

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

CASREF

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:24-cv-00018-MKK-JMS**

FLAGG v. TIERNEY et al
Assigned to: Magistrate Judge M. Kendra Klump
Referred to: Judge Jane Magnus-Stinson
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 01/12/2024
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff**JUAN JOSEPH FLAGG**

represented by **JUAN JOSEPH FLAGG**
121969
WABASH VALLEY - CF
Wabash Valley Correctional Facility
6908 S. Old US Hwy 41
CARLISLE, IN 47838
PRO SE

V.

Defendant

S. TIERNEY
Officer

represented by **Elijah B. Mollet**
Lewis And Wilkins LLP
8777 Purdue Road
Ste 330
Indianapolis, IN 46268
317-636-7460
Fax: 317-636-7505
Email: emollet@lewisandwilkins.com
ATTORNEY TO BE NOTICED

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

RICHARDSON
Screening Officer

represented by **Elijah B. Mollet**
(See above for address)
ATTORNEY TO BE NOTICED

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

Defendant

C. POPE
Hearing Officer

represented by **Elijah B. Mollet**
(See above for address)
ATTORNEY TO BE NOTICED

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

Date Filed	#	Docket Text
01/12/2024	1	COMPLAINT against C. POPE, RICHARDSON, S. TIERNEY, filed by JUAN JOSEPH FLAGG. (No fee paid with this filing) (Attachments: # 1 Exhibits)(KAA) (Entered: 01/12/2024)
01/12/2024	2	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff JUAN JOSEPH FLAGG. (Attachments: # 1 Exhibits)(KAA) (Entered: 01/12/2024)
01/12/2024	3	ORDER SCREENING AMENDED COMPLAINT, SEVERING MISJOINED CLAIMS, AND DIRECTING FURTHER PROCEEDINGS - Because Mr. Flagg's claims against Mr. Hendrix involve a claim for injunctive relief that may warrant prompt attention, they will proceed in this action. The clerk is directed to open a new civil action in the Terre Haute Division to hear Mr. Flagg's claims against Defendants Tierney, Richardson, and Pope, consistent with the following: SEE 2:23-cv-00458-JMS-MKK. Signed by Judge Jane Magnus-Stinson on 1/12/2024.(KAA) (Entered: 01/12/2024)
01/12/2024	4	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (KAA) (Entered: 01/12/2024)
01/12/2024	5	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (KAA) (Entered: 01/12/2024)
01/17/2024	6	NOTICE of Appearance by Katherine A Meltzer on behalf of Defendants C. POPE, RICHARDSON, S. TIERNEY. (Meltzer, Katherine) (Entered: 01/17/2024)
01/17/2024	7	WAIVER OF SERVICE Returned Executed, filed by C. POPE, RICHARDSON, S. TIERNEY. All Defendants. (Meltzer, Katherine) (Entered: 01/17/2024)
01/17/2024	8	NOTICE of Appearance by John Oosterhoff on behalf of Defendants C. POPE, RICHARDSON, S. TIERNEY. (Oosterhoff, John) (Entered: 01/17/2024)
01/24/2024	9	CONSENT to Jurisdiction to US Magistrate Judge by JUAN JOSEPH FLAGG. (Attachments: # 1 Envelope)(JRB) (Entered: 01/24/2024)
01/26/2024	10	JOINT CONSENT to Jurisdiction to US Magistrate Judge by All Defendants. (Meltzer, Katherine) (Entered: 01/26/2024)

