

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

**U.S. District Court
Southern District of Indiana (New Albany)
CIVIL DOCKET FOR CASE #: 4:24-cv-00126-TWP-KMB**

COSBY v. FLOYD COUNTY JAIL
Assigned to: District Judge Tanya Walton Pratt
Referred to: Magistrate Judge Kellie M. Barr
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/16/2024
Jury Demand: Both
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff

JERMAINE COSBY

represented by **JERMAINE COSBY**
377 S. Galt Ave
Apt #3
Louisville, KY 40206
PRO SE

V.

Defendant

**FLOYD COUNTY SHERIFF'S
DEPARTMENT**

represented by **Justin M. Schaefer**
BARNES MALONEY PLLC
401 W. Main Street
Suite 1600
Louisville, KY 40202
502-625-1702
Fax: 502-779-3566
Email: jschaefer@sbnkylaw.com
ATTORNEY TO BE NOTICED

Patrick Muldoon
BARNES MALONEY PLLC
401 W. Main Street
Suite 1600
Louisville, KY 40202
502-625-1672
Email: pmuldoon@sbnkylaw.com
ATTORNEY TO BE NOTICED

Defendant

BRADLEY DANGLER
Lieutenant

represented by **Justin M. Schaefer**
(See above for address)
ATTORNEY TO BE NOTICED

Patrick Muldoon
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

MOSES
Lieutenant

represented by **Justin M. Schaefer**
(See above for address)
ATTORNEY TO BE NOTICED

Patrick Muldoon
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

BOONE
Officer

represented by **Justin M. Schaefer**
(See above for address)
ATTORNEY TO BE NOTICED

Patrick Muldoon
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

BORRAL
Officer

represented by **BORRAL**
.
PRO SE

Defendant

WINEGAURD
Officer

represented by **Justin M. Schaefer**
(See above for address)
ATTORNEY TO BE NOTICED

Patrick Muldoon
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

STEVE BUSH
Jail Commander

represented by **Justin M. Schaefer**
(See above for address)
ATTORNEY TO BE NOTICED

Patrick Muldoon
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Lieutenant ROY

represented by **Justin M. Schaefer**
(See above for address)
ATTORNEY TO BE NOTICED

Patrick Muldoon

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/16/2024	1	COMPLAINT against FLOYD COUNTY JAIL, filed by JERMAINE COSBY. (No fee paid with this filing) (Attachments: # 1 Envelope)(DJH) (Entered: 09/18/2024)
09/16/2024	2	MOTION for Leave to Proceed in forma pauperis (Account Transaction History), filed by Plaintiff JERMAINE COSBY. (Attachments: # 1 Envelope)(DJH) Modified on 9/18/2024 (document description) (DJH). (Entered: 09/18/2024)
09/18/2024	3	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) (Entered: 09/18/2024)
09/18/2024	4	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (DJH) (Entered: 09/18/2024)
09/20/2024	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: 09/20/2024)
10/01/2024	6	ORDER on In Forma Pauperis Status - The plaintiff's motion to proceed in forma pauperis, dkt. 2 , 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 clerk is directed to update the plaintiff's address on the docket as it appears below. Signed by Judge Tanya Walton Pratt on 10/1/2024. (See Order.) Copy mailed to Plaintiff. (BAA) (Entered: 10/01/2024)
10/03/2024	7	MOTION Requesting Status of Case, filed by Plaintiff JERMAINE COSBY. (Attachments: # 1 Envelope)(AJG) (Entered: 10/04/2024)
10/04/2024	8	Mail Returned as undeliverable. 5 Notice to Pro se Litigant sent to JERMAINE COSBY at P.O. Box 588, Lebanon, MO 65536. Envelope marked, return to sender, not deliverable as addressed, unable to forward. (LBT) (Entered: 10/07/2024)
10/10/2024	9	Dkt. 5 resent to Jermaine Cosby at updated address on docket, FLOYD COUNTY JAIL, Inmate Mail/Parcels, P.O. Box 1406, New Albany, IN 47150. (JRT) (Entered: 10/10/2024)
10/28/2024	10	ORDER - Plaintiff's motion requesting a status update, dkt. 7 , is granted to the extent that the Clerk is directed to enclose a public docket sheet with Plaintiff's copy of this Order. In addition, the Court explains that it has granted Plaintiff leave to proceed in forma pauperis, dkt. 6 , and will screen is complaint under 28 U.S.C. § 1915A by separate entry in due course. Signed by Magistrate Judge Kellie M. Barr on 10/28/2024. Copy to Plaintiff via US Mail. (Attachments: # 1 Public Docket Sheet) (AAS) (Entered: 10/28/2024)
10/28/2024	11	Mail Returned as undeliverable/ No longer Housed. 5 Notice to Pro se Litigant sent to JERMAINE COSBY at FLOYD COUNTY JAIL. (LF) *No new address reported.* - Modified on 11/5/2024 (JRT). (Entered: 10/29/2024)
11/13/2024	12	Mail Returned as RETURN TO SENDER; NO LONGER AT FACILITY. 10 Order on Motion sent to JERMAINE COSBY at Floyd County Jail. (JRB) *No new

