

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

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:24-cv-00140-JPH-MKK**

MARSHALL v. UNITED STATES OF AMERICA et al
Assigned to: Judge James Patrick Hanlon
Referred to: Magistrate Judge M. Kendra Klump
Demand: \$2,500,000
Cause: 28:1331 Federal Question: Bivens Act

Date Filed: 04/18/2024
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff

BRIAN K. MARSHALL

represented by **BRIAN K. MARSHALL**
15188-010
COLEMAN - MEDIUM FCI
COLEMAN MEDIUM FEDERAL
CORRECTIONAL INSTITUTION
Inmate Mail/Parcels
P.O. BOX 1032
COLEMAN, FL 33521
PRO SE

V.

Defendant

UNITED STATES OF AMERICA

represented by **Shelese M. Woods**
DOJ-USAO
Shelese Woods
135 N. Pennsylvania Street
Suite 2100
Indianapolis, IN 46204
317-229-2416
Email: shelese.woods@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

F. CHEATHAM
LIEUTENANT

represented by **Shelese M. Woods**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/18/2024	1	COMPLAINT against FEDERAL BUREAU OF PRISONS, JANE DOE 1, JOHN DOE 1, JOHN DOE 2, UNITED STATES OF AMERICA, J. WADAS, filed by BRIAN K. MARSHALL. (No fee paid with this filing) (Attachments: # 1 Cover Letter, # 2

		Envelope)(CCG) (Entered: 04/19/2024)
04/18/2024	2	Submission of Request for Withdrawl of Funds for Filing Fee, filed by Plaintiff BRIAN K. MARSHALL. (Attachments: # 1 Envelope)(CCG) (Entered: 04/19/2024)
04/19/2024	3	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (CCG) (Entered: 04/19/2024)
04/19/2024	4	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (CCG) (Entered: 04/19/2024)
04/24/2024	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: 04/24/2024)
05/20/2024	6	MOTION Requesting Copies, filed by Plaintiff BRIAN K. MARSHALL. (Attachments: # 1 Envelope)(AJG) (Entered: 05/22/2024)
05/28/2024	7	RECEIPT #10503 for Partial Filing fee in the amount of \$402.00, paid by BRIAN MARSHALL. (CCG) (Entered: 05/28/2024)
06/04/2024	8	ORDER - 6 Motion requesting a docket sheet, summonses, and information about whether the Court has received his filing fee is GRANTED to the extent that the Court will send him a docket sheet. The Court also explains that it has received \$402.00 from Plaintiff toward the filing fee in this case, see dkt. 7, but the full filing fee is \$405.00, so Plaintiff still owes \$3.00. He shall have up to and including July 1, 2024, to pay the additional \$3.00. The clerk is directed to enclose a public docket sheet with Plaintiff's copy of this Order. See Order for details. Signed by Magistrate Judge M. Kendra Klump on 6/4/2024 (Copy mailed to Plaintiff). (Attachments: # 1 Public Docket Sheet) (LBT) (Entered: 06/04/2024)
06/24/2024	9	MOTION for Information, filed by Plaintiff BRIAN K. MARSHALL. (Attachments: # 1 Envelope)(LBT) (Entered: 06/26/2024)
06/26/2024	10	MOTION for Leave to File Amended Complaint, filed by Plaintiff BRIAN K. MARSHALL. (Attachments: # 1 Exhibit, # 2 Envelope) (BAA) (Entered: 06/28/2024)
07/23/2024	11	ENTRY GRANTING PLAINTIFF'S MOTION TO FILE AN AMENDED COMPLAINT AND MOTION FOR INFORMATION - Plaintiff Brian K. Marshall's motion to file an amended complaint, dkt. 10 , is GRANTED to the extent that the clerk is directed to re-docket Mr. Marshall's attachment at Docket No. 10-1 as the "Amended Complaint" in this matter. Mr. Marshall's motion for information, dkt. 9 , is GRANTED to the extent that he is informed that he is not financially responsible for the Court's service of process on the defendants. Copy to Plaintiff via US mail. Signed by Magistrate Judge M. Kendra Klump on 07/23/2024. (AJG) (Entered: 07/24/2024)
07/24/2024	12	AMENDED COMPLAINT - against F. CHEATHAM, FEDERAL BUREAU OF PRISONS, JOHN DOE 1, JOHN DOE 2, UNITED STATES OF AMERICA, J. WADAS, filed by BRIAN K. MARSHALL. (AJG) (Entered: 07/24/2024)
08/01/2024	13	MOTION Requesting Status of Case and Confirmation of Receipt of Filings, filed by Plaintiff BRIAN K. MARSHALL. (Attachments: # 1 Envelope)(JRB) (Entered: 08/02/2024)
08/05/2024	14	*** PLEASE DISREGARD, DOCKETED IN ERROR*** MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff BRIAN K. MARSHALL. (Attachments: # 1 Envelope)(CCG) Modified on 8/9/2024 (CCG). (Entered: 08/09/2024)

