

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

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:24-cv-00310-JRS-MKK**

DAVIS v. MURRAY et al
Assigned to: Chief District Judge James Russell Sweeney, II
Referred to: Magistrate Judge M. Kendra Klump
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/13/2024
Jury Demand: Defendant
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff**OMAR DAVIS**

represented by **OMAR DAVIS**
178167
WABASH VALLEY - CF
Wabash Valley Correctional Facility
6908 S. Old US Hwy 41
CARLISLE, IN 47838
PRO SE

V.

Defendant**MARK MURRAY**
40

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**WOLKE**
Sgt.

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

Date Filed	#	Docket Text
06/13/2024	<u>1</u>	COMPLAINT against MARK MURRAY, WOLKE, filed by OMAR DAVIS. (No fee paid with this filing) (Attachments: # <u>1</u> Envelope)(DJH) (Entered: 06/14/2024)
06/14/2024	<u>2</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) (Entered: 06/14/2024)
06/14/2024	<u>3</u>	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (DJH) (Entered: 06/14/2024)
06/17/2024	<u>4</u>	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: 06/17/2024)
06/25/2024	5	ORDER STRIKING MOTION FOR PRELIMINARY INJUNCTION AND DIRECTING PLAINTIFF TO FILE A COMPLAINT - Omar Davis filed a motion for preliminary injunction and supporting memorandum. Dkt. 1 . Mr. Davis had no other cases pending in this Court, and he did not file a complaint with his motion. Accordingly, the Court treated Mr. Davis's motion as a complaint for purposes of the docket and opened this action. The clerk is directed to strike the motion for preliminary injunction docketed as the complaint, dkt. 1 . The clerk is also directed to include a complaint form with this order. Mr. Davis will have through July 26, 2024, to file a complaint that meets the requirements set forth above. The complaint must include the case number for this action, No. 2:24-cv-000310-JRS-MKK. Mr. Davis will also have through July 26, 2024, to pay the \$405.00 filing fee or file a motion for leave to proceed in forma pauperis, which must be supported by a statement of his inmate trust account transactions for the six-month period preceding June 13, 2024. (See Order For Additional Details.) Copy to Plaintiff via US mail. Signed by Judge James R. Sweeney II on 06/25/2024. (Attachments: # 1 Complaint Form, # 2 IFP Form) (AJG) (Entered: 06/26/2024)
07/01/2024	6	CONSENT to Jurisdiction to US Magistrate Judge by OMAR DAVIS. (Attachments: # 1 Envelope)(LBT) (Entered: 07/02/2024)
07/18/2024	7	AMENDED COMPLAINT against MARK MURRAY, WOLKE, filed by OMAR DAVIS. (CKM) (Entered: 07/19/2024)
07/18/2024	8	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff OMAR DAVIS. (Attachments: # 1 Resident Account Summary) (CKM) (Entered: 07/19/2024)
07/22/2024	9	MOTION to Extend Deadline, filed by Plaintiff OMAR DAVIS. (TPS) (Entered: 07/22/2024)
07/22/2024	10	MOTION to Extend Deadlines, filed by Plaintiff OMAR DAVIS. (Attachments: # 1 Envelope)(JRB) (Entered: 07/23/2024)
07/26/2024	11	ORDER - Plaintiff's motions for extension of time, dkts. 9 and 10 , are denied as unnecessary. He timely filed a complaint and motion for leave to proceed in forma pauperis as directed by the Court's June 25, 2024, Order. Dkts. 7 , 8 . The clerk is directed to enclose a public docket sheet with Plaintiff's copy of this Order. Copy to Plaintiff via US Mail. Signed by Magistrate Judge M. Kendra Klump on 07/26/2024. (AAS) (Additional attachment(s) added on 7/26/2024: # 1 Public Docket Sheet) (AAS). (Entered: 07/26/2024)
07/31/2024	12	ORDER granting 8 Motion for Leave to Proceed in forma pauperis - 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. Accordingly, no initial partial filing fee is due at this time. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge James R. Sweeney II on 7/31/2024. (JRB) (Entered: 08/01/2024)
10/11/2024	13	ORDER SCREENING AMENDED COMPLAINT AND DIRECTING ISSUANCE OF PROCESS - Omar Davis alleges violations of his rights as an inmate at Wabash Valley Correctional Facility. Because he is a prisoner, the Court must screen his amended complaint pursuant to 28 U.S.C. § 1915A. The action will proceed with Eighth Amendment claims against Sergeant Wolke and Officer Murray pursuant to 42 U.S.C. § 1983. All other claims are dismissed. The claims discussed in Part III are the only claims the Court identified in the amended complaint. If Mr. Davis believes he alleged claims that the Court overlooked, he must file a motion to reconsider the screening order no later than November 12, 2024. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to the defendants electronically in the manner specified by Rule 4(d). Process will consist of the amended complaint (dkt. 7), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this