02/07/2024	11	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 to plaintiff by U.S. mail. (MEH) (Entered: 02/07/2024)
02/26/2024	12	ORDER REFERRING CASE to Magistrate Judge - The parties have indicated their consent to the exercise of jurisdiction by a United States Magistrate Judge. Dkts. 9 , 10 . It is, therefore, ORDERED that this case be referred to the currently assigned United States Magistrate Judge, The Honorable M. Kendra Klump, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73. Please use altered case number 2:24-cv-00018-MKK-JMS on all future filings in this case. Signed by Judge Jane Magnus-Stinson on 2/26/2024.(KAA) (Entered: 02/26/2024)
02/27/2024	13	ORDER GRANTING MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS AND ASSESSING INITIAL PARTIAL FILING FEE - Juan Flagg's motion for leave to proceed in forma pauperis, dkt. 2 , is granted to the extent that he is assessed an initial partial filing fee of \$39.15. Mr. Flagg will have through March 22, 2024, to pay this sum to the clerk of the District Court. (See Order.) Signed by Magistrate Judge M. Kendra Klump on 2/27/2024. Copy to Plaintiff via US mail. (JSR) (Entered: 02/29/2024)
03/12/2024	14	ANSWER and Affirmative Defenses to Plaintiff's Complaint and Jury Trial Demand, filed by Defendants C. POPE, RICHARDSON, S. TIERNEY. (Meltzer, Katherine) (Entered: 03/12/2024)
03/14/2024	15	NOTICE of Substitution of Appearance by Jonathan Freije replacing <i>John R. Oosterhoff</i> on behalf of C. POPE, RICHARDSON, S. TIERNEY (Freije, Jonathan) (Entered: 03/14/2024)
03/21/2024	16	RECEIPT #9581 for Initial Partial Filing fee in the amount of \$35.00, paid by Kayla Jehn on behalf of JUAN FLAGG. (CCG) (Entered: 03/21/2024)
03/21/2024	17	RECEIPT #9582 for Initial Partial Filing fee in the amount of \$4.15, paid by Kayla Jehn on behalf of JUAN FLAGG. (CCG) (Entered: 03/21/2024)
05/07/2024	18	ORDER: This action was severed from Flagg v. VanVleet, et al., No. 2:23- cv-00458-JMS-MKK. Judge Magnus-Stinson screened the complaint pursuant to 28 U.S.C. § 1915A; found plausible claims against Defendants Officer S. Tierney, Screening Officer Richardson, and Hearing Officer C. Pope; and directed that this action be opened to hear claims against those defendants. Dkt. 3 . Based on these allegations, this action will proceed with Fourteenth Amendment due process claims against Defendants Tierney, Richardson, and Pope; and First Amendment retaliation and Eighth Amendment claims against Officer Tierney. Dkt. 3 at 4. This order will function as the Court's screening order for purposes of 28 U.S.C. § 1915A. The defendants have answered the complaint and asserted that Mr. Flagg failed to exhaust administrative remedies with respect to some, but not all, claims. Dkt. 14 at 2. The Court will issue two scheduling orders: one governing discovery, and one governing development and resolution of the exhaustion defense. Because the defendants assert the exhaustion defense as to only some claims, the two schedules will proceed simultaneously. See Order. Signed by Magistrate Judge M. Kendra Klump on 5/7/2024.(Copy mailed to Plaintiff.) (LF) (Entered: 05/08/2024)
05/14/2024	19	ORDER Directing Monthly Payments: Plaintiff's custodian is directed to withhold sums from the inmate trust account of JUAN JOSEPH FLAGG, 121969, and to forward such

		sums to the Clerk of this Court at 46 East Ohio Street, Room 105, Indianapolis, Indiana 46204, consistent with paragraph 2 of this Entry. The appropriate cause number, 2:24-CV-00018-MKK-JMS, should be placed on each payment sent to the Clerk. Checks must be issued for a single plaintiff and include the case number or numbers to which the payment should be applied. See Order. Signed by Magistrate Judge M. Kendra Klump on 5/14/2024.(Copies mailed per Distribution list.)(LF) (Entered: 05/14/2024)
05/21/2024	20	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. The defendants shall have through June 27, 2024, in which to either: (See Entry.) 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,.) Signed by Magistrate Judge M. Kendra Klump on 5/21/2024. Copy to Plaintiff via US mail. (JSR) (Entered: 05/22/2024)
05/21/2024	21	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 12/16/2024. Discovery due by 11/18/2024. Signed by Magistrate Judge M. Kendra Klump on 05/21/2024. Copy to Plaintiff via US Mail. (AAT) (Entered: 05/22/2024)
05/22/2024	22	ORDER SETTING TELEPHONIC INITIAL PRETRIAL CONFERENCE - This case is set for a telephonic initial pretrial conference on July 19, 2024, at 2:00 p.m. (Eastern), with Magistrate M. Kendra Klump. 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 Wabash Valley Correctional Facility by separate email with the call-in information to be used to connect Mr. Flagg to the conference. Signed by Magistrate Judge M. Kendra Klump on 05/22/2024. Copy to Plaintiff via US Mail.(AAT) (Entered: 05/22/2024)
05/22/2024	23	ORDER to Make Inmate Available - You or your designee(s) are ORDERED to make Juan Joseph Flagg (121969) available to participate by telephone in a telephonic initial pretrial conference at the time and date specified in this Order. The Court will contact Wabash Correctional Facility staff by separate email with the information to be used to connect Mr. Flagg to the conference. (See Order for additional details). Signed by Magistrate Judge M. Kendra Klump on 05/22/2024. Copy to Plaintiff via US Mail. (AAT) (Entered: 05/22/2024)
06/10/2024	24	***PLEASE DISREGARD. FILED IN ERROR.*** NOTICE of Service of Initial Disclosures , filed by Defendants C. POPE, RICHARDSON, S. TIERNEY. (Meltzer, Katherine) (Entered: 06/10/2024)
06/10/2024	25	MOTION for Immediate Transfer and Amended offer of proof of Exhaustion, filed by Plaintiff JUAN JOSEPH FLAGG. (Attachments: # 1 Exhibit)(LF) (Entered: 06/11/2024)