09/30/2024	15	MOTION to Appoint Counsel and Seeking Issuance of Summons, filed by Plaintiff BRIAN K. MARSHALL. (Attachments: # 1 Envelope) (BAA) (Entered: 10/01/2024)
12/09/2024	16	MOTION Requesting Status of Case, filed by Plaintiff BRIAN K. MARSHALL. (JRB) (Entered: 12/10/2024)
03/04/2025	17	ORDER SCREENING AMENDED COMPLAINT, DISMISSING CLAIMS, RULING ON PENDING MOTIONS, AND DIRECTING SERVICE OF PROCESS - The Bivens deliberate indifference to a serious medical need claim shall proceed against Lt. F. Cheatham. All other Bivens claims are dismissed for failure to state a claim upon which relief can be granted. The clerk shall terminate all defendants except the United States of America and Lt. F. Cheatham on the docket. The clerk is designated pursuant to Rule 4(c)(3) of the Federal Rules of Civil Procedure to issue process to Lt. F. Cheatham and the United States of America and the officials designated pursuant to Rule 4(i)(1). Process shall consist of a summons, which shall be served with a copy of the original complaint filed on April 18, 2024, docket 1, and the amended complaint filed on July 24, 2024, docket 12, and a copy of this Order, by the Marshal for this District or his deputy, at the expense of the United States. The plaintiff's motions requesting status of the case, dkt. 13 and dkt. 16 , are granted consistent with the information provided in this Order. The plaintiff's motion to appoint counsel, dkt. 15 , is denied without prejudice because he has not shown that he has made a reasonable attempt to secure private counsel on his own. The clerk shall include a form motion for assistance with recruiting counsel with the plaintiff's copy of this Order (See Order for Details). Signed by Judge James Patrick Hanlon on 3/4/2025. Copies distributed pursuant to distribution list. (Attachments: # 1 form motion for assistance with recruiting counsel) (DWH) Modified text on 3/5/2025 - (DWH). (Entered: 03/05/2025)
03/04/2025	18	Summons Issued as to F. CHEATHAM, UNITED STATES OF AMERICA. (Attachments: # 1 USM 285 - United States Attorney General, # 2 USM 285 - Office of the United States Attorney, # 3 USM 285 - Lt. F. Cheatham)(DWH) (Entered: 03/05/2025)
03/05/2025	19	Documents for service by USM - re 12 Amended Complaint, 18 Summons Issued with USM 285 forms, 1 Complaint, 17 ORDER SCREENING AMENDED COMPLAINT, DISMISSING CLAIMS, RULING ON PENDING MOTIONS, AND DIRECTING SERVICE OF PROCESS. Electronic notice to USM-C.(DWH) (Entered: 03/05/2025)
03/13/2025	20	RETURN of USM Service F. CHEATHAM served on 3/13/2025. (LF) (Entered: 03/13/2025)
03/20/2025	21	RETURN of USM Service by UNITED STATES OF AMERICA. US Attorney General served on 3/10/2025. (JRB) (Entered: 03/20/2025)
03/20/2025	22	RETURN of USM Service by UNITED STATES OF AMERICA. US Attorney served on 3/6/2025 (JRB) (Entered: 03/20/2025)
05/05/2025	23	NOTICE of Appearance by Shelese M. Woods on behalf of Defendant UNITED STATES OF AMERICA. (Woods, Shelese) (Entered: 05/05/2025)
05/05/2025	24	MOTION for Extension of Time to 60 days , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Woods, Shelese) (Entered: 05/05/2025)

