

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

CASREF,MANDATE

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:23-cv-01543-TAB-RLY**

WANG v. CITY OF INDIANAPOLIS et al
Assigned to: Magistrate Judge Tim A. Baker
Referred to: District Judge Richard L Young
Case in other court: 7th Circuit, 24-02664 - Mandate
Cause: 42:1983 Civil Rights Act

Date Filed: 08/28/2023
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**XIHAI WANG**

represented by **XIHAI WANG**
11272 Keith Dr.
Sterling Heights, MI 48312
(248) 795-4155
PRO SE

Christopher Carson Myers
Myers & Wallace, LLP
809 South Calhoun Street, #400
Fort Wayne, IN 46802
260-424-0600
Fax: 260-424-0712
Email: cmyers@myers-law.com
TERMINATED: 05/07/2024
ATTORNEY TO BE NOTICED

V.

Defendant**CITY OF INDIANAPOLIS**

represented by **Brandon Robert Newhart**
Consolidated City of Indianapolis and
County of Marion
Office of Corporation Counsel
200 E. Washington Street
Suite 1601
Indianapolis, IN 46204
317-327-4055
Fax: 317-327-3968
Email: brandon.newhart@indy.gov
ATTORNEY TO BE NOTICED

Defendant

GRADDIS CODY
Police Officer

represented by **Brandon Robert Newhart**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**REED DANIEL***Police Officer*

represented by **Brandon Robert Newhart**
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant**BAUMER STEVEN***Police Officer*

represented by **Brandon Robert Newhart**
 (See above for address)
ATTORNEY TO BE NOTICED

Recruited Counsel**DAVID A. GIVEN***Recruited Counsel for Plaintiff***TERMINATED: 06/23/2025**

represented by **David A. Given**
 FAEGRE DRINKER BIDDLE & REATH
 LLP (Indianapolis)
 300 North Meridian Street
 Suite 2500
 Indianapolis, IN 46204
 317-237-0300
 Fax: (317) 237-1000
 Email: david.given@faegredrinker.com
TERMINATED: 06/23/2025
ATTORNEY TO BE NOTICED

Recruited Counsel**LYNSEY DAVID***Recruited Counsel for Plaintiff***TERMINATED: 07/15/2025**

represented by **Lynsey F. David**
 Church Church Hittle & Antrim
 Two North Ninth Street
 Noblesville, IN 46060
 317-773-2190
 Fax: 317-572-1609
 Email: ldavid@cchalaw.com
TERMINATED: 07/15/2025
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/28/2023	<u>1</u>	COMPLAINT against CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN, filed by XIHAI WANG. (No fee paid with this filing) (Attachments: # <u>1</u> Proposed Summons)(CCG) (Entered: 08/28/2023)
08/28/2023	<u>2</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (CCG) (Entered: 08/28/2023)
08/28/2023	<u>3</u>	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (CCG) (Entered: 08/28/2023)
09/01/2023	4	RECEIPT #6723 for filing fee in the amount of \$402.00, paid by XIHAI WANG. (DJH) (Entered: 09/01/2023)
09/02/2023	<u>6</u>	CONSENT to Jurisdiction to US Magistrate Judge by XIHAI WANG. (KAA) (Entered: 09/05/2023)
09/02/2023	<u>7</u>	Rule 7.1 Disclosure Statement by XIHAI WANG. (JSR) (Entered: 09/06/2023)

