

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

NOD

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:25-cv-00149-MPB-MJD**

GABALDON v. UNITED STATES OF AMERICA
Assigned to: District Judge Matthew P. Brookman
Referred to: Magistrate Judge Mark J. Dinsmore
Demand: \$9,999,000
Related Case: [1:24-cv-00767-TWP-KMB](#)
Cause: 28:2674 Federal Tort Claims Act

Date Filed: 03/21/2025
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff**FRANK GABALDON**

represented by **FRANK GABALDON**
21413-051
ALLENWOOD - USP
ALLENWOOD U.S. PENITENTIARY
Inmate Mail/Parcels
P.O. BOX 3000
WHITE DEER, PA 17887
PRO SE

V.

Defendant**UNITED STATES OF AMERICA**

represented by **Gina M. Shields**
DOJ-USAO
for the Southern District of Indiana
135 N. Pennsylvania Street
Suite 2100
Indianapolis, IN 46204
317-226-6333
Email: Gina.Shields@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/03/2024	1	COMPLAINT against UNITED STATES OF AMERICA, filed by FRANK GABALDON. (No fee paid with this filing) (Attachments: # 1 Exhibit A including receipt of tort claim, BOP Program Statement, # 2 Exhibit B Declaration/Affidavit of Angel Ramirez, # 3 Exhibit C Letter to Dr. Carmichael, # 4 Exhibit D including Initial Classification, Affidavit of Ryan Seidman, and notes, # 5 Exhibit E including Clinical Interviews, Cop-Outs to Dr. McCarthy, # 6 Exhibit F including Suicide Watch Contact reports, Clinical Encounter, and Incident Report, # 7 Envelope)(DJH) (Entered: 05/06/2024)

05/06/2024	2	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) (Entered: 05/06/2024)
05/06/2024	3	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (DJH) (Entered: 05/06/2024)
05/09/2024	4	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: 05/09/2024)
06/03/2024	5	CONSENT to Jurisdiction to US Magistrate Judge by FRANK GABALDON. (LF) (Entered: 06/03/2024)
06/05/2024	6	NOTICE OF DEFICIENCY - Your civil rights complaint has been received. You shall have through July 3, 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. (Copy sent to plaintiff via US mail). (Attachments: # 1 Motion For Leave To Proceed In Forma Pauperis) (JRT) (Entered: 06/05/2024)
07/05/2024	7	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff FRANK GABALDON. (Attachments: # 1 Exhibit, # 2 Envelope) (BAA) (Entered: 07/11/2024)
07/30/2024	8	ORDER granting 7 Motion for Leave to Proceed in forma pauperis to the extent that the plaintiff is assessed an initial partial filing fee of Forty Dollars (\$40.00). The plaintiff shall have through August 28, 2024, in which to pay this sum to the clerk of the district court. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge Tanya Walton Pratt on 7/30/2024. (JRB) (Entered: 07/30/2024)
09/26/2024	9	RECEIPT #EV975 for Partial Filing Fee fee in the amount of \$40.00, paid by Bureau of Prisons f/b/o Frank Gabaldon. (AAS) (Entered: 09/26/2024)
10/09/2024	10	Order Directing Prisoner Payment - Plaintiff's custodian is directed to withhold sums from the inmate trust account of FRANK GABALDON, 21413-051, and to forward such sums to the Clerk of this Court. The sums withheld and forwarded shall be twenty percent (20%) of the preceding month's income credited to the inmate's account. Such sums shall be forwarded to the Clerk each time the amount in the inmate's account exceeds Ten Dollars (\$10.00) until the filing fee is paid. As of the issuance of this Order, the balance of the filing fee still due in this case is \$310.00. A copy of this Order shall be sent to plaintiff and to plaintiff's custodian. (See Order.) Signed by Magistrate Judge Kellie M. Barr on 10/9/2024. Copies distributed pursuant to distribution list. (JSR) (Entered: 10/10/2024)
11/08/2024	11	NOTICE of Change of Address for FRANK GABALDON. Address updated from TUCSON - USP to ALLENWOOD - USP. (Attachments: # 1 Envelope) (JSR) (Entered: 11/08/2024)
11/12/2024	12	Mail Returned as RETURN TO SENDER; INSUFFICIENT ADDRESS. 10 Order Directing Prisoner Payment sent to Warden Tucson USP, PO Box 24550, Tucson AZ. (JRB) (Entered: 11/13/2024)
11/22/2024	13	Mail Returned as undeliverable - unable to forward. 10 Order Directing Prisoner Payment sent to FRANK GABALDON at TUCSON - USP. (JSR) (Entered: 11/22/2024)