05/06/2025	25	ORDER granting 24 Motion for Extension of Time to File an Answer to the Complaint to 7/7/2025. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge M. Kendra Klump on 5/6/2025. (JRB) (Entered: 05/07/2025)
06/20/2025	26	MOTION for Copies, filed by Plaintiff BRIAN K. MARSHALL. (TPS) (Entered: 06/23/2025)
06/25/2025	27	ORDER - Before the Court is Plaintiff's Motion for Copies, Dkt. 26 . Plaintiff requests the Court send him copies of all court documents that had been previously mailed to Plaintiff. Plaintiff's Motion is DENIED. The Clerk is directed to send Plaintiff a copy of the public docket sheet with his copy of this Order. Plaintiff is directed to file a motion listing each docket number he is needing a copy. Signed by Magistrate Judge M. Kendra Klump on 6/25/2025. Copies to Plaintiff via US mail. (Attachments: # 1 Public Docket Sheet) (JSR) (Entered: 06/26/2025)
07/03/2025	28	NOTICE of Appearance by Shelese M. Woods on behalf of Defendant F. CHEATHAM. (Woods, Shelese) (Entered: 07/03/2025)
07/03/2025	29	ANSWER to 12 Amended Complaint , filed by UNITED STATES OF AMERICA. (Woods, Shelese) (Entered: 07/03/2025)
07/03/2025	30	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed by Defendant F. CHEATHAM. (Woods, Shelese) (Entered: 07/03/2025)
07/03/2025	31	BRIEF/MEMORANDUM in Support re 30 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed by Defendant F. CHEATHAM. (Woods, Shelese) (Entered: 07/03/2025)
10/21/2025	32	MOTION for Court Assistance Regarding Copies, Deadlines, and Case Status, and NOTICE of Change of Address, filed by Plaintiff BRIAN K. MARSHALL. Currently located at COLEMAN - MEDIUM FCI (Previously located at TERRE HAUTE - FCI). (TPS) Modified on 10/22/2025 to edit docket text (SAM). (Entered: 10/22/2025)
10/24/2025	33	MOTION for Court Assistance re Directory of Attorneys, filed by Plaintiff BRIAN K. MARSHALL. (SAM) (Entered: 10/27/2025)
10/30/2025	34	ORDER - Plaintiff's motion asking for a list of attorneys authorized to practice in this Court or nationwide so that he can contact potential attorneys, Dkt. 33 , is DENIED. The Court does not maintain such a list. Plaintiff has also filed a motion for status update, representing that he was transferred and lost almost all the documents for this case. Dkt. 32 . The motion, Dkt. 32 , is GRANTED to the extent that the Clerk is directed to enclose copies of the following with Plaintiff's copy of this Order: SEE ORDER. In addition, because it appears that Plaintiff may not have received Defendant Cheatham's motion to dismiss, the Court sua sponte extends the deadline for him to respond to that motion up to and including December 2, 2025. Given how long the motion to dismiss has been pending, the Court does not anticipate further extensions of this deadline. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge M. Kendra Klump on 10/30/2025. (Attachments: # 1 Docket Sheet, # 2 Copies Requested) (JRB) (Entered: 11/03/2025)
12/01/2025	35	MOTION for Extension of Time to Respond and Request to Stay Proceedings, filed by Plaintiff BRIAN K. MARSHALL. (Attachments: # 1 Exhibit, # 2 Cover Letter, # 3 Text of Proposed Order)(TPS) (Entered: 12/02/2025)

12/09/2025	36	ORDER - Before the Court is Plaintiff's Motion for Continuance to Respond to Defendant Cheatham's Motion to Dismiss and Request to Stay Proceedings, Dkt. 35 . Defendants have indicated that they do not oppose the motion. The Court, having considered the matter fully, now GRANTS the Motion, Dkt. 35 . The deadline for Plaintiff to file his Response Brief to Defendants' Motion to Dismiss, (Dkt. 30), shall be extended up to and including January 30, 2026. Plaintiff should not expect a further extension of this deadline in the future. Copy to Plaintiff via US mail. Signed by Magistrate Judge M. Kendra Klump on 12/09/2025. (AJG) (Entered: 12/11/2025)
02/09/2026	37	MOTION to Appoint Counsel, filed by Plaintiff BRIAN K. MARSHALL. (Attachments: # 1 Exhibit IFP & Trust Acct Statement, # 2 Cover Letter) (BAA) (Entered: 02/10/2026)
03/20/2026	39	NOTICE of Change of Address for BRIAN K. MARSHALL to COLEMAN - MEDIUM FCI. NOTE- Address already on file. (SAM) (Entered: 03/24/2026)
03/23/2026	38	MOTION for Case Status, filed by Plaintiff BRIAN K. MARSHALL. (SAM) (Entered: 03/23/2026)
03/31/2026	40	ORDER - DENYING LT. CHEATHAM'S MOTION TO DISMISS AND GRANTING PLAINTIFF'S MOTION FOR COUNSEL; Plaintiff Brian Marshall is a prisoner currently incarcerated at the U.S. Penitentiary in Coleman, Florida. He alleges in this civil action that Lt. Cheatham was deliberately indifferent to his pain after he was subjected to excessive force while he was incarcerated at the Federal Correctional Institution in Terre Haute, Indiana ("FCI-Terre Haute"). The Court screened Mr. Marshall's complaint and allowed his claim against Lt. Cheatham to proceed. Lt. Cheatham's motion to dismiss, dkt. 30 , is denied. Mr. Marshall's motion for assistance recruiting counsel, dkt. 37 , is granted and the Court will attempt to recruit counsel to represent him through final judgment. Mr. Marshall's motion for case status, dkt. 38 , is granted to the extent that the Court now issues this Order. *** SEE ORDER ***. Signed by Judge James Patrick Hanlon on 3/31/2026. Copy Sent to Plaintiff via U.S. Mail (CKM) (Entered: 03/31/2026)

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