

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

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:24-cv-00052-JRS-MJD**

FURMAN v. UNITED STATES OF AMERICA
Assigned to: Chief District Judge James Russell Sweeney, II
Referred to: Magistrate Judge Mark J. Dinsmore
Demand: \$1,055,000
Cause: 28:2674 Federal Tort Claims Act

Date Filed: 02/12/2024
Jury Demand: None
Nature of Suit: 555 Prisoner Petitions - Prison Condition
Jurisdiction: Federal Question

Plaintiff

REX FURMAN

represented by **REX FURMAN**
18235-041
TERRE HAUTE - USP
TERRE HAUTE U.S. PENITENTIARY
Inmate Mail/Parcels
P.O. BOX 33
TERRE HAUTE, IN 47808
PRO SE

V.

Defendant

UNITED STATES OF AMERICA

represented by **Jeffrey D. Preston**
DOJ-USAO
135 N. Pennsylvania St.
Suite 2100
Indianapolis, IN 46204
317-229-2405
Email: jeffrey.preston@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/12/2024	1	COMPLAINT against UNITED STATES OF AMERICA, filed by REX FURMAN. (No fee paid with this filing) (Attachments: # 1 Cover Letter, # 2 Envelope)(CCG) (Entered: 02/14/2024)
02/12/2024	2	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff REX FURMAN. (Attachments: # 1 Exhibit, # 2 Envelope)(CCG) (Entered: 02/14/2024)
02/14/2024	3	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (CCG) (Entered: 02/14/2024)
02/14/2024	4	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (CCG) (Entered: 02/14/2024)
02/27/2024	5	NOTICE to Pro se Litigant - The following information is provided to pro se litigants to inform them about rules and procedures governing how they communicate with the Court. (Copy sent to plaintiff via US mail). (JRT) (Entered: 02/27/2024)
02/28/2024	6	ORDER granting 2 Motion for Leave to Proceed in forma pauperis - The plaintiff's motion to proceed in forma pauperis, dkt. 2 , is granted. Although the plaintiff is excused from pre-paying the full filing fee, he still must pay the three hundred and fifty dollar (\$350.00) filing fee pursuant to the statutory formula set forth in 28 U.S.C. § 1915(b)(2) when able. The assessment of even an initial partial filing fee is waived because the plaintiff has no assets and no means by which to pay a partial filing fee. 28