02/20/2025	14	SECOND Order Directing Prisoner Payment - The plaintiff's request to proceed in forma pauperis was granted through the assessment of an initial partial filing fee. That sum has been paid. However, plaintiff is still obligated to pay the remainder of the three hundred and fifty dollars (\$350.00) filing fee. Plaintiff's custodian is directed to withhold sums from the inmate trust account of FRANK GABALDON, 21413-051, and to forward such sums to the Clerk of this Court. As of the issuance of this Order, the balance of the filing fee still due in this case is \$310.00. A copy of this Order shall be sent to plaintiff and to plaintiff's custodian. See Order. Signed by Magistrate Judge Kellie M. Barr on 2/20/2025. (Copy to plaintiff and Warden.) (KAA) (Entered: 02/20/2025)
03/17/2025	15	RECEIPT #14641 for Partial Filing fee in the amount of \$54.39, paid by FRANK GABALDON. (CCG) (Entered: 03/17/2025)
03/21/2025	16	Case transferred in from Indianapolis Division Division on 03/21/2025 Case Number 1:24-cv-767. Case assigned to District Judge Matthew P. Brookman., filed by FRANK GABALDON.(KAA) (Entered: 03/21/2025)
03/31/2025	17	Order Screening Complaint and Directing Further Proceedings - The following claims are proceeding: Mr. Gabaldon's claims for damages against the United States under the FTCA as claims of negligence and intentional infliction of emotional distress. All other claims have been dismissed. 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 for details. Signed by District Judge Matthew P. Brookman on 3/31/2025 (Copy mailed to Plaintiff).(LBT) (Entered: 03/31/2025)
03/31/2025	18	Summons Issued as to UNITED STATES OF AMERICA. (Attachments: # 1 USM 285s)(LBT) (Entered: 03/31/2025)
03/31/2025	19	Documents for service by USM - re 18 Summons Issued, 1 Complaint, 17 Entry. Electronic notice to USM-C.(LBT) (Entered: 03/31/2025)
04/21/2025	20	RETURN of USM Service by FRANK GABALDON. UNITED STATES OF AMERICA served on 4/10/2025. (AJG) (Entered: 04/22/2025)
04/21/2025	21	RETURN of USM Service by FRANK GABALDON. Office of The United States Attorney served on 4/9/2025. (AJG) (Entered: 04/22/2025)
06/03/2025	22	NOTICE of Appearance by Gina M. Shields on behalf of Defendant UNITED STATES OF AMERICA. (Shields, Gina) (Entered: 06/03/2025)
06/03/2025	23	First MOTION for Extension of Time to July 7, 2025, to Respond to Plaintiff's Complaint, filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Shields, Gina) (Entered: 06/03/2025)
06/05/2025	24	ORDER granting 23 Motion for Extension of Time to File a Response to the Complaint to 7/7/2025. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 6/5/2025. (JRB) (Entered: 06/06/2025)
07/07/2025	25	ANSWER to 1 Complaint and Defenses, filed by UNITED STATES OF AMERICA. (Shields, Gina) (Entered: 07/07/2025)
07/08/2025	26	ENTRY DIRECTING DEVELOPMENT OF EXHAUSTION DEFENSE AND ISSUING PARTIAL STAY - The defendant has 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. See <i>Pavey v. Conley</i> , 544 F.3d 739, 742 (7th Cir. 2008); <i>Perez v. Wis. Dep't of Corr.</i> , 182 F.3d 532, 536 (7th Cir. 1999). The exhaustion defense will be resolved pursuant to the following schedule. The defendant shall have through August 22, 2025, in which to either. (See Order.) Copy to Plaintiff via US mail. Signed by Magistrate Judge Mark J. Dinsmore on 07/08/2025. (AJG) (Entered: 07/08/2025)
08/18/2025	27	MOTION to Appoint Counsel and MOTION for Extension of Time, filed by Plaintiff FRANK GABALDON. (Attachments: # 1 Exhibit) (BAA) (Entered: 08/19/2025)
08/22/2025	28	NOTICE of <i>Withdrawal of Exhaustion Defense</i> , filed by Defendant UNITED STATES OF AMERICA (Shields, Gina) (Entered: 08/22/2025)
08/29/2025	29	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 5/1/2026. Discovery due by 4/3/2026. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 8/29/2025. (JRB) (Entered: 09/02/2025)
09/03/2025	30	ORDER DENYING WITHOUT PREJUDICE MOTION FOR COUNSEL AND DENYING MOTION FOR EXTENSION OF TIME - Mr. Gabaldon's motion to appoint counsel, dkt. 27 , is denied without prejudice. The clerk is directed to send Mr. Gabaldon a motion for assistance recruiting counsel form, which he must use if he chooses to renew his motion. The Court will remain alert to changes in circumstances that may warrant reconsideration of the motion, such as a settlement conference or trial. (See Order.) Copy to Plaintiff via US mail. Signed by District Judge Matthew P. Brookman on 09/03/2025. (Attachments: # 1 Motion for Counsel Form) (AJG) (Entered: 09/03/2025)
09/29/2025	31	MOTION for Protective Order, filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit - Proposed Protective Order, # 2 Text of Proposed Order) (Shields, Gina) (Entered: 09/29/2025)
10/10/2025	32	ORDER -This matter is before the Court on Defendant's Motion for Entry of Protective Order. [Dkt. 31.] Section V(C) of Defendant's proposed confidentiality protective order proposes a procedure for the disclosure of information designated as "Confidential View Only." However, that section failed to provide a definition of the information that could be designated as "Confidential View Only" as promised by footnote 1 of the proposed order, and also failed to provide an adequate procedure for Mr. Gabaldon, who is proceeding pro se, to review such documents. Accordingly, the motion Dkt. 31 is GRANTED IN PART and DENIED IN PART; the Court will enter a confidentiality protective order by separate order with necessary revisions to Section V(C) as discussed above Copy Sent to Plaintiff via U.S. Mail. Signed by Magistrate Judge Mark J. Dinsmore on 10/10/25. (CKM) (Entered: 10/10/2025)
10/10/2025	33	PROTECTIVE ORDER - *** SEE ORDER ***. Signed by Magistrate Judge Mark J. Dinsmore on 10/10/25. Copy Sent to Plaintiff Via U.S. Mail (CKM) (Entered: 10/10/2025)
11/26/2025	34	SCHEDULING ORDER - This matter is now set for a telephonic Discovery Conference on Friday, December 5, 2025 at 12:00 p.m. (Eastern), before Magistrate Judge Mark J. Dinsmore. Plaintiff shall attend the conference by order of the Court. Counsel for Defendant shall attend the conference by calling the designated telephone