		order. (See Order.) Signed by Judge James R. Sweeney II on 10/11/2024. Copy to Plaintiff via US mail. (JSR) (Entered: 10/11/2024)
10/11/2024	14	NOTICE of Lawsuit & Waiver Issued by Clerk upon: Sergeant Wolke; Officer Murray. (JSR) (Entered: 10/11/2024)
10/11/2024	15	Documents to be Sent via Electronic Notice - re 14 NOTICE of Lawsuit & Waiver Issued by Clerk, 7 Amended Complaint, 13 Order. Electronic Notice to IDOC. (JSR) (Entered: 10/11/2024)
10/24/2024	16	NOTICE of Appearance by Benjamin Cardwell on behalf of Defendants MARK MURRAY, WOLKE. (Cardwell, Benjamin) (Entered: 10/24/2024)
10/24/2024	17	WAIVER OF SERVICE Returned Executed, filed by WOLKE, MARK MURRAY. WOLKE waiver sent on 10/11/2024; MARK MURRAY waiver sent on 10/11/2024. (Cardwell, Benjamin) (Entered: 10/24/2024)
10/24/2024	18	NOTICE of Appearance by Erica Lee Sawyer on behalf of Defendants MARK MURRAY, WOLKE. (Sawyer, Erica) (Entered: 10/24/2024)
12/06/2024	19	<i>Defendants' ANSWER to 7 Amended Complaint , Affirmative Defenses, and Demand for Jury Trial</i> , filed by MARK MURRAY, WOLKE.(Cardwell, Benjamin) (Entered: 12/06/2024)
12/30/2024	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*. Dispositive Motions due by 7/23/2025. Discovery due by 6/23/2025.. Signed by Magistrate Judge M. Kendra Klump on 12/30/2024.(LF) (Entered: 12/30/2024)
01/09/2025	21	MOTION to File Additional Discovery and Evidence, filed by Plaintiff OMAR DAVIS. (BAA) (Entered: 01/13/2025)
01/09/2025	22	NOTICE Regarding Settlement Conference, filed by Plaintiff OMAR DAVIS (JRB) (Entered: 01/13/2025)
02/10/2025	23	ORDER - Before the Court is Plaintiff's Motion to File Initial Discovery and Evidence, Dkt. 21 . Plaintiff's Motion seems to include the initial disclosures that Plaintiff is to serve on Defendants. This Court's Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation, (Dkt. 20), provides that these "disclosures must be given to the opposing party, not filed with the Court." (Id. at 1). Thus, the Court DENIES Plaintiff's Motion, Dkt. 21 . Plaintiff shall send his initial disclosures to the Defendants. Signed by Magistrate Judge M. Kendra Klump on 2/10/2025. Copy to Plaintiff via US Mail. (DWH) (Entered: 02/10/2025)
02/21/2025	24	NOTICE of Service of Initial Disclosures , filed by Defendants MARK MURRAY, WOLKE. (Cardwell, Benjamin) (Entered: 02/21/2025)
03/18/2025	25	NOTICE Regarding Settlement Conference, filed by Plaintiff OMAR DAVIS (TPS) (Entered: 03/18/2025)
05/22/2025	26	***PLEASE DISREGARD. FILED IN ERROR.*** NOTICE <i>Regarding Settlement Conference</i> , filed by Defendants MARK MURRAY, WOLKE, re 20 Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation. (Sawyer, Erica) Modified on 5/22/2025 due to incorrect document being attached (TPS). (Entered: 05/22/2025)