		U.S.C. § 1915(b)(4). Accordingly, no initial partial filing fee is due at this time. Copy to Plaintiff via US Mail. Signed by Judge James R. Sweeney II on 02/28/2024. (AAS) (Entered: 02/28/2024)
04/19/2024	7	Correspondence from Rex Furman REQUESTING COPY of Case Docket Sheet. Copy/Copies provided via US Mail. (Attachments: # 1 Envelope, # 2 Public Docket Sheet) (AAS) (Entered: 04/23/2024)
04/24/2024	8	Order Screening Complaint and Directing Further Proceedings - Because Mr. Furman is incarcerated, this Court must screen the complaint before service on the defendant. This summary of claims includes all of the viable claims identified by the Court. All other claims have been dismissed. If Mr. Furman believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have through May 20, 2024, in which to identify those claims. The clerk is directed to issue a single summons to the United States attorney for this district and the Attorney General of the United States at Washington, D.C., pursuant to Fed. R. Civ. P. 4(i)(1). The Marshal for this District is directed to serve the summons and complaint by registered or certified mail at the expense of the United States. (See Order.) Signed by Judge James R. Sweeney II on 4/24/2024. Copies distributed pursuant to distribution list. (JSR) (Entered: 04/25/2024)
04/24/2024	9	Summons Issued as to UNITED STATES OF AMERICA, United States Attorney General, and Office of the United States Attorney. (Attachments: # 1 USM 285 Form United States Attorney General, # 2 USM 285 Form Office of the United States Attorney) (JSR) (Entered: 04/25/2024)
04/24/2024	10	Documents for service by USM - re 9 Summons Issued, 1 Complaint. Electronic notice to USM-C. (JSR) (Entered: 04/25/2024)
05/06/2024	11	RETURN of USM Service. US Attorney General served on 4/30/2024 via FedEx. (KAA) (Entered: 05/06/2024)
05/06/2024	12	RETURN of USM Service. US Attorney served on 4/30/2024 via FedEx. (KAA) (Entered: 05/06/2024)
06/13/2024	15	RESPONSE to Order dkt 14 , filed by Plaintiff REX FURMAN. (Attachments: # 1 Envelope)(AJG) (Entered: 06/17/2024)
06/13/2024	16	MOTION to Appoint Counsel, filed by Plaintiff REX FURMAN. (Attachments: # 1 Envelope)(AJG) (Entered: 06/17/2024)
07/01/2024	17	NOTICE of Appearance by Rachana Nagin Fischer on behalf of Defendant UNITED STATES OF AMERICA. (Fischer, Rachana) (Entered: 07/01/2024)
07/01/2024	18	MOTION to Dismiss <i>June 2023 Property Claim</i> , filed by Defendant UNITED STATES OF AMERICA. (Fischer, Rachana) (Entered: 07/01/2024)
07/01/2024	19	BRIEF/MEMORANDUM in Support re 18 MOTION to Dismiss <i>June 2023 Property Claim</i> , filed by Defendant UNITED STATES OF AMERICA. (Fischer, Rachana) (Entered: 07/01/2024)
08/01/2024	20	MOTION for Relief of Court, filed by Plaintiff REX FURMAN. (Attachments: # 1 Envelope) (CKM) (Entered: 08/05/2024)
12/02/2024	21	ORDER - Mr. Furman has not satisfied the first step of demonstrating he has made reasonable attempts to obtain counsel. His motion for assistance with recruiting counsel, dkt. 16 , must therefore be denied. If Mr. Furman wishes to challenge his current housing conditions, he may consider filing a civil rights lawsuit in the appropriate court. For the foregoing reasons, Mr. Furman's motion for relief of Court is denied. Dkt. 20 . SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge James R. Sweeney II on 12/2/2024. (JRB) (Entered: 12/02/2024)
01/14/2025	22	ORDER granting 18 Motion to Dismiss June 2023 Property Claim. Accordingly, Mr. Furman's FTCA June 2023 property claim against the United States is dismissed for failure to state a claim upon which relief can be granted. No partial judgment shall issue at this time. (SEE ORDER.) Copy sent to plaintiff via US mail. Signed by Judge James R. Sweeney II on 1/14/2025. (TPS) (Entered: 01/14/2025)
01/23/2025	23	MOTION for Extension of Time to February 11, 2025 , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Fischer, Rachana) (Entered: 01/23/2025)
01/28/2025	24	ORDER: This matter is before the Court on Motion for Extension of Time to Answer or Otherwise Respond to Complaint. [Dkt. 23 .] The Court, being duly advised, hereby GRANTS the motion. Defendant's deadline to file an answer or other responsive pleading to the Plaintiff's Complaint shall be

