



not "scour the record" for evidence that might be relevant. *Grant v. Trs. of Ind. Univ.*, 870 F.3d 562, 573–74 (7th Cir. 2017) (cleaned up).

A party seeking summary judgment must inform the district court of the basis for its motion and identify the record evidence it contends demonstrates the absence of a genuine issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986).

Whether a party asserts that a fact is undisputed or genuinely disputed, the party must support the asserted fact by citing to particular parts of the record, including depositions, documents, or affidavits. Fed. R. Civ. P. 56(c)(1)(A). Failure to properly support a fact in opposition to a movant's factual assertion can result in the movant's fact being considered undisputed, and potentially in the grant of summary judgment. Fed. R. Civ. P. 56(e).

## **II. Factual Background**

Because Sgt. Thomas has moved for summary judgment under Rule 56(a), the Court views and recites the evidence in the light most favorable to Mr. Moton and draws all reasonable inferences in his favor. *Khungar*, 985 F.3d at 572–73.

### **A. The Parties**

At all relevant times, Mr. Moton was an inmate incarcerated at Pendleton. Dkt. 41-4 at 6. Mr. Moton has been diagnosed with depression and schizophrenia. *Id.* at 19-20.

During the time in question, Sgt. Thomas was a correctional sergeant at Pendleton. Dkt. 41-4 at 7. Sgt. Thomas had no knowledge of Mr. Moton's previous mental health diagnoses. Dkt. 47-2 at 2.

## B. The Incident

On the evening of November 28, 2021, Mr. Moton told Sgt. Thomas of what he was "going through mentally," hearing voices, and having thoughts of hurting himself while Sgt. Thomas was making his rounds. Dkt. 47-4 at 9-10. Mr. Moton testified that Sgt. Thomas responded that he "did not give a fuck" and walked away. *Id.* at 12, 18. Immediately thereafter, Mr. Moton called his brother, and his mother and father. Dkt. 41-4 at 13-14. Mr. Moton also told his family members he was thinking of harming himself, and they told him they would notify the facility to initiate a welfare check. *Id.* at 15-16.

Mr. Moton then cut his left wrist with a razor blade. *Id.* at 17, 28. Sgt. Thomas then returned to Mr. Moton's cell to perform the welfare check and noticed that Mr. Moton was bleeding. *Id.* at 23. He immediately cuffed him up, threw him against the wall, and placed him into a shakedown cage until he was taken to medical.<sup>1</sup> *Id.* Mr. Moton testified that while Sgt. Thomas was escorting him to the booth, he urged him to move faster, and Mr. Moton replied that he could not because he had torn his ACL. *Id.* at 37. Once at medical, Mr. Moton's wrists were bandaged, and he talked to medical staff who "put [him] in a better headspace" until he could be evaluated by mental health professionals in the morning. *Id.* at 27. Mr. Moton did not require any stitches or surgery for the injuries he sustained. *Id.* at 44.

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<sup>1</sup> Mr. Moton has submitted a declaration and an affidavit stating that Sgt. Thomas saw that Mr. Moton "had cut his self and was bleeding defendant Thomas saw this and again walked off disregarding plaintiff's safety and mental health", dkt. 49 at 2, and that he advised Sgt. Thomas "multiple times that my mental health meds had not been updated and I was feeling suicidal and felt like cutting on myself I told him this multiple times he laughed and ignored me even after I told him I had cut on myself." Dkt. 50 at 1. To the extent Mr. Moton's declaration and affidavit can be read to attest either that Mr. Moton told his family that he had already self-harmed or that Sgt. Thomas observed Mr. Moton with cuts on his arms and took no action, laughed at him, such testimony is directly contrary to his deposition testimony and the Court disregards it. *See, e.g., Hart v. Brown*, 2:19-cv-00020-JRS-DLP, 2020 WL 3078120, at \*2 (S.D. Ind. June 10, 2020) ("The Court disregards under the sham-affidavit rule any sworn statement by [plaintiff] in his complaint or summary judgment memorandum that contradicts his deposition testimony.") (citing *James v. Hale*, 959 F.3d 307 (7th Cir. 2020) (discussing and applying sham-affidavit rule)).

### III. Discussion

The Eighth Amendment's prohibition against cruel and unusual punishment imposes a duty on the states, through the Fourteenth Amendment, "to provide adequate medical care to incarcerated individuals." *Boyce v. Moore*, 314 F.3d 884, 889 (7th Cir. 2002) (citing *Estelle v. Gamble*, 429 U.S. 97, 103 (1976)). "Prison officials can be liable for violating the Eighth Amendment when they display deliberate indifference towards an objectively serious medical need." *Thomas v. Blackard*, 2 F.4th 716, 721–22 (7th Cir. 2021). "Thus, to prevail on a deliberate indifference claim, a plaintiff must show '(1) an objectively serious medical condition to which (2) a state official was deliberately, that is subjectively, indifferent.'" *Johnson v. Dominguez*, 5 F.4th 818, 824 (7th Cir. 2021) (quoting *Whiting v. Wexford Health Sources, Inc.*, 839 F.3d 658, 662 (7th Cir. 2016)).

