

***** PUBLIC DOCKET *******U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:23-cv-02160-JPH-TAB**

ADAMS v. JACKSON et al
Assigned to: Judge James Patrick Hanlon
Referred to: Magistrate Judge Tim A. Baker
Demand: \$150,000
Member case:

[1:23-cv-02185-MPB-TAB](#)

Cause: 42:1983 Prisoner Civil Rights

Date Filed: 12/01/2023
Jury Demand: Both
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff

DEMARKUS ADAMS

represented by **DEMARKUS ADAMS**
230061
PENDLETON - CF
PENDLETON CORRECTIONAL
FACILITY
Inmate Mail/Parcels
4490 West Reformatory Road
PENDLETON, IN 46064
PRO SE

V.

Defendant

J. JACKSON
Lt.

represented by **Eric Leveque**
Office of Indiana Attorney General
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ATTORNEY TO BE NOTICED

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Defendant

M. SOMMERS
Ofc.

represented by **Eric Leveque**
(See above for address)
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Katherine A Meltzer
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

T. SOLOMAN

represented by **Eric Leveque**
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ATTORNEY TO BE NOTICED

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 (See above for address)
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V.

Consol Defendant

CHRISTINA HARRIS

represented by **Brandyn Lee Arnold**
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Date Filed	#	Docket Text
12/01/2023	1	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff DEMARKUS ADAMS. (Attachments: # 1 Exhibit)(CCG) (Entered: 12/01/2023)
12/01/2023	2	COMPLAINT against J. JACKSON, T. SOLOMAN, M. SOMMERS, filed by DEMARKUS ADAMS. (No fee paid with this filing) (Attachments: # 1 Exhibit)(CCG) (Entered: 12/01/2023)
12/01/2023	3	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (CCG) (Entered: 12/01/2023)
12/01/2023	4	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (CCG) (Entered: 12/01/2023)
12/05/2023	5	NOTICE to Pro se Litigant - The following information is provided to pro se litigants to inform them about rules and procedures governing how they communicate with the Court. (Copy sent to plaintiff via US mail). (JRT) (Entered: 12/05/2023)
12/05/2023	6	ORDER ON IN FORMA PAUPERIS STATUS - The plaintiff's motion to proceed in forma pauperis, dkt. 1 , is GRANTED. Although the plaintiff is excused from pre-paying the full filing fee, he still must pay the three hundred and fifty dollar (\$350.00) filing fee pursuant to the statutory formula set forth in 28 U.S.C. § 1915(b)(2) when able. The assessment of even an initial partial filing fee is waived because the plaintiff has no assets and no means

