

**\*\*\* PUBLIC DOCKET \*\*\***

NOD

**U.S. District Court  
Southern District of Indiana (Indianapolis)  
CIVIL DOCKET FOR CASE #: 1:24-cv-00610-SEB-TAB**

FORGEY v. INDIANA DEPT. OF CORRECTIONS et al  
Assigned to: Judge Sarah Evans Barker  
Referred to: Magistrate Judge Tim A. Baker  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 04/05/2024  
Jury Demand: Plaintiff  
Nature of Suit: 555 Prisoner Petitions -  
Prison Condition  
Jurisdiction: Federal Question

**Plaintiff****MATTHEW HERBERT FORGEY**

represented by **MATTHEW HERBERT FORGEY**  
175408  
PLAINFIELD - CF  
PLAINFIELD CORRECTIONAL  
FACILITY  
Inmate Mail/Parcels  
727 MOON ROAD  
PLAINFIELD, IN 46168  
PRO SE

V.

**Defendant****INDIANA DEPT. OF CORRECTIONS**

represented by **Jonathan Freije**  
Office of Indiana Attorney General  
302 W. Washington Street  
Indiana Government Center South, 5th  
Floor  
Indianapolis, IN 46204  
463-261-7365  
Email: jonathan.freije@atg.in.gov  
*ATTORNEY TO BE NOTICED*

**Stephanie Michelle Davis**  
Office of Attorney General Todd Rokita  
302 West Washington Street  
IGCS-5th Floor  
Indianapolis, IN 46204  
317-232-2491  
Fax: 317-232-7979  
Email: stephanie.davis@atg.in.gov  
*ATTORNEY TO BE NOTICED*

**Defendant**

**TRICIA PRETORIUS**  
*Warden*

represented by **Jonathan Freije**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stephanie Michelle Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**KEITH HARTZELL**  
*D Warden*

represented by **Jonathan Freije**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stephanie Michelle Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**AUSTIN**  
*Deputy Warden*

represented by **Jonathan Freije**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stephanie Michelle Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**CHAD PLATT**  
*Rec Director*

represented by **Jonathan Freije**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stephanie Michelle Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**JASON SERVIZZI**  
*Physical Plant Director*

represented by **Jonathan Freije**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stephanie Michelle Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**GEIGER**  
*Recreation Staff Member*

represented by **Jonathan Freije**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stephanie Michelle Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant****HARRIS***Recreation Staff Member*represented by **Jonathan Freije**

(See above for address)

*ATTORNEY TO BE NOTICED***Stephanie Michelle Davis**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****HART***Recreation Staff Member*represented by **Jonathan Freije**

(See above for address)

*ATTORNEY TO BE NOTICED***Stephanie Michelle Davis**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****FOSTER***Recreation Staff Member*represented by **Jonathan Freije**

(See above for address)

*ATTORNEY TO BE NOTICED***Stephanie Michelle Davis**

(See above for address)

*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
04/05/2024	<a href="#">1</a>	CONSENT to Prisoner E-Service by MATTHEW HERBERT FORGEY located at PLAINFIELD CF. Pursuant to General Order 2013-1, documents submitted by MATTHEW HERBERT FORGEY 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. <b>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.</b> (CCG) (Entered: 04/05/2024)
04/05/2024	<a href="#">2</a>	COMPLAINT against AUSTIN, EMERSON, KYLE FOSTER, GEIGER, C. HANPP, HARRIS, KEITH HARTZELL, INDIANA DEPT. OF CORRECTIONS, CHAD PLATT, TRICIA PRETORIUS, JASON SERVICZI, filed by MATTHEW HERBERT FORGEY. <b>(No fee paid with this filing)</b> (CCG) (Entered: 04/05/2024)
04/05/2024	<a href="#">3</a>	NOTICE to the Court, filed by Plaintiff MATTHEW HERBERT FORGEY (CCG) (Entered: 04/05/2024)
04/05/2024	<a href="#">4</a>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (CCG) (Entered: 04/05/2024)
04/05/2024	<a href="#">5</a>	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (CCG) (Entered: 04/05/2024)
04/15/2024	<a href="#">6</a>	NOTICE OF DEFICIENCY - Your civil rights complaint has been received. You shall have through May 13, 2024, in which to correct the deficiencies as follows: You must either pay the 405.00 filing fee for this action or demonstrate that you lack the financial ability to do so by filing a motion for leave to proceed without the prepayment of the filing

