

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

**U.S. District Court  
Southern District of Indiana (Indianapolis)  
CIVIL DOCKET FOR CASE #: 1:23-cv-01049-TWP-KMB**

MARSHALL v. BYRD et al  
Assigned to: Judge Tanya Walton Pratt  
Referred to: Magistrate Judge Kellie M. Barr  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/15/2023  
Jury Demand: Both  
Nature of Suit: 555 Prisoner Petitions -  
Prison Condition  
Jurisdiction: Federal Question

**Plaintiff**

**FRANKLIN MARSHALL**

represented by **FRANKLIN MARSHALL**  
184511  
INDIANA STATE PRISON  
INDIANA STATE PRISON  
Inmate Mail/Parcels  
One Park Row  
MICHIGAN CITY, IN 46360  
PRO SE

V.

**Defendant**

**SAMUEL BYRD**  
*Doctor*

represented by **Jeb Adam Crandall**  
BLEEKE DILLON CRANDALL  
ATTORNEYS  
8470 Allison Pointe Boulevard  
Suite 420  
Indianapolis, IN 46250  
(317) 567-2222  
Fax: (317) 567-2220  
Email: jeb@bleekedilloncrandall.com  
*ATTORNEY TO BE NOTICED*

**Travis W. Montgomery**  
Bleeke Dillon Crandall, P.C.  
8470 Allison Pointe Blvd.  
Suite 420  
Indianapolis, IN 46250  
317-567-2233  
Fax: 317-841-1664  
Email: travis@bleekedilloncrandall.com  
*ATTORNEY TO BE NOTICED*

**Defendant****HEATHER***Nurse (last unknown)*represented by **Jeb Adam Crandall**

(See above for address)

**ATTORNEY TO BE NOTICED****Travis W. Montgomery**

(See above for address)

**ATTORNEY TO BE NOTICED****Defendant****MAKAYLA***Nurse (last unknown)*represented by **Jeb Adam Crandall**

(See above for address)

**ATTORNEY TO BE NOTICED****Travis W. Montgomery**

(See above for address)

**ATTORNEY TO BE NOTICED****Defendant****KRISTINA STONE**represented by **KRISTINA STONE**.  
PRO SE

Date Filed	#	Docket Text
06/15/2023	<a href="#"><u>1</u></a>	COMPLAINT against SAMUEL BYRD, HEATHER, MAKAYLA, SCOTT, filed by FRANKLIN MARSHALL. (No fee paid with this filing) (DJH) (Entered: 06/16/2023)
06/15/2023	<a href="#"><u>2</u></a>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#"><u>1</u></a> Resident Activity Report)(DJH) (Entered: 06/16/2023)
06/16/2023	<a href="#"><u>3</u></a>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) (Entered: 06/16/2023)
06/16/2023	<a href="#"><u>4</u></a>	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (DJH) (Entered: 06/16/2023)
06/20/2023	<a href="#"><u>5</u></a>	ORDER granting <a href="#"><u>2</u></a> Motion for Leave to Proceed in forma pauperis - The plaintiff's motion to proceed in forma pauperis, dkt. <a href="#"><u>2</u></a> , is granted to the extent that the plaintiff is assessed an initial partial filing fee of \$4.66. See 28 U.S.C. § 1915(b)(1). The plaintiff shall have through July 17, 2023, in which to pay this sum to the clerk of the district court. The plaintiff is informed that after the initial partial filing fee is paid, he will be obligated to make monthly payments of 20 percent of the preceding month's income each month that the amount in his account exceeds \$10.00, until the full filing fee of \$350.00 is paid. Copy to Plaintiff via US Mail. Signed by Judge Tanya Walton Pratt on 06/20/2023. (AAS) (Entered: 06/20/2023)
06/20/2023	<a href="#"><u>6</u></a>	NOTICE to Pro se Litigant - The following information is provided to pro se litigants to inform them about rules and procedures governing how they communicate with the Court. Copy to plaintiff by U.S. Mail. (MEH) (Entered: 06/20/2023)
07/17/2023	<a href="#"><u>7</u></a>	MOTION for Extension of Time to Pay Fee, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#"><u>1</u></a> Envelope)(LF) (Entered: 07/18/2023)

