

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

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:23-cv-02268-TWP-TAB**

BANKHEAD v. ERNEST et al
Assigned to: District Judge Tanya Walton Pratt
Referred to: Magistrate Judge Tim A. Baker
Demand: \$150,000
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 12/18/2023
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff**ACTORA MECONN BANKHEAD**

represented by **ACTORA MECONN BANKHEAD**
914468
PENDLETON - CF
PENDLETON CORRECTIONAL
FACILITY
Inmate Mail/Parcels
4490 West Reformatory Road
PENDLETON, IN 46064
PRO SE

V.

Defendant**J. ERNEST**
Capt.

represented by **Eric Ryan Shouse**
Lewis And Wilkins LLP
8777 Purdue Rd
Suite 104
Indianapolis, IN 46268
317-636-7460
Email: shouse@lewisandwilkins.com
ATTORNEY TO BE NOTICED

James Bolen
Lewis and Wilkins
8777 Purdue Rd
Ste 330
Indianapolis, IN 46268
317-205-7612
Email: bolen@lewisandwilkins.com
ATTORNEY TO BE NOTICED

Defendant**J. JACKSON**
Lt.

represented by **Eric Ryan Shouse**
(See above for address)
ATTORNEY TO BE NOTICED

James Bolen

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

BROWN
Sgt.

represented by **Eric Ryan Shouse**
 (See above for address)
ATTORNEY TO BE NOTICED

James Bolen
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/18/2023	1	COMPLAINT against BROWN, J. ERNEST, J. JACKSON, filed by ACTORA MECONN BANKHEAD. (No fee paid with this filing) (Attachments: # 1 Exhibit, # 2 Envelope) (CCG) (Entered: 12/19/2023)
12/18/2023	2	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff ACTORA MECONN BANKHEAD. (Attachments: # 1 Exhibit, # 2 Envelope)(CCG) (Entered: 12/19/2023)
12/18/2023	3	MOTION to Appoint Counsel, filed by Plaintiff ACTORA MECONN BANKHEAD. (Attachments: # 1 Exhibit, # 2 Envelope)(CCG) (Entered: 12/19/2023)
12/19/2023	4	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (CCG) (Entered: 12/19/2023)
12/19/2023	5	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (CCG) (Entered: 12/19/2023)
12/21/2023	6	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: 12/21/2023)
01/18/2024	7	ORDER granting 2 Motion for Leave to Proceed in forma pauperis - No initial partial filing fee is due at this time. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge Jane Magnus-Stinson on 1/18/2024. (JRB) (Entered: 01/18/2024)
03/12/2024	8	ORDER SCREENING COMPLAINT, DENYING MOTION FOR COUNSEL, AND DIRECTING FURTHER PROCEEDINGS - Any First Amendment retaliation claims or Eighth Amendment deliberate indifference claims are dismissed for failure to state a claim upon which relief can be granted. The claims which shall proceed are the following: Eighth Amendment conditions-of-confinement claims against the Defendants Ernest, Jackson, and Brown in their individual capacities. Mr. Bankhead has also filed a motion seeking appointment of counsel. The motion is drafted on an Indiana state court form seeking assignment of counsel for a pro se civil litigant. As such, the motion, dkt. 3 , is denied. The clerk is directed to attach this Court's standard motion for assistance with recruiting counsel form to Plaintiff's copy of this Order. Part III of this Order includes all viable claims identified by the Court. If Mr. Bankhead believes the complaint contains additional viable claims, he may identify those claims in a separate filing by April 12, 2024. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to the defendants Ernest, Jackson, and Brown. Process shall consist of the complaint, dkt. 1 , 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 defendants electronically. SEE ORDER. Copies provided per distribution list. Signed by Judge Jane Magnus-Stinson on 3/12/2024. (Attachments: # 1 Form Motion for Assistance Recruiting Counsel) (AAS) (Entered: 03/13/2024)