		by which to pay a partial filing fee. (See Order.) Signed by Judge James Patrick Hanlon on 12/5/2023. Copy to Plaintiff via US mail. (JSR) (Entered: 12/05/2023)
02/02/2024	7	CONSENT to Jurisdiction to US Magistrate Judge by DEMARKUS ADAMS. (LF) (Entered: 02/02/2024)
05/06/2024	8	ORDER SCREENING COMPLAINT AND DIRECTING FURTHER PROCEEDINGS - Because the plaintiff is a "prisoner," this Court has an obligation to screen the complaint before service on the defendants. This summary of claims includes all the viable claims identified by the court. All other claims have been dismissed. If the plaintiff believes that additional claims were alleged in the complaint, but not identified by the court, he shall have through June 3, 2024, in which to identify those claims. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to defendants J. Jackson, M. Sommer, and T. Solomon in the manner specified by Rule 4(d). Process shall consist of the complaint, dkt 2 , applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order. The clerk is directed to serve the Indiana Department of Correction employees electronically. (See Order.) Signed by Judge James Patrick Hanlon on 5/6/2024. Copy to Plaintiff via US mail. (JSR) (Entered: 05/06/2024)
05/06/2024	9	NOTICE of Lawsuit & Waiver Issued by Clerk upon: 1) Lt. J. Jackson, 2) Ofc. M. Sommer, and 3) Case Manager T. Solomon. (JSR) (Entered: 05/06/2024)
05/06/2024	10	Documents to be Sent via Electronic Notice - re 2 Complaint, 9 NOTICE of Lawsuit & Waiver Issued by Clerk, 8 Order. Electronic Notice to IDOC. (JSR) (Entered: 05/06/2024)
05/15/2024	11	NOTICE of Appearance by Katherine A Meltzer on behalf of Defendants J. JACKSON, T. SOLOMAN, M. SOMMERS. (Meltzer, Katherine) (Entered: 05/15/2024)
05/15/2024	12	NOTICE of Appearance by Abigail Davis on behalf of Defendants J. JACKSON, T. SOLOMAN, M. SOMMERS. (Davis, Abigail) (Entered: 05/15/2024)
05/15/2024	13	WAIVER OF SERVICE Returned Executed, filed by T. SOLOMAN, M. SOMMERS, J. JACKSON. T. SOLOMAN waiver sent on 5/6/2024; M. SOMMERS waiver sent on 5/6/2024; J. JACKSON waiver sent on 5/6/2024. (Meltzer, Katherine) (Entered: 05/15/2024)
06/07/2024	14	MOTION for Case Management Scheduling Order, filed by Plaintiff DEMARKUS ADAMS. (SWM) (Entered: 06/10/2024)
06/11/2024	15	ORDER - Plaintiff's motion asking the Court to issue a scheduling order, dkt. [14], is denied as premature. Defendants have not yet answered. After they answer, the Court will issue an appropriate scheduling order. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Tim A. Baker on 6/11/2024. (SWM) (Entered: 06/11/2024)
06/14/2024	16	MOTION for Initial Disclosures, filed by Plaintiff DEMARKUS ADAMS. (AJG) (Entered: 06/17/2024)
07/05/2024	17	ANSWER <i>and Affirmative Defenses to Plaintiff's Complaint, and Jury Trial Demand</i> , filed by Defendants J. JACKSON, T. SOLOMAN, M. SOMMERS. (Meltzer, Katherine) (Entered: 07/05/2024)
07/31/2024	18	MOTION to Consolidate Cases , filed by Defendants J. JACKSON, T. SOLOMAN, M. SOMMERS. (Attachments: # 1 Text of Proposed Order on Motion to Consolidate Cases) (Meltzer, Katherine) (Entered: 07/31/2024)
08/07/2024	19	NOTICE of Discovery Compliance, filed by Plaintiff DEMARKUS ADAMS (Attachments: # 1 Exhibit) (JRB) (Entered: 08/07/2024)

