

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

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:21-cv-01089-JMS-KMB**

DIXON v. SEVIER et al
Assigned to: Judge Jane Magnus-Stinson
Referred to: Magistrate Judge Kellie M. Barr
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 04/29/2021
Jury Demand: Both
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff**CORDAY DIXON**

represented by **CORDAY DIXON**
243014
NEW CASTLE - CF
NEW CASTLE CORRECTIONAL
FACILITY - Inmate Mail/Parcels
1000 Van Nuys Road
P.O. Box E
NEW CASTLE, IN 47362
PRO SE

V.

Defendant

NDIAYE
Sgt., Annex M-Unit Supervisor

represented by **Adam Garth Forrest**
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Defendant

FISHER*Officer, Annex M-Unit Staff*

represented by **Adam Garth Forrest**
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ATTORNEY TO BE NOTICED

Joseph Thomas Lipps
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Defendant**J. KENEKHAM***Nurse, Annex M-Unit emergency responder*

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Date Filed	#	Docket Text
04/29/2021	1	COMPLAINT against FISHER, GEO GROUP INC., ERICA L. JONES, J. KENEKHAM, MICHAEL MITCHEFF, NDIAYE, JOHN NWANNUNU, M. SEVIER, and WEXFORD HEALTH SERVICES, filed by CORDAY DIXON. (No fee paid with this filing) (Attachments: # 1 Exhibit B Affidavits, Request for Health Care, # 2 Exhibit C containing Requests for Health Care, Patient Education, and Page Nos 32-34, # 3 Exhibiit D containing grievance, appeal, administrative remedy records, # 4 Exhibit E medical records, # 5 Exhibit F requests for interviews, letters, Grievance Appeal, # 6 Proposed Summons and Certificate of Service, # 7 Envelope)(DJH) (Entered: 04/30/2021)

04/29/2021	2	MOTION for Leave to Proceed in forma pauperis filed by Plaintiff, CORDAY DIXON. (Attachments: # 1 Certification of Inmate Trust Fund Account, Transaction History, # 2 Envelope)(DJH) (Entered: 04/30/2021)
04/29/2021	3	MOTION for Assistance with Recruiting Counsel filed by Plaintiff, CORDAY DIXON. (Attachments: # 1 mail logs and letters, # 2 Envelope)(DJH) (Entered: 04/30/2021)
04/30/2021	4	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) (Entered: 04/30/2021)
05/03/2021	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 distributed to Plaintiff via US mail. (TMC) (Entered: 05/03/2021)
05/10/2021	6	ORDER on Motion to Proceed In Forma Pauperis. The plaintiff's motion to proceed in forma pauperis, dkt. 2 , is granted to the extent that the plaintiff is assessed an initial partial filing fee of Forty-Six Dollars and Eighty-Five Cents (\$46.85). See 28 U.S.C. § 1915(b)(1). The plaintiff shall have through June 4, 2021, in which to pay this sum to the clerk of the district court. The plaintiff is informed that after the initial partial filing fee is paid, he will be obligated to make monthly payments of 20 percent of the preceding month's income each month that the amount in his account exceeds \$10.00, until the full filing fee of \$350.00 is paid. 28 U.S.C. § 1915(b)(2). After the initial partial filing fee is received, a collection order will be issued to the plaintiff and the plaintiff's custodian, and the Court will screen the complaint in accordance with 28 U.S.C. § 1915A. Copy to Plaintiff via U.S. Mail. Signed by Judge Jane Magnus-Stinson on 5/10/2021. (MAC) (Entered: 05/10/2021)
05/18/2021	7	CONSENT to Jurisdiction to US Magistrate Judge by CORDAY DIXON. (Attachments: # 1 Envelope). (MAC) (Entered: 05/19/2021)
05/27/2021	8	RECEIPT #IP074205 for partial filing fee in the amount of \$46.85, paid by CORDAY DIXON. (DJH) (Entered: 05/27/2021)
09/01/2021	9	ORDER SCREENING COMPLAINT, DISMISSING INSUFFICIENT CLAIMS, AND DIRECTING SERVICE OF PROCESS. Mr. Dixon's complaint shall proceed with Eighth Amendment deliberate indifference claims against Sgt. Ndiaye, Ofc. Fisher, Nurse Kenekham and Dr. John Nwannunu. This summary of claims includes all of the viable claims identified by the Court. If Mr. Dixon believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have through September 22, 2021, in which to identify those claims. The clerk is directed to terminate Warden M. Sevier, GEO Group Inc., Wexford Health Services, Michael Mitcheff, and Erica L. Jones as defendants. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to defendants Sgt. Ndiaye, Ofc. Fisher, Nurse J. Kenekham, and Dr. John Nwannunu. 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. Nurse J. Kenekham and Dr. John Nwannunu are identified as employees of Wexford of Indiana, LLC. A copy of this Order and the process documents shall also be served on Wexford electronically. Wexford is ORDERED to provide the full name and last known home address of any defendant who does not waive service if they have such information. This information may be provided to the Court informally or may be filed ex parte. (See Order). Copies to parties listed in the distribution portion of this