05/22/2025	27	NOTICE <i>Regarding Settlement Conference</i> , filed by Defendants MARK MURRAY, WOLKE, re 20 Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation. (Sawyer, Erica) (Entered: 05/22/2025)
06/02/2025	28	MOTION for Bench Trial, filed by Plaintiff OMAR DAVIS. (RSF) (Entered: 06/02/2025)
06/02/2025	29	MOTION for Copies, filed by Plaintiff OMAR DAVIS. (RSF) (Entered: 06/02/2025)
06/03/2025	30	MOTION for Court Assistance, filed by Plaintiff OMAR DAVIS. (RSF) (Entered: 06/03/2025)
06/06/2025	31	ORDER - denying 29 Motion for Copies of all documents filed in this case. There is no basis for the Court to provide hundreds of pages of copies without payment of Fifty Cents (\$.50) per page. The Clerk is directed to include a copy of the docket sheet with Plaintiff's copy of this Order. After reviewing the docket, he may move for a copy of particular docket entries and provide good cause for his limited request. Signed by Magistrate Judge M. Kendra Klump on 6/6/2025. (Copy to plaintiff via US Mail.) (Attachments: # 1 Public Docket Sheet) (KAA) (Entered: 06/09/2025)
06/10/2025	32	MOTION to Take Deposition from Omar Davis , filed by Defendants MARK MURRAY, WOLKE. (Attachments: # 1 Text of Proposed Order)(Cardwell, Benjamin) (Entered: 06/10/2025)
06/10/2025	33	ORDER denying 30 Motion. (See Order.) Copy to plaintiff via US Mail. Signed by Magistrate Judge M. Kendra Klump on 6/10/25. (RSF) (Entered: 06/12/2025)
06/13/2025	34	NOTICE of Substitution of Appearance by Thomas Pratt replacing <i>Erica L. Sawyer</i> on behalf of MARK MURRAY, WOLKE (Pratt, Thomas) (Entered: 06/13/2025)
06/16/2025	35	MOTION to Extend Deadlines <i>for Discovery, Preliminary Witness List, and Summary Judgment</i> , filed by Defendants MARK MURRAY, WOLKE. (Attachments: # 1 Text of Proposed Order)(Cardwell, Benjamin) (Entered: 06/16/2025)
06/16/2025	36	ORDER granting 32 Motion to Take Deposition - Defendants are granted leave to depose Plaintiff, Omar Davis, DOC #178167, an inmate held in the custody of the Indiana Department of Correction at the Wabash Valley Correctional Facility, by videoconferencing service no later than June 23, 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 Wabash Valley Correctional Facility. (See Order.) Signed by Magistrate Judge M. Kendra Klump on 6/16/2025. Copy to Plaintiff via US mail. (JSR) (Entered: 06/17/2025)
06/18/2025	37	ORDER - Defendants, by counsel, have filed their Motion for Extension of the Discovery, Preliminary Witness List, and Summary Judgment Deadlines, Dkt. 35 . The Court, being duly advised in the premises and having considered the matter, now finds good cause and GRANTS the Motion. The deadlines are amended as follows: a. Discovery: August 22, 2025 b. Preliminary Witness List: September 22, 2025 c. Motions for Summary Judgment: September 22, 2025. Copy to Plaintiff via US mail. Signed by Magistrate Judge M. Kendra Klump on 06/18/2025. (AJG) (Entered: 06/20/2025)
06/27/2025	38	ORDER - Omar Davis's motion to proceed immediately to a bench trial, dkt. 28 , is denied. The case will continue to proceed according to the pretrial schedule, dkt. 20 . Signed by Judge James R. Sweeney II on 6/27/2025. Copy to Plaintiff via US Mail. (AAS) (Entered: 06/27/2025)
07/09/2025	39	MOTION for Extension of Time for Deposition of Omar Davis, filed by Plaintiff OMAR DAVIS. (KAA) (Entered: 07/10/2025)