07/18/2023	<a href="#"><u>8</u></a>	Order Directing Further Proceedings - The plaintiff shall have through August 18, 2023, to pay the initial partial filing fee or explain why doing so is not possible. The failure to do so by this date will result in the dismissal of this action without further warning. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 7/18/2023.(JRB) (Entered: 07/18/2023)
07/20/2023	<a href="#"><u>9</u></a>	MOTION for Extension of Time to Pay Filing Fee, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#"><u>1</u></a> Envelope)(TPS) (Entered: 07/21/2023)
07/26/2023	10	RECEIPT #6215 for Initial Partial Filing fee in the amount of \$4.66, paid by FRANKLIN MARSHALL. (CCG) (Entered: 07/26/2023)
07/31/2023	<a href="#"><u>11</u></a>	ORDER - The plaintiff's motions for extension of time to pay the initial partial filing fee, dkt. <a href="#"><u>7</u></a> and dkt. <a href="#"><u>9</u></a> , are denied as moot because the plaintiff paid the partial fee before the deadline of August 18, 2023. See dkt. 8; dkt. 10. The Court will screen his complaint in due course. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 7/31/2023. (JRB) (Entered: 07/31/2023)
08/01/2023	<a href="#"><u>12</u></a>	NOTICE to the Court Regarding Filing Fee, filed by Plaintiff FRANKLIN MARSHALL (Attachments: # <a href="#"><u>1</u></a> Envelope) (JRB) (Entered: 08/01/2023)
08/22/2023	13	RECEIPT #EV563 for Partial Filing Fee fee in the amount of \$4.66, paid by Ernest Wireman. (JRB) (Entered: 08/22/2023)
09/12/2023	<a href="#"><u>14</u></a>	MOTION Requesting Status of Case, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#"><u>1</u></a> Envelope)(JRB) (Entered: 09/12/2023)
09/15/2023	<a href="#"><u>15</u></a>	Order Granting Motion for Status, Screening Complaint, and Directing Further Proceedings - Because the plaintiff is a "prisoner," this Court has an obligation to screen the complaint before service on the defendants. Mr. Marshall's Eighth Amendment deliberate indifference claims shall proceed against the four defendants. However, because he is no longer incarcerated at Wabash Valley, he may not proceed with his injunctive relief claim in this action. Mr. Marshall's deliberate indifference claims are the only viable claims identified by the Court. If he believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have through October 12, 2023, in which to identify those claims. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to the defendants in the manner specified by Rule 4(d). Process shall consist of the complaint (dkt. <a href="#"><u>1</u></a> ), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order. Because the defendants are employees of Centurion, the clerk is directed to serve them electronically. In addition, a copy of this Order and the process documents shall also be served on Centurion electronically. Centurion is ORDERED to provide the full name and last known home address of any defendant who does not waive service if they have such information. This information may be provided to the Court informally or may be filed ex parte. Mr. Marshall's motion for status, dkt. <a href="#"><u>14</u></a> , is granted to the extent this Order has screened his complaint. (See Order.) Signed by Judge Tanya Walton Pratt on 9/15/2023. Copies distributed pursuant to distribution list. (JSR) (Entered: 09/15/2023)
09/15/2023	<a href="#"><u>16</u></a>	NOTICE of Lawsuit & Waiver Issued by Clerk upon: 1) Samuel Byrd; 2) Nurse Heather; 3) Nurse Makayla; and 4) Ms. Scott. (JSR) (Entered: 09/15/2023)

