

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

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:23-cv-01534-SEB-TAB**

MOTON v. SAXON et al
Assigned to: Judge Sarah Evans Barker
Referred to: Magistrate Judge Tim A. Baker
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 08/23/2023
Jury Demand: Both
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff

ANDRE MOTON

represented by **ANDRE MOTON**
231926
NEW CASTLE - CF
NEW CASTLE CORRECTIONAL
FACILITY - Inmate Mail/Parcels
1000 Van Nuys Road
P.O. Box E
NEW CASTLE, IN 47362
PRO SE

V.

Defendant

M. SAXON
Correctional Officer

represented by **David Matthew Price**
Office of the Indiana Attorney General
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Defendant

K. BLANTON
Correctional Officer

represented by **David Matthew Price**
(See above for address)

ATTORNEY TO BE NOTICED

Gustavo Angel Jimenez
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

N. KRAWCZYK
Correctional Officer

represented by **David Matthew Price**
 (See above for address)
ATTORNEY TO BE NOTICED

Gustavo Angel Jimenez
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/23/2023	<u>1</u>	CONSENT to Prisoner E-Service by ANDRE MOTON located at PENDLETON CF. Pursuant to General Order 2013-1, documents submitted by ANDRE MOTON to the court for filing will generate a Notice of Electronic Filing that will constitute official service upon registered users of CM/ECF. If any parties to the case are not registered CM/ECF users, the Clerk of the Court will mail the document via U.S. Postal Service on behalf of the inmate. NOTE: The E-Filing Program does not affect the obligation of other parties to serve copies of documents in accordance with the Federal Rules of Civil Procedure. (DJH) (Entered: 08/28/2023)
08/23/2023	<u>2</u>	COMPLAINT against K. BLANTON, T. EVANS, N. KRAWCZYK, M. SAXON, filed by ANDRE MOTON. (No fee paid with this filing) (Attachments: # <u>1</u> Exhibits including Requests for Health Care, Report of Conduct, Notices, Offender Grievance)(DJH) (Entered: 08/28/2023)
08/23/2023	<u>3</u>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff ANDRE MOTON. (Attachments: # <u>1</u> Resident Activity Report)(DJH) (Entered: 08/28/2023)
08/28/2023	<u>4</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) (Entered: 08/28/2023)
08/28/2023	<u>5</u>	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (DJH) (Entered: 08/28/2023)
08/30/2023	<u>6</u>	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. (MEH) (Entered: 08/30/2023)
09/08/2023	<u>7</u>	ORDER granting <u>3</u> Motion for Leave to Proceed in forma pauperis to the extent that the plaintiff is assessed an initial partial filing fee of Six Dollars and Eighty-Four Cents (\$6.84). The plaintiff shall have through October 10, 2023, in which to pay this sum to the clerk of the district court. SEE ORDER. Signed by Judge Sarah Evans Barker on 9/8/2023. (JRB) (Entered: 09/08/2023)
10/05/2023	<u>8</u>	Submission of Exhibits, filed by Plaintiff ANDRE MOTON. (JSR) (Entered: 10/05/2023)
10/05/2023	<u>9</u>	Additional Submission of Exhibits, filed by Plaintiff ANDRE MOTON. (JSR) (Entered: 10/05/2023)
10/26/2023	<u>10</u>	MOTION to Waive Partial Filing Fee, filed by Plaintiff ANDRE MOTON. (JSR) (Entered: 10/26/2023)

