by 3/6/2017. (See Entry.) Signed by Judge William T. Lawrence on 8/31/2016.(BRR) (Entered: 08/31/2016)
09/12/2016	40	WAIVER OF SERVICE Returned Executed, filed by PULKIT J. PATEL. PULKIT J. PATEL waiver sent on 8/26/2016. (Attachments: # 1 Envelope) (BRR) (Entered: 09/13/2016)
09/15/2016	41	MOTION for Extension of Time to Amend Complaint and Add Defendants, filed by Plaintiff OSCAR ROSALES. (BRR) (Entered: 09/15/2016)
09/16/2016	42	ENTRY - granting 41 Motion for Extension of Time. Plaintiff shall have through November 7, 2016, to file an Amended Complaint. Signed by Judge William T. Lawrence on 9/16/2016. (RSF) (Entered: 09/16/2016)
09/29/2016	43	Entry - Denying 22 Motion for temporary restraining order and preliminary injunction. (See Entry.) Signed by Judge William T. Lawrence on 9/29/2016. (RSF) (Entered: 09/29/2016)
09/29/2016	44	NOTICE of Appearance by Jeb Adam Crandall on behalf of Defendants CORIZON, INC., NEIL JOHN MARTIN, MICHAEL MITCHEFF. (Crandall, Jeb) (Entered: 09/29/2016)
10/03/2016	45	ORDER REASSIGNING CASE. Clerk is directed to reassign case to Judge Larry J. McKinney. Signed by Judge Richard L. Young on 10/3/2016. (JD) (Entered: 10/03/2016)
10/03/2016	46	NOTICE of Reassignment of Case to Judge Larry J. McKinney. Judge William T. Lawrence no longer assigned to the case. Please include the new case number, 2:16-cv-80-LJM-DKL , on all future filings in this matter. (JD) (Entered: 10/03/2016)
10/06/2016	47	NOTICE of Appearance by David C. Dickmeyer on behalf of Defendant INDIANA DEPARTMENT OF CORRECTIONS. (Dickmeyer, David) (Entered: 10/06/2016)
10/06/2016	48	NOTICE of Appearance by David A. Arthur on behalf of Defendant INDIANA DEPARTMENT OF CORRECTIONS. (Arthur, David) (Entered: 10/06/2016)
10/11/2016	49	<i>Defendant Indiana Department of Correction's</i> ANSWER to 21 Amended Complaint and Statement of Defenses, filed by INDIANA DEPARTMENT OF CORRECTIONS.(Dickmeyer, David) (Entered: 10/11/2016)
11/03/2016	50	MOTION to Amend Pleadings, filed by Plaintiff OSCAR ROSALES.

		(Attachments: # 1 Amended Complaint, # 2 Text of Proposed Order)(DW) (Entered: 11/03/2016)
11/10/2016	51	MOTION to Compel Discovery, filed by Plaintiff OSCAR ROSALES. (DW) (Entered: 11/10/2016)
11/10/2016	52	AFFIDAVIT re 51 MOTION to Compel by OSCAR ROSALES. (DW) (Entered: 11/10/2016)
11/10/2016	53	BRIEF/MEMORANDUM in Support re 51 MOTION to Compel, filed by Plaintiff OSCAR ROSALES. (Attachments: # 1 Exhibits)(DW) (Entered: 11/10/2016)
11/11/2016	54	RESPONSE in Opposition re 51 MOTION to Compel , filed by Defendants CORIZON, INC., NEIL JOHN MARTIN. (Attachments: # 1 Exhibit A. Letter to Plaintiff)(Katzen, Adriana) (Entered: 11/11/2016)
11/17/2016	55	RESPONSE in Opposition re 50 MOTION to Amend/Correct <i>Pleadings</i> , filed by Defendant INDIANA DEPARTMENT OF CORRECTIONS. (Dickmeyer, David) (Entered: 11/17/2016)
11/17/2016	56	(Second) MOTION to Appoint Counsel, filed by Plaintiff OSCAR ROSALES. (Attachments: # 1 Exhibits)(RSF) (Entered: 11/17/2016)
11/18/2016	57	Order of Recruitment of Counsel: PURSUANT TO LOCAL RULE 87 FOR THE LIMITED PURPOSE OF ASSISTING WITH A SETTLEMENT CONFERENCE: The Court hereby appoints Andrea Ciobanu to represent Plaintiff Oscar Rosales solely for the limited purpose of assisting him in connection with a settlement conference ***SEE ORDER FOR ADDITIONAL INFORMATION***. Signed by Judge Larry J. McKinney on 11/18/2016.(DW) (Entered: 11/18/2016)
11/18/2016	58	ENTRY: Because the Court continues to seek counsel to represent the plaintiff, his second motion to appoint counsel [dkt 56] is denied as unnecessary. Signed by Judge Larry J. McKinney on 11/18/2016.(DW) (Entered: 11/18/2016)
12/02/2016	59	ENTRY on Pending Motions: The motion to amend [dkt 50] is denied. The motion to compel [dkt 51] is denied ***SEE ORDER***. Signed by Judge Larry J. McKinney on 12/2/2016. (DW) (Entered: 12/02/2016)
12/12/2016	 60	MOTION for Reconsideration re 58 Order on Motion to appoint counsel, 59 Order on Motion to Amend/Correct, filed by Plaintiff OSCAR ROSALES. (Attachments: # 1 Exhibit A)(RSF) (Entered: 12/12/2016)
12/16/2016	 61	MOTION <i>To Extend Pre-Trial Deadlines</i> , filed by Defendants CORIZON, INC., NEIL JOHN MARTIN, MCHAELE MITCHEFF. (Attachments: # 1 Text of Proposed Order Granting Motion to Extend Pre-Trial Deadlines) (Katzen, Adriana) (Entered: 12/16/2016)

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