		number, to be provided by the Court via email generated by the Court's ECF system. The purpose of the conference is to address all discovery disputes. Signed by Magistrate Judge Mark J. Dinsmore on 11/26/2025. Copy to Plaintiff via US Mail. (AAS) (Entered: 11/26/2025)
11/26/2025	35	ORDER to Make Inmate Available - via Telephone. Warden of Allenwood U.S. Penitentiary ordered to make Frank Gabaldon #21413-051 Available - via Telephone for court proceeding on 12/5/2025 at 12:00 PM (EST). Signed by Magistrate Judge Mark J. Dinsmore on 11/26/2025. Copy to Plaintiff via US Mail.(AAS) (Entered: 11/26/2025)
12/03/2025	37	MOTION for Extension of Time to January 5, 2026, to <i>File Motion to Compel</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Shields, Gina) (Entered: 12/03/2025)
12/05/2025	38	MINUTE ORDER Plaintiff appeared pro se, and Defendant appeared by counsel, for a Telephonic Discovery Conference before Magistrate Judge Mark J. Dinsmore on December 5, 2025. See Minute Order for additional information and deadlines. Signed by Magistrate Judge Mark J. Dinsmore. (DLW) (Entered: 12/05/2025)
12/16/2025	39	SEALED <i>Submission of Confidential View Only Materials Under Seal Pursuant to Protective Order</i> , re 33 Protective Order, filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 September 9, 2022, Form 583, # 2 September 29, 2022, Form 583, # 3 October 6, 2022, Form 583, # 4 October 13, 2022 Form 583, # 5 October 15, 2022, Form 583, # 6 December 2, 2022, Form 583, # 7 Inmate Investigative Report, # 8 January 24, 2023, Form 583, # 9 Matter Details for OIA Case, # 10 Case Participant Details for OIA Case, # 11 OIA Complaint Referral) (Shields, Gina) (Entered: 12/16/2025)
12/16/2025	40	*** SEALED PER ORDER 54 . *** NOTICE of Manual Filing of <i>CD Under Seal</i> re 39 SEALED Document (Case Participants - doc), filed by UNITED STATES OF AMERICA (Shields, Gina) Modified on 1/21/2026 (AJG). (Entered: 12/16/2025)
12/16/2025	41	MOTION to Seal Document/Maintain Document Under Seal Maintain Document Under Seal 39 SEALED Document (Case Participants - doc) , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Shields, Gina) (Entered: 12/16/2025)
12/16/2025	42	Receipt in Indianapolis Division of one CD (SEALED/CONFIDENTIAL) re 40 NOTICE of Manual Filing of <i>CD Under Seal</i> filed by UNITED STATES OF AMERICA. File folder made. (Attachments: # 1 copy of Notice of Manual Filing) (DJH) (Entered: 12/17/2025)
12/23/2025	43	SCHEDULING ORDER: This matter is set for a telephonic Discovery Conference on Tuesday, January 6, 2026 at 3:30 p.m. (Eastern). The parties shall attend the conference by calling 571-353-2301, Meeting ID: 432 102 387, PIN: 9058. The purpose of the Discovery Conference is to address Plaintiff's overdue discovery responses. Signed by Magistrate Judge Mark J. Dinsmore on 12/23/2025.(JRB) (Entered: 12/23/2025)
12/23/2025	44	MOTION to Withdraw Admissions, filed by Plaintiff FRANK GABALDON. (SAM) (Entered: 12/29/2025)
12/29/2025	45	ORDER to Make Inmate Available - via Telephone. Warden of Allenwood - USP ordered to make FRANK GABALDON Available - via Telephone for court proceeding on 1/6/2026 at 3:30. SEE ORDER. Copy sent to distribution list via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 12/29/2025.(JRB) (Entered: 12/30/2025)