09/15/2023	<a href="#">17</a>	Documents to be Sent via Electronic Notice - re <a href="#">16</a> NOTICE of Lawsuit & Waiver Issued by Clerk, <a href="#">15</a> Order on Motion, <a href="#">1</a> Complaint. Electronic Notice to Centurion. (JSR) (Entered: 09/15/2023)
09/25/2023	<a href="#">18</a>	ORDER Directing Monthly Payments be made from Prison Account of FRANKLIN MARSHALL. Copy to Plaintiff and Warden via US Mail. Copy to Finance Dept via Email. Signed by Magistrate Judge Kellie M. Barr on 9/25/2023.(SWM) (Entered: 09/25/2023)
09/26/2023	<a href="#">19</a>	NOTICE of Appearance by Jeb Adam Crandall on behalf of Defendants SAMUEL BYRD, HEATHER, MAKAYLA. (Crandall, Jeb) (Entered: 09/26/2023)
09/26/2023	<a href="#">20</a>	NOTICE of Appearance by Austin Ryan Andreas on behalf of Defendants SAMUEL BYRD, HEATHER, MAKAYLA. (Andreas, Austin) (Entered: 09/26/2023)
09/26/2023	<a href="#">21</a>	WAIVER OF SERVICE Returned Executed, filed by MAKAYLA, HEATHER, SAMUEL BYRD. MAKAYLA waiver sent on 9/15/2023; HEATHER waiver sent on 9/15/2023; SAMUEL BYRD waiver sent on 9/15/2023. (Andreas, Austin) (Entered: 09/26/2023)
11/09/2023	22	RECEIPT #7730 for partial filing fee in the amount of \$26.40, paid by FRANKLIN MARSHALL. (DJH) (Entered: 11/09/2023)
11/10/2023	<a href="#">23</a>	ANSWER to <a href="#">1</a> Complaint , filed by SAMUEL BYRD, HEATHER, MAKAYLA. (Andreas, Austin) (Entered: 11/10/2023)
11/14/2023	<a href="#">24</a>	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 6/17/2024. Discovery due by 5/16/2024. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 11/14/2023.(SWM) (Entered: 11/15/2023)
11/14/2023	<a href="#">25</a>	SCHEDULING ORDER: Telephonic Initial Discovery Conference set for 1/30/2024 10:00 AM (Eastern Time) before Magistrate Judge Kellie M. Barr. The Court will contact counsel by 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 Indiana State Prison by separate email with the call-in information to be used to connect Mr. Marshall to the conference. The purposes of the Discovery Conference are to address (SEE ORDER). Copy to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 11/14/2023.(SWM) (Entered: 11/15/2023)
11/14/2023	<a href="#">26</a>	ORDER to Make Inmate Available - via Telephone. Warden of Indiana State Prison ordered to make FRANKLIN MARSHALL Available - via Telephone for court proceeding on 1/30/2024 at 10:00 a.m. (Eastern). Copy to Plaintiff via US Mail. Copy to Pam James via Email. Signed by Magistrate Judge Kellie M. Barr on 11/14/2023. (SWM) (Entered: 11/15/2023)
11/16/2023	<a href="#">27</a>	ORDER RESETTING CONFERENCE - The Court was notified by staff at the Indiana State Prison that they are not able to accommodate the January 30, 2024 Discovery Conference, scheduled at Dkt. <a href="#">25</a> . Therefore, the Court RESETS the Discovery Conference for January 31, 2024, at 2:00 p.m. (Eastern), before Magistrate Judge Kellie