09/05/2023	5	Summons Issued as to CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL and BAUMER STEVEN. (JRB) (Entered: 09/05/2023)
09/14/2023	8	MOTION for Assistance with Recruiting Counsel, filed by Plaintiff XIHAI WANG. (LBT) (Entered: 09/14/2023)
09/14/2023	9	AFFIDAVIT of Service of Complaint and Summons served on City of Indianapolis on 9/11/2023, filed by XIHAI WANG. (LBT) (Entered: 09/14/2023)
09/14/2023	10	AFFIDAVIT of Service for Summons and Complaint served on GRADDIS CODY c/o IMPD on 9/11/2023, filed by XIHAI WANG. (LBT) (Entered: 09/14/2023)
09/14/2023	11	AFFIDAVIT of Service for Summons and Complaint served on REED DANIEL c/o IMPD on 9/11/2023, filed by XIHAI WANG. (LBT) (Entered: 09/14/2023)
09/14/2023	12	AFFIDAVIT of Service for Summons and Complaint served on BAUMER STEVEN c/o IMPD on 9/11/2023, filed by XIHAI WANG. (LBT) (Entered: 09/14/2023)
09/28/2023	13	NOTICE of Appearance by Brandon Robert Newhart on behalf of Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Newhart, Brandon) (Entered: 09/28/2023)
09/28/2023	14	NOTICE of Parties' First Extension of Time re Filing a response to pleading defined by Fed. R. Civ. P. 7(a), filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Newhart, Brandon) (Entered: 09/28/2023)
09/28/2023	15	AFFIDAVIT of Service for Complaint and Summons served on Mayor Joe Hogsett on 9/26/2023, filed by XIHAI WANG. (JSR) (Entered: 09/28/2023)
10/11/2023	16	MOTION <i>TO SCREEN COMPLAINT</i> , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Attachments: # 1 Text of Proposed Order)(Newhart, Brandon) (Entered: 10/11/2023)
10/12/2023	17	ORDER SETTING TELEPHONIC INITIAL PRETRIAL CONFERENCE - This case is assigned for a telephonic initial pretrial conference before United States Magistrate Judge Tim A. Baker on November 29, 2023, at 9:30 a.m. (Eastern Time). The information needed by counsel of record to participate in this telephonic conference will be provided by separate notification. Plaintiff shall personally participate in this conference by calling chambers directly at 317-229-3660. If a proposed Case Management Plan ("CMP") has not yet been filed, the parties shall tender a proposed CMP no less than 3 business days prior to the pretrial conference. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Tim A. Baker on 10/12/2023. (JRB) (Entered: 10/12/2023)
10/17/2023	18	ORDER denying 16 MOTION TO SCREEN - Defendants' Motion to Screen the Complaint (Filing No. 16) is DENIED. In the same motion, Defendants move to stay case deadlines pending screening. However, they have offered no justification for why a stay would be proper. Accordingly, Defendants' Motion to Stay Case Management Deadlines (Filing No. 16) is DENIED. SEE ORDER. Copy to Plaintiff via US Mail. Signed by District Judge Richard L Young on 10/17/2023. (AAS) (Entered: 10/17/2023)
10/30/2023	19	MOTION to Dismiss for Lack of Jurisdiction <i>and</i> , MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Attachments: # 1 Text of Proposed Order PO Granting Motion to Dismiss)(Newhart, Brandon) (Entered: 10/30/2023)