12/29/2025	46	MOTION for Extension of Time and Motion to Appoint Counsel, filed by Plaintiff FRANK GABALDON. (SAM) (Entered: 12/30/2025)
01/05/2026	47	RESPONSE in Opposition re 44 MOTION to Withdraw <i>Admissions</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit - Defendant's First Set of Discovery on the Merits to Plaintiff, # 2 Exhibit - Letter Following Up on Overdue Responses, # 3 Exhibit - Gabaldon Quarters History)(Shields, Gina) (Entered: 01/05/2026)
01/08/2026	48	NOTICE <i>Regarding Plaintiff's Access to Legal Materials</i> , filed by Defendant UNITED STATES OF AMERICA (Attachments: # 1 Exhibit Memo re Access to Legal Work) (Shields, Gina) (Entered: 01/08/2026)
01/12/2026	49	SEALED <i>Submission of Confidential View Only Materials Under Seal</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit - Emails, # 2 Exhibit - Form 586 re 9/9/22 incident, # 3 Exhibit - Photo re 9/9/22 incident, # 4 Exhibit - Photo re 9/9/22 incident, # 5 Exhibit - Photos re 9/29/22 incident, # 6 Exhibit - Form 586 re 10/13/22 incident, # 7 Exhibit - Photos re 10/13/22 incident, # 8 Exhibit - Photos re 10/6/22 incident, # 9 Exhibit - SHU Release Order, # 10 Exhibit - Form 586 re 10/15/22 incident, # 11 Exhibit - Photos re 10/15/22 incident, # 12 Exhibit - Photos re 12/2/22 incident, # 13 Exhibit - Photo re 12/2/22 incident, # 14 Exhibit - Photo re 12/2/22 incident, # 15 Exhibit - Photo re 12/2/22 incident, # 16 Exhibit - Photo re 12/2/22 incident, # 17 Exhibit - Photos re 12/2/22 incident, # 18 Exhibit - Form 586 re 1/24/23 incident, # 19 Exhibit - Photos re 1/24/23 incident)(Shields, Gina) (Entered: 01/12/2026)
01/12/2026	50	MOTION to Seal Document/Maintain Document Under Seal Maintain Document Under Seal 49 SEALED Document (Case Participants - doc) , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Shields, Gina) (Entered: 01/12/2026)
01/12/2026	51	MINUTE ORDER Plaintiff appeared pro se and Defendant appeared by counsel for a Telephonic Discovery Conference before Magistrate Judge Mark J. Dinsmore on January 6, 2026. The Court and parties discussed Plaintiff's outstanding discovery responses. The Court and parties also discussed Plaintiff's Dual Motion for Extension of Time and Appointment of Counsel. 46 Plaintiff's motion 46 is GRANTED IN PART and DENIED IN PART. This matter is scheduled for a Telephonic Status Conference on January 23, 2026 at 12:00 p.m. (Eastern) to discuss case status. See Minute Order for additional information and deadlines. Signed by Magistrate Judge Mark J. Dinsmore. (DLW) (Entered: 01/13/2026)
01/16/2026	53	Mail Returned as undeliverable. 45 Order to Make Inmate Available - via Telephone sent to Warden - Allenwood USP, Main Access Rd., Allenwood, PA 17810. (AAS) (Entered: 01/20/2026)
01/21/2026	54	ORDER SEALING ENTRIES - This matter comes before the Court on Defendant's Motion to Maintain Confidential View Only Materials Under Seal, asking that the documents attached to Docket No. 39 , filed under seal, and a CD manually filed under seal (see Dkt. 40), be maintained under seal due to the safety, security, and privacy concerns implicated by these materials. [Dkt. 41 .] Those documents were directed to be filed under seal by the Court's October 10, 2025 Protective Order. [Dkt. 33 at 6 (V(C) ("Any documents identified as "Confidential View Only" in this matter shall be filed by the Designating Party under seal, with reference to this order.".)] Accordingly, the motion [Dkt. 41] is DENIED as unnecessary. The Clerk is directed to maintain the documents attached to Docket No. 39 (Docket Nos. 39- 1, 39-2, 39-3, 39-4, 39-5, 39-6, 39-7, 39-8, 39-9, 39-10, & 39-11) and the CD manually filed under seal (Docket No.