		Order sent via U.S. Mail. Signed by Judge Jane Magnus-Stinson on 9/1/2021. (MAC) (Entered: 09/01/2021)
09/01/2021	10	NOTICE of Lawsuit & Waiver Issued by Clerk to: 1) Sergeant Ndiaye; 2) Officer Fisher; 3) Nurse J. Kenekham and 4) Dr. John Nwannunu. (MAC) (Entered: 09/01/2021)
09/01/2021	11	Documents to be Sent via Electronic Notice - re 10 NOTICE of Lawsuit & Waiver Issued by Clerk, 9 Order, 1 Complaint. Electronic Notice to Wexford. (MAC) (Entered: 09/01/2021)
09/09/2021	12	ORDER Directing Monthly Payments be made from Prison Account of CORDAY DIXON, 243014. As of the issuance of this Order, the balance of the filing fee still due in this case is \$303.15. Copy to Plaintiff and Warden via U.S. Mail, cc: Finance Office. Signed by Judge Jane Magnus-Stinson on 9/9/2021. (MAC) (Entered: 09/10/2021)
09/14/2021	13	ORDER DENYING PLAINTIFF'S MOTION FOR COUNSEL. The Court will not attempt to recruit counsel to represent the plaintiff at this time. As the action proceeds, the plaintiff may file a renewed motion for assistance recruiting counsel. The Court will also remain alert to additional circumstances, such as a settlement conference, a Pavey hearing, or a trial, that may warrant reconsideration of the plaintiff's motion. The plaintiff's motion for assistance recruiting counsel, dkt. 3 , is denied without prejudice. Copy to Plaintiff via U.S. Mail. Signed by Judge Jane Magnus-Stinson on 9/14/2021. (MAC) (Entered: 09/14/2021)
09/14/2021	14	Mail Returned as undeliverable. 10 NOTICE of Lawsuit & Waiver Issued by Clerk, 9 Order, 1 Complaint sent to J. KENEKHAM at New Castle Correctional Facility. (Return No Longer Employed at this Facility). (MAC) (Entered: 09/15/2021)
10/04/2021	15	NOTICE of Appearance by Marley Genele Hancock on behalf of Defendant JOHN NWANNUNU. (Hancock, Marley) (Entered: 10/04/2021)
10/04/2021	16	WAIVER OF SERVICE Returned Executed, filed by JOHN NWANNUNU. JOHN NWANNUNU waiver sent on 9/1/2021. (Hancock, Marley) (Entered: 10/04/2021)
10/04/2021	17	NOTICE of Appearance by Heather Terese Gilbert on behalf of Defendant JOHN NWANNUNU. (Gilbert, Heather) (Entered: 10/04/2021)
10/04/2021	18	NOTICE of Appearance by Adam Garth Forrest on behalf of Defendants FISHER, NDIAYE. (Forrest, Adam) (Entered: 10/04/2021)
10/04/2021	19	WAIVER OF SERVICE Returned Executed, filed by NDIAYE, FISHER. NDIAYE waiver sent on 9/1/2021; FISHER waiver sent on 9/1/2021. (Forrest, Adam) (Entered: 10/04/2021)
10/05/2021	20	NOTICE of Appearance by Joseph Thomas Lipps on behalf of Defendants FISHER, NDIAYE. (Lipps, Joseph) (Entered: 10/05/2021)
10/21/2021	21	ENTRY Documenting Non-Party Communication. The Court has attempted to assist the pro se litigant with serving defendant Jessica Kenekham with process. See, e.g., Bryant v. City of Chicago, 746 F.3d 239, 244 (7th Cir. 2014) (stating that plaintiff "as a prisoner proceeding pro se, should have been given more latitude and assistance" in order to effect service.). The Court has been notified by counsel for the medical defendants that the clerk's attempts to serve Ms. Kenekham at New Castle Correctional Facility have been unsuccessful. In receiving this information