10/30/2023	20	BRIEF/MEMORANDUM in Support re 19 MOTION to Dismiss for Lack of Jurisdiction <i>and</i> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Attachments: # 1 Supplement Index of Exhibits, # 2 Exhibit A - Chronological Case Summary, # 3 Exhibit B - Probable Cause Affidavit, # 4 Exhibit C - State Court No Contact Order, # 5 Exhibit D - Information from state Criminal Case) (Newhart, Brandon) (Entered: 10/30/2023)
11/21/2023	21	JOINT CASE MANAGEMENT PLAN TENDERED, filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN . (Newhart, Brandon) (Entered: 11/21/2023)
11/22/2023	23	RESPONSE in Opposition re 19 MOTION to Dismiss for Lack of Jurisdiction <i>and</i> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed by Plaintiff XIHAI WANG. (JSR) (Entered: 11/27/2023)
11/29/2023	24	ORDER REFERRING CASE to Magistrate Judge Tim A. Baker. See Order for details. Signed by District Judge Richard L Young on 11/29/2023 (Copy mailed to Plaintiff). (LBT) (Entered: 11/29/2023)
11/30/2023	25	ORDER: CASE MANAGEMENT PLAN APPROVED AS AMENDED ; PLAINTIFF APPEARED IN PERSON AND DEFENDANTS BY COUNSEL ON NOVEMBER 29, 2023, FOR A TELEPHONIC INITIAL PRETRIAL CONFERENCE Dispositive Motions due by 8/28/2024. Discovery due by 6/28/2024. APPROVED AND SO ORDERED Signed by Magistrate Judge Tim A. Baker on 11/21/2023. Copy Mailed. (CKM) Modified on 11/30/2023 to add text regarding parties appearing at pretrial conference (CKM). (Main Document 25 replaced on 11/30/2023 due to typo in order) (CKM). (Entered: 11/30/2023)
12/02/2023	26	DISCOVERY Documents - Initial Disclosures, filed by Plaintiff XIHAI WANG. (JSR) (Entered: 12/04/2023)
12/04/2023	27	REPLY in Support of Motion re 19 MOTION to Dismiss for Lack of Jurisdiction <i>and</i> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Newhart, Brandon) (Entered: 12/04/2023)
12/18/2023	28	Surreply to Reply Dkt. 27 to Motion re 19 MOTION to Dismiss for Lack of Jurisdiction <i>and</i> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed by Plaintiff XIHAI WANG. (Attachments: # 1 Exhibit) (LF) (Entered: 12/20/2023)
12/27/2023	29	MOTION to Strike 28 Surreply , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Attachments: # 1 Text of Proposed Order)(Newhart, Brandon) (Entered: 12/27/2023)
12/27/2023	30	BRIEF/MEMORANDUM in Support , re 29 MOTION to Strike 28 Surreply , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Newhart, Brandon) (Entered: 12/27/2023)
01/09/2024	31	MOTION to Amend 1 Complaint, filed by Plaintiff XIHAI WANG. (Attachments: # 1 Exhibit Proposed Amended Complaint, # 2 Text of Proposed Order) (JSR) (Entered: 01/09/2024)
01/11/2024	32	Witness List <i>Preliminary</i> , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN, Exhibit List <i>Preliminary</i> , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Newhart, Brandon) (Entered: 01/11/2024)