03/12/2024	9	NOTICE of Lawsuit & Waiver Issued by Clerk TO: 1) Captain J. Ernest; 2) Lieutenant J. Jackson; and 3) Sergeant Brown. (AAS) (Entered: 03/13/2024)
03/12/2024	10	Documents to be Sent via Electronic Notice - re 8 Order on Motion to Appoint Counsel, 9 NOTICE of Lawsuit & Waiver Issued by Clerk, 1 Complaint Electronic Notice to IDOC. (AAS) (Entered: 03/13/2024)
04/30/2024	11	CONSENT to Prisoner E-Service by ACTORA MECONN BANKHEAD located at PENDLETON CF. Pursuant to General Order 2013-1, documents submitted by ACTORA MECONN BANKHEAD 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. (SWM) (Entered: 05/01/2024)
06/25/2024	12	MOTION to Appoint Counsel, filed by Plaintiff ACTORA MECONN BANKHEAD. (Attachments: # 1 Exhibit, # 2 Envelope)(AJG) (Entered: 06/27/2024)
10/21/2024	13	ENTRY DIRECTING SERVICE OF PROCESS - The clerk is designated pursuant to Fed. R. Civ. P. 4(c)(3) to reissue process to these defendants. Process shall consist of the complaint, dkt. 1 , screening order, dkt. 8 , applicable forms (Second Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry. The clerk is directed to serve the Indiana Department of Correction defendants electronically. SEE ORDER. Signed by District Judge Jane Magnus-Stinson on 10/21/2024.(JRB) (Entered: 10/21/2024)
10/21/2024	14	Second NOTICE of Lawsuit & Waiver Issued by Clerk 1) Captain J. Ernest; 2) Lieutenant J. Jackson; and 3) Sergeant Brown. (JRB) (Entered: 10/21/2024)
10/21/2024	15	Documents to be Sent via Electronic Notice - re 14 NOTICE of Lawsuit & Waiver Issued by Clerk, 8 Order on Motion to Appoint Counsel, 1 Complaint, 13 Order Electronic Notice to IDOC. (JRB) (Entered: 10/21/2024)
10/21/2024	16	ORDER denying 12 Motion for Assistance with Recruiting Counsel. Signed by District Judge Jane Magnus-Stinson on 10/21/2024. (JRB) (Entered: 10/21/2024)
11/25/2024	17	NOTICE of Appearance by Eric Ryan Shouse on behalf of Defendants J. ERNEST, J. JACKSON, BROWN. (Shouse, Eric) (Entered: 11/25/2024)
11/25/2024	18	WAIVER OF SERVICE Returned Executed, filed by BROWN, J. JACKSON, J. ERNEST. BROWN waiver sent on 10/21/2024; J. JACKSON waiver sent on 10/21/2024; J. ERNEST waiver sent on 10/21/2024. (Shouse, Eric) (Entered: 11/25/2024)
12/20/2024	19	ANSWER to 1 Complaint <i>Affirmative Defenses, and Demand for Jury Trial</i> , filed by J. ERNEST, J. JACKSON, BROWN.(Shouse, Eric) (Entered: 12/20/2024)
01/29/2025	20	ENTRY DIRECTING DEVELOPMENT OF EXHAUSTION DEFENSE AND ISSUING PARTIAL STAY - The exhaustion defense will be resolved pursuant to the following schedule. The defendants shall have through March 11, 2025, in which to either: file a dispositive motion in support of the exhaustion defense (including the Notice required by Local Rule 56-1(k)); file a notice with the Court specifically identifying the fact issue(s) that preclude resolution of this affirmative defense via a dispositive motion and requesting a Pavey hearing; or file a notice with the Court withdrawing the exhaustion defense. The failure to pursue any of these options by the above deadline constitutes an abandonment of the exhaustion defense. If a dispositive motion is filed, the plaintiff shall have twenty-eight (28) days in which to respond. The movant shall then have fourteen (14) days in which to