A failure to provide protection constitutes an Eighth Amendment violation only if deliberate indifference by prison officials to a prisoner's welfare effectively condones the harm by allowing it to happen. *Eagan v. Dempsey*, 987 F.3d 667, 693–94 (7th Cir. 2021) (citing *Santiago v. Walls*, 599 F.3d at 756, 758–59 (7th Cir. 2010)). Suicide and acts of self-harm may constitute serious risks to an inmate's health and safety. *See id.*; *Rice ex rel. Rice v. Corr. Med. Servs.*, 675 F.3d 650, 665 (7th Cir. 2012) ("[P]rison officials have an obligation to intervene when they know a prisoner suffers from self-destructive tendencies."); *Collins v. Seeman*, 462 F.3d 757, 760–61 (7th Cir. 2006) (considering deliberate indifference in prison suicide context); *Hall v. Ryan*, 957 F.2d 402, 406 (7th Cir. 1992) (confirming "prisoner's right to be protected from self-destructive tendencies").

When Sgt. Thomas discovered Mr. Moton bleeding in his cell, he promptly removed him and transported him to shakedown and then medical shortly thereafter. Although Mr. Moton

contends that Sgt. Thomas removed him roughly from his cell, it is uncontested that he acted promptly to transfer him to medical staff where his wounds were treated and bandaged. No reasonable juror could find that when Sgt. Thomas came to check on Mr. Moton a second time, that he was deliberately indifferent as to his response.

However, the Court disagrees as to Mr. Moton's first requests for help. Sgt. Thomas argues that Mr. Moton's initial statement that he was having thoughts of hurting himself were insufficient to put him on notice that these thoughts were "very likely to give rise to sufficiently imminent dangers." Dkt. 42 at 7. In support of this contention, Sgt. Thomas cites *Czapiewski v. Zimkiewicz*, 768 F. App'x 579, 582 (7th Cir. 2019). In *Czapiewski*, an inmate communicated that he was experiencing thoughts of self-harm and thoughts of harming staff members before attempting suicide, and summary judgment was later granted in favor of the defendants. However, unlike this case, the supervisor in question immediately interviewed Czapiewski once he communicated his thoughts of self-harm, and Czapiewski was adamant that he was not actually going to hurt himself, rather, it was just a thought or a memory. Mr. Moton testified in his deposition that he clearly told Sgt. Thomas that he was concerned about harming himself, yet Sgt. Thomas took no further action. Here, when viewing the facts in a light most favorable to Mr. Moton, a reasonable jury could find that Sgt. Thomas had subjective knowledge of a substantial risk that Mr. Moton would harm himself, and he eventually did. Accordingly, summary judgment must be **denied**.<sup>2</sup>

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<sup>2</sup> Mr. Moton attempted to designate evidence related to the Pendleton Correctional Facility Suicide Prevention Plan to show that Sgt. Thomas failed to follow facility policy related to suicide prevention. However, Sgt. Thomas's objection to the document as unproduced in discovery is sustained. Mr. Moton contends that this document may have gotten "lost in the mail" and that he noted an intent to use the document in his interrogatory responses by title only. Dkt. 58 at 2. This was insufficient disclosure under Fed. R. Civ. P. 37.

**IV.  
Conclusion**

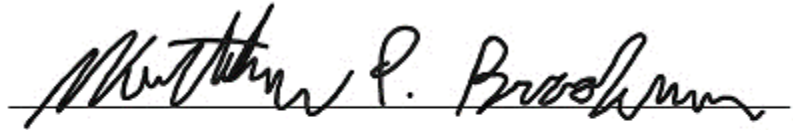
Sgt. Thomas's motion for summary judgment is **DENIED**. Dkt. [40]. This case will proceed to settlement or trial.

The Court prefers that Mr. Moton be represented by counsel for the remainder of this action. The **clerk is directed** to send Mr. Moton a motion for assistance recruiting counsel with his copy of this Order. Mr. Moton has **through 21 days after the entry of this order**, to file a motion for counsel using this form motion or to inform the Court that he wishes to proceed pro se. Once the motion has been ruled on and counsel has been recruited, the magistrate judge is asked to schedule a telephonic status conference to discuss further proceedings.

The **clerk is directed** to change the name of Defendant "P. Thomas" to "Patrick Thomas."

**IT IS SO ORDERED.**

Dated: August 21, 2025

A handwritten signature in black ink, reading "Matthew P. Brookman", written over a horizontal line.

Matthew P. Brookman, Judge  
United States District Court  
Southern District of Indiana

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