		due on or before February 11, 2025. Signed by Magistrate Judge Mark J. Dinsmore on 1/28/2025.(Copy to Plaintiff via US Mail.) (LF) Modified on 1/28/2025 (LF). (Entered: 01/28/2025)
02/11/2025	25	ANSWER to 1 Complaint , filed by UNITED STATES OF AMERICA.(Fischer, Rachana) (Entered: 02/11/2025)
02/12/2025	26	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 11/14/2025. Discovery due by 10/17/2025. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 2/12/2025.(JRB) (Entered: 02/13/2025)
03/12/2025	27	NOTICE of Service of Initial Disclosures , filed by Defendant UNITED STATES OF AMERICA. (Fischer, Rachana) (Entered: 03/12/2025)
03/14/2025	28	EMERGENCY MOTION for Court Assistance to Amend Original Petition Considering the time between Order and the new time set as Equitable Tolling as Government is standing in the way, filed by Plaintiff REX FURMAN. (BAA) (Entered: 03/14/2025)
04/02/2025	29	REPLY re 25 Answer to Complaint, filed by Plaintiff REX FURMAN. (Attachments: # 1 Cover Letter) (LBT) (Entered: 04/03/2025)
04/07/2025	30	ORDER granting in part and denying in part 28 Motion - Plaintiff's motion is GRANTED to the extent that the deadlines in this case are extended as set forth below. It is DENIED in all other respects. The deadlines set forth in Section I of the Court's Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation, [Dkt. 26], are AMENDED as follows: (SEE ORDER.) All other provisions in the Court's Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation, [Dkt. 26], remain unchanged. No further extensions of the deadlines in this case are anticipated. (See Order.) Signed by Magistrate Judge Mark J. Dinsmore on 4/7/2025. Copy to Plaintiff via US mail. (JSR) (Entered: 04/08/2025)
04/14/2025	31	Emergency MOTION for Leave to File Amended Petition, filed by Plaintiff REX FURMAN. (Attachments: # 1 Cover Letter)(TPS) (Entered: 04/15/2025)
04/22/2025	32	NOTICE of Appearance by Jeffrey D. Preston on behalf of Defendant UNITED STATES OF AMERICA. (Preston, Jeffrey) (Entered: 04/22/2025)
04/22/2025	33	NOTICE of Substitution of Appearance by Jeffrey D. Preston replacing <i>AUSA Rachana N. Fischer</i> on behalf of UNITED STATES OF AMERICA (Preston, Jeffrey) (Entered: 04/22/2025)
04/23/2025	34	ORDER - Plaintiff has for the second time filed a document entitled Emergency Motion to Amend Original Petition Considering the Time Between Order and the New Time Set as Equitable Tolling as Government is Standing in the Way. [Dkt. 31 .] The Court addressed this motion the first time Plaintiff filed it, see Dkt. 30 ; accordingly, this second motion is DENIED AS MOOT. The Clerk is directed to include a copy of Docket Number 30 along with this Order when it is sent to Plaintiff. All of the deadlines set forth in Docket Number 30 remain unchanged. Signed by Magistrate Judge Mark J. Dinsmore on 4/23/24. Copy Sent to Plaintiff via U.S. Mail (CKM) (Entered: 04/23/2025)
04/29/2025	35	MOTION for Protective Order , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Protective Order, # 2 Text of Proposed Order)(Preston, Jeffrey) (Entered: 04/29/2025)
04/29/2025	36	MOTION for Reconsideration of Issue of Abuse of Process, filed by Plaintiff REX FURMAN. (DWH) (Entered: 04/29/2025)
05/06/2025	37	ORDER - This matter comes before the Court on Plaintiff Rex Furman's Motion for Reconsideration of Issue of Abuse of Process. Mr. Furman's instant motion was filed on April 29, 2025, a year after the screening order was issued, and eleven months after the deadline identified in the screening order. Mr. Furman presents no argument as to why the Court should have to reconsider its Screening Order nearly a year after the deadline imposed by the Court. Accordingly, Mr. Furman's Motion for Reconsideration of Issue of Abuse of Process, dkt. 36 , is denied. (See Order.) Signed by Judge James R. Sweeney II on 5/6/2025. Copy to Plaintiff via US mail. (JSR) (Entered: 05/07/2025)