		fee ( <i>in forma pauperis</i> ). A form motion for leave to proceed without the prepayment of the filing fee is being provided for your use. NOTE TO PRISONER - If you seek leave to proceed without prepaying the filing fee, and you are a prisoner, your motion must be accompanied by a copy of the transactions associated with your institution trust account for the 6-month period preceding the filing of this action. (Attachments: # <a href="#">1</a> Form Motion for IFP) (MEH) (Entered: 04/15/2024)
05/10/2024	<a href="#">7</a>	RECEIPT #10269 for Filing fee in the amount of \$405.00, paid by Jennifer Canfield on behalf of Matthew Forgey. (CCG) (Entered: 05/10/2024)
05/13/2024	<a href="#">8</a>	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. (MEH) (Entered: 05/13/2024)
07/26/2024	<a href="#">9</a>	ORDER SCREENING COMPLAINT AND DIRECTING FURTHER PROCEEDINGS - This action will proceed with the First Amendment and injunctive relief claims discussed in Part III. All other claims are dismissed. The claims discussed in Part III are the only claims the Court identified in the complaint. If Mr. Forgey believes he asserted additional claims, he must notify the Court no later than August 23, 2024. The clerk is directed to terminate all defendants from the docket except the IDOC, Keith Hartzell, and Chad Platt. The clerk is directed to issue process to these defendants electronically in the manner specified by Rule 4(d). Process will consist of the complaint (dkt. <a href="#">2</a> ), 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 Sarah Evans Barker on 7/26/2024.(JRB) (Entered: 07/29/2024)
07/26/2024	<a href="#">11</a>	Documents to be Sent via Electronic Notice - re <a href="#">2</a> Complaint, <a href="#">9</a> Order, <a href="#">10</a> NOTICE of Lawsuit & Waiver Issued by Clerk Electronic Notice to IDOC. (JRB) (Entered: 07/29/2024)
07/29/2024	<a href="#">10</a>	NOTICE of Lawsuit & Waiver Issued by Clerk as to Indiana Department of Correction; Chad Platt and Keith Hartzell. (JRB) (Entered: 07/29/2024)
08/21/2024	<a href="#">12</a>	MOTION to Amend Complaint, filed by Plaintiff MATTHEW HERBERT FORGEY. (Attachments: # <a href="#">1</a> Exhibits, # <a href="#">2</a> Cover Letter)(KAA) (Entered: 08/22/2024)
08/28/2024	<a href="#">13</a>	NOTICE of Appearance by Stephanie Michelle Davis on behalf of Defendants KEITH HARTZELL, INDIANA DEPT. OF CORRECTIONS, CHAD PLATT. (Davis, Stephanie) (Entered: 08/28/2024)
08/28/2024	<a href="#">14</a>	WAIVER OF SERVICE Returned Executed, filed by CHAD PLATT, INDIANA DEPT. OF CORRECTIONS, KEITH HARTZELL. CHAD PLATT waiver sent on 7/29/2024; INDIANA DEPT. OF CORRECTIONS waiver sent on 7/29/2024; KEITH HARTZELL waiver sent on 7/29/2024. (Davis, Stephanie) (Entered: 08/28/2024)
08/28/2024	<a href="#">15</a>	NOTICE of Appearance by Jonathan Freije on behalf of Defendants KEITH HARTZELL, INDIANA DEPT. OF CORRECTIONS, CHAD PLATT. (Freije, Jonathan) (Entered: 08/28/2024)
09/19/2024	<a href="#">16</a>	ANSWER to Plaintiff's Complaint, Affirmative Defenses and Demand for Jury Trial, filed by Defendants KEITH HARTZELL, INDIANA DEPT. OF CORRECTIONS, CHAD PLATT. (Davis, Stephanie) (Entered: 09/19/2024)
11/06/2024	<a href="#">17</a>	ORDER SCREENING AMENDED COMPLAINT AND DIRECTING FURTHER PROCEEDINGS - Matthew Forgey's unopposed motion to amend his complaint, dkt. <a href="#">12</a> , is granted. The clerk is directed to redocket a copy of the motion, dkt. <a href="#">12</a> , as the amended complaint. The clerk is directed to add the following defendants to the docket: Warden Tricia Pretorius; Deputy Warden Austin; Physical Plant Manager Jason Servizzi; and