		informally, the Court has agreed not to disclose Ms. Kenekham's last known address to the parties and to use it only for the purpose of effecting service on her. Accordingly, the clerk is directed to docket the email correspondence with access restricted only to court users. This address information may be further disclosed to the United States' Marshal or his designee to assist with service. Copy to Plaintiff via U.S. Mail. Signed by Judge Jane Magnus-Stinson on 10/21/2021. (MAC) (Entered: 10/21/2021)
10/28/2021	23	RECEIPT #IP076511 for partial filing fee in the amount of \$10.90, paid by Plaintiff. (REO) (Entered: 10/28/2021)
10/28/2021	24	ANSWER to Complaint , filed by FISHER, NDIAYE.(Lipps, Joseph) (Entered: 10/28/2021)
11/01/2021	25	ORDER Again Directing Issuance of Process. Notice of Lawsuit and Request to Waive Service of a Summons forms sent to defendant Nurse Jessica Kenekham have not been returned. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to reissue process to Nurse Kenekham in the manner specified by Rule 4(d). Process shall consist of the complaint, dkt. 1 , the screening entry of September 1, 2021, dkt. 9 , applicable forms (Second Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order. Copies sent via U.S. Mail and notice to Nurse Kenkham at the restricted address. Signed by Judge Jane Magnus-Stinson on 11/1/2021. (MAC) (Entered: 11/01/2021)
11/01/2021	26	(Second) NOTICE of Lawsuit & Waiver Issued by Clerk to: 1) Nurse J. Kenekham. (MAC) (Entered: 11/01/2021)
11/01/2021	27	ANSWER to 1 Complaint , filed by JOHN NWANNUNU.(Hancock, Marley) (Entered: 11/01/2021)
11/01/2021	28	NOTICE of Appearance by Marley Genele Hancock on behalf of Defendant J. KENEKHAM. (Hancock, Marley) (Entered: 11/01/2021)
11/01/2021	29	WAIVER OF SERVICE Returned Executed, filed by J. KENEKHAM. J. KENEKHAM waiver sent on 11/1/2021. (Hancock, Marley) (Entered: 11/01/2021)
11/01/2021	30	NOTICE of Appearance by Heather Terese Gilbert on behalf of Defendant J. KENEKHAM. (Gilbert, Heather) (Entered: 11/01/2021)
11/02/2021	31	ANSWER to 1 Complaint , filed by J. KENEKHAM.(Hancock, Marley) (Entered: 11/02/2021)
11/04/2021	32	ENTRY Directing Development of Exhaustion Defense and Issuing Partial Stay - The defendants' exhaustion defense will be resolved pursuant to the following schedule. The defendants shall have through December 15, 2021, in which to either (see Entry). The failure to pursue any of these options by the above deadline constitutes an abandonment of the exhaustion defense (see Entry). Copy to Plaintiff via US Mail. Signed by Magistrate Judge Debra McVicker Lynch on 11/4/2021. (SWM) (Entered: 11/05/2021)
11/16/2021	33	RECEIPT #IP076736 for partial filing fee in the amount of \$52.90, paid by Plaintiff. (REO) (Entered: 11/16/2021)
12/15/2021	34	MOTION for Extension of Time to December 22, 2021 to <i>File Dispositive Motion</i> , filed by Defendants J. KENEKHAM, JOHN NWANNUNU. (Attachments: # 1 Text of Proposed Order)(Hancock, Marley) (Entered: 12/15/2021)