		40) permanently under seal. Copy to Plaintiff via US mail. Signed by Magistrate Judge Mark J. Dinsmore on 01/21/2026. (AJG) (Entered: 01/21/2026)
01/21/2026	55	ORDER SEALING ENTRIES - This matter comes before the Court on Defendant's Motion to Maintain Confidential View Only Materials Under Seal, asking that the documents attached to Docket No. 49, filed under seal, be maintained under seal due to the safety, security, and privacy concerns implicated by these materials. [Dkt. 50 .] Those documents were directed to be filed under seal by the Court's October 10, 2025 Protective Order. [Dkt. 33 at 6 (V(C) ("Any documents identified as "Confidential View Only" in this matter shall be filed by the Designating Party under seal, with reference to this order.".)] Accordingly, the motion [Dkt. 50] is DENIED as unnecessary. The Clerk is directed to maintain the documents attached to Docket No. 49 (Docket Nos. 49-1, 49-2, 49-3, 49-4, 49-5, 49-6, 49- 7, 49-8, 49-9, 49-10, 49-11, 49-12, 49-13, 49-14, 49-15, 49-16, 49-17, 49-18, & 49- 19) permanently under seal. Copy to Plaintiff via US mail. Signed by Magistrate Judge Mark J. Dinsmore on 01/21/2026. (AJG) (Entered: 01/21/2026)
01/21/2026	56	NOTICE of Amendment of Motion dkt. 44 , filed by Plaintiff FRANK GABALDON (Attachments: # 1 Exhibit) (BAA) (Entered: 01/23/2026)
01/23/2026	57	MINUTE ORDER Plaintiff appeared pro se, and Defendant appeared by counsel, for a Telephonic Status Conference before Magistrate Judge Mark J. Dinsmore on January 23, 2026. The Court and parties briefly discussed the status of the matter. The conference concluded without further order. Signed by Magistrate Judge Mark J. Dinsmore. (DLW) (Entered: 01/23/2026)
01/30/2026	58	MOTION to Appoint Counsel, filed by Plaintiff FRANK GABALDON. (SAM) (Entered: 02/02/2026)
02/04/2026	59	NOTICE of Change of Attorney Information. Consistent with Local Rule 5-3, Gina M. Shields hereby notifies the Clerk of the court of changed contact information. (Shields, Gina) (Entered: 02/04/2026)
02/09/2026	60	ORDER - Plaintiff's motion to withdraw his admissions, dkt. 44 , is GRANTED. Plaintiff has already served his responses to the requests. SEE ORDER. Signed by Magistrate Judge Mark J. Dinsmore on 2/9/2026. Copy to Plaintiff via US Mail. (AAS) (Entered: 02/10/2026)
04/20/2026	61	MOTION for Privacy Exemption and Allowances of Interrogatories of said BOP Inmates Exempted, filed by Plaintiff FRANK GABALDON. (AAS) (Entered: 04/20/2026)
04/20/2026	62	MOTION for Privacy Exemption, filed by Plaintiff FRANK GABALDON. (SAM) (Entered: 04/22/2026)
04/21/2026	63	MOTION to Compel, filed by Plaintiff FRANK GABALDON. (Attachments: # 1 Cover Letter) (BAA) (Entered: 04/24/2026)
04/28/2026	64	ORDER - Before the Court are two apparently identical motions Plaintiff filed titled "Motion for Privacy Exemption and Allowances of Interrogatories of Said BOP Inmates Exempted." Dkts. 61 , 62 . Plaintiff takes issue with documents Defendant produced in discovery. The motions, dkts. 61 and 62 , are DENIED as presented. (SEE ORDER.) Copy sent to plaintiff via US mail. Signed by Magistrate Judge Mark J. Dinsmore on 4/28/2026. (TPS) (Entered: 04/29/2026)
04/29/2026	65	MOTION to Take Deposition from Frank Gabaldon , <i>a Prisoner, by Remote Means</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Shields, Gina) (Entered: 04/29/2026)