		address reported.* - Modified on 11/15/2024 (JRT). (Entered: 11/13/2024)
11/21/2024	13	ORDER DISMISSING COMPLAINT AND DIRECTING FURTHER PROCEEDINGS - Mr. Cosby's complaint is dismissed. The clerk is directed to include a prisoner civil rights complaint form with this order. Mr. Cosby will have through December 20, 2024, to file an amended complaint using the form and satisfying the requirements noted. Failure to do so in the time provided will result in the dismissal of this action without further warning or opportunity to show cause. The clerk is directed to update Mr. Cosby's address on the docket. (See Order.) Signed by Judge Tanya Walton Pratt on 11/21/2024. Copies to Plaintiff via US mail. (Attachments: # 1 Complaint Form) (JSR) (Entered: 11/22/2024)
11/25/2024	14	Mail Returned as undeliverable to Floyd County Jail - no longer house here. 6 Order on Motion for Leave to Proceed in forma pauperis sent to JERMAINE COSBY. (KAA) (Entered: 11/25/2024)
12/16/2024	15	CONSENT to Prisoner E-Service by JERMAINE COSBY located at BRANCHVILLE CF. Pursuant to General Order 2013-1, documents submitted by JERMAINE COSBY 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. (LBT) (Entered: 12/16/2024)
12/16/2024	16	AMENDED COMPLAINT against FLOYD COUNTY JAIL, filed by JERMAINE COSBY.(LBT) (Entered: 12/16/2024)
02/07/2025	17	Letter from Christopher Hack in Support of Plaintiff, filed by Non-Party. (TPS) Modified on 2/12/2025 to correct date filed (LBT). (Entered: 02/11/2025)
02/18/2025	18	MOTION for Court Assistance, filed by Plaintiff JERMAINE COSBY. (LF) (Entered: 02/19/2025)
03/12/2025	19	MOTION for Case Status, filed by Plaintiff JERMAINE COSBY. (JRB) (Entered: 03/12/2025)
03/19/2025	20	ORDER SCREENING AMENDED COMPLAINT AND DIRECTING ISSUANCE OF PROCESS - The clerk is directed to terminate the Floyd County Jail from the docket as a defendant and add the following defendants to the docket: the Floyd County Sheriff's Department, Lieutenant Bradley Dangler, Lieutenant Roy, Lieutenant Moses, Officer Boone, Officer Borral, Officer Wingaurd, and Jail Commander Steve Bush. The claims discussed in Part III are the only claims the Court identified in the amended complaint. If Mr. Cosby believes he asserted additional claims that the Court did not address, he must file a motion to reconsider this order no later than April 18, 2025. The clerk is directed to issue process to the defendants. Mr. Cosby's motion requesting summonses, dkt. 18 , is denied as unnecessary. The Court will issue process to the defendants. Mr. Cosby's motion requesting information on the status of the case is granted insofar as (a) the clerk is directed to include a copy of the public docket sheet with this order, and (b) the defendants are reminded of their duty to preserve evidence, including any video of the incidents alleged in the complaint. See Order. Signed by Judge Tanya Walton Pratt on 3/19/2025. (Copies mailed per Distribution.) (KAA) Modified on 3/20/2025