01/23/2024	33	RESPONSE in Opposition re 31 MOTION to Amend/Correct 1 Complaint , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Attachments: # 1 Text of Proposed Order Proposed Order Denying Plaintiff's Motion for First Amended Complaint)(Newhart, Brandon) (Entered: 01/23/2024)
01/26/2024	34	NOTICE of Appearance by Christopher Carson Myers on behalf of Plaintiff XIHAI WANG. (Myers, Christopher) (Entered: 01/26/2024)
02/06/2024	35	MARGINAL ENTRY - The arguments set forth in Defendants' objection [FilingNo. 33] are well taken and unchallenged. Accordingly, for the reasons set forth in Defendants' objection, 31 Plaintiff's motion for leave to amend is denied. Signed by Magistrate Judge Tim A. Baker on 2/6/2024. (LBT) (Entered: 02/06/2024)
03/28/2024	36	INTERIM ORDER REQUESTING ADDITIONAL BRIEFING - Pending before the Court is Defendants' motion to dismiss. Filing No. 19 . The Court has reviewed the briefing and exhibits provided by the parties. At the time Defendants moved to dismiss Plaintiff Xihai Wang's complaint, Plaintiff was proceeding pro se. As of January 26, 2024, Plaintiff is represented by counsel. Filing No. 34 The Court seeks further briefing addressing the following:... The parties shall file these briefs within 14 days from the date of this order. SEE ORDER. Signed by Magistrate Judge Tim A. Baker on 03/28/2024.(AAS) (Entered: 03/28/2024)
04/11/2024	37	RESPONSE , re 36 Order, filed by Plaintiff XIHAI WANG. (Attachments: # 1 Exhibit Motion to Dismiss and Order)(Myers, Christopher) (Entered: 04/11/2024)
04/11/2024	38	BRIEF/MEMORANDUM in Support re 19 MOTION to Dismiss for Lack of Jurisdiction <i>and</i> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>Supplemental</i>), filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Newhart, Brandon) (Entered: 04/11/2024)
04/23/2024	39	ORDER ON DEFENDANTS' MOTION TO DISMISS - Defendants' motion to dismiss [Filing No. 19] is granted, and Defendants' motion to strike Plaintiff's surreply [Filing No. 29] is denied. The Court will permit Plaintiff to file an amended complaint within 14 days if Plaintiff desires to do so and in good faith believes he can do so in compliance with Fed. R. Civ. P. 11. However, any amended complaint may only seek to revive the Monell claims in Count V that were based on conclusory allegations. Claims that are untimely or barred by Rooker-Feldman cannot be repleaded. Failure to file an amended complaint within 14 days will result in dismissal of this action with prejudice. (See Order.) Signed by Magistrate Judge Tim A. Baker on 4/23/2024. (JSR) (Entered: 04/23/2024)
04/30/2024	40	*** STRICKEN PER DKT. 41 *** MOTION for Reconsideration re 39 Order on Motion to Dismiss/Lack of JurisdictionOrder on Motion to Dismiss for Failure to State a ClaimOrder on Motion to Strike <i>Submitted Pro Se</i> , filed by Plaintiff XIHAI WANG. (Myers, Christopher) Modified on 5/1/2024 (SWM). (Entered: 04/30/2024)
05/01/2024	41	MARGINAL ENTRY re 40 Motion for Reconsideration - Plaintiff is represented by counsel. Any motion for reconsideration must be signed by Plaintiff's counsel of record. This motion is signed by Plaintiff, not his counsel. Accordingly, this motion is stricken. Signed by Magistrate Judge Tim A. Baker on 5/1/2024. (SWM) (Entered: 05/01/2024)
05/03/2024	42	MOTION for Reconsideration re 39 Order on Motion to Dismiss/Lack of JurisdictionOrder on Motion to Dismiss for Failure to State a ClaimOrder on Motion to Strike , filed by Plaintiff XIHAI WANG. (Myers, Christopher) (Entered: 05/03/2024)