06/10/2024	26	MOTION to Offer Proof of Exhaustion and Request for Immediate Transfer, filed by Plaintiff JUAN JOSEPH FLAGG. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Envelope)(KAA) (Additional attachment(s) added on 6/12/2024: # 6 Cover Letter) (KAA). (Entered: 06/12/2024)
06/12/2024	27	MOTION for Court Assistance, filed by Plaintiff JUAN JOSEPH FLAGG. (Attachments: # 1 Envelope)(TPS) (Entered: 06/13/2024)
06/20/2024	28	RESPONSE in Opposition re 27 MOTION, 26 MOTION, 25 MOTION , filed by Defendants C. POPE, RICHARDSON, S. TIERNEY. (Meltzer, Katherine) (Entered: 06/20/2024)
06/27/2024	29	NOTICE of <i>Withdrawal of Exhaustion Defense</i> , filed by Defendant S. TIERNEY (Meltzer, Katherine) (Entered: 06/27/2024)
07/01/2024	30	MOTION to Stay of Court Ruling, filed by Plaintiff JUAN JOSEPH FLAGG. (LF) (Entered: 07/03/2024)
07/08/2024	31	RESPONSE in Opposition re 30 MOTION to Stay , filed by Defendants C. POPE, RICHARDSON, S. TIERNEY. (Meltzer, Katherine) (Entered: 07/08/2024)
07/08/2024	32	REPLY re 28 Response in Opposition to Motion, 25 MOTION, filed by Plaintiff JUAN JOSEPH FLAGG. (Attachments: # 1 Exhibit) (BAA) (Entered: 07/11/2024)
07/12/2024	33	ORDER to PRODUCE INMATE. Warden of Wabash Valley Correctional Facility ordered to produce JUAN JOSEPH FLAGG for court proceeding on 7/19/2024 at 2:00 pm EST. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge M. Kendra Klump on 7/12/2024. Electronic notice to USM-W.(JRB) (Entered: 07/15/2024)
07/15/2024	34	NOTICE of Service of Initial Disclosures , filed by Defendants C. POPE, RICHARDSON, S. TIERNEY. (Meltzer, Katherine) (Entered: 07/15/2024)
07/15/2024	36	AMENDED REPLY re 32 , filed by Plaintiff JUAN JOSEPH FLAGG. (Attachments: # 1 Exhibit - Various Documents)(SWM) (Entered: 07/16/2024)
07/19/2024	37	MINUTE ORDER for proceedings held before Magistrate Judge M. Kendra Klump: Initial Pretrial Conference held on 7/19/2024. On that date, Defendants appeared, by counsel, for the conference. Wabash Valley Correctional Facility did not arrange for Plaintiff's appearance. Therefore, the telephonic initial pretrial conference is rescheduled for August 6, 2024, at 11:00 a.m. (Eastern). The Court will contact the parties and the facility via separate order / entry with instructions for participating in the call. Copy to Plaintiff via U.S. Mail. Signed by Magistrate Judge M. Kendra Klump. (NAD) (Entered: 07/19/2024)
07/19/2024	38	ORDER to Make Inmate Available - via Telephone. Warden of Wabash Valley Correctional Facility ordered to make Juan Joseph Flagg (121969) Available - via Telephone for court proceeding on 8/6/2024 at 11:00 a.m. (Eastern). The Court will contact Wabash Correctional Facility staff by separate email with the information to be used to connect Mr. Flagg to the conference. Copy to plaintiff via US Mail. Signed by Magistrate Judge M. Kendra Klump on 7/19/2024.(KAA) (Entered: 07/19/2024)
07/19/2024	39	ORDER - Mr. Flagg's motion requesting an immediate transfer to a different prison, dkt. 26 , is denied as moot because Mr. Flagg immediately followed it with an amended motion requesting an immediate transfer. Mr. Flagg's amended motion seeking an immediate transfer, dkt. 25 , is denied because it is unrelated to the claims and