05/06/2025	38	TELEPHONIC HEARING HON. MAGISTRATE JUDGE MARK J. DINSMORE - Defendant's Motion for Entry of Protective Order [Dkt. 35] is set for a telephonic hearing on Friday, May 16, 2025 at 10:00 a.m. (Eastern). Counsel shall attend the hearing by calling the designated telephone number, to be provided by the Court via email generated by the Court's ECF system. The Court will ensure Plaintiff's attendance at the hearing by separate order. Signed by Magistrate Judge Mark J. Dinsmore on 5/6/2025. Copy mailed to Plaintiff. (BAA) (Entered: 05/07/2025)
05/06/2025	39	ORDER to Make Inmate Available - via Telephone. Warden of Terre Haute U.S. Penitentiary ordered to make Rex Furman Available - via Telephone for court proceeding on 5/16/2025 at 10:00 AM (Eastern). (See Order). Signed by Magistrate Judge Mark J. Dinsmore on 5/6/2025. Copy to Plaintiff via US Mail. (DWH) (Entered: 05/07/2025)
05/16/2025	41	MINUTE ORDER Plaintiff appeared pro se and Defendant appeared by counsel for a telephonic hearing on Defendant's Motion for Entry of Protective Order before Magistrate Judge Mark J. Dinsmore on May 16, 2025. Dkt. 35 Following a discussion with the parties, the motion is GRANTED IN PART and DENIED IN PART and the proposed protective order will be entered as amended, by separate order. See Minute Order for additional information. Signed by Magistrate Judge Mark J. Dinsmore (Copy of Docket Sheet and this order mailed to Plaintiff by CRD). (DLW) Modified on 5/19/2025 to indicate copy mailed (LBT). (Entered: 05/19/2025)
06/13/2025	42	PROTECTIVE ORDER. (See Order.) Signed by Magistrate Judge Mark J. Dinsmore on 6/13/2025. Copy to Plaintiff via US mail. (JSR) (Entered: 06/13/2025)
06/23/2025	43	SEALED <i>Notice of Supplemental Initial Disclosures Subject to Court's Protective Order</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 DHO Reports, # 2 Inmate Medical Records, Work Detail, and Adm-Rel, # 3 Unit Roster, # 4 Medical Records and Photo Sheet, # 5 Inmate Work Detail and Adm-Rel, # 6 Incident Reports, # 7 Inmate Medical Records, Work Detail, Adm-Rel, and Statement, # 8 Staff Memo, # 9 Investigative Reports)(Preston, Jeffrey) (Entered: 06/23/2025)
06/23/2025	44	MOTION to Maintain Document Under Seal 43 SEALED Document (Case Participants - doc) , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Preston, Jeffrey) (Entered: 06/23/2025)
06/23/2025	45	NOTICE of Manual Filing re 43 SEALED Document (Case Participants - doc), filed by UNITED STATES OF AMERICA (Preston, Jeffrey) (Entered: 06/23/2025)
06/23/2025	46	Receipt of one flash drive received in the Indianapolis Division re 45 NOTICE of Manual Filing re 43 SEALED Document (Case Participants - doc), filed by UNITED STATES OF AMERICA (Preston, Jeffrey) (Attachments: # 1 Copy of Notice of Manual Filing) (CCG) (Entered: 06/23/2025)
06/23/2025	47	NOTICE OF NONCOMPLIANT MANUAL FILING 46 (DJH) (Entered: 06/23/2025)
06/25/2025	48	NOTICE of Manual Filing re 43 SEALED Document (Case Participants - doc), filed by UNITED STATES OF AMERICA (Preston, Jeffrey) (Entered: 06/25/2025)
06/25/2025	49	Receipt in Indianapolis Division of one flash drive (SEALED), filed by UNITED STATES OF AMERICA, re 48 NOTICE of Manual Filing re 43 SEALED Document (Case Participants - doc), replacing 46 flash drive. (Attachments: # 1 copy of Notice of Manual Filing) (DJH) (Entered: 06/25/2025)
07/07/2025	50	ORDER granting 44 MOTION to Maintain Document 43 Under Seal. SEE ORDER. Signed by Magistrate Judge Mark J. Dinsmore on 7/7/2025. Copy Sent to Plaintiff Via U.S. Mail. (JRB) Modified on 7/7/2025 (CKM). (Entered: 07/07/2025)
07/22/2025	51	MOTION to Appoint Counsel, filed by Plaintiff REX FURMAN. (SAM) (Entered: 07/22/2025)
07/22/2025	52	MOTION to Compel, filed by Plaintiff REX FURMAN. (Attachments: # 1 Cover Letter)(SAM) (Entered: 07/23/2025)
08/06/2025	53	RESPONSE in Opposition re 52 MOTION to Compel , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exh. 1 - Cover Letter to Unit Counselor C. Tarrh, # 2 Exh. 2 - July 2, 2025, email to BOP counsel - Redacted, # 3 Exh. 3 - Declaration of Unit Counselor C. Tarrh, # 4 Exh. 4 - Email and Furman Letter to J. Preston)(Preston, Jeffrey) (Entered: 08/06/2025)