05/06/2024	43	AMENDED COMPLAINT against All Defendants, filed by XIHAI WANG.(Myers, Christopher) (Entered: 05/06/2024)
05/06/2024	44	MOTION to Withdraw Attorney Appearance , filed by Plaintiff XIHAI WANG. (Myers, Christopher) (Entered: 05/06/2024)
05/07/2024	45	MARGINAL ENTRY granting 44 Motion to Withdraw Attorney Appearance. Attorney Christopher Carson Myers withdrawn. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Tim A. Baker on 5/7/2024. (SWM) (Entered: 05/08/2024)
05/13/2024	46	MOTION for Discovery, filed by Plaintiff XIHAI WANG. (LBT) (Entered: 05/14/2024)
05/13/2024	47	DISCOVERY - First Set of Interrogatories to Cody Gaddis, filed by Plaintiff XIHAI WANG.(LBT) (Entered: 05/14/2024)
05/13/2024	48	DISCOVERY - First Set of Interrogatories to Reed or Baumer, filed by Plaintiff XIHAI WANG.(LBT) (Entered: 05/14/2024)
05/13/2024	49	DISCOVERY - First Set of Interrogatories to City of Indianapolis, filed by Plaintiff XIHAI WANG.(LBT) (Entered: 05/14/2024)
05/13/2024	50	DISCOVERY - First Set of Interrogatories to Baumer or Reed, filed by Plaintiff XIHAI WANG.(LBT) (Entered: 05/14/2024)
05/17/2024	51	RESPONSE in Opposition re 42 MOTION for Reconsideration re 39 Order on Motion to Dismiss/Lack of Jurisdiction Order on Motion to Dismiss for Failure to State a Claim Order on Motion to Strike , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Attachments: # 1 Text of Proposed Order)(Newhart, Brandon) (Entered: 05/17/2024)
05/20/2024	52	MOTION to Dismiss <i>or Alternatively Strike Plaintiff's Amended Complaint</i> , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Newhart, Brandon) (Entered: 05/20/2024)
05/20/2024	53	BRIEF/MEMORANDUM in Support re 52 MOTION to Dismiss <i>or Alternatively Strike Plaintiff's Amended Complaint</i> , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Newhart, Brandon) (Entered: 05/20/2024)
05/31/2024	54	REPLY in Support of Motion re 42 MOTION for Reconsideration re 39 Order on Motion to Dismiss/Lack of Jurisdiction Order on Motion to Dismiss for Failure to State a Claim Order on Motion to Strike , filed by Plaintiff XIHAI WANG. (AAS) (Entered: 06/04/2024)
06/07/2024	55	MOTION to Strike 54 Reply in Support of Motion <i>for Reconsideration</i> , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Attachments: # 1 State Court Record)(Newhart, Brandon) (Entered: 06/07/2024)
06/07/2024	56	REPLY in Support of Motion re 52 MOTION to Dismiss <i>or Alternatively Strike Plaintiff's Amended Complaint</i> , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Newhart, Brandon) (Entered: 06/07/2024)
06/21/2024	60	RESPONSE in Opposition re 55 MOTION to Strike 54 Reply in Support of Motion <i>for Reconsideration</i> , filed by Plaintiff XIHAI WANG. (KAA) (Entered: 06/25/2024)

06/24/2024	57	MOTION <i>TO EXTEND CASE MANAGEMENT DEADLINES</i> , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Attachments: # 1 Text of Proposed Order)(Newhart, Brandon) (Entered: 06/24/2024)
06/25/2024	58	ORDER granting Defendants' 57 Motion to Extend Case Management Deadlines - Dispositive Motions due by 11/26/2024. Discovery due by 9/26/2024. See Order for other established deadlines. Signed by Magistrate Judge Tim A. Baker on 6/25/2024. (SWM) Modified on 6/25/2024 to reflect copy mailed to Plaintiff. (SWM). 7/30/24 DMB Resent order via U.S. Mail to Plaintiff at 11272 Keith Dr., Sterling Heights, MI 48312. Modified on 7/30/2024 (DMB). (Entered: 06/25/2024)
06/25/2024	59	REPLY in Support of Motion re 55 MOTION to Strike 54 Reply in Support of Motion <i>for Reconsideration</i> , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Newhart, Brandon) (Entered: 06/25/2024)
06/27/2024	61	ORDER ON PENDING MOTIONS: Plaintiff's motion for reconsideration [Filing No. 42] is denied, as well as Plaintiff's motion for discovery [Filing No. 46]. Defendants' motion to dismiss [Filing No. 52] is granted. Defendants' motion to strike Plaintiff's reply brief [Filing No. 55] is denied as moot. Plaintiff has one final opportunity to file an amended complaint in line with the Court's earlier order, which may only contain Monell claims. If Plaintiff fails to do so by July 10, 2024, the Court will dismiss this matter with prejudice. See Order. Signed by Magistrate Judge Tim A. Baker on 6/27/2024.(Copy mailed to Plaintiff.) (LF) 7/30/24 DMB Resent order via U.S. Mail to Plaintiff at 11272 Keith Dr., Sterling Heights, MI 48312. Modified on 7/30/2024 (DMB). (Entered: 06/28/2024)
07/10/2024	62	AMENDED COMPLAINT AND JURY TRIAL DEMANDED against CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN, filed by XIHAI WANG. (Attachments: # 1 Exhibit) (BAA) (Entered: 07/11/2024)
07/15/2024	63	Mail Returned as undeliverable. 61 Order on Motion for ReconsiderationOrder on Motion for DiscoveryOrder on Motion to DismissOrder on Motion to Strike sent to XIHAI WANG at 331 Elizabeth Lake Rd., Pontiac, MI 48341. (LF) (Entered: 07/16/2024)
07/18/2024	64	NOTICE of Change of Address for XIHAI WANG to 11272 Keith Dr. Sterling Heights, MI 48312. (AAS) (Entered: 07/19/2024)
07/24/2024	65	MOTION to Dismiss <i>Second Amended Complaint</i> , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Newhart, Brandon) (Entered: 07/24/2024)
07/24/2024	66	BRIEF/MEMORANDUM in Support re 65 MOTION to Dismiss <i>Second Amended Complaint</i> , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Newhart, Brandon) (Entered: 07/24/2024)
07/29/2024	67	Mail Returned as RETURN TO SENDER; UNABLE TO FORWARD. 58 Order on MotionScheduling sent to XIHAI WANG at 331 Elizabeth Lake Rd., Pontiac, MI 48341. (JRB) (Entered: 07/29/2024)
08/07/2024	68	RESPONSE in Opposition to 65 MOTION to Dismiss <i>Second Amended Complaint</i> , filed by Plaintiff XIHAI WANG. (Attachments: # 1 Envelope)(JRB) (Entered: 08/07/2024)
08/14/2024	69	REPLY in Support of Motion re 65 MOTION to Dismiss <i>Second Amended Complaint</i> , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Newhart, Brandon) (Entered: 08/14/2024)

