

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

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:23-cv-01600-SEB-TAB**

BANKHEAD v. GRAY et al
Assigned to: Judge Sarah Evans Barker
Referred to: Magistrate Judge Tim A. Baker
Demand: \$50,000
Case in other court: Indiana Northern, 3:23-cv-00816
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/06/2023
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil Rights
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. GRAY
Sgt.

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

Defendant

M. PFLEEGER
Lt.

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

Date Filed	#	Docket Text
08/31/2023	<u>1</u>	PRO SE COMPLAINT against Coniglia, Conlin, Ellis, J Gray, Koenig, Mason, M Pfleegeer, M Sommers, filed by Actora Meconn Bankhead. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Proposed Summons and USM 285 forms, # <u>3</u> Envelope)(File stamped copy with case number sent to Bankhead)(kmt) [Transferred from Indiana Northern on 9/6/2023.] (Entered: 09/01/2023)

08/31/2023	2	MOTION for Leave to Proceed in forma pauperis (Prisoner Trust Account Ledger attached) by Plaintiff Actora Meconn Bankhead. (kmt) [Transferred from Indiana Northern on 9/6/2023.] (Entered: 09/01/2023)
09/05/2023	3	ORDER: This case is TRANSFERRED to the United States District Court for the Southern District of Indiana. Signed by Magistrate Judge Joshua P Kolar on 9/5/2023. (Copy mailed to pro se party)(ash) [Transferred from Indiana Northern on 9/6/2023.] (Entered: 09/06/2023)
09/06/2023	4	Case transferred in from District of Indiana Northern; Case Number 3:23-cv-00816. Original file copy of transfer order and docket sheet received. (Entered: 09/06/2023)
09/06/2023	5	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (LBT) (Entered: 09/06/2023)
09/06/2023	6	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (LBT) (Entered: 09/06/2023)
09/08/2023	7	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: 09/08/2023)
09/26/2023	8	ORDER granting 2 Motion to Proceed in Forma Pauperis to the extent that the plaintiff is assessed an initial partial filing fee of Seventeen Dollars and Sixteen Cents (\$17.16). The plaintiff shall have through October 20, 2023, in which to pay this sum to the clerk of the district court. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge Sarah Evans Barker on 9/26/2023.(JRB) (Entered: 09/27/2023)
03/22/2024	9	Order Addressing In Forma Pauperis Status Plaintiff Actora Bankhead was ordered to pay an initial partial filing fee in this matter. See dkt. 8. Since then, the plaintiff has submitted motions in another pending case demonstrating that he lacks the financial ability to pay an initial partial filing fee. Therefore, 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. 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. Copy to Plaintiff via U.S. Mail. Signed by Judge Sarah Evans Barker on 03/22/2024.(AAT) (Entered: 03/25/2024)
07/12/2024	10	MOTION for Assistance with Recruiting Counsel, filed by Plaintiff ACTORA MECONN BANKHEAD. (Attachments: # 1 Exhibit, # 2 Envelope)(JRB) (Entered: 07/16/2024)
09/13/2024	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. (JRB) (Entered: 09/16/2024)
11/13/2024	12	MOTION Requesting Information, filed by Plaintiff ACTORA MECONN BANKHEAD. (JRB) (Entered: 11/14/2024)
01/31/2025	13	Order Screening Complaint and Directing Further Proceedings - Mr. Bankhead's motion for assistance recruiting counsel, dkt. 10 is denied without prejudice. The Court will remain alert to changes in circumstances that may warrant reconsideration of the motion, such as a settlement conference or trial. Mr. Bankhead's motion for information, dkt. 12 , is granted to the extent that this Order screens his complaint and resolves his counsel request. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to defendants Lt.