		M. Barr. 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 Indiana State Prison by separate email with the call-in information to be used to connect Mr. Marshall to the conference. Copy to Plaintiff via US Mail. Copy to Pam James and Katie Sanchez via Email. Signed by Magistrate Judge Kellie M. Barr on 11/16/2023.(SWM) (Entered: 11/17/2023)
01/09/2024	<a href="#">28</a>	RECEIPT #8553 for partial filing fee in the amount of \$50.40, paid by FRANKLIN MARSHALL. (DJH) (Entered: 01/10/2024)
01/24/2024	<a href="#">29</a>	Submission of Documents, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Envelope) (JSR) (Entered: 01/25/2024)
01/25/2024	<a href="#">30</a>	AFFIDAVIT in Support of Request for Issuance of Subpoenas, filed by FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Envelope)(LBT) (Entered: 01/26/2024)
01/25/2024	<a href="#">31</a>	Submission of Documents in Support of Case, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Envelope)(LBT) (Entered: 01/26/2024)
01/25/2024	<a href="#">34</a>	Submission of documents in support of case, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Envelope)(KAA) (Entered: 01/29/2024)
01/26/2024	<a href="#">32</a>	Order Directing Medical Defendants to Respond - All defendants except Mental Health Professional Scott have waived service and answered the plaintiff's complaint. Counsel for the medical defendants are ORDERED to notify the Court by February 15, 2024, whether MHP Scott is or was an employee of Centurion. If counsel will not be representing MHP Scott, counsel is requested to provide MHP Scott's full name and last known address by February 15, 2024. This information may be provided to the Court informally or may be filed ex parte. If medical defendants do not have this information, they must inform the Court of this fact by the same date. Copy to plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 1/26/2024.(KAA) (Entered: 01/26/2024)
01/29/2024	<a href="#">35</a>	Submission of Documents in Support of Case, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Envelope)(AAS) (Entered: 01/31/2024)
01/29/2024	<a href="#">36</a>	Submission of Documents in Support of Case, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Envelope)(AAS) (Entered: 01/31/2024)
01/29/2024	<a href="#">37</a>	Submission of Documents in Support of Case, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Envelope)(AAS) (Entered: 01/31/2024)
01/29/2024	<a href="#">38</a>	Submission of Documents in Support of Case, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Envelope)(AAS) (Entered: 01/31/2024)
01/29/2024	<a href="#">39</a>	Submission of Documents in Support of Case, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Envelope)(AAS) (Entered: 01/31/2024)
01/29/2024	<a href="#">40</a>	Submission of Documents in Support of Case, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Envelope)(AAS) (Entered: 01/31/2024)
01/29/2024	<a href="#">41</a>	Submission of Documents in Support of Case, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Envelope)(AAS) (Entered: 01/31/2024)
02/01/2024	<a href="#">43</a>	NOTICE to the court regarding receipt of discovery, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Envelope) (LF) (Entered: 02/05/2024)

02/02/2024	<a href="#">42</a>	ENTRY FROM INITIAL DISCOVERY CONFERENCE - The Parties appeared for a Telephonic Discovery Conference on January 31, 2024, with Magistrate Judge Kellie M. Barr. Plaintiff Franklin Marshall appeared pro se, and Defendants appeared by counsel Austin Andreas. The Parties discussed the status of initial disclosures, and both Parties confirmed receipt of the other's initial disclosures. Some of Defendants' initial disclosures were sent via a third-party and that package has not yet been given to the Plaintiff by the facility. Plaintiff confirmed that he was going to be making a settlement demand to Defendants in the near future. Defendants represented that they do not anticipate serving formal discovery on Plaintiff or taking his deposition, but they reserve the right to change that as the case progresses. Signed by Magistrate Judge Kellie M. Barr. (Copy mailed to Plaintiff) (AKW) (Entered: 02/02/2024)
02/02/2024	<a href="#">44</a>	Submission of documents in support of case, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Envelope) (LF) (Entered: 02/05/2024)
02/12/2024	45	RECEIPT #8995 for partial filing fee in the amount of \$27.60, paid by FRANKLIN MARSHALL. (DJH) (Entered: 02/12/2024)
03/08/2024	47	RECEIPT #9397 for Partial Filing fee in the amount of \$30, paid by FRANKLIN MARSHALL. (CCG) (Entered: 03/08/2024)
03/20/2024	<a href="#">48</a>	ORDER AGAIN DIRECTING SERVICE OF PROCESS: The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to again issue process to defendant Kristina Stone in the manner specified by Fed. R. Civ. P. 4(d). Process shall consist of the complaint (dkt. <a href="#">1</a> ), screening order (dkt. <a href="#">15</a> ), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons); and this Order. Signed by Magistrate Judge Kellie M. Barr on 3/20/2024. Copies mailed per Distribution list. (LF) (Entered: 03/22/2024)
03/20/2024	<a href="#">49</a>	NOTICE of Lawsuit & Waiver Issued by Clerk to Kristina Stone. (LF) (Main Document 49 replaced on 3/22/2024) (LF). (Entered: 03/22/2024)
03/29/2024	<a href="#">50</a>	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Plaintiff FRANKLIN MARSHALL. Copy/Copies provided via US Mail. (Attachments: # <a href="#">1</a> Envelope) (SWM) (Entered: 04/01/2024)
04/04/2024	<a href="#">52</a>	Letter regarding receipt of documents from Franklin Marshall. (Attachments: # <a href="#">1</a> Envelope) (LF) (Entered: 04/09/2024)
04/05/2024	<a href="#">51</a>	NOTICE <i>Regarding Settlement Conference</i> , filed by Defendants SAMUEL BYRD, HEATHER, MAKAYLA, re <a href="#">24</a> Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation. (Andreas, Austin) (Entered: 04/05/2024)
04/11/2024	53	RECEIPT #9884 for partial filing fee in the amount of \$37.20, paid by FRANKLIN MARSHALL. (DJH) (Entered: 04/11/2024)
04/15/2024	<a href="#">54</a>	NOTICE regarding Settlement Conference, filed by Plaintiff FRANKLIN MARSHALL (Attachments: # <a href="#">1</a> Envelope) (LF) (Entered: 04/17/2024)
05/16/2024	55	RECEIPT #10356 for Partial Filing fee in the amount of \$27.60, paid by FRANKLIN MARSHALL. (CCG) (Entered: 05/16/2024)
05/31/2024	<a href="#">60</a>	MOTION for Court Assistance, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Envelope)(AAS) (Entered: 06/04/2024)