04/29/2026	66	MOTION for Extension of Time to June 15, 2026, <i>to Disclose Expert</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Shields, Gina) (Entered: 04/29/2026)
04/30/2026	67	ORDER - 66 Motion for Extension of Expert Disclosures Deadline. Dispositive Motions due by 10/2/2026. Discovery due by 8/5/2026. See Order for additional deadlines. All other requirements of the Court's August 29, 2025 Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation as amended [Dkts. 29 & 51] remain in effect. Signed by Magistrate Judge Mark J. Dinsmore on 4/30/2026 (Copy mailed to Plaintiff).(LBT) (Entered: 04/30/2026)
04/30/2026	68	ORDER granting 65 Motion to Take Deposition. Defendants are 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 4/30/2026 (Copy mailed to Plaintiff). (LBT) (Entered: 04/30/2026)
05/05/2026	69	MOTION for Extension of Time to File Response to May 12, 2026, re 63 MOTION to Compel <i>Access</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Shields, Gina) (Entered: 05/05/2026)
05/05/2026	71	MOTION for Privacy Exemption, filed by Plaintiff FRANK GABALDON. (SAM) (Entered: 05/06/2026)
05/06/2026	70	ORDER - This matter is before the Court on Defendant's Motion for Extension of Time to File Response to Plaintiff's Motion to Compel Access. [Dkt. 69 .] The Court, being duly advised, hereby GRANTS the motion. Defendant shall respond to Plaintiff's motion to compel on or before May 12, 2026. Signed by Magistrate Judge Mark J. Dinsmore on 5/6/26. (CKM) (Entered: 05/06/2026)
05/07/2026	72	RESPONSE in Opposition re 63 MOTION to Compel <i>Access</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit 1 - December 16, 2025, Production Letter, # 2 Exhibit 2 - January 12, 2026, Production Letter, # 3 Exhibit 3 - Newton Declaration)(Shields, Gina) (Entered: 05/07/2026)
05/19/2026	73	RESPONSE in Opposition re 71 MOTION <i>for Privacy Exemption</i> , filed by Defendant UNITED STATES OF AMERICA. (Shields, Gina) (Entered: 05/19/2026)
05/26/2026	74	REPLY re 72 Response in Opposition to Motion 63 , filed by Plaintiff FRANK GABALDON. (Attachments: # 1 Exhibit)(KAA) (Entered: 05/28/2026)
05/27/2026	75	MOTION to Appoint Counsel, filed by Plaintiff FRANK GABALDON. (RMM) (Entered: 05/29/2026)
05/29/2026	76	MOTION for Extension of Time to <i>Respond to Plaintiff's First Set of Interrogatories</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order)(Shields, Gina) (Entered: 05/29/2026)
06/01/2026	77	MOTION for Extension of Time to June 8, 2026 in which to 63 MOTION to Compel <i>File Motion for Leave to File Sur-reply</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Shields, Gina) (Entered: 06/01/2026)
06/02/2026	78	ORDER granting 76 Motion for Extension of Time to Respond to Plaintiff's First Set of Interrogatories - Defendant shall respond to Plaintiff's First Set of Interrogatories on or before July 2, 2026. No further enlargement of that deadline will be granted. SEE ORDER. Signed by Magistrate Judge Mark J. Dinsmore on 6/2/2026. Copy to plaintiff via US mail. (AMT) (Entered: 06/02/2026)