		- updated Docket mailed to plaintiff (KAA). (Entered: 03/20/2025)
03/20/2025	21	NOTICE of Lawsuit & Waiver Issued by Clerk upon: Floyd County Sheriff's Department, Lieutenant Bradley Dangler, Lieutenant Roy, Lieutenant Moses, Officer Boone, Officer Borral, Officer Wingaurd, and Jail Commander Steve Bush. (KAA) (Entered: 03/20/2025)
03/28/2025	22	NOTICE of Change of Address for JERMAINE COSBY. JERMAINE COSBY is no longer participating in E-Service. Address updated from BRANCHVILLE - CF to 529 Quest Drive, Louisville, KY 40203. (LF) (Entered: 03/31/2025)
03/31/2025	23	Mail Returned as NO LONGER AT FACILITY. 22 Notice of Change of Address - Prisoner/Pro Se sent to JERMAINE COSBY at Branchville CF. (JRB) (Entered: 03/31/2025)
03/31/2025	24	Mail Returned as undeliverable as addressed; unable to forward re 20 Order on Motion for Court Assistance Order on Motion for Case Status and Public Docket Sheet sent to JERMAINE COSBY. (BAA) (Entered: 03/31/2025)
04/04/2025	25	Dkt. 20 resent to Jermaine Cosby at updated address on docket, 529 Quest Drive Louisville, KY 40203. (JRT) (Entered: 04/04/2025)
04/08/2025	26	NOTICE of Change of Address for JERMAINE COSBY. Currently located 760 South Hancock St. (Previously located at 529 Quest Drive). (TPS) (Entered: 04/09/2025)
04/18/2025	27	NOTICE of Appearance by Justin M. Schaefer on behalf of Defendants BOONE, STEVE BUSH, BRADLEY DANGLER, FLOYD COUNTY SHERIFF'S DEPARTMENT, MOSES, WINEGAURD, ROY. (Schaefer, Justin) (Entered: 04/18/2025)
04/18/2025	28	NOTICE of Appearance by Patrick Muldoon on behalf of Defendants BOONE, STEVE BUSH, BRADLEY DANGLER, FLOYD COUNTY SHERIFF'S DEPARTMENT, MOSES, ROY, WINEGAURD. (Muldoon, Patrick) (Entered: 04/18/2025)
04/18/2025	29	WAIVER OF SERVICE Returned Executed, filed by BOONE. BOONE waiver sent on 3/20/2025. (Schaefer, Justin) (Entered: 04/18/2025)
04/18/2025	30	WAIVER OF SERVICE Returned Executed, filed by STEVE BUSH. STEVE BUSH waiver sent on 3/20/2025. (Schaefer, Justin) (Entered: 04/18/2025)
04/18/2025	31	WAIVER OF SERVICE Returned Executed, filed by BRADLEY DANGLER. BRADLEY DANGLER waiver sent on 3/20/2025. (Schaefer, Justin) (Entered: 04/18/2025)
04/18/2025	32	WAIVER OF SERVICE Returned Executed, filed by FLOYD COUNTY SHERIFF'S DEPARTMENT. FLOYD COUNTY SHERIFF'S DEPARTMENT waiver sent on 3/20/2025. (Schaefer, Justin) (Entered: 04/18/2025)
04/18/2025	33	WAIVER OF SERVICE Returned Executed, filed by MOSES. MOSES waiver sent on 3/20/2025. (Schaefer, Justin) (Entered: 04/18/2025)
04/18/2025	34	WAIVER OF SERVICE Returned Executed, filed by ROY. ROY waiver sent on 3/20/2025. (Schaefer, Justin) (Entered: 04/18/2025)