06/03/2024	<a href="#">56</a>	ORDER DIRECTING SERVICE BY SUMMONS - The Clerk is designated, to issue process to defendant Stone. Process shall consist of a summons. The Marshal for this District or his Deputy shall serve the summons, together with a copy of the complaint (dkt. <a href="#">2</a> ), the Screening Order (dkt. <a href="#">15</a> ), and a copy of this Order, on defendant Stone, at the expense of the United States. The Marshal is required to use the Marshal's available resources to track down and serve defendant Stone. If service is unsuccessful after using the Marshal's available resources to locate defendant Stone, the Marshal must report to the Court by July 15, 2024, the other efforts undertaken to locate and serve her. Copy sent to plaintiff via US mail. Signed by Magistrate Judge Kellie M. Barr on 6/3/2024. (TPS) (Entered: 06/03/2024)
06/03/2024	<a href="#">57</a>	Summons Issued as to KRISTINA STONE. (TPS) (Additional attachment(s) added on 6/3/2024: # <a href="#">1</a> USM 285 Form) (TPS). (Entered: 06/03/2024)
06/03/2024	<a href="#">58</a>	Documents for service by USM - re <a href="#">57</a> Summons Issued, <a href="#">15</a> Order on Motion, <a href="#">56</a> Order, <a href="#">1</a> Complaint. UNREDACTED 285 form provided to the USM via email. Electronic notice to USM-C.(TPS) (Entered: 06/03/2024)
06/03/2024	<a href="#">59</a>	Mail Returned as undeliverable. <a href="#">49</a> NOTICE of Lawsuit & Waiver Issued by Clerk, <a href="#">48</a> Order sent to KRISTINA STONE. (LF) (Main Document 59 replaced on 9/3/2024) - Redacted address (JSR). (Entered: 06/04/2024)
06/11/2024	<a href="#">61</a>	First MOTION for Extension of Time to 07/01/2024 in which to <a href="#">24</a> Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation - <i>Deadline to File Dispositive Motions</i> , filed by Defendants SAMUEL BYRD, HEATHER, MAKAYLA. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Andreas, Austin) (Entered: 06/11/2024)
06/11/2024	62	RECEIPT #10742 for partial filing fee in the amount of \$25.20, paid by FRANKLIN MARSHALL. (DJH) (Entered: 06/11/2024)
06/14/2024	<a href="#">63</a>	ORDER granting <a href="#">61</a> DEFENDANTS' FIRST MOTION FOR ENLARGEMENT OF TIME TO FILE DISPOSITIVE MOTION - IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the dispositive motion deadline is hereby extended from June 17, 2024, to on or before July 1, 2024. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 06/14/2024.(AAS) (Entered: 06/17/2024)
06/28/2024	<a href="#">65</a>	MOTION for Summary Judgment <i>and Designation of Evidence</i> , filed by Defendants SAMUEL BYRD, HEATHER, MAKAYLA. (Attachments: # <a href="#">1</a> Exhibit 1 - Affidavit of Samuel Byrd, # <a href="#">2</a> Exhibit 2 - Medical Records, # <a href="#">3</a> Exhibit 3 - IDOC Policy 02-01-111, # <a href="#">4</a> Exhibit 4 - OP 02-01-111, # <a href="#">5</a> Text of Proposed Order Granting MSJ)(Andreas, Austin) (Entered: 06/28/2024)
06/28/2024	<a href="#">66</a>	BRIEF/MEMORANDUM in Support re <a href="#">65</a> MOTION for Summary Judgment <i>and Designation of Evidence</i> , filed by Defendants SAMUEL BYRD, HEATHER, MAKAYLA. (Andreas, Austin) (Entered: 06/28/2024)
06/28/2024	<a href="#">67</a>	NOTICE <i>Regarding Right to Respond</i> , filed by Defendants SAMUEL BYRD, HEATHER, MAKAYLA, re <a href="#">65</a> MOTION for Summary Judgment <i>and Designation of Evidence</i> . (Andreas, Austin) (Entered: 06/28/2024)
07/03/2024	<a href="#">68</a>	MOTION to Withdraw Attorney Appearance <i>of Austin R. Andreas</i> , filed by Defendants SAMUEL BYRD, HEATHER, MAKAYLA. (Attachments: # <a href="#">1</a> Text of Proposed Order) (Andreas, Austin) (Entered: 07/03/2024)