		reply. SEE ORDER. Signed by Magistrate Judge Tim A. Baker on 1/29/2025.(AAS) (Entered: 01/29/2025)
03/03/2025	21	NOTICE of <i>Withdrawal of Exhaustion Defense</i> , filed by Defendants BROWN, J. ERNEST, J. JACKSON (Shouse, Eric) (Entered: 03/03/2025)
03/04/2025	22	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*. Dispositive Motions due by 10/6/2025. Discovery due by 9/4/2025. Signed by Magistrate Judge Tim A. Baker on 3/4/2025. (BAA) (Entered: 03/04/2025)
03/14/2025	23	NOTICE of Service of Initial Disclosures, filed by Plaintiff ACTORA MECONN BANKHEAD. (BAA) (Entered: 03/14/2025)
05/12/2025	24	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Actora Bankhead. (Attachments: # 1 Docket Sheet) (JRB) (Entered: 05/12/2025)
05/13/2025	25	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Actora Bankhead. (Attachments: # 1 Docket Sheet) (JRB) (Entered: 05/13/2025)
05/16/2025	26	MOTION for Copies, filed by Plaintiff ACTORA MECONN BANKHEAD. (JRB) (Entered: 05/16/2025)
05/21/2025	27	MARGINAL ENTRY/ORDER 26 Motion granted. The Clerk shall provide to Plaintiff with this order copies of Filing Nos. 9 and 22 . Signed by Magistrate Judge Tim A. Baker on 5/21/2025. (Attachments: # 1 Docket 8, # 2 Docket 9, # 3 Docket 22) (LF) (Entered: 05/21/2025)
06/09/2025	28	MOTION to Take Deposition from Plaintiff , filed by Defendants BROWN, J. ERNEST, J. JACKSON. (Attachments: # 1 Text of Proposed Order Granting Leave to Depose Plaintiff) (Shouse, Eric) (Entered: 06/09/2025)
06/11/2025	29	ORDER granting 28 Motion to Take Deposition from Actora Bankhead. Defendants are granted leave to depose Plaintiff, Actora Bankhead, DOC #914468, an inmate held in the custody of the Indiana Department of Correction at the Pendleton Correctional Facility no later than September 4, 2025, until such time as the deposition is concluded, by remote means outside the physical presence of the officer of the court/court reporter for the purposes of swearing in, if necessary, and subject to making reasonable accommodations. Signed by Magistrate Judge Tim A. Baker on 6/11/2025. (LBT) (Entered: 06/11/2025)
07/14/2025	30	NOTICE <i>Regarding Settlement Conference</i> , filed by Defendants BROWN, J. ERNEST, J. JACKSON (Shouse, Eric) (Entered: 07/14/2025)
07/30/2025	31	NOTICE of Appearance by James Bolen on behalf of Defendants BROWN, J. ERNEST, J. JACKSON. (Bolen, James) (Entered: 07/30/2025)
08/18/2025	32	NOTICE of Reassignment of Case to District Judge Tanya Walton Pratt. Judge Jane Magnus-Stinson is no longer assigned to this case. Please include the new case number, 1:23-cv-02268-TWP-TAB , on all future filings in this matter. (Morrison, Griffen) (Entered: 08/18/2025)
10/02/2025	33	MOTION for Extension of Time to November 3, 2025 <i>to file motion for summary judgment</i> , filed by Defendants BROWN, J. ERNEST, J. JACKSON. (Attachments: # 1 Text of Proposed Order Granting Motion for Extension of Motion for Summary Judgment Deadline)(Bolen, James) (Entered: 10/02/2025)