06/02/2026	79	ORDER granting 77 Motion for Extension of Time to File Motion for Leave to File Sur-Reply - Defendant shall file any motion for leave to file a sur-reply in response to Plaintiff's Motion to Compel Access [Dkt. 63] on or before June 8, 2026. SEE ORDER. Signed by Magistrate Judge Mark J. Dinsmore on 6/2/2026. Copy to Plaintiff via US mail. (AMT) (Entered: 06/02/2026)
06/03/2026	80	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Plaintiff Frank Gabaldon. Copy/Copies provided via US Mail. (Attachments: # 1 Public Docket Sheet) (RMM) (Entered: 06/04/2026)
06/08/2026	81	MOTION for Leave to File <i>Sur-Reply in Opposition to Plaintiff's Motion to Compel Access (Dkt. 63)</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit - Defendant's Sur-reply in Opposition to Plaintiff's Motion to Compel Access, # 2 Exhibit 1 to Sur-reply - Second Newton Declaration, # 3 Exhibit 2 to Sur-reply - U.S.'s Response to Plaintiff's May 6th Letter, # 4 Text of Proposed Order) (Shields, Gina) (Entered: 06/08/2026)
06/11/2026	82	NOTICE of Disclosure of Expert Witness, filed by Defendant UNITED STATES OF AMERICA (Shields, Gina) (Entered: 06/11/2026)
06/15/2026	83	ORDER DENYING WITHOUT PREJUDICE MOTIONS FOR ASSISTANCE WITH RECRUITING COUNSEL - The Court finds that Mr. Gabaldon is competent to litigate this case on his own at least through the conclusion of summary judgment briefing and he should not file any additional motions for counsel absent a significant change in circumstances. Accordingly, Mr. Gabaldon's motions for assistance recruiting counsel are denied without prejudice. Dkt. 58 , 75 . The Court will remain alert to changes in circumstances that may warrant reconsideration of the motion, such as a settlement conference or trial. See Order. Signed by District Judge Matthew P. Brookman on 6/15/2026. (Copy to plaintiff via US Mail.) (KAA) (Entered: 06/16/2026)
06/17/2026	84	First MOTION for Extension of Time to July 20, 2026, to Respond to Plaintiff's Discovery Requests, filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Shields, Gina) (Entered: 06/17/2026)
06/22/2026	85	ORDER granting 84 Motion for Extension of Time. Defendant shall respond to Plaintiff's Third Requests for Admissions/Interrogatories and First and Third Requests for Production of Documents on or before July 20, 2026. Signed by Magistrate Judge Mark J. Dinsmore on 6/22/2026 (Copy mailed to Plaintiff). (LBT) (Entered: 06/22/2026)
06/22/2026	86	ORDER - 81 Motion for Leave to File a Surreply is GRANTED. The Clerk is directed to docket Defendant's proposed surreply, dkt. [81-1], as a standalone document with the exhibits at dkts. [81-2] and [81-3] as exhibits to the surreply. The motion to require staff at USP Allenwood to allow Plaintiff to view the "confidential view only" materials in this case, dkt. 63 , is denied for the reasons stated above. In the future, if Plaintiff has difficulty viewing discovery materials related to this case, he must first attempt to resolve the issue with Defendant's counsel before seeking Court involvement. See Order for details. Signed by Magistrate Judge Mark J. Dinsmore on 6/22/2026 (Copy mailed to Plaintiff). (LBT) (Entered: 06/22/2026)
06/22/2026	87	Surreply re 63 Motion to Compel Access, filed by Plaintiff FRANK GABALDON. **Docketed per Order at Dkt. 86.** (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(LBT) (Entered: 06/22/2026)
06/22/2026	88	ORDER - 71 Motion asking for a "privacy exemption" is DENIED without prejudice. Future motions to compel lacking the required certification about conferral will be