07/21/2025	40	ORDER - Before the Court is Plaintiff's Motion to Extend Time for his Deposition, Dkt. 39 . The Motion is DENIED without prejudice. The Court is not clear on the basis for Plaintiff's request for an extension of time for his own deposition. Should Plaintiff renew his motion, he must include a clearer explanation as to why he is entitled to an extension. Signed by Magistrate Judge M. Kendra Klump on 7/21/2025. Copy to Plaintiff via US Mail. (AAS) (Entered: 07/22/2025)
08/12/2025	41	NOTICE of Substitution of Appearance by Allison Mauk replacing on behalf of All Defendants (Mauk, Allison) (Entered: 08/12/2025)
09/22/2025	42	Witness List <i>Preliminary</i> , filed by Defendants MARK MURRAY, WOLKE. (Cardwell, Benjamin) (Entered: 09/22/2025)
10/07/2025	43	MOTION to Add Additional Witness, filed by Plaintiff OMAR DAVIS. (JRB) (Entered: 10/07/2025)
10/10/2025	44	NOTICE of Appearance by Eric Ryan Shouse on behalf of Defendants MARK MURRAY, WOLKE. (Shouse, Eric) (Entered: 10/10/2025)
10/15/2025	45	MOTION to Withdraw Attorney Appearance , filed by Defendants MARK MURRAY, WOLKE. (Mauk, Allison) (Entered: 10/15/2025)
10/15/2025	46	MOTION to Withdraw Attorney Appearance , filed by Defendants MARK MURRAY, WOLKE. (Cardwell, Benjamin) (Entered: 10/15/2025)
10/20/2025	47	ORDER granting 46 Motion to Withdraw Attorney Appearance. Attorney Benjamin Cardwell withdrawn. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge M. Kendra Klump on 10/20/2025. (JRB) (Entered: 10/20/2025)
10/20/2025	48	ORDER GRANTING MOTION TO WITHDRAW APPEARANCE - This matter comes before the Court on the motion of Allison F. Mauk, Deputy Attorney General, counsel for Defendants Mark Murray and Jeremy Wolke, to withdraw her appearance. The Court, having reviewed the motion and being duly advised thereon, finds that said motion should be, and hereby is, GRANTED. The appearance of Allison F. Mauk on behalf of Defendants is withdrawn. The appearance of Eric Ryan Shouse entered on behalf of Defendants shall remain in effect. Signed by Magistrate Judge M. Kendra Klump on 10/20/2025. Copy mailed to Plaintiff. (BAA) (Entered: 10/20/2025)
11/05/2025	49	ORDER - The dispositive motion deadline in this case has passed with no filing of a dispositive motion. Therefore, this case will proceed to settlement negotiations and trial if one is necessary. The clerk shall include a form motion for assistance with recruiting counsel with the plaintiff's copy of this Order. If the plaintiff wishes to request that the Court attempt to recruit counsel to represent him for the rest of the case, he must fill out that form and return it by December 5, 2025. Copy to Plaintiff via US mail. Signed by Chief District Judge James Russell Sweeney, II on 11/05/2025. (Attachments: # 1 Counsel Form) (AJG) (Entered: 11/05/2025)
11/06/2025	50	SCHEDULING ORDER: Status Conference set for 1/16/2026 at 11:00 AM (Eastern Time) via Telephonic before Magistrate Judge M. Kendra Klump. See Order for details. Copy mailed per distribution list. Signed by Magistrate Judge M. Kendra Klump on 11/06/2025. (SAM) (Entered: 11/06/2025)
11/06/2025	51	ORDER to Make Inmate Available - via Telephone - Warden of Wabash Valley Correctional Facility ordered to make Omar Davis Available - via Telephone for court proceeding on 1/16/2026 at 11:00 a.m. (Eastern). See Order for details. Copy mailed per distribution list. Signed by Magistrate Judge M. Kendra Klump on 11/06/2025. (SAM) (Entered: 11/06/2025)

11/14/2025	52	TRIAL SETTING AND NOTICE OF FINAL PRETRIAL CONFERENCE - This cause is hereby set for a Jury Trial before Judge James R. Sweeney II on July 20, 2026 at 9:00 a.m. (ET) in Room 131 of the U.S. Courthouse, 921 Ohio Street, Terre Haute, Indiana. A Final Pretrial Conference is also set for July 2, 2026 at 9:00 a.m. (ET) in Room 131 of the U.S. Courthouse, 921 Ohio Street, Terre Haute, Indiana. Copy to Plaintiff via US mail. Signed by Chief District Judge James Russell Sweeney, II on 11/14/2025. (AJG) (Entered: 11/14/2025)
11/14/2025	53	ORDER - 43 Motion to Add Additional Witness to Plaintiff's Preliminary Witness List is GRANTED as unopposed to the extent that the Court considers the witness identified in the motion to be timely disclosed. Signed by Magistrate Judge M. Kendra Klump on 11/14/2025 (Copy mailed to Plaintiff). (LBT) (Entered: 11/14/2025)
11/20/2025	55	MOTION to Appoint Counsel, filed by Plaintiff OMAR DAVIS. (SAM) (Entered: 11/21/2025)
11/20/2025	56	MOTION to Extend Deadline Due to Assistance for Counsel, filed by Plaintiff OMAR DAVIS. (Attachments: # 1 Exhibit)(SAM) (Entered: 11/21/2025)
11/21/2025	57	ORDER Granting Motion for Assistance with Recruiting Counsel - 55 Motion for Assistance with Recruiting Counsel is GRANTED. The Court will attempt to recruit counsel to represent him for the remainder of this case. He will be notified when this step has been taken. Because his motion for assistance with recruiting counsel has been filed, his motion to extend the deadline to file this motion, dkt. 56 , is denied as unnecessary. See Order for details. Signed by Chief District Judge James Russell Sweeney, II on 11/21/2025 (Copy mailed to Plaintiff). (LBT) (Entered: 11/24/2025)

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