08/18/2025	54	Submission of Certificate of Attempt to Resolve Issues Without Court Motion, filed by Plaintiff REX FURMAN. (SAM) (Entered: 08/19/2025)
08/18/2025	55	MOTION for Extension of Time, filed by Plaintiff REX FURMAN. (Attachments: # 1 Civil Cover Sheet)(SAM) (Entered: 08/19/2025)
09/08/2025	56	MOTION to Take Deposition from Inmate Rex Furman , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Preston, Jeffrey) (Entered: 09/08/2025)
09/09/2025	57	ORDER - This matter is before the Court on the Defendants' motion for leave to depose Plaintiff Rex Furman, an incarcerated individual. Dkt. 56 The Court, being duly advised, hereby GRANTS the motion. Defendant is granted leave to depose the Plaintiff at a date to be arranged with the facility and prior to the close of discovery. The deposition may be taken via a videoconferencing service. Signed by Magistrate Judge Mark J. Dinsmore on 9/9/2025. Copy to Plaintiff via US Mail. (AAS) (Entered: 09/09/2025)
11/17/2025	58	ORDER - Plaintiff's motion for additional time to file a reply in support of his motion to compel, [dkt. 55], is DENIED AS UNNECESSARY. The motion to compel, [dkt. 52], is GRANTED IN PART to the extent stated in Section III, above. The requests for relief on pages 9 and 10 of Plaintiff's letter, [dkt. 54], are DENIED to the extent he seeks relief beyond that otherwise granted in this Order. SEE ORDER. Signed by Magistrate Judge Mark J. Dinsmore on 11/17/2025. (Copy to plaintiff via US Mail.) (KAA) (Entered: 11/17/2025)
11/19/2025	59	NOTICE of Compliance, filed by Defendant UNITED STATES OF AMERICA, re 58 Order on Motion to Compel Order on Motion for Extension of Time to File. (Attachments: # 1 Exh. 1 - Declaration of Counselor Tarrh) (Preston, Jeffrey) (Entered: 11/19/2025)
11/24/2025	60	***PLEASE DISREGARD - WITHDRAWN AT 64 *** NOTICE of Supplemental Initial Disclosures Subject to Court's Protective Order (Second), filed by Defendant UNITED STATES OF AMERICA (Preston, Jeffrey) Modified on 11/26/2025 (RSF). (Entered: 11/24/2025)
11/24/2025	61	NOTICE of Supplemental Initial Disclosures Subject to Court's Protective Order (Second), filed by Defendant UNITED STATES OF AMERICA (Preston, Jeffrey) (Entered: 11/24/2025)
11/24/2025	62	SEALED Exhibit, re 61 Notice (Other), filed by Defendant UNITED STATES OF AMERICA. (Preston, Jeffrey) (Entered: 11/24/2025)
11/24/2025	63	MOTION to Withdraw 60 Notice (Other) , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Preston, Jeffrey) (Entered: 11/24/2025)
11/26/2025	64	ORDER - granting 63 MOTION to Withdraw 60 Notice (Other) The Clerk is directed to show Docket No. 60 as WITHDRAWN. Copy to plaintiff via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 11/26/25. (RSF) (Entered: 11/26/2025)
12/11/2025	65	ORDER DENYING WITHOUT PREJUDICE MOTION FOR ASSISTANCE WITH RECRUITING COUNSEL - 51 Motion to Appoint Counsel is DENIED without prejudice. Plaintiff also seeks an order regarding discovery, but Southern District of Indiana Local Rule 7-1(a) mandates that motions must be filed separately, so the court denies this relief as well with leave to refile the discovery motion as a separate filing. The clerk is directed to send Plaintiff a motion for assistance recruiting counsel form, which he must use if he chooses to renew his motion. See Order for details. Signed by Chief District Judge James Russell Sweeney, II on 12/11/2025 (Copy mailed to Plaintiff). (Attachments: # 1 Form Motion for Assistance with Recruiting Counsel) (LBT) (Entered: 12/11/2025)
02/03/2026	66	NOTICE of Change of Attorney Information. Consistent with Local Rule 5-3, Jeffrey D. Preston hereby notifies the Clerk of the court of changed contact information. (Preston, Jeffrey) (Entered: 02/03/2026)
04/07/2026	67	ORDER - The Court, on its own motion, reconsiders Plaintiff Rex Furman's Motion for Assistance with Recruiting Counsel and now grants that motion. Dkt. 16 . The Court will attempt to recruit counsel to represent Mr. Furman through final judgment. Signed by Chief District Judge James Russell Sweeney, II on 4/7/2026. Copy mailed to Plaintiff. (BAA) (Entered: 04/07/2026)