		summarily denied. See Order for details. Signed by Magistrate Judge Mark J. Dinsmore on 6/22/2026 (Copy mailed to Plaintiff). (LBT) (Entered: 06/22/2026)
06/23/2026	91	MOTION to Compell and/or Motion for Telephonic Conference to Resolve Discovery Dispute(s), filed by Plaintiff FRANK GABALDON. (JSR) (Entered: 06/25/2026)
06/23/2026	92	MOTION for Extension of Time to File Corrections for Deposition, filed by Plaintiff FRANK GABALDON. (Attachments: # 1 Exhibit)(LBT) (Entered: 06/26/2026)
06/25/2026	 89	MOTION for Protective Order (<i>Belated</i>), filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A - Suicide Watch Log Excerpts, # 2 Exhibit B - Disciplinary History, # 3 Exhibit C - Plaintiff's May 20th Letter, # 4 Exhibit D - Defendant's Response & Objections to Plaintiff's Second RFP, # 5 Proposed Order) (Shields, Gina) (Entered: 06/25/2026)
06/25/2026	90	MOTION for Extension of Time to File Corrections for Deposition, filed by Plaintiff FRANK GABALDON. (Attachments: # 1 Exhibit) (JSR) (Entered: 06/25/2026)
07/02/2026	93	RESPONSE in Opposition re 91 MOTION <i>to Compel or for Discovery Conference</i> , filed by Defendant UNITED STATES OF AMERICA. (Shields, Gina) (Entered: 07/02/2026)
07/02/2026	94	ORDER - This matter is before the Court on Plaintiff's Motions for Extension of Time to File Corrections. [Dkts. 90 & 92 .] The Court GRANTS the motions. Plaintiff shall submit any corrections or changes to his deposition transcript on or before July 17, 2026. Signed by Magistrate Judge Mark J. Dinsmore on 7/2/2026. Copy sent to Plaintiff via US Mail. (CCG) (Entered: 07/02/2026)
07/20/2026	95	ORDER - Plaintiff's motion to compel a better response to his discovery request seeking the names and inmate numbers of certain inmates, dkt. 91 , is denied without prejudice. Counsel for Defendant is ordered to contact Mr. Gabaldon by telephone within ten days of the date of this order to discuss Mr. Gabaldon's issues with Defendant's discovery responses. SEE ORDER. Signed by Magistrate Judge Mark J. Dinsmore on 7/20/2026. Copy to Plaintiff via US Mail. (AAS) (Entered: 07/20/2026)
07/20/2026	 96	MOTION for Protective Order , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order)(Shields, Gina) (Entered: 07/20/2026)
07/20/2026	97	SEALED <i>Submission of Confidential View Only Materials Under Seal</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit Special Instructions for USP Dry Cell, # 2 Exhibit Specific Post Orders for USP Dry Cell) (Shields, Gina) (Entered: 07/20/2026)
07/29/2026	98	NOTICE of Compliance, filed by Defendant UNITED STATES OF AMERICA, re 95 Order on Motion. (Shields, Gina) (Entered: 07/29/2026)
08/07/2026	99	SEALED <i>Fourth Submission of Confidential View Only Materials Under Seal</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit USP Terre Haute Special Instructions for Suicide Watch, # 2 Exhibit USP Terre Haute Specific Post Orders for Suicide Watch, # 3 Exhibit USP Terre Haute Special Instructions for Compound Officers, # 4 Exhibit USP Terre Haute Specific Post Orders for USP Compound #1)(Shields, Gina) (Entered: 08/07/2026)
08/19/2026	 100	MOTION for Hearing on Defendants' Intent to Use Expert Witness, filed by Plaintiff FRANK GABALDON. (SAS) (Entered: 08/20/2026)
08/24/2026	 101	MOTION to Compel and For Telephonic Conference, filed by Plaintiff FRANK GABALDON. (Attachments: # 1 Exhibit) (AJG) (Entered: 08/24/2026)

09/02/2026	102	RESPONSE in Opposition re 100 MOTION <i>for Hearing on Defendant's Intent to Use Expert Witness and Objections</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A - Dr. Eliason Disclosures & Expert Report)(Shields, Gina) (Entered: 09/02/2026)
09/08/2026	103	RESPONSE in Opposition re 101 MOTION to Compel , filed by Defendant UNITED STATES OF AMERICA. (Shields, Gina) (Entered: 09/08/2026)
09/25/2026	104	MOTION to Extend Deadlines <i>to File Motion for Summary Judgment</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Order) (Shields, Gina) (Entered: 09/25/2026)
09/28/2026	105	ORDER RECONSIDERING PREVIOUS ORDER AND GRANTING MOTION FOR ASSISTANCE WITH RECRUITING COUNSEL - On June 15, 2026, the Court denied Plaintiff Frank Gabaldon's motions for counsel without prejudice. Dkt. 83 . Due to changed circumstances in the case involving discovery, the Court reconsiders its previous order and, finding good cause, grants Plaintiff's motion for assistance with recruiting counsel, dkt. 58 . The Court will attempt to recruit counsel to represent Plaintiff for the remainder of this case. He will be notified when this step has been taken. Copy to Plaintiff via US mail. Signed by District Judge Matthew P. Brookman on 09/28/2026. (AJG) (Entered: 09/29/2026)
09/29/2026	106	ORDER denying as moot 104 Motion to Extend Deadlines. Dispositive Motions due by 3/5/2027, Discovery due by 2/5/2027. (See Order.) Copy to plaintiff via US mail. Signed by Magistrate Judge Mark J. Dinsmore on 9/29/2026.(SPT) (Entered: 09/30/2026)

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