12/15/2021	35	NOTICE CONCERNING AFFIRMATIVE DEFENSE OF FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES PRIOR TO FILING LAWSUIT, filed by Defendants FISHER, NDIAYE, re 32 Entry. (Lipps, Joseph) (Entered: 12/15/2021)
12/15/2021	36	NOTICE CONCERNING AFFIRMATIVE DEFENSE OF FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES PRIOR TO FILING LAWSUIT (AMENDED), filed by Defendants FISHER, NDIAYE, re 35 Notice (Other). (Lipps, Joseph) (Entered: 12/15/2021)
12/16/2021	37	ORDER granting 34 Motion for Extension of Time to 12/22/2021 to file a dispositive motion. Signed by Magistrate Judge Debra McVicker Lynch on 12/16/2021 Copy sent to Mr. Dixon via US Mail (CBU) (Entered: 12/16/2021)
12/16/2021	38	RECEIPT #IP077159 for civil filing fee in the amount of \$63.90, paid by Plaintiff. (LMK) (Entered: 12/16/2021)
12/22/2021	39	MOTION for Partial Summary Judgment (<i>Exhaustion of Administrative Remedies and Designation of Evidence</i>), filed by Defendants J. KENEKHAM, JOHN NWANNUNU. (Attachments: # 1 Exhibit A - Affidavit of Hannah Wunningham, # 2 Exhibit B - Indiana Department of Correction Grievance Policy, effective 10/1/2017, # 3 Exhibit C - Indiana Department of Correction Grievance Policy, effective 4/01/2020, # 4 Exhibit D - Indiana Department of Correction Grievance Policy, effective 09/01/2020, # 5 Exhibit E - History of Grievances for Plaintiff, # 6 Exhibit F - Grievance case log 107739, # 7 Exhibit G - Grievance dated September 3, 2019 and accompanying Return of Grievance, # 8 Exhibit H - Medical note dated June 11, 2019)(Hancock, Marley) (Entered: 12/22/2021)
12/22/2021	40	BRIEF/MEMORANDUM in Support re 39 MOTION for Partial Summary Judgment (<i>Exhaustion of Administrative Remedies and Designation of Evidence</i>), filed by Defendants J. KENEKHAM, JOHN NWANNUNU. (Hancock, Marley) (Entered: 12/22/2021)
12/22/2021	41	NOTICE, filed by Defendants J. KENEKHAM, JOHN NWANNUNU, re 39 MOTION for Partial Summary Judgment (<i>Exhaustion of Administrative Remedies and Designation of Evidence</i>). (Hancock, Marley) (Entered: 12/22/2021)
01/25/2022	42	RECEIPT #IP077610 for civil filing fee in the amount of \$61.90, paid by Plaintiff. (LMK) (Entered: 01/25/2022)
01/26/2022	43	RESPONSE in Opposition re 39 MOTION for Partial Summary Judgment (<i>Exhaustion of Administrative Remedies and Designation of Evidence</i>), filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Envelope). (MAC) (Entered: 01/27/2022)
02/09/2022	44	REPLY in Support of Motion re 39 MOTION for Partial Summary Judgment (<i>Exhaustion of Administrative Remedies and Designation of Evidence</i>), filed by Defendants J. KENEKHAM, JOHN NWANNUNU. (Hancock, Marley) (Entered: 02/09/2022)
03/09/2022	45	RECEIPT #IP078231 for partial filing fee in the amount of \$85.95, paid by CORDAY DIXON. (DJH) (Entered: 03/09/2022)
04/27/2022	46	RECEIPT #IP078857 for partial filing fee in the amount of \$27.60, paid by CORDAY DIXON. (DJH) (Entered: 04/27/2022)

05/09/2022	47	MOTION for Assistance with Recruiting Counsel, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Envelope)(AKH) (Entered: 05/10/2022)
06/10/2022	48	NOTICE of Appearance by Taylor Lee Rasey on behalf of Defendants J. KENEKHAM, JOHN NWANNUNU. (Rasey, Taylor) (Entered: 06/10/2022)
06/10/2022	49	ORDER VACATING COLLECTION ORDER - Plaintiff Corday Dixon, an inmate at New Castle Correctional Facility, initiated this action on April 29, 2021, by filing a complaint. Dkt. 1. On May 10, 2021, the Court granted his motion to proceed in forma pauperis. Dkt. 6. Although plaintiff was excused from pre-paying the full filing fee, he remained obligated for the entire \$350.00 filing fee. Id. Court records indicate that a collection order was issued on September 9, 2021, dkt. [12]. The full filing fee due in this case has now been paid. Accordingly, the collection order has been satisfied and the plaintiff's custodian shall not send any additional payments to the clerk as a result of the September 9, 2021, collection order. Copy to Plaintiff and Warden via US Mail. Copy to Finance Department. Signed by Magistrate Judge Debra McVicker Lynch on 6/10/2022.(SWM) (Entered: 06/10/2022)
07/21/2022	50	Order Granting Defendant's Motion for Summary Judgment - Dr. Nwannunu's motion for summary judgment, dkt. 39 , is granted. The claims against Dr. Nwannunu are dismissed without prejudice. The clerk is directed to terminate Dr. John Nwannunu as a defendant in this case. Because the claims against defendants Ndiaye, Fisher and Kenekham remain pending, no final judgment shall issue at this time. Mr. Dixon's motion for appointment of counsel, dkt. 47 , is denied without prejudice. (See Order.) Signed by Judge Jane Magnus-Stinson on 7/21/2022. Copy sent to Plaintiff via US mail. (JSR) (Entered: 07/21/2022)
08/10/2022	51	ORDER Setting Schedule for Discovery and Other Matters in Prisoner Litigation - This Order sets the schedule for how this case will proceed. This case will be set for a Discovery Conference with the Magistrate Judge. No discovery requests are permitted before the Discovery Conference has been held. However, the Initial Disclosures (explained in Section I. A. below) must be made before the Discovery Conference. Dispositive Motions due by 3/8/2023. Discovery due by 2/8/2023. See Order for other established deadlines and additional information. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Debra McVicker Lynch on 8/10/2022. (SWM) (Entered: 08/11/2022)
09/15/2022	52	MOTION for Help from Court, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Exhibit Mail Log, # 2 Envelope)(JSR) (Entered: 09/16/2022)
09/15/2022	53	MOTION to Appoint Counsel, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Exhibit, # 2 Envelope)(JSR) (Entered: 09/16/2022)
09/19/2022	54	ORDER DENYING MOTION FOR COURT ASSISTANCE - Plaintiff Corday Dixon's motion for assistance with discovery, dkt. [52], is DENIED as premature. As the court previously explained in its Order Setting Schedule for Discovery, no discovery requests are permitted before the Court has held a Discovery Conference. See dkt. 51. See Order for additional information. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Debra McVicker Lynch on 9/19/2022. (SWM) (Entered: 09/20/2022)
10/06/2022	55	NOTICE of Service of Initial Disclosures , filed by Defendants FISHER, NDIAYE. (Lipps, Joseph) (Entered: 10/06/2022)