04/18/2025	35	WAIVER OF SERVICE Returned Executed, filed by WINEGAURD. WINEGAURD waiver sent on 3/20/2025. (Schaefer, Justin) (Entered: 04/18/2025)
04/18/2025	36	NOTICE REGARDING WAIVER OF SERVICE OF SUMMONS ISSUED TO OFFICER BORRAL, filed by Defendants BOONE, STEVE BUSH, BRADLEY DANGLER, FLOYD COUNTY JAIL, FLOYD COUNTY SHERIFF'S DEPARTMENT, MOSES, ROY, WINEGAURD, re 21 NOTICE of Lawsuit & Waiver Issued by Clerk. (Schaefer, Justin) (Entered: 04/18/2025)
04/23/2025	37	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Jermaine Cosby. Copy/Copies provided via US Mail. (Attachments: # 1 Public Docket sheet) (LF) (Entered: 04/25/2025)
05/12/2025	38	Mail Returned as undeliverable. 20 Order on Motion for Court Assistance sent to JERMAINE COSBY at 529 Quest Drive, Louisville, KY 40203. Envelope marked return to sender. (LBT) (Entered: 05/13/2025)
05/16/2025	39	Dkt. 20 resent to Jermaine Cosby at updated address on docket, 760 South Hancock St., Apt A21, Louisville, KY 40203. (JRT) (Entered: 05/16/2025)
05/19/2025	40	ANSWER to 16 Amended Complaint , filed by BOONE, STEVE BUSH, BRADLEY DANGLER, FLOYD COUNTY SHERIFF'S DEPARTMENT, MOSES, ROY, WINEGAURD.(Schaefer, Justin) (Entered: 05/19/2025)
05/21/2025	41	MOTION to Appoint Counsel, filed by Plaintiff JERMAINE COSBY. (Attachments: # 1 Exhibit)(LF) (Entered: 05/22/2025)
05/23/2025	42	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 July 3, 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 <i>Pavey</i> hearing; or file a notice with the Court withdrawing 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. Except for activities associated with the development and resolution of the affirmative defense that the plaintiff failed to exhaust his administrative remedies prior to filing this action, or any other matter directed by the Court, any other activities or deadlines in the action are stayed. See Entry for details. Signed by Magistrate Judge Kellie M. Barr on 5/23/2025 (Copy mailed to Plaintiff). (LBT) (Entered: 05/23/2025)
07/03/2025	43	MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendants BOONE, STEVE BUSH, BRADLEY DANGLER, FLOYD COUNTY SHERIFF'S DEPARTMENT, MOSES, ROY, WINEGAURD. (Attachments: # 1 Exhibit Notice re Right to Respond to MSJ, # 2 Exhibit Rule 56 Summary Judgment Rule Text, # 3 Exhibit Local Rule 56-1, # 4 Text of Proposed Order Granting Motion for Summary Judgment)(Schaefer, Justin) (Entered: 07/03/2025)
07/03/2025	44	BRIEF/MEMORANDUM in Support re 43 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendants BOONE, STEVE BUSH, BRADLEY DANGLER, FLOYD COUNTY SHERIFF'S DEPARTMENT, MOSES, ROY, WINEGAURD. (Attachments: # 1 Exhibit A - Incident Report 8813, # 2 Exhibit B - Incident Report 8814, # 3 Exhibit C - Jail Rule Violation Form, # 4

		Exhibit D - Affidavit of Sgt. Christopher Roy, # 5 Exhibit E - Floyd County Jail Inmate Handbook, # 6 Exhibit F - Plaintiff's Grievances and Requests)(Schaefer, Justin) (Entered: 07/03/2025)
07/25/2025	45	MOTION to Appoint Counsel, filed by Plaintiff JERMAINE COSBY. (TPS) (Entered: 07/25/2025)
07/31/2025	46	ORDER DENYING WITHOUT PREJUDICE MOTIONS FOR ASSISTANCE WITH RECRUITING COUNSEL - Mr. Cosby's motions for assistance recruiting counsel, dkt. 41 and 45 , are denied without prejudice. Mr. Cosby will have through August 28, 2025, to respond to the motion for summary judgment, dkt. 43. (SEE ORDER.) Copy sent to plaintiff via US mail. Signed by District Judge Tanya Walton Pratt on 7/31/2025. (TPS) (Entered: 07/31/2025)
07/31/2025	47	MOTION to Appoint Counsel, filed by Plaintiff JERMAINE COSBY. (SAM) (Entered: 07/31/2025)
09/09/2025	48	REPLY in Support of Motion re 43 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendants BOONE, STEVE BUSH, BRADLEY DANGLER, FLOYD COUNTY SHERIFF'S DEPARTMENT, MOSES, ROY, WINEGAURD. (Attachments: # 1 Exhibit A)(Schaefer, Justin) (Entered: 09/09/2025)
09/09/2025	49	MOTION for Protective Order, filed by Defendants BOONE, STEVE BUSH, BRADLEY DANGLER, FLOYD COUNTY SHERIFF'S DEPARTMENT, MOSES, ROY, WINEGAURD. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Text of Proposed Order Granting Motion for Protective Order)(Schaefer, Justin) (Entered: 09/09/2025)
09/19/2025	50	ORDER - Pending before the Court is Defendants' motion for protective order asking the Court to excuse them from responding to discovery requests served by Plaintiff. Dkt. 49 . That motion is granted. This case is stayed except for activities associated with the development and resolution of the affirmative defense that Plaintiff failed to exhaust administrative remedies before filing this action. See dkt. 42. Plaintiff's discovery requests do not relate to exhaustion. Dkt. 49-1. Accordingly, they were not properly served, and Defendants need not respond to them. If the exhaustion issue is resolved in Plaintiff's favor, the Court will issue appropriate orders governing discovery as to the merits of this case, at which point Plaintiff may serve new discovery requests. Copy to Plaintiff via US mail. Signed by Magistrate Judge Kellie M. Barr on 09/19/2025. (AJG) (Entered: 09/19/2025)
09/22/2025	4 51	MOTION for Jury Trial, filed by Plaintiff JERMAINE COSBY. (Attachments: # 1 Copies)(SAM) (Entered: 09/23/2025)
09/22/2025	52	MOTION to Subpoena Witnesses, filed by Plaintiff JERMAINE COSBY. (Attachments: # 1 Copies)(SAM) (Entered: 09/23/2025)
10/09/2025	53	MARGINAL ENTRY by Magistrate Judge Kellie M. Barr on 10/9/2025 - Motion Plaintiff's motion to subpoena witnesses and video [Dkt. 52] is GRANTED. The clerk is directed to enclose one endorsed, but otherwise blank, document subpoena with Plaintiff's copy of this Order. Plaintiff is responsible for completing and serving the subpoenas and for complying with Federal Rule of Civil Procedure 45. (SEE ENTRY.) Copy sent to plaintiff via US mail. (Attachments: # 1 Blank Subpoena) (TPS) Modified on 10/9/2025 to update subpoena (TPS). (Entered: 10/09/2025)