08/29/2024	70	ORDER ON DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT - Defendants City of Indianapolis, Officer Cody Graddis, Officer Daniel Reed, and Officer Steven Baumer once again seek to dismiss Plaintiff Xihai Wang's amended complaint. [Filing No. 65 .] Despite having numerous opportunities to replead his original complaint, Plaintiff has failed to properly plead a Monell claim. Thus, for the reasons noted above, Defendants' motion to dismiss Plaintiff's complaint is granted. Plaintiff's second amended complaint is dismissed. In accordance with the Court's previous orders, dismissal is now with prejudice. Signed by Magistrate Judge Tim A. Baker on 8/29/2024. (See Order.) Copy mailed to Plaintiff. (BAA) (Entered: 08/29/2024)
08/29/2024	71	JUDGMENT - The Court, having found in favor of Defendants City of Indianapolis, Officer Cody Graddis, Officer Daniel Reed, and Officer Steven Baumer, and against Plaintiff Xihai Wang, enters final judgment in favor of Defendants and against Plaintiff. Plaintiff shall take nothing by way of Plaintiff's complaint, and this action is terminated. Signed by Magistrate Judge Tim A. Baker on 8/29/2024. Copy mailed to Plaintiff. (BAA) (Entered: 08/29/2024)
09/23/2024	72	NOTICE OF APPEAL as to 71 Closed Judgment, 70 Order, filed by Plaintiff XIHAI WANG. (No fee paid with this filing) (LBT) (Entered: 09/23/2024)
09/23/2024	73	DOCKETING STATEMENT by XIHAI WANG re 72 Notice of Appeal. (LBT) (Entered: 09/23/2024)
09/23/2024	74	DESIGNATION of Record on Appeal by XIHAI WANG re 72 Notice of Appeal (LBT) (Entered: 09/23/2024)
09/23/2024	75	USCA Appeal Fees received \$ 605 receipt number 12200 re 72 Notice of Appeal filed by XIHAI WANG (USCA # to be assigned) (CCG) (Entered: 09/23/2024)
09/23/2024	76	PARTIES' SHORT RECORD re 72 Notice of Appeal - Instructions for Attorneys/Parties attached. (Copy to appellant via US Mail.) (KAA) (Entered: 09/23/2024)
09/23/2024	77	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 72 Notice of Appeal. - for Court of Appeals Use Only. (KAA) (Entered: 09/23/2024)
09/24/2024	78	USCA Case Number 24-2664 for 72 Notice of Appeal filed by XIHAI WANG. (KAA) (Entered: 09/24/2024)
04/20/2025	79	MOTION to Set Pretrial Scheduling, filed by Plaintiff XIHAI WANG. (AAS) (Entered: 04/21/2025)
05/09/2025	80	MANDATE of USCA as to 72 Notice of Appeal filed by XIHAI WANG (USCA #24-2664) - The judgment of the district court is AFFIRMED in part and VACATED in part, and we REMAND for proceedings consistent with this order. The above is in accordance with the decision of this court entered on 4/3/2025. Each side to bear their own costs. The petition for rehearing en banc is DENIED. (LBT) (Entered: 05/09/2025)
05/09/2025	81	ORDER SETTING TELEPHONIC STATUS CONFERENCE - A Telephonic Status Conference is set for 5/22/2025 at 1:30 PM (Eastern Time) before Magistrate Judge Tim A. Baker. Parties shall participate in this conference by counsel. The information needed by counsel of record to participate in this telephonic conference will be provided by separate notification. Plaintiff Xihai Wang shall participate in this conference by calling the Court at 317-229-3660. The purpose of this conference is to discuss case status and settlement. Signed by Magistrate Judge Tim A. Baker on 5/9/2025. Copy to Plaintiff via US mail. (JSR) (Entered: 05/09/2025)