11/01/2022	56	Reassignment of Case to Magistrate Judge Kellie M. Barr. Magistrate Judge Debra McVicker Lynch is no longer assigned to this case. Please include the new case number (1:21-cv-01089-JMS-KMB), which includes the initials of the newly assigned judge, on all future filings in this matter. (Albertson, Steven) (Entered: 11/01/2022)
11/18/2022	57	MOTION to Appoint Counsel, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Exhibit NCCF Mail Log and ACLU Letter, # 2 Envelope)(JSR) (Entered: 11/21/2022)
11/18/2022	58	MOTION in Limine, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Envelope)(JSR) (Entered: 11/21/2022)
11/30/2022	59	ORDER DENYING MOTIONS FOR COUNSEL AND MOTION IN LIMINE - Plaintiff Corday Dixon's motions for counsel, dkt. 53 , 57 , are DENIED for the same reasons set forth in the Court's Order at Docket No. 50. It remains this Court's considered judgment that Mr. Dixon is competent to litigate this matter on his own. Mr. Dixon's motion in limine, dkt. 58 , is DENIED as premature as this matter is still in the discovery stage. Should this matter proceed to trial, the Court will issue a scheduling order that informs the parties when they should file any motions in limine. Signed by Judge Jane Magnus-Stinson on 11/30/2022. Copy to Plaintiff via US mail. (JSR) (Entered: 11/30/2022)
12/05/2022	60	NOTICE of Filing Interrogatories by CORDAY DIXON (Attachments: # 1 Envelope) (JSR) (Entered: 12/06/2022)
01/03/2023	61	MOTION for Extension of Time to February 3, 2023 , filed by Defendant J. KENEKHAM. (Rasey, Taylor) (Entered: 01/03/2023)
01/08/2023	62	NOTICE <i>Regarding Settlement Conference</i> , filed by Defendant J. KENEKHAM (Rasey, Taylor) (Entered: 01/08/2023)
01/09/2023	63	NOTICE <i>Regarding Settlement Conference</i> , filed by Defendants FISHER, NDIAYE, re 51 OrderScheduling Order. (Lipps, Joseph) (Entered: 01/09/2023)
01/09/2023	64	SCHEDULING ORDER: Discovery Conference set for 1/31/2023 10:00 AM (Eastern Time) before Magistrate Judge Kellie M. Barr. The Court will contact counsel by separate email through the court's electronic filing system with the call-in information to be used to participate in the conference. The Court will contact staff at the New Castle Correctional Facility by separate email with the call-in information to be used to connect Mr. Dixon to the conference. The purposes of the Discovery Conference are to address (SEE ORDER). Copy to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 1/9/2023.(SWM) (Entered: 01/09/2023)
01/09/2023	65	ORDER to Make Inmate Available - via Telephone. Warden of New Castle Correctional Facility ordered to make CORDAY DIXON Available - via Telephone for court proceeding on 1/31/2023 at 10:00 a.m. (Eastern). Copy to Plaintiff via US Mail. Copy to Teresa Bowlin via Email. Signed by Magistrate Judge Kellie M. Barr on 1/9/2023.(SWM) (Entered: 01/09/2023)
01/09/2023	66	NOTICE regarding Settlement Conference, filed by Plaintiff CORDAY DIXON (Attachments: # 1 Envelope) (JDC) (Entered: 01/10/2023)