		M. Pfleeger and Sgt. J. Gray in the manner specified by Rule 4(d). 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 Indiana Department of Correction employees electronically. SEE ORDER. Signed by Judge Sarah Evans Barker on 1/31/2025. (JRB) (Entered: 01/31/2025)
01/31/2025	14	NOTICE of Lawsuit & Waiver Issued by Clerk as to (1) Sgt. J. Gray and (2) Lt. M. Pfleeger. (JRB) (Entered: 01/31/2025)
01/31/2025	15	Documents to be Sent via Electronic Notice - re 13 Order on Motion to Appoint Counsel, 14 NOTICE of Lawsuit & Waiver Issued by Clerk, 1 Complaint Electronic Notice to IDOC. (JRB) (Entered: 01/31/2025)
02/05/2025	16	NOTICE of Appearance by Eric Ryan Shouse on behalf of Defendants J. GRAY, M. PFLEEGER. (Shouse, Eric) (Entered: 02/05/2025)
02/05/2025	17	WAIVER OF SERVICE Returned Executed, filed by M. PFLEEGER, J. GRAY. M. PFLEEGER waiver sent on 1/31/2025; J. GRAY waiver sent on 1/31/2025. (Shouse, Eric) (Entered: 02/05/2025)
03/24/2025	18	ANSWER to 1 Complaint <i>Affirmative Defenses, and Demand for Jury Trial</i> , filed by J. GRAY, M. PFLEEGER.(Shouse, Eric) (Entered: 03/24/2025)
03/27/2025	19	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 May 7, 2025, in which to either: (SEE ORDER). The exhaustion defense will be resolved pursuant to the following schedule. The defendants shall have through May 7, 2025, in which to either: (SEE ORDER). Signed by Magistrate Judge Tim A. Baker on 3/27/2025.(TPS) (Entered: 03/28/2025)
04/28/2025	20	*** PLEASE DISREGARD WITHDRAWN PER DKT. 30 *** MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendants J. GRAY, M. PFLEEGER. (Shouse, Eric) Modified on 6/9/2025 (AAS). (Entered: 04/28/2025)
04/28/2025	21	Designation of Evidence re 20 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendants J. GRAY, M. PFLEEGER. (Attachments: # 1 Exhibit A - Affidavit of Turner, # 2 Exhibit B - Offender Grievance Process, # 3 Exhibit C - Plaintiff's History of Grievances, # 4 Exhibit D- Plaintiff's May 2023 Grievances) (Shouse, Eric) (Entered: 04/28/2025)
04/28/2025	22	BRIEF/MEMORANDUM in Support re 20 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendants J. GRAY, M. PFLEEGER. (Shouse, Eric) (Entered: 04/28/2025)
04/28/2025	23	NOTICE <i>Regarding Right to Respond to and Submit Evidence in Opposition to Motion for Summary Judgment</i> , filed by Defendants J. GRAY, M. PFLEEGER (Shouse, Eric) (Entered: 04/28/2025)
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	RESPONSE in Opposition to 20 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Plaintiff ACTORA MECONN BANKHEAD. (Attachments: # 1 Exhibits)(JRB) (Entered: 05/16/2025)

05/16/2025	27	MOTION for Copies, filed by Plaintiff ACTORA MECONN BANKHEAD. (JRB) (Entered: 05/16/2025)
05/21/2025	28	MARGINAL ENTRY/ORDER granting 27 Motion for Copies. The Clerk shall provide Plaintiff with a copy of Filing No. 13 . Signed by Magistrate Judge Tim A. Baker on 5/21/2025. (Attachments: # 1 Dkt. 13) (KAA) (Entered: 05/21/2025)
05/30/2025	29	Motion of <i>Withdrawal of MSJ and Request for Pavey Hearing</i> , filed by Defendants J. GRAY, M. PFLEEGER, re 20 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) . (Shouse, Eric) Modified on 5/30/2025 to correct event to motion (KAA). (Entered: 05/30/2025)
06/06/2025	30	ORDER - Defendants' motion, dkt. 29 , is granted in part. Defendants' motion for summary judgment on the issue of exhaustion, dkt. 20 is withdrawn. The clerk is directed to terminate this motion. Defendants' request for a Pavey hearing is granted. Defendants will have 45 days to conduct additional discovery to determine whether a Pavey hearing is necessary. The Court sua sponte reconsiders Plaintiff's motion for assistance with recruiting counsel and that motion, dkt. 10 , is now granted to the extent that the Court will attempt to recruit counsel to represent the Plaintiff for purposes of the Pavey hearing. Once counsel is recruited, the Court will set the hearing and any necessary preparatory proceedings. Signed by Judge Sarah Evans Barker on 6/6/2025. (AAS) (Entered: 06/09/2025)
06/09/2025	31	MOTION to Take Deposition from Plaintiff <i>for Exhaustion Defense</i> , filed by Defendants J. GRAY, M. PFLEEGER. (Attachments: # 1 Text of Proposed Order Granting Leave to Depose Plaintiff)(Shouse, Eric) (Entered: 06/09/2025)
06/10/2025	32	ORDER GRANTING 31 LEAVE TO DEPOSE STATE PRISONER - IT IS THEREFORE ORDERED that 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 on or before July 24, 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 within the Pendleton Correctional Facility. Signed by Magistrate Judge Tim A. Baker on 6/10/2025. (AAS) (Entered: 06/10/2025)

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