08/15/2024	20	ORDER SETTING PRETRIAL SCHEDULE AND DISCUSSING DISCOVERY IN PRISONER LITIGATION - This Order sets the schedule for how this action shall proceed. Part I sets forth the pretrial deadlines. Part II discusses various aspects of discovery. Facilitating the discovery process can be difficult, and this Order is issued in an effort to help explain and streamline the process for the parties. The parties should carefully read this Order. *SEE ORDER FOR ADDITIONAL INFORMATION*. (See Order.) Copy to Plaintiff via U.S. mail. Dispositive Motions due by 3/17/2025. Discovery due by 2/17/2025. Signed by Magistrate Judge Tim A. Baker on 08/15/2024. (AJG) (Entered: 08/15/2024)
10/15/2024	21	NOTICE of Service of Initial Disclosures , filed by Defendants J. JACKSON, M. SOMMERS, T. SOLOMAN. (Meltzer, Katherine) (Entered: 10/15/2024)
10/16/2024	22	NOTICE of Service of Supplemental Disclosures, filed by Defendants J. JACKSON, M. SOMMERS, T. SOLOMAN (Meltzer, Katherine) (Entered: 10/16/2024)
10/21/2024	23	MOTION for Leave to Depose Plaintiff, filed by Defendants J. JACKSON, M. SOMMERS, T. SOLOMAN. (Attachments: # 1 Text of Proposed Order on Motion to Depose Plaintiff)(Meltzer, Katherine) (Entered: 10/21/2024)
11/04/2024	24	ORDER GRANTING DEFENDANTS' MOTION FOR LEAVE TO DEPOSE PLAINTIFF - granting 23 Motion for leave to depose Plaintiff no later than the close of discovery. Signed by Magistrate Judge Tim A. Baker on 11/4/2024. (Copy to plaintiff via US Mail.) (KAA) (Entered: 11/04/2024)
11/21/2024	25	ORDER - Plaintiff's "Belated Motion for Initial Disclosures," dkt. 16 , is denied as unnecessary because it does not seek any relief from the Court. Instead, the document consists of Plaintiff's initial disclosures. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Tim A. Baker on 11/21/2024. (JRB) (Entered: 11/21/2024)
11/21/2024	26	ORDER granting 18 Motion to Consolidate Cases - Case No. 1:23-cv-02160-JPH-TAB will continue to proceed. The clerk is directed to close Case No. 1:23-cv-2185-MPB-TAB. No final judgment will issue in that case. All future filings shall be filed under Case No. 1:23-cv-02160-JPH-TAB. Mr. Adams shall have through December 20, 2024, to amend his complaint in Case No. 1:23-cv-02160-JPH-TAB so that it includes all defendants, claims, and factual allegations he wishes to pursue. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge James Patrick Hanlon on 11/21/2024. (JRB) (Entered: 11/22/2024)
01/15/2025	27	NOTICE Regarding Settlement Conference, filed by Defendants J. JACKSON, M. SOMMERS, T. SOLOMAN, Consol Defendant CHRISTINA HARRIS (Meltzer, Katherine) (Entered: 01/15/2025)
01/29/2025	28	MOTION for Telephonic Conference to Address A Discovery/Deposition Dispute, filed by Defendants J. JACKSON, M. SOMMERS, T. SOLOMAN. (Attachments: # 1 Text of Proposed Order on Motion for Telephonic Conference)(Meltzer, Katherine) (Entered: 01/29/2025)
02/04/2025	29	ORDER granting 28 Motion for Telephonic Conference -This case is therefore set for a telephonic conference at 11:00 a.m. (Eastern Time) on February 14, 2025, before Magistrate Judge Tim A. Baker. The Court will contact counsel via e-mail through the Court's electronic filing system with call-in information for participation in the conference. The Court will contact staff at Pendleton Correctional Facility with call-in information for Mr. Adams to connect to the conference. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Tim A. Baker on 2/4/2025.(JRB) (Entered: 02/04/2025)
02/04/2025	30	ORDER to Make Inmate Available - via Telephone. Warden of Pendleton Correctional Facility ordered to make DEMARKUS ADAMS Available - via Telephone for court