10/05/2025	34	Witness List (<i>Preliminary</i>), filed by Defendants BROWN, J. ERNEST, J. JACKSON. (Shouse, Eric) (Entered: 10/05/2025)
10/06/2025	35	ORDER granting 33 Motion for Extension of Time - The parties shall have up to and including November 3, 2025, to file motion for summary judgment. SEE ORDER. Signed by Magistrate Judge Tim A. Baker on 10/6/2025. (JRB) (Entered: 10/07/2025)
10/07/2025	36	MOTION to Clarify and/or Correct ECF System Management, filed by Plaintiff ACTORA MECONN BANKHEAD. (JRB) (Entered: 10/07/2025)
11/03/2025	37	MOTION for Summary Judgment , filed by Defendants BROWN, J. ERNEST, J. JACKSON. (Bolen, James) (Entered: 11/03/2025)
11/03/2025	38	Designation of Evidence re 37 MOTION for Summary Judgment , filed by Defendants BROWN, J. ERNEST, J. JACKSON. (Attachments: # 1 Exhibit A - Bankhead Deposition Transcript, # 2 Exhibit B - Brown Affidavit, # 3 Exhibit C - Ernest Affidavit, # 4 Exhibit D - Jackson Affidavit)(Bolen, James) (Entered: 11/03/2025)
11/03/2025	39	BRIEF/MEMORANDUM in Support re 37 MOTION for Summary Judgment , filed by Defendants BROWN, J. ERNEST, J. JACKSON. (Bolen, James) (Entered: 11/03/2025)
11/03/2025	40	NOTICE REGARDING RIGHT TO RESPOND TO AND SUBMIT EVIDENCE IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT, filed by Defendants BROWN, J. ERNEST, J. JACKSON (Bolen, James) (Entered: 11/03/2025)
11/25/2025	41	MOTION for Extension of Time to File Response to 37 MOTION for Summary Judgment , filed by Plaintiff ACTORA MECONN BANKHEAD. (JRB) (Entered: 11/25/2025)
11/26/2025	42	MARGINAL ENTRY - Motion granted. 41 The deadline for Plaintiff to respond to Defendants' motion for summary judgment 37 is enlarged to December 29, 2025. Signed by Magistrate Judge Tim A. Baker on 11/26/2025. (BAA) (Entered: 11/26/2025)
12/01/2025	43	RESPONSE in Opposition to 37 MOTION for Summary Judgment , filed by Plaintiff ACTORA MECONN BANKHEAD. (JRB) (Entered: 12/01/2025)
12/01/2025	44	Designation of Evidence in Support of Response in Opposition 37 MOTION for Summary Judgment , filed by Plaintiff ACTORA MECONN BANKHEAD. (Attachments: # 1 Exhibit)(JRB) (Entered: 12/01/2025)
12/15/2025	45	REPLY in Support of Motion re 37 MOTION for Summary Judgment , filed by Defendants BROWN, J. ERNEST, J. JACKSON. (Bolen, James) (Entered: 12/15/2025)
01/14/2026	46	ORDER denying 36 Motion to Clarify and/or Correct ECF System Management - The information the law library gave to Plaintiff is correct. As staff at the prison told Plaintiff, they are not required to give him complete copies of all documents filed on the Court's docket. (See Order.) Signed by Magistrate Judge Tim A. Baker on 1/14/2026. (CCG) (Entered: 01/14/2026)

02/04/2026	47	SCHEDULING ORDER: Because of the age of this case, the Court hereby sets the final pretrial conference on January 13, 2027 at 1:00 p.m. in Courtroom 344, and the jury trial to begin on February 8, 2027 at 9:00 a.m. in Courtroom 344, Birch Bayh Federal Building and United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana. The final pretrial conference is for attorneys and Plaintiff Actora Bankhead only. At the final pretrial conference, parties shall be prepared to discuss the status of the action, including all matters requiring completion prior to trial. Parties shall review the Court's Courtroom Procedures and Trial Practice. The clerk is directed to include a copy of the Court's Courtroom Procedures and Trial Practice with Plaintiff Actora Bankhead's copy of this order. Signed by District Judge Tanya Walton Pratt on 2/4/2027.(JRB) (Entered: 02/04/2026)
02/04/2026	48	COURTROOM PROCEDURES AND TRIAL PRACTICES before District Judge Tanya Walton Pratt. (JRB) (Entered: 02/04/2026)
02/10/2026	49	Correspondence REQUESTING COPY of Case Docket Sheet, filed by ACTORA MECONN BANKHEAD. (Attachments: # 1 Docket Sheet) (JRB) (Entered: 02/10/2026)
05/18/2026	50	ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT 37 The Defendants' Motion for Summary Judgment, Dkt. 37 is DENIED. This matter remains scheduled for Final Pretrial Conference on January 13, 2027 and trial by jury on February 8, 2027. Mr. Bankhead's Eighth Amendment claims will have to be resolved through settlement or trial. The Court reconsiders its previous denial of Mr. Bankhead's request to recruit counsel. (Dkt. 16). Because his claims have survived summary judgment, Mr. Bankhead's Motion to Appoint Counsel, Dkt. 12 , is GRANTED to the extent that the Court will attempt to recruit counsel to help Mr. Bankhead resolve this case through settlement or trial. Once the Court recruits counsel, the Magistrate Judge is asked to schedule a telephonic status conference to discuss further proceedings. SEE ORDER. Signed by District Judge Tanya Walton Pratt on 05/18/2026. (AAS) (Entered: 05/18/2026)

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