01/11/2023	67	ORDER granting Defendant Nurse Kenekham's 61 Motion for Extension of Time to respond to Plaintiff's Discovery Request to 2/3/2023. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 1/11/2023. (SWM) (Entered: 01/11/2023)
01/26/2023	68	MOTION to Withdraw Attorney Appearance of <i>Heather T. Gilbert</i> , filed by Defendant J. KENEKHAM. (Attachments: # 1 Text of Proposed Order Granting Motion to Withdraw Appearance of Heather T. Gilbert)(Gilbert, Heather) (Entered: 01/26/2023)
01/27/2023	69	NOTICE of Appearance by Joseph A. Panatera on behalf of Defendant J. KENEKHAM. (Panatera, Joseph) (Entered: 01/27/2023)
01/27/2023	71	ORDER granting 68 Motion to Withdraw Attorney Appearance. Attorney Heather Terese Gilbert withdrawn. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 1/27/2023. (SWM) (Entered: 01/27/2023)
02/02/2023	72	Joint MOTION to <i>Re-Set Case Management Deadlines</i> , filed by Defendant J. KENEKHAM. (Rasey, Taylor) (Entered: 02/02/2023)
02/02/2023	73	ENTRY FROM TELEPHONIC DISCOVERY CONFERENCE - The Plaintiff, Corday Dixon, in person, and the Defendants, by counsel, appeared for a telephonic discovery conference on January 31, 2023, with the Magistrate Judge. The Parties discussed the status of discovery and the Court's expectations for how this case will proceed. The conference was held and concluded without further order. Signed by Magistrate Judge Kellie M. Barr. (Copy mailed to Plaintiff) (AKW) (Entered: 02/02/2023)
02/07/2023	74	Submission of Proposed Order , re 72 Joint MOTION to <i>Re-Set Case Management Deadlines</i> , filed by Defendant J. KENEKHAM. (Rasey, Taylor) (Entered: 02/07/2023)
02/07/2023	75	ORDER granting Defendants' 72 Joint Motion to re-set case management deadlines. See Order for established deadlines. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 2/7/2023.(SWM) (Entered: 02/08/2023)
02/27/2023	76	MOTION for Reconsideration re Appointing Counsel, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Exhibit, # 2 Envelope)(JDC) (Entered: 03/01/2023)
03/28/2023	77	MOTION to Take Deposition from Corday Dixon , filed by Defendant J. KENEKHAM. (Attachments: # 1 Text of Proposed Order Granting Motion for Leave to Depose Inmate)(Rasey, Taylor) (Entered: 03/28/2023)
03/30/2023	78	ORDER granting Defendant Nurse J. Kenekham's 77 Motion to Take Deposition from CORDAY DIXON. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 3/30/2023. (SWM) (Entered: 03/31/2023)
04/14/2023	79	Submission of Discovery Response, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Envelope)(JDC) (Entered: 04/17/2023)
04/25/2023	80	ORDER DENYING RENEWED MOTION FOR COUNSEL - Plaintiff Corday Dixon renewed motion for counsel, dkt. 76 , is DENIED for the same reasons set forth in the Court's Order at Docket No. 50 . It remains this Court's considered judgment that Mr. Dixon is competent to litigate this matter on his own. The Court will remain alert to changes in circumstances that may warrant reconsideration of the motion, such as a settlement conference or trial. Signed by Judge Jane Magnus-

		Stinson on 4/25/2023. Copy to Plaintiff via US mail. (JSR) (Entered: 04/25/2023)
04/28/2023	81	MOTION for Ruling, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Envelope)(JDC) Modified on 6/6/2023 (JRT). (Entered: 05/01/2023)
05/18/2023	82	RESPONSE to Request for Production of Documents, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Envelope)(JRB) (Entered: 05/19/2023)
05/26/2023	83	MOTION for the Appointment of an Information Specialist, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Exhibit, # 2 Envelope) (CKM) (Entered: 05/30/2023)
06/05/2023	84	ORDER DENYING MOTION FOR APPOINTMENT OF EXPERT WITNESS - Because Mr. Dixon seeks the appointment of an expert for his own benefit, his motion, dkt. 83 , is DENIED . (See Order.) Signed by Magistrate Judge Kellie M. Barr on 6/5/2023. Copy to Plaintiff via US mail. (JSR) (Entered: 06/05/2023)
06/06/2023	85	ENTRY ADDRESSING MOTION FOR RULING - Presently pending is Corday Dixon's motion for a ruling on his renewed motion for counsel, dkt. 81 , which the Court DENIES AS MOOT. See dkt. 80 (Court's Order Denying Renewed Motion for Counsel). The clerk is directed to include a copy of Docket No. 80 along with Mr. Dixon's copy of this Entry. Copy to plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 6/6/2023. (KAA) (Additional attachment(s) added on 6/6/2023: # 1 Dkt. 80) (KAA). (Entered: 06/06/2023)
09/01/2023	86	MOTION for Extension of Time to Complete Discovery, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Exhibit, # 2 Envelope)(TPS) (Entered: 09/05/2023)
09/13/2023	87	ORDER granting 86 Motion for Extension of Time to respond to the Defendants' discovery requests to 9/13/23. The dispositive motions deadline remains October 2, 2023, no further extensions of time will be granted. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 9/13/23.(JRB) (Entered: 09/13/2023)
10/02/2023	88	MOTION for Summary Judgment , filed by Defendants FISHER, NDIAYE. (Attachments: # 1 Text of Proposed Order)(Lipps, Joseph) (Entered: 10/02/2023)
10/02/2023	89	BRIEF/MEMORANDUM in Support re 88 MOTION for Summary Judgment , filed by Defendants FISHER, NDIAYE. (Lipps, Joseph) (Entered: 10/02/2023)
10/02/2023	90	Designation of Evidence re 89 Brief/Memorandum in Support, 88 MOTION for Summary Judgment , filed by Defendants FISHER, NDIAYE. (Attachments: # 1 Exhibit A-Response to Plaintiffs First Set of Interrogatories to Defendant(s), # 2 Exhibit B-Plaintiffs Medical Records dated June 9, 2019, # 3 Exhibit C-Plaintiffs Request for Health Care form #507899)(Lipps, Joseph) (Entered: 10/02/2023)
10/02/2023	91	NOTICE REGARDING RIGHT TO RESPOND TO AND SUBMIT EVIDENCE IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT, filed by Defendants FISHER, NDIAYE, re 88 MOTION for Summary Judgment , 89 Brief/Memorandum in Support, 90 Designation of Evidence. (Lipps, Joseph) (Entered: 10/02/2023)
10/02/2023	92	MOTION for Summary Judgment , filed by Defendant J. KENEKHAM. (Rasey, Taylor) (Entered: 10/02/2023)