		allegations pending in this lawsuit. Mr. Flagg's motion concerning access to the law library and legal materials, dkt. 27 , is denied because it does not request specific action from the Court. Regardless, there is no allegation that any defendant in this action is involved in or responsible for the issues raised in Mr. Flagg's motion, and this case does not concern access to the law library or legal materials. Mr. Flagg's motion asking the Court to withhold ruling on his motion for preliminary injunction until he files a reply, dkt. 30 , is denied as moot. Mr. Flagg filed a reply, dkt. 32 , and an amended reply, dkt. 36, before the Court issued this ruling. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge M. Kendra Klump on 7/19/2024. (JRB) (Entered: 07/22/2024)
07/29/2024	40	MOTION for Leave for Courts Order and Review of Evidence of Plaintiffs Prison Call and Video Evidence, filed by Plaintiff JUAN JOSEPH FLAGG. (AJG) (Entered: 07/30/2024)
08/06/2024	42	MINUTE ORDER for Telephonic Initial Pretrial Conference held before Magistrate Judge M. Kendra Klump on 8/6/2024. Telephonic Status Conference set for 11/14/2024 at 2:00 PM (Eastern Time) before Magistrate Judge M. Kendra Klump. See Minute Order for further information. Signed by Magistrate Judge M. Kendra Klump. (BAS) (Entered: 08/08/2024)
08/06/2024	43	ORDER to Make Inmate Available - via Telephone. Warden of Wabash Valley Correctional Facility ordered to make Juan Joseph Flagg Available - via Telephone for court proceeding on 11/14/2024 at 2:00 PM (Eastern). Signed by Magistrate Judge M. Kendra Klump on 8/6/2024.(BAS) (Entered: 08/08/2024)
08/09/2024	44	RESPONSE in Opposition re 40 MOTION <i>for Evidence and In Camera Review</i> , filed by Defendants C. POPE, RICHARDSON, S. TIERNEY. (Meltzer, Katherine) (Entered: 08/09/2024)
09/04/2024	45	NOTICE of Appearance by Eric Ryan Shouse on behalf of Defendants C. POPE, RICHARDSON, S. TIERNEY. (Shouse, Eric) (Entered: 09/04/2024)
09/05/2024	46	MOTION to Withdraw Attorney Appearance of <i>Katherine A. Meltzer and Jonathan M. Freije</i> , filed by Defendants C. POPE, RICHARDSON, S. TIERNEY. (Attachments: # 1 Text of Proposed Order on Motion to Withdraw Attorney Appearance)(Meltzer, Katherine) (Entered: 09/05/2024)
09/06/2024	47	ORDER granting 46 Motion to Withdraw Attorney Appearance. Attorney Jonathan Freije and Katherine A Meltzer withdrawn. Copy to Plaintiff via US mail. Signed by Magistrate Judge M. Kendra Klump on 09/06/2024. (AJG) (Entered: 09/06/2024)
09/06/2024	48	RECEIPT #12007 for partial filing fee in the amount of \$3.00, paid by JUAN JOSEPH FLAGG. (DJH) (Entered: 09/06/2024)
09/11/2024	49	MOTION to Take Deposition from Plaintiff , filed by Defendants C. POPE, RICHARDSON, S. TIERNEY. (Attachments: # 1 Text of Proposed Order Granting Leave to Depose Plaintiff)(Shouse, Eric) (Entered: 09/11/2024)
09/25/2024	50	ORDER granting 49 Motion to Take Deposition - Defendants are granted leave to depose Plaintiff, Juan Joseph Flagg, DOC# 121969, an inmate held in the custody of the Indiana Department of Correction at the Wabash Valley Correctional Facility no later than November 18, 2024, 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 9/25/2024. Copy to Plaintiff via US mail. (JSR) (Entered: 09/26/2024)