		proceeding on 2/14/2025 at 11:00 am EST. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Tim A. Baker on 2/4/2025.(JRB) (Entered: 02/04/2025)
02/14/2025	33	MINUTE ORDER for proceedings held before Magistrate Judge Tim A. Baker: Telephonic Status Conference held on 2/14/2025. **SEE ORDER FOR FURTHER DETAILS** Copy Mailed. Signed by Magistrate Judge Tim A. Baker. (MGL) (Entered: 02/14/2025)
02/17/2025	34	NOTICE to Court, filed by Defendants J. JACKSON, M. SOMMERS, T. SOLOMAN, Consol Defendant CHRISTINA HARRIS (Meltzer, Katherine) (Entered: 02/17/2025)
03/17/2025	35	Witness List Preliminary, filed by Defendants J. JACKSON, T. SOLOMAN, M. SOMMERS, Exhibit List Preliminary, filed by Defendants J. JACKSON, T. SOLOMAN, M. SOMMERS. (Meltzer, Katherine) (Entered: 03/17/2025)
03/17/2025	36	MOTION for Extension of Time to 3/31/2025 to File Dispositive Motions, filed by Defendants J. JACKSON, T. SOLOMAN, M. SOMMERS. (Attachments: # 1 Text of Proposed Order on Motion for Extension of Time)(Meltzer, Katherine) (Entered: 03/17/2025)
03/21/2025	37	ORDER granting 36 Motion for Extension of Time: IT IS THEREFORE ORDERED that the parties shall have to and including March 31,2025, to file dispositive motions. See Order. Signed by Magistrate Judge Tim A. Baker on 3/21/2025.(Copy to Plaintiff via US mail.) (LF) (Entered: 03/21/2025)
03/31/2025	38	MOTION for Summary Judgment , filed by Defendants J. JACKSON, T. SOLOMAN, M. SOMMERS. (Attachments: # 1 Exhibit A. Deposition of Demarkus Adams Part 1, # 2 Exhibit B. Deposition of Demarkus Adams Part 2, # 3 Exhibit C. Declaration of Chloe Bookout, # 4 Exhibit D. PCF Directive 48: Strip Cell Status Procedures, # 5 Exhibit E. Departmentwide Restrictive Housing Review, # 6 Exhibit F. Select Medical Records of Plaintiff, # 7 Exhibit G. Isolation Rounds Sheet (July 2023))(Meltzer, Katherine) (Entered: 03/31/2025)
03/31/2025	39	NOTICE to Pro Se Litigant, filed by Defendants J. JACKSON, T. SOLOMAN, M. SOMMERS, re 38 MOTION for Summary Judgment . (Meltzer, Katherine) (Entered: 03/31/2025)
03/31/2025	40	BRIEF/MEMORANDUM in Support re 38 MOTION for Summary Judgment , filed by Defendants J. JACKSON, T. SOLOMAN, M. SOMMERS. (Meltzer, Katherine) (Entered: 03/31/2025)
04/09/2025	41	MOTION for Extension of Time to File Response to 38 MOTION for Summary Judgment , filed by Plaintiff DEMARKUS ADAMS. (JRB) (Entered: 04/09/2025)
04/09/2025	42	MOTION to Appoint Counsel, filed by Plaintiff DEMARKUS ADAMS. (JRB) (Entered: 04/09/2025)
04/11/2025	43	ORDER (Marginal Notation) - Motion 41 granted in part. The deadline for Plaintiff to respond to Defendants' summary judgment motion 38 is enlarged to June 27, 2025. Plaintiff should not anticipate further enlargements. Signed by Magistrate Judge Tim A. Baker on 4/11/2025. Copy to Plaintiff via US Mail. (DWH) (Entered: 04/11/2025)
06/27/2025	44	RESPONSE in Opposition to 38 MOTION for Summary Judgment , filed by Plaintiff DEMARKUS ADAMS. (JRB) (Entered: 06/27/2025)
06/27/2025	45	BRIEF/MEMORANDUM in Support of Response in Opposition to 38 MOTION for Summary Judgment , filed by Plaintiff DEMARKUS ADAMS. (JRB) (Entered: 06/27/2025)