07/10/2024	69	RECEIPT #11177 for Partial Filing fee in the amount of \$6.00, paid by FRANKLIN MARSHALL. (CCG) (Entered: 07/10/2024)
07/19/2024	<a href="#">70</a>	ORDER granting <a href="#">68</a> Motion to Withdraw Attorney Appearance. Attorney Austin Ryan Andreas withdrawn. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 7/19/2024. (SWM) (Entered: 07/19/2024)
07/26/2024	<a href="#">71</a>	MOTION for Extension of Time to File Response to <a href="#">65</a> MOTION for Summary Judgment <i>and Designation of Evidence</i> , filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Envelope)(JRB) (Entered: 07/29/2024)
08/08/2024	<a href="#">72</a>	ORDER - Plaintiff's Motion for Court Assistance, dkt. <a href="#">60</a> , is granted to the extent that the Court explains that the paperwork he received requesting payment of an additional filing fee was for a duplicate case that was docketed as Case No. 2:24-cv-00121-JRS-MG. Plaintiff's motion for extension of time, dkt. <a href="#">71</a> , is granted. He shall have up to and including September 9, 2024, to respond to Defendants' pending summary judgment motion, dkt. <a href="#">65</a> . SEE ORDER. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 08/08/2024. (AAS) (Entered: 08/08/2024)
08/13/2024	73	RECEIPT #11681 for partial filing fee in the amount of \$44.40, paid by FRANKLIN MARSHALL. (DJH) (Entered: 08/13/2024)
08/26/2024	<a href="#">74</a>	MOTION for Extension of Time to Respond re- <a href="#">65</a> Motion Summary Judgment and Request for Copies and Forms, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Envelope) (AJG) (Entered: 08/26/2024)
09/03/2024	<a href="#">75</a>	ORDER granting <a href="#">74</a> Motion for Extension of Time to File -Plaintiff's second motion for extension of time, dkt. <a href="#">74</a> , is granted. He shall have up to and including October 7, 2024, to respond to the pending summary judgment motion, dkt. <a href="#">65</a> . Given the length of the extensions that have been granted, the Court does not anticipate further extensions. In addition, the Clerk is directed to enclose copies of the following with Plaintiff's copy of this Order: (1) public docket sheet; (2) summons, dkt. <a href="#">57</a> ; (3) documents for service by USMS, dkt. <a href="#">58</a> ; (4) notice of returned mail, dkt. <a href="#">59</a> ; (5) motion for court assistance, dkt. <a href="#">60</a> ; (6) motion for extension of time, dkt. <a href="#">61</a> ; (7); (8) June 14, 2024, Order, dkt. <a href="#">63</a> ; (9) motion for summary judgment and exhibits, dkt. <a href="#">65</a> and [65-1] through [65-5]; (10) summary judgment memorandum, dkt. <a href="#">66</a> ; and (11) summary judgment notice, dkt. <a href="#">67</a> . The copies may be two-sided copies. The Court cannot send Plaintiff a copy of the entry at dkt. 64 because it is a restricted entry nor the entry at dkt. 62 as it is a docket text only entry re: receipt. Copy to Plaintiff via US mail. Signed by Magistrate Judge Kellie M. Barr on 08/30/2024. (Attachments: # <a href="#">1</a> Public Docket Sheet, # <a href="#">2</a> Documents to be sent) (AJG) (Entered: 09/03/2024)
09/13/2024	<a href="#">76</a>	RESPONSE to <a href="#">65</a> MOTION for Summary Judgment <i>and Designation of Evidence</i> , filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Cover Letter, # <a href="#">3</a> Envelope) (BAA) (Entered: 09/16/2024)
09/17/2024	<a href="#">77</a>	NOTICE of Appearance by Travis W. Montgomery on behalf of Defendants SAMUEL BYRD, HEATHER, MAKAYLA. (Montgomery, Travis) (Entered: 09/17/2024)
09/23/2024	78	RECEIPT #12237 for Partial Filing fee in the amount of \$2.40, paid by FRANKLIN MARSHALL. (CCG) Modified on 9/23/2024 - Fixed receipt no.(CCG). (Entered: 09/23/2024)