10/24/2025	54	Submission of Proof of Service of Subpoena served Officer Burney on 10/22/2025. (JDC) (Main Document 54 replaced on 10/28/2025) (JDC). (Entered: 10/27/2025)
10/24/2025	55	Submission of Proof of Service of Subpoena served Nurse Lindsey on 10/22/2025 (JDC) (Entered: 10/27/2025)
01/02/2026	56	NOTICE of Change of Address for JERMAINE COSBY to 377 S. Gatt Ave Apt #3 40206 Louisville KY. (SAM) (Entered: 01/07/2026)
01/15/2026	57	NOTICE to the Court, filed by Plaintiff JERMAINE COSBY (SAM) (Entered: 01/16/2026)
01/15/2026	58	NOTICE of Change of Address for JERMAINE COSBY to 377 S Galt Ave Apt 3 Louisville KY 40206 (SAM) (Entered: 01/16/2026)
03/05/2026	59	ORDER DENYING MOTION FOR SUMMARY JUDGMENT AND DENYING PLAINTIFFS MOTION FOR COUNSEL - This matter is before the Court on a Motion for Summary Judgment filed by Defendants Floyd County Sheriff's Department, Lieutenant Bradley Dangler, Lieutenant Roy, Lieutenant Moses, Officer Boone, Officer Wingaurd, and Steve Bush. (Dkt. 43). Also pending, the Plaintiff Jermaine Cosby third Motion for Counsel. (Dkt. 47). Defendants' Motion For Summary Judgment, Dkt. 43 , is DENIED. Under Federal Rule of Civil Procedure, Rule 56(f)(1), the Court gives the Defendants notice of its intent to grant summary judgment in Cosby's favor on the issue of exhaustion. The Defendants have through March 18, 2026, to SHOW CAUSE why summary judgment should not be granted. Alternatively, the Defendants may withdraw their affirmative defense by this date. Cosby's third Motion for Counsel, Dkt. 47 , is DENIED without prejudice. Signed by District Judge Tanya Walton Pratt on 3/5/2026. (See Order.) Copy mailed to Plaintiff. (BAA) (Entered: 03/05/2026)
03/18/2026	60	RESPONSE re 59 Order on Motion for Summary Judgment Order on Motion to Appoint Counsel <i>Defendants' Show Cause Response</i> , filed by Defendants BOONE, STEVE BUSH, BRADLEY DANGLER, FLOYD COUNTY SHERIFF'S DEPARTMENT, MOSES, ROY, WINEGAURD. (Schaefer, Justin) (Entered: 03/18/2026)
05/27/2026	61	ENTRY REGARDING EXHAUSTION DEFENSE AND RECONSIDERING PLAINTIFF'S REQUEST TO RECRUIT COUNSEL - The Court sua sponte RECONSIDERS its order denying Mr. Cosby's motion for counsel, (Dkt. 47), and finds it should be GRANTED for the limited purpose of assisting Mr. Cosby with either resolving the exhaustion issue, initiating a new lawsuit before the two-year statute of limitations runs, or negotiating a settlement. Once recruited counsel enters an appearance, Mr. Cosby will have ten (10) days to respond to Defendants' Motion at docket 60, or otherwise respond regarding Mr. Cosby's intended course of action. Defendants continue to have the opportunity to withdraw this affirmative defense. SEE ORDER. Signed by District Judge Tanya Walton Pratt on 5/27/2026. Copy to Plaintiff via US Mail. (AAS) (Entered: 05/28/2026)