05/14/2025	82	ORDER ON PLAINTIFF'S MOTION TO SET PRETRIAL SCHEDULING: On April 20, 2025, Plaintiff Xihai Wang filed a motion to set pretrial scheduling requesting that the Court issue a notice setting new dates for a pretrial scheduling and assign a judge. [Filing No. 79.] On May 9, 2025, the Seventh Circuit issued a mandate remanding this matter back to this Court. [Filing No. 80 .] Later that same day, the Court scheduled a telephonic status conference with the parties for May 22, 2025. [Filing No. 81.] Therefore, Plaintiff's motion [Filing No. 79] is denied as moot. Signed by Magistrate Judge Tim A. Baker on 5/14/2025.(Copy mailed to Plaintiff.) (LF) (Entered: 05/14/2025)
05/23/2025	84	MINUTE ORDER ON MAY 22, 2025, TELEPHONIC STATUS CONFERENCE - Plaintiff appeared in person and Defendants by counsel on May 22, 2025, for a telephonic status conference. Discussion held regarding case status. Plaintiff requested Court-appointed counsel. The Clerk is directed to re-open this case and shall send to Plaintiff with this order a copy of the form motion for Plaintiff to request appointment of counsel. Defendants shall file an answer to Plaintiff's amended complaint within 14 days. Signed by Magistrate Judge Tim A. Baker. (Attachments: # 1 Exhibit - Motion for Assistance with Recruiting Counsel)(DMB) (Entered: 05/23/2025)
05/23/2025	85	MOTION to Appoint Counsel, filed by Plaintiff XIHAI WANG. (TPS) (Entered: 05/23/2025)
05/27/2025	86	ORDER granting 85 Motion to Appoint Counsel. The Clerk is directed to recruit counsel to represent Plaintiff until the conclusion of this litigation in this Court. Copy sent to plaintiff via US mail. Signed by Magistrate Judge Tim A. Baker on 5/27/2025. (TPS) (Entered: 05/27/2025)
06/05/2025	87	<i>Defendants'</i> ANSWER to 43 Amended Complaint, 62 Amended Complaint, 1 Complaint , ANSWER to 43 Amended Complaint, 62 Amended Complaint, 1 Complaint , ANSWER to 43 Amended Complaint, 62 Amended Complaint, 1 Complaint , filed by All Defendants.(Newhart, Brandon) (Entered: 06/05/2025)
06/16/2025	 88	MOTION to Strike 87 Answer to Amended Complaint, filed by Plaintiff XIHAI WANG. (TPS) (Entered: 06/16/2025)
06/18/2025	89	ORDER OF RECRUITMENT OF COUNSEL PURSUANT TO LOCAL RULE 87 - The Court hereby appoints Mr. David A. Given to represent the plaintiff in the above action pursuant to Local Rule 87. This representation shall continue until final judgment is entered unless otherwise modified by written order. This Order serves as recruited counsel's appearance under Local Rule 83-7(a) on behalf of the plaintiff effective seven days from the date this order is docketed, unless relief from the appointment is granted. The seven days is tolled while any motion to withdraw is pending. Counsel should not file a separate Notice of Appearance. This Order is made pursuant to Local Rule 87 and the General Order regarding requests for prepayment or reimbursement of expenses for counsel appearing pursuant to Local Rule 87. Additional information on resources available to recruited counsel is available at http://www.insd.uscourts.gov/pro-bono-opportunities . If recruited counsel seeks the Court's assistance in obtaining professional liability insurance for this representation, they should contact the Court as soon possible at recruitedcounsel@insd.uscourts.gov . Copy to Plaintiff via US mail. Signed by Magistrate Judge Tim A. Baker on 06/18/2025. (AJG) (Entered: 06/18/2025)
06/20/2025	90	MOTION to Withdraw Attorney Appearance (<i>and Decline Appointment as Counsel</i>), filed by Plaintiff XIHAI WANG. (Attachments: # 1 Text of Proposed Order)(Given, David) (Entered: 06/20/2025)
06/23/2025	91	ORDER granting 90 Motion to Withdraw Attorney Appearance. Attorney David A. Given withdrawn. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by