06/27/2025	46	Designation of Evidence in Support of Response in Opposition to 38 MOTION for Summary Judgment , filed by Plaintiff DEMARKUS ADAMS. (Attachments: # 1 Exhibit) (JRB) (Entered: 06/27/2025)
06/27/2025	47	ORDER DENYING WITHOUT PREJUDICE 42 MOTION FOR ASSISTANCE WITH RECRUITING COUNSEL - Mr. Adams's motion for assistance with recruiting counsel, dkt. 42 , is denied without prejudice. Unless and until the Court appoints counsel for Mr. Adams, he is responsible for litigating his case, including responding to the Defendants' pending motion for summary judgment. The Court will remain alert to changes in circumstances that may warrant reconsideration of the motion, such as a settlement conference or trial. The clerk is directed to include a form motion for assistance with recruiting counsel along with Mr. Adams's copy of this Order. Mr. Adams should use this form if he decides to renew his motion. SEE ORDER. Signed by Judge James Patrick Hanlon on 6/27/2025. Copy to Plaintiff via US Mail. (Attachments: # 1 Form Motion for Assistance with Recruiting Counsel) (AAS) (Entered: 06/27/2025)
07/03/2025	48	REPLY in Support of Motion re 38 MOTION for Summary Judgment , filed by Defendants J. JACKSON, T. SOLOMAN, M. SOMMERS. (Meltzer, Katherine) (Entered: 07/03/2025)
07/14/2025	49	*** STRICKEN PER ORDER 58 *** Surreply to 38 MOTION for Summary Judgment , filed by Plaintiff DEMARKUS ADAMS. (JRB) Modified on 3/12/2026 (CKM). (Entered: 07/14/2025)
07/18/2025	50	NOTICE of Substitution of Appearance by Thomas Pratt replacing <i>Abigail Davis</i> on behalf of J. JACKSON, T. SOLOMAN, M. SOMMERS (Pratt, Thomas) (Entered: 07/18/2025)
07/21/2025	51	MOTION <i>to Strike Plaintiff's Surreply</i> , filed by Defendants J. JACKSON, T. SOLOMAN, M. SOMMERS. (Meltzer, Katherine) (Entered: 07/21/2025)
07/31/2025	52	CONSENT to Prisoner E-Service by DEMARKUS ADAMS located at PENDLETON CF. Pursuant to General Order 2013-1, documents submitted by DEMARKUS ADAMS 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. (JRB) (Entered: 07/31/2025)
07/31/2025	53	RESPONSE in Opposition to 51 MOTION <i>to Strike Plaintiff's Surreply</i> , filed by Plaintiff DEMARKUS ADAMS. (Attachments: # 1 Exhibit)(JRB) (Entered: 07/31/2025)
08/07/2025	54	MOTION to Withdraw Attorney Appearance <i>of Thomas Pratt</i> , filed by Defendants J. JACKSON, T. SOLOMAN, M. SOMMERS. (Attachments: # 1 Text of Proposed Order Proposed Order - Order Granting Motion to Withdraw)(Pratt, Thomas) (Entered: 08/07/2025)
08/08/2025	55	ORDER granting 54 Motion to Withdraw Attorney Appearance. Attorney Thomas Pratt withdrawn. Copy sent to plaintiff via US mail. Signed by Magistrate Judge Tim A. Baker on 8/8/2025. (TPS) (Entered: 08/08/2025)
08/19/2025	56	NOTICE of Appearance by Benjamin Cardwell on behalf of Defendants J. JACKSON, T. SOLOMAN, M. SOMMERS. (Cardwell, Benjamin) (Entered: 08/19/2025)
10/16/2025	57	NOTICE of Substitution of Appearance by Eric Leveque replacing <i>Benjamin Cardwell</i> on behalf of J. JACKSON, T. SOLOMAN, M. SOMMERS (Leveque, Eric) (Entered: 10/16/2025)

03/12/2026	58	ORDER - DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND GRANTING DEFENDANTS' MOTION TO STRIKE; The Court GRANTS the Defendants' motion to strike the surreply, dkt. 51 . The clerk is directed to strike the surreply at Docket No. 49 . Defendants' motion for summary judgment is DENIED. Dkt. 38 . Mr. Adams's Eighth Amendment claims against Lt. Jackson, Mr. Solomon, and Ofc. Sommers will have to be resolved through settlement or trial. The Court prefers that Mr. Adams be represented by counsel for the remainder of this action. The clerk is directed to send Mr. Adams a motion for assistance recruiting counsel with his copy of this Order. Mr. Adams has 30 days, to file a motion for counsel using this form motion or to inform the Court that he wishes to proceed pro se. Once the motion has been ruled on and counsel has been recruited, the Magistrate Judge is asked to schedule a telephonic status conference to discuss the claims against Ms. Harris and all further proceedings *** SEE ORDER ***. Signed by Judge James Patrick Hanlon on 3/12/2026. (Attachments: # 1 Exhibit Motion for Assistance with Recruiting Counsel (CKM) (Entered: 03/12/2026)
03/17/2026	59	MOTION for Assistance with Recruiting Counsel, filed by Plaintiff DEMARKUS ADAMS. (JRB) (Entered: 03/17/2026)
03/25/2026	60	ORDER GRANTING 59 MOTION FOR ASSISTANCE WITH RECRUITING COUNSEL - The Plaintiff's motion for Assistance with Recruiting Counsel, dkt. 59 , is GRANTED to the extent that the Court will attempt to recruit counsel to represent the Plaintiff through final judgment. Signed by Judge James Patrick Hanlon on 3/25/2026. (CCG) (Entered: 03/25/2026)

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