10/03/2024	51	NOTICE <i>Regarding Settlement Conference</i> , filed by Defendants C. POPE, RICHARDSON, S. TIERNEY (Shouse, Eric) (Entered: 10/03/2024)
10/04/2024	52	RECEIPT #12404 for partial filing fee in the amount of \$5.60, paid by JUAN JOSEPH FLAGG. (DJH) (Entered: 10/04/2024)
10/07/2024	53	MOTION for Immediate Status Conference, filed by Plaintiff JUAN JOSEPH FLAGG. (Attachments: # 1 Exhibit) (BAA) (Entered: 10/08/2024)
10/09/2024	54	ORDER - Pending before the Court is his Motion for an Immediate Status Conference. Plaintiff's Motion, Dkt. 53 , is GRANTED to the limited extent that: (1) Defendants are directed to treat the documents attached to his motion as if they are supplements to Plaintiff's initial disclosures and have been produced in response to any discovery requests they served; and (2) the deadline for Plaintiff to serve complete responses to any outstanding discovery requests in this case is extended up to and including November 9, 2024. The motion is DENIED to the extent that it requests an immediate telephonic conference or any other relief. This case is already scheduled for a telephonic status conference on November 14, 2024, at 2:00 p.m. (Eastern Time). (See Order.) Signed by Magistrate Judge M. Kendra Klump on 10/9/2024. Copy to Plaintiff via US mail. (JSR) (Entered: 10/09/2024)
10/30/2024	56	ORDER - Mr. Flagg's motion, Dkt. 40 , is DENIED. It is not clear from Mr. Flagg's motion how evidence of the July 18 cell search would be relevant to the claims he is pursuing in this lawsuit. Regardless, there is no indication that Mr. Flagg has attempted to obtain the video through a proper discovery request, either to a defendant under Federal Rule of Civil Procedure 34 or by subpoena to a nonparty under Rule 45. He may not file a motion to compel the production of evidence until he has served such a request, its recipient has failed to respond adequately, and Mr. Flagg has attempted to resolve the dispute directly with the recipient. (Dkt. 21 at 8).The deadline to serve discovery requests has passed. All outstanding discovery responses are due November 18, 2024, and dispositive motions remain due December 16, 2024. (Dkt. 21). Signed by Magistrate Judge M. Kendra Klump on 10/30/2024. Copy to Plaintiff via US Mail. (AAS) (Entered: 10/31/2024)
11/05/2024	57	RECEIPT #8 for partial filing fee in the amount of \$8.00, paid by JUAN JOSEPH FLAGG. (KAA) (Entered: 11/06/2024)
11/14/2024	58	NOTICE of Appearance by Elijah B. Mollet on behalf of Defendants S. TIERNEY, RICHARDSON, C. POPE. (Mollet, Elijah) (Entered: 11/14/2024)
11/18/2024	59	MINUTE ORDER for Telephonic Status Conference held before Magistrate Judge M. Kendra Klump on 11/14/2024. The conference concluded without further order. Signed by Magistrate Judge M. Kendra Klump. (BAS) (Entered: 11/21/2024)
12/04/2024	60	RECEIPT #24 for partial filing fee in the amount of \$3.00, paid by JUAN JOSEPH FLAGG. (KAA) (Entered: 12/04/2024)
12/12/2024	61	MOTION for Extension of Time to January 13, 2025 <i>to File Motions for Summary Judgment</i> , filed by Defendants S. TIERNEY, RICHARDSON, C. POPE. (Attachments: # 1 Text of Proposed Order Extending MSJ Deadline)(Shouse, Eric) (Entered: 12/12/2024)