10/02/2023	93	BRIEF/MEMORANDUM in Support re 92 MOTION for Summary Judgment , filed by Defendant J. KENEKHAM. (Attachments: # 1 Exhibit 1 - Declaration of Jessica Kenekham, L.P.N., # 2 Exhibit 1-A - Complaint, # 3 Exhibit 1-B - Screening Order, # 4 Exhibit 1-C - Plaintiff's Medical Records, # 5 Exhibit 2 - Plaintiff's Deposition Transcript)(Rasey, Taylor) (Entered: 10/02/2023)
10/02/2023	94	Designation of Evidence re 93 Brief/Memorandum in Support, 92 MOTION for Summary Judgment , filed by Defendant J. KENEKHAM. (Rasey, Taylor) (Entered: 10/02/2023)
10/02/2023	95	NOTICE <i>Regarding Right to Respond to and Submit Evidence in Opposition to Motion for Summary Judgment</i> , filed by Defendant J. KENEKHAM, re 94 Designation of Evidence, 93 Brief/Memorandum in Support, 92 MOTION for Summary Judgment . (Rasey, Taylor) (Entered: 10/02/2023)
10/04/2023	96	MOTION for Summary Judgment, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Cover Letter, # 2 Envelope)(LBT) (Entered: 10/05/2023)
10/04/2023	97	DECLARATION of Corday Dixon re 96 Motion for Summary Judgment by CORDAY DIXON. (Attachments: # 1 Envelope)(LBT) (Entered: 10/05/2023)
10/04/2023	98	BRIEF/MEMORANDUM in Support re 96 MOTION for Summary Judgment, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Envelope)(LBT) (Entered: 10/05/2023)
10/04/2023	99	EXHIBITS in Support of Motion re 96 MOTION for Summary Judgment, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Envelope)(LBT) (Entered: 10/05/2023)
10/04/2023	100	Statement of Undisputed Facts re 96 MOTION for Summary Judgment by CORDAY DIXON. (Attachments: # 1 Envelope)(LBT) (Entered: 10/05/2023)
10/04/2023	101	Statement of Disputed Factual Issues re 96 MOTION for Summary Judgment by CORDAY DIXON. (Attachments: # 1 Envelope)(LBT) (Entered: 10/05/2023)
10/23/2023	102	RESPONSE in Opposition re 96 MOTION for Summary Judgment, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Exhibits - Various Documents, # 2 Cover Letter, # 3 Envelope)(SWM) (Entered: 10/25/2023)
11/01/2023	103	MOTION for Extension of Time to File Response to November 16, 2023 re 96 MOTION for Summary Judgment , filed by Defendant J. KENEKHAM. (Attachments: # 1 Text of Proposed Order Granting J. Kenekham's Motion for Extension of Time to Respond to Plaintiff's Motion for Summary Judgment)(Rasey, Taylor) (Entered: 11/01/2023)
11/06/2023	104	First MOTION for Extension of Time to File Reply to November 20, 2023 re 92 MOTION for Summary Judgment , filed by Defendant J. KENEKHAM. (Attachments: # 1 Text of Proposed Order)(Rasey, Taylor) (Entered: 11/06/2023)
11/13/2023	105	ORDER granting 104 Motion for Extension of Time to Reply in Support of her Motion for Summary Judgment - Defendant, Nurse J. Kenekham, shall have up to and including November 20, 2023, to file her reply in support of her Motion for Summary Judgment. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 11/13/2023. (AAS) (Entered: 11/14/2023)