09/27/2024	<a href="#">79</a>	REPLY in Support of Motion re <a href="#">65</a> MOTION for Summary Judgment <i>and Designation of Evidence</i> , filed by Defendants SAMUEL BYRD, HEATHER, MAKAYLA. (Montgomery, Travis) (Entered: 09/27/2024)
11/07/2024	<a href="#">80</a>	MOTION for Extension of Time to File Response re <a href="#">65</a> MOTION for Summary Judgment <i>and Designation of Evidence</i> , filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Cover Letter, # <a href="#">2</a> Envelope) (BAA) (Entered: 11/08/2024)
11/08/2024	<a href="#">81</a>	RESPONSE in Opposition re <a href="#">80</a> MOTION for Extension of Time to File Response re <a href="#">65</a> MOTION for Summary Judgment <i>and Designation of Evidence</i> , filed by Defendants SAMUEL BYRD, HEATHER, MAKAYLA. (Montgomery, Travis) (Entered: 11/08/2024)
11/14/2024	<a href="#">82</a>	ORDER - <a href="#">80</a> MOTION for Extension of Time to File Response re <a href="#">65</a> MOTION for Summary Judgment is DENIED as unnecessary. See Order for details. Signed by Magistrate Judge Kellie M. Barr on 11/14/2024 (Copy mailed to Plaintiff). (LBT) (Entered: 11/14/2024)
01/27/2025	<a href="#">83</a>	MOTION for Case Status, filed by Plaintiff FRANKLIN MARSHALL. (JSR) (Entered: 01/28/2025)
02/20/2025	<a href="#">84</a>	ORDER - <a href="#">83</a> Motion for Case Status is GRANTED insofar as the Clerk is DIRECTED to mail Plaintiff a copy of the public docket sheet. Signed by Magistrate Judge Kellie M. Barr on 2/20/2025 (Copy mailed to Plaintiff). (Attachments: # <a href="#">1</a> Public Docket Sheet) (LBT) (Entered: 02/20/2025)
03/04/2025	85	RECEIPT #14439 for partial filing fee in the amount of \$5.60, paid by FRANKLIN MARSHALL. (DJH) (Entered: 03/04/2025)
03/12/2025	<a href="#">86</a>	NOTICE to the Court, filed by Plaintiff FRANKLIN MARSHALL (Attachments: # <a href="#">1</a> Exhibit) (LF) (Entered: 03/13/2025)
03/27/2025	<a href="#">87</a>	ORDER ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT - For the reasons described above, the Defendants' Motion for Summary Judgment (Dkt. <a href="#">65</a> ) is GRANTED in part and DENIED in part. The Motion is granted as to Nurse Lowell-Pangello and Nurse Willis, and all claims against Nurses Lowell-Pangello and Willis are dismissed. The Motion is denied as to Dr. Byrd, and the claims against him shall be resolved by settlement or at trial. The clerk is directed to include with his copy of this Order, a copy of the form "Motion for Assistance with Recruiting Counsel," if Mr. Marshall desires such assistance. The Clerk is further directed to terminate Nurse Lowell-Pangello and Nurse Willis from this action. Finally, the Magistrate Judge is requested to schedule this matter for a status conference. (See Order.) Copy to Plaintiff via US mail. Signed by Judge Tanya Walton Pratt on 03/27/2025. (AJG) (Entered: 03/27/2025)
04/08/2025	<a href="#">88</a>	ORDER SETTING TELEPHONIC STATUS CONFERENCE - A Telephonic Status Conference is set for 5/12/2025 at 2:00 PM (Eastern Time) before Magistrate Judge Kellie M. Barr. 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 Indiana State Prison by separate email with the call-in information to be used to connect Mr. Marshall to the conference. Signed by Magistrate Judge Kellie M. Barr on 4/8/2025. Copy to Plaintiff via US mail. (JSR) (Entered: 04/08/2025)