12/13/2024	62	ORDER granting 61 Motion to Extend the Motions for Summary Judgment Deadline. The deadline for Motions for Summary Judgment shall be extended up to and including January 13, 2025. Copy sent to plaintiff via US mail. Signed by Magistrate Judge M. Kendra Klump on 12/13/2024.(TPS) (Entered: 12/13/2024)
01/07/2025	63	RECEIPT #43 for partial filing fee in the amount of \$5.00, paid by JUAN JOSEPH FLAGG. (KAA) (Entered: 01/08/2025)
01/13/2025	64	NOTICE of Appearance by Jordan Douglas Hall on behalf of Defendants S. TIERNEY, RICHARDSON, C. POPE. (Hall, Jordan) (Entered: 01/13/2025)
01/13/2025	65	MOTION for Summary Judgment , filed by Defendants S. TIERNEY, RICHARDSON, C. POPE. (Hall, Jordan) (Entered: 01/13/2025)
01/13/2025	66	Designation of Evidence re 65 MOTION for Summary Judgment , filed by Defendants S. TIERNEY, RICHARDSON, C. POPE. (Attachments: # 1 Exhibit Ex. A- Flagg Dep., # 2 Exhibit Ex. B- Tierney Aff., # 3 Exhibit Ex. C- Richardson Aff., # 4 Exhibit Ex. D- Pope Aff.)(Hall, Jordan) (Entered: 01/13/2025)
01/13/2025	67	BRIEF/MEMORANDUM in Support re 65 MOTION for Summary Judgment , filed by Defendants S. TIERNEY, RICHARDSON, C. POPE. (Hall, Jordan) (Entered: 01/13/2025)
01/13/2025	68	NOTICE <i>Regarding Right to Respond to and Submit Evidence in Opposition to Motion for Summary Judgment</i> , filed by Defendants S. TIERNEY, RICHARDSON, C. POPE, re 67 Brief/Memorandum in Support, 66 Designation of Evidence, 65 MOTION for Summary Judgment . (Hall, Jordan) (Entered: 01/13/2025)
01/14/2025	69	MOTION for Status Conference, filed by Plaintiff JUAN JOSEPH FLAGG. (JRB) (Entered: 01/15/2025)
01/18/2025	70	ORDER - 69 Motion for Status Conference is GRANTED to the extent that the Court explains that the Defendants timely filed their Motion for Summary Judgment on January 13, 2025. (Dkt. 65). Plaintiff's deadline to respond to Defendants' Motion is February 10, 2025. The Clerk is directed to send Plaintiff copies of the docket as well as Docket Nos. 65 - 68 with his copy of this Order. Signed by Magistrate Judge M. Kendra Klump on 1/18/2025 (Copy mailed to Plaintiff). (Attachments: # 1 Public Docket Sheet, # 2 Dkt. 65, # 3 Dkt. 66, # 4 Dkt. 67, # 5 Dkt. 68) (LBT) (Entered: 01/21/2025)
02/04/2025	71	MOTION for Court Assistance for Court Order, filed by Plaintiff JUAN JOSEPH FLAGG. (JRB) (Entered: 02/06/2025)
02/04/2025	72	RESPONSE in Opposition re 65 MOTION for Summary Judgment , filed by Plaintiff JUAN JOSEPH FLAGG. (Attachments: # 1 Exhibit)(AJG) (Entered: 02/06/2025)
02/10/2025	73	ORDER - Before the Court is Plaintiff's Motion for Court Assistance, Dkt. 71 . Plaintiff requests that the Court Order the Wabash Valley Correctional Facility Librarian to Notarize his signed affidavit. The Motion is DENIED as unnecessary. The Court does not require affidavits to be notarized, only that they be sworn under penalty of perjury, which Plaintiff has done. (Dkt. [72-1] at 73). Signed by Magistrate Judge M. Kendra Klump on 2/10/2025. Copy mailed to Plaintiff. (BAA) (Entered: 02/10/2025)
02/14/2025	74	CONSENT to Prisoner E-Service by WVCf (Court Use Only) located at WVCf. Pursuant to General Order 2013-1, documents submitted by WVCf (Court Use Only) 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. E Service Consent originally filed in case 2:23-cv-458-JMS MKK before case was severed. (MEH) (Entered: 02/14/2025)