		Magistrate Judge Tim A. Baker on 6/23/2025. (JRB) (Entered: 06/23/2025)
06/24/2025	92	RESPONSE in Opposition re 88 MOTION to Strike 87 Answer to Amended ComplaintAnswer to Complaint , filed by Defendants CITY OF INDIANAPOLIS, GRADDIS CODY, REED DANIEL, BAUMER STEVEN. (Newhart, Brandon) (Entered: 06/24/2025)
07/07/2025	93	Order of Recruitment of Counsel - The Court hereby appoints Ms. Lynsey David to represent the plaintiff in the above action pursuant to Local Rule 87. This representation shall continue until final judgment is entered unless otherwise modified by written order. This Order serves as recruited counsel's appearance under Local Rule 83-7(a) on behalf of the plaintiff effective seven days from the date this order is docketed, unless relief from the appointment is granted. The seven days is tolled while any motion to withdraw is pending. Counsel should not file a separate Notice of Appearance. SEE ORDER. Signed by Magistrate Judge Tim A. Baker on 7/7/2025. Copy to Plaintiff via US Mail.(AAS) (Entered: 07/07/2025)
07/14/2025	94	MOTION <i>to Decline Appointment and Withdraw Appearance as Counsel for Plaintiff due to Conflict of Interest</i> , filed by Recruited Counsel LYNSEY DAVID. (Attachments: # 1 Proposed Order)(David, Lynsey) (Entered: 07/14/2025)
07/15/2025	95	ORDER RESCINDING APPOINTMENT AND WITHDRAW APPEARANCE OF LYNSEY F. DAVID AS COUNSEL FOR PLAINTIFF - This matter is before the Court on Lynsey F. David's Motion to Decline Appointment and Withdraw Appearance as Counsel for Plaintiff Due to Conflict of Interest. The Court having reviewed the motion and being duly advised in the premises, hereby GRANTS the motion. [Filing No. 94 .] The appointment of Lynsey F. David as counsel for Plaintiff is rescinded and the appearance of Lynsey F. David as counsel for Plaintiff is withdrawn. (See Order.) Signed by Magistrate Judge Tim A. Baker on 7/15/2025. Copy to Plaintiff via US mail. (JSR) (Entered: 07/15/2025)

Case #: 1:23-cv-01543-TAB-RLY