		recreation staff members Hart, Foster, Geiger, and Harris. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to these defendants electronically in the manner specified by Rule 4(d). Process will consist of the amended complaint (dkt. <a href="#">12</a> ), 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 Sarah Evans Barker on 11/6/2024. (JRB) (Entered: 11/06/2024)
11/06/2024	<a href="#">18</a>	AMENDED COMPLAINT against AUSTIN, FOSTER, GEIGER, HARRIS, HART, KEITH HARTZELL, INDIANA DEPT. OF CORRECTIONS, CHAD PLATT, TRICIA PRETORIUS, filed by MATTHEW HERBERT FORGEY. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Cover Letter)(JRB) (Entered: 11/06/2024)
11/06/2024	<a href="#">19</a>	NOTICE of Lawsuit & Waiver Issued by Clerk as to Warden Tricia Pretorius; Deputy Warden Austin; Physical Plant Manager Jason Servizzi; Recreation Staff Member Hart; Recreation Staff Member Foster; Recreation Staff Member Geiger; Recreation Staff Member Harris. (JRB) (Entered: 11/06/2024)
11/06/2024	<a href="#">20</a>	Documents to be Sent via Electronic Notice - re <a href="#">19</a> NOTICE of Lawsuit & Waiver Issued by Clerk, <a href="#">17</a> Order on Motion to Amend/Correct, <a href="#">18</a> Amended Complaint Electronic Notice to IDOC. (JRB) (Entered: 11/06/2024)
11/26/2024	<a href="#">21</a>	NOTICE of Appearance by Stephanie Michelle Davis on behalf of Defendants GEIGER, HARRIS, TRICIA PRETORIUS, HART, FOSTER, AUSTIN, JASON SERVICZI. (Davis, Stephanie) (Entered: 11/26/2024)
11/26/2024	<a href="#">22</a>	WAIVER OF SERVICE Returned Executed, filed by AUSTIN, GEIGER, TRICIA PRETORIUS, JASON SERVICZI, HARRIS, FOSTER, HART. AUSTIN waiver sent on 11/6/2024; GEIGER waiver sent on 11/6/2024; TRICIA PRETORIUS waiver sent on 11/6/2024; JASON SERVICZI waiver sent on 11/6/2024; HARRIS waiver sent on 11/6/2024; FOSTER waiver sent on 11/6/2024; HART waiver sent on 11/6/2024. (Davis, Stephanie) (Entered: 11/26/2024)
11/26/2024	<a href="#">23</a>	ANSWER to Plaintiff's Amended Complaint, Affirmative Defenses and Demand for Jury Trial, filed by Defendants GEIGER, HARRIS, INDIANA DEPT. OF CORRECTIONS, TRICIA PRETORIUS, KEITH HARTZELL, HART, FOSTER, AUSTIN, CHAD PLATT, JASON SERVICZI. (Davis, Stephanie) (Entered: 11/26/2024)
11/26/2024	<a href="#">24</a>	NOTICE of Appearance by Jonathan Freije on behalf of Defendants GEIGER, HARRIS, TRICIA PRETORIUS, HART, FOSTER, AUSTIN, JASON SERVICZI. (Freije, Jonathan) (Entered: 11/26/2024)
11/27/2024	<a href="#">25</a>	Entry Directing Development of Exhaustion Defense and Issuing Partial Stay - The defendants have asserted the affirmative defense that the plaintiff failed to exhaust his administrative remedies prior to filing this lawsuit as required by the Prison Litigation Reform Act. This defense must be resolved before reaching the merits of this case. The exhaustion defense will be resolved pursuant to the following schedule. 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 Order.) Signed by Judge Sarah Evans Barker on 11/27/2024. (JSR) (Entered: 11/27/2024)
12/11/2024	<a href="#">26</a>	MOTION for Assistance with Recruiting Counsel, filed by Plaintiff MATTHEW HERBERT FORGEY. (Attachments: # <a href="#">1</a> Exhibit)(JRB) (Entered: 12/13/2024)
01/07/2025	<a href="#">27</a>	MOTION for Extension of Time to 1/29/2025 , filed by Defendants GEIGER, HARRIS, INDIANA DEPT. OF CORRECTIONS, TRICIA PRETORIUS, KEITH HARTZELL, HART, FOSTER, AUSTIN, CHAD PLATT, JASON SERVICZI. (Attachments: # <a href="#">1</a> Text of

		Proposed Order Proposed Order Granting MEOT)(Davis, Stephanie) (Entered: 01/07/2025)
01/10/2025	<a href="#">28</a>	ORDER GRANTING DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE DISPOSITIVE MOTION IN SUPPORT OF THE EXHAUSTION DEFENSE: Defendants, by counsel, move for a 21-day extension to file their dispositive motion in support of the exhaustion defense. Good cause having been shown, the Court GRANTS the motion [dkt. <a href="#">27</a> ]. IT IS THEREFORE ORDERED that Defendants shall have until January 29, 2025 to file their dispositive motion in support of the exhaustion defense. Signed by Magistrate Judge Tim A. Baker on 1/10/2025.(Copy to Plaintiff via US Mail.) (LF) (Entered: 01/10/2025)
01/21/2025	<a href="#">29</a>	ORDER GRANTING MOTION FOR ASSISTANCE RECRUITING COUNSEL - Plaintiff's motion for assistance with recruiting counsel, dkt. <a href="#">26</a> , is GRANTED to the extent that the Court will attempt to recruit pro bono counsel to represent Plaintiff through final judgment. Signed by Judge Sarah Evans Barker on 01/21/2025. (AJG) (Entered: 01/21/2025)

**Case #: 1:24-cv-00610-SEB-TAB**