11/16/2023	106	RESPONSE in Opposition re 96 MOTION for Summary Judgment , filed by Defendant J. KENEKHAM. (Attachments: # 1 Exhibit 3- Jessica Kenekham's Interrogatory Responses)(Rasey, Taylor) (Entered: 11/16/2023)
11/16/2023	107	Objection to Defendant's Evidence and Affidavits in Response to 96 MOTION for Summary Judgment, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Envelope)(JRB) (Entered: 11/20/2023)
11/20/2023	108	REPLY in Support of Motion re 92 MOTION for Summary Judgment , filed by Defendant J. KENEKHAM. (Rasey, Taylor) (Entered: 11/20/2023)
11/22/2023	109	NOTICE to the Court, filed by Plaintiff CORDAY DIXON (Attachments: # 1 Envelope) (JSR) (Entered: 11/22/2023)
12/04/2023	110	ENTRY DENYING MOOT MOTION FOR TIME - On November 7, 2023, the Court granted Defendant Kenekham's motion for extension of time to November 20, 2023, to file a response in opposition to Docket No. 96 . See dkts. 104 , 105 . Consistent with that ruling, Defendant Kenekham's earlier-filed motion for extension of time to November 16, 2023, to file the same, dkt. [103], is denied as moot. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 12/4/2023. (SWM) (Entered: 12/04/2023)
04/02/2024	111	ORDER SETTING TRIAL AND FINAL PRETRIAL CONFERENCE - This cause is hereby set for a Jury Trial before Judge Jane Magnus-Stinson on September 23, 2024 at 9:00 a.m. in Room 202 of the U.S. Courthouse, 46 E. Ohio Street, Indianapolis, Indiana. A Final Pretrial Conference is also set for August 29, 2024 at 1:00 p.m. in Room 202 of the Birch Bayh Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana. Additional required pretrial preparation deadlines will be set by separate order. Copy to plaintiff via US mail. Signed by Judge Jane Magnus-Stinson on 04/02/2024.(AJG) (Entered: 04/02/2024)
04/03/2024	112	ORDER DENYING MOTIONS FOR SUMMARY JUDGMENT AND DIRECTING FURTHER PROCEEDINGS - The Defendants' motions for summary judgment, dkts. 88 and 92 , are denied. Dixon's motion for summary judgment, dkt. 96 , also is denied. This case will be resolved by settlement or trial. The Court now sua sponte reconsider's Dixon's motion for counsel, dkt. 76, and will attempt to recruit counsel to represent Dixon through final judgment. However, the clerk is directed to send Dixon a form motion for assistance with recruiting counsel. Because this form contains the terms of accepting counsel, Dixon must complete the form and return it no later than May 3, 2024 , if he seeks the Court's assistance. Dixon's failure to timely complete and return the form will be construed as abandonment of his request for counsel. The Magistrate Judge is requested to set the matter for a telephonic status conference once recruited counsel has appeared or if Dixon abandons his request for counsel (SEE ORDER FOR DETAILS). Signed by Judge Jane Magnus-Stinson on 4/3/2024. Copy to Plaintiff via US Mail. (Attachments: # 1 form motion for assistance with recruiting counsel) (DWH) (Entered: 04/04/2024)
04/09/2024	113	FINAL PRETRIAL ORDER - The final pretrial conference in this action is scheduled for 1:00 p.m. on August 29, 2024 in Room 202, United States Courthouse, 46 E. Ohio Street, Indianapolis, IN 46204. To facilitate the conference, and ultimately the trial, the Court now ORDERS as follows (SEE ORDER). Copies of filings to be emailed to the Courtroom Deputy in MS Word form can be sent to Judge_Stinson_Cham-bers@insd.uscourts.gov.. Signed by Judge Jane Magnus-

		Stinson on 4/8/2024. (Attachments: # 1 Exhibit 1 - Voir Dire, # 2 Exhibit 2 - Preliminary Instruction, # 3 Exhibit 3 - Proposed Final Instructions)(SWM) Modified on 4/9/2024 to reflect copy mailed to Plaintiff. (SWM). (Entered: 04/09/2024)
04/18/2024	114	MOTION to Appoint Counsel, filed by Plaintiff CORDAY DIXON. (Attachments: # 1 Envelope) (JSR) (Entered: 04/19/2024)

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