04/08/2025	<a href="#">89</a>	ORDER to Make Inmate Available via Telephone - Warden of Indiana State Prison ordered to make FRANKLIN MARSHALL available via telephone for court proceeding on 5/12/2025 at 2:00 p.m. (Eastern). (See Order.) Signed by Magistrate Judge Kellie M. Barr on 4/8/2025. Copy to Plaintiff via US mail. (JSR) (Entered: 04/08/2025)
04/18/2025	90	RECEIPT #15135 for partial filing fee in the amount of \$36.00, paid by FRANKLIN MARSHALL. (DJH) (Entered: 04/18/2025)
05/12/2025	<a href="#">92</a>	MINUTE ORDER for proceedings held before Magistrate Judge Kellie M. Barr: Pro se Plaintiff Franklin Marshall and Defendants, by counsel, appeared on the record for a Telephonic Status Conference on May 12, 2025, with Magistrate Judge Kellie M. Barr. Mr. Marshall and Defendants' counsel both confirmed that they received the Court's Order on Defendants' Motion for Summary Judgment. [Dkt. 87.] Mr. Marshall, however, stated that he did not receive a copy of the form Motion for Assistance with Recruiting Counsel that was to be included with the order as directed. Mr. Marshall indicated that he would like the Court's assistance recruiting counsel, and the Court will include another copy of that form with this Entry. The Court DIRECTS the Clerk to include the "Motion for Assistance with Recruiting Counsel" form with a copy of this Entry. If Mr. Marshall wants the Court to attempt to recruit him counsel, he must return a completed copy of that form to the Court no later than June 13, 2025.No additional conferences were scheduled at this time. Copy and Form mailed to pro se party via US Mail. Signed by Magistrate Judge Kellie M. Barr. (MJL) (Entered: 05/12/2025)
06/13/2025	<a href="#">93</a>	MOTION for Assistance with Recruiting Counsel, filed by Plaintiff FRANKLIN MARSHALL. (Attachments: # <a href="#">1</a> Exhibit)(JRB) (Entered: 06/13/2025)
06/17/2025	<a href="#">94</a>	ORDER - This matter comes before the Court on Mr. Marshall's motion for assistance with recruiting counsel. Dkt. 93. In its order denying defendants' motion for summary judgment, this Court directed Mr. Marshall to file a motion for assistance with recruiting counsel because his claims were proceeding to settlement or trial. Mr. Marshall filed a motion for assistance recruiting counsel using the Court's form on June 13, 2025. That motion, dkt. <a href="#">93</a> , is granted. The Court will assist Mr. Marshall in obtaining an attorney for the remaining proceedings. Copy Sent to Plaintiff via U.S. Mail. Signed by Judge Tanya Walton Pratt on 6/17/2025. (CKM) (Entered: 06/17/2025)

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