02/18/2025	75	REPLY in Support of Motion re 65 MOTION for Summary Judgment , filed by Defendants S. TIERNEY, RICHARDSON, C. POPE. (Hall, Jordan) (Entered: 02/18/2025)
03/05/2025	76	RECEIPT #90 for partial filing fee in the amount of \$41.00, paid by JUAN JOSEPH FLAGG. (KAA) (Entered: 03/05/2025)
04/04/2025	77	RECEIPT #110 for partial filing fee in the amount of \$6.00, paid by JUAN JOSEPH FLAGG. (KAA) (Entered: 04/04/2025)
05/05/2025	78	RECEIPT #139 for Partial Filing fee in the amount of \$26.00, paid by JUAN FLAGG. (TPS) (Entered: 05/06/2025)
06/13/2025	79	MOTION to Withdraw Attorney Appearance of <i>Jordan D. Hall</i> , filed by Defendants C. POPE, RICHARDSON, S. TIERNEY. (Attachments: # 1 Text of Proposed Order Proposed Order)(Hall, Jordan) (Entered: 06/13/2025)
06/16/2025	80	ORDER granting 79 Motion to Withdraw Attorney Appearance. Attorney Jordan Douglas Hall withdrawn. Copy to plaintiff via US Mail. Signed by Magistrate Judge M. Kendra Klump on 6/16/25. (RSF) (Entered: 06/17/2025)
08/04/2025	81	RECEIPT #213 for partial filing fee in the amount of \$35.80, paid by JUAN JOSEPH FLAGG. (KAA) (Entered: 08/06/2025)
08/21/2025	82	ORDER GRANTING IN PART DEFENDANTS' MOTION FOR SUMMARY JUDGMENT - The Defendants' Motion for Summary Judgment, Dkt. 65 , is GRANTED as to Plaintiff's Fourteenth Amendment Claims against Defendants Tierney, Richardson, and Pope, and is DENIED as to Plaintiff's First Amendment and Eighth Amendment Claims against Defendant Tierney. Because it is the Court's preference that Plaintiff be represented by counsel for trial or any potential settlement conference, Plaintiff shall have through September 22, 2025, in which to file a motion for assistance with the recruitment of counsel. The Clerk is directed to include a motion for counsel form with Plaintiff's copy of this Order. SEE ORDER. Signed by Magistrate Judge M. Kendra Klump on 8/21/2025. (Attachments: # 1 Form Motion for Assistance with Recruiting Counsel) (AAS) (Entered: 08/21/2025)
08/21/2025	83	ORDER - The Court, sua sponte, sets a telephonic status conference on November 5, 2025, at 1:00 p.m. (Eastern) for this matter. The Court will provide call-in information to counsel via CM/ECF. The Court will issue a separate entry to the facility to ensure Plaintiff Juan Joseph Flagg is made available for the call. Signed by Magistrate Judge M. Kendra Klump on 8/21/2025.(AAS) (Entered: 08/22/2025)
08/22/2025	84	ORDER to Make Inmate Available - via Telephone. Warden of Wabash Valley Correctional Facility ordered to make Juan Joseph Flagg Available - via Telephone for court proceeding on 11/5/2025 at 1:00 PM (Eastern). Signed by Magistrate Judge M. Kendra Klump on 8/22/2025. Order emailed to WVCf.(BAS) (Entered: 08/26/2025)
09/02/2025	86	RECEIPT #235 for partial filing fee in the amount of \$46.21, paid by JUAN JOSEPH FLAGG. (KAA) (Entered: 09/03/2025)

09/15/2025	87	MOTION for Assistance with Recruiting Counsel, filed by Plaintiff JUAN JOSEPH FLAGG. (JRB) (Entered: 09/15/2025)
09/23/2025	88	ORDER granting 87 MOTION FOR ASSISTANCE WITH RECRUITING COUNSEL - Juan Flagg's motion for assistance with recruiting counsel, dkt. 87 , is granted. The Court will attempt to recruit counsel to represent Mr. Flagg through final judgment. Signed by Magistrate Judge M. Kendra Klump on 09/23/2025. (AAS) (Entered: 09/24/2025)

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