10/27/2023	11	ORDER - Plaintiff Andre Moton has filed a motion to waive his partial filing fee in several cases due to checks being returned for not having a case number on them despite his request to the business office to include them. The motion, dkt. 10 , is granted to the extent that the Court will issue a collection order by separate order to facilitate collection of the filing fee. Mr. Moton's complaint will be screened in due course. Signed by Magistrate Judge Tim A. Baker on 10/27/2023. (JSR) (Entered: 10/27/2023)
10/27/2023	12	ORDER DIRECTING PRISONER PAYMENT - Plaintiff's custodian is directed to withhold sums from the inmate trust account of ANDRE MOTON, 231926, 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 \$350.00. A copy of this Order shall be sent to plaintiff and to plaintiff's custodian. (See Order.) Signed by Magistrate Judge Tim A. Baker on 10/27/2023. Copies distributed pursuant to distribution list. (JSR) (Entered: 10/27/2023)
12/13/2023	13	Order Screening Complaint and Directing Further Proceedings - If Mr. Moton believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have through January 2, 2024, in which to identify those claims. The clerk is directed to terminate Officer T. Evans as a defendant on the docket. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to defendants (1) Officer M. Saxon; (2) Officer K. Blanton; and (3) Officer N. Krawczyk in the manner specified by Rule 4(d). Process shall consist of the complaint, dkt. 2 , exhibits, dkt. [2-1], applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order. The clerk is directed to serve the Indiana Department of Correction employees electronically. SEE ORDER. Signed by Judge Sarah Evans Barker on 12/13/2023.(JRB) (Entered: 12/13/2023)
12/13/2023	14	NOTICE of Lawsuit & Waiver Issued by Clerk as to (1) Officer M. Saxon; (2) Officer K. Blanton; and (3) Officer N. Krawczyk. (JRB) (Entered: 12/13/2023)
12/13/2023	15	Documents to be Sent via Electronic Notice - re 2 Complaint, 13 Order, 14 NOTICE of Lawsuit & Waiver Issued by Clerk Electronic Notice to IDOC. (JRB) (Entered: 12/13/2023)
01/24/2024	16	ENTRY DIRECTING SERVICE OF PROCESS - The Court screened the plaintiff's complaint and issued process on December 13, 2023, but the defendants have not waived service. The clerk is designated pursuant to Fed. R. Civ. P. 4(c)(3) to reissue process to (1) Officer M. Saxon; (2) Officer K. Blanton; and (3) Officer N. Krawczyk. Process shall consist of the complaint, dkt. 2 , screening order, dkt. 13 , applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry. The clerk is directed to serve the Indiana Department of Correction employees electronically. Signed by Magistrate Judge Tim A. Baker on 1/24/2024. (JSR) (Entered: 01/24/2024)
01/24/2024	17	NOTICE of Lawsuit & Waiver Issued by Clerk upon: (1) Officer M. Saxon; (2) Officer K. Blanton; and (3) Officer N. Krawczyk (JSR) (Entered: 01/24/2024)
01/24/2024	18	Documents to be Sent via Electronic Notice - re 16 Entry, 17 NOTICE of Lawsuit & Waiver Issued by Clerk, 2 Complaint, 13 Order. Electronic Notice to IDOC. (JSR) (Entered: 01/24/2024)
01/25/2024	19	NOTICE of Appearance by James Michael Sedam on behalf of Defendants K. BLANTON, N. KRAWCZYK, M. SAXON. (Sedam, James) (Entered: 01/25/2024)

01/25/2024	20	NOTICE of Appearance by Gustavo Angel Jimenez on behalf of Defendants K. BLANTON, N. KRAWCZYK, M. SAXON. (Jimenez, Gustavo) (Entered: 01/25/2024)
01/25/2024	21	WAIVER OF SERVICE Returned Executed, filed by K. BLANTON, M. SAXON, N. KRAWCZYK. K. BLANTON waiver sent on 1/24/2024; M. SAXON waiver sent on 1/24/2024; N. KRAWCZYK waiver sent on 1/24/2024. (Sedam, James) (Entered: 01/25/2024)
03/25/2024	22	ANSWER to Plaintiff's Complaint, Affirmative Defenses, and Demand for Jury Trial, filed by Defendants K. BLANTON, N. KRAWCZYK, M. SAXON. (Sedam, James) (Entered: 03/25/2024)
03/26/2024	23	ENTRY DIRECTING DEVELOPMENT OF EXHAUSTION DEFENSE AND ISSUING PARTIAL STAY - The defendants have 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. The exhaustion defense will be resolved pursuant to the following schedule. Except for activities associated with the development and resolution of the affirmative defense that the plaintiff failed to exhaust his administrative remedies prior to filing this action, or any other matter directed by the Court, any other activities or deadlines in the action are stayed. (See Order.) Signed by Magistrate Judge Tim A. Baker on 3/26/2024. (JSR) (Entered: 03/26/2024)
05/01/2024	24	NOTICE of Withdrawal of Affirmative Defense, filed by Defendants K. BLANTON, N. KRAWCZYK, M. SAXON (Sedam, James) (Entered: 05/01/2024)
05/02/2024	25	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 12/2/2024. Discovery due by 11/4/2024. Signed by Magistrate Judge Tim A. Baker on 05/02/2024. (AJG) (Entered: 05/02/2024)
05/02/2024	26	NOTICE of Substitution of Appearance by David Matthew Price replacing <i>James M. Sedam</i> on behalf of K. BLANTON, N. KRAWCZYK, M. SAXON (Price, David) (Entered: 05/02/2024)
07/01/2024	27	NOTICE of Service of Initial Disclosures , filed by Defendants K. BLANTON, N. KRAWCZYK, M. SAXON. (Jimenez, Gustavo) (Entered: 07/01/2024)
07/22/2024	28	AFFIDAVIT of Andre Moton by ANDRE MOTON. (CKM) (Entered: 07/22/2024)
07/31/2024	29	MOTION to Take Deposition from Andre Moton , filed by Defendants K. BLANTON, N. KRAWCZYK, M. SAXON. (Attachments: # 1 Text of Proposed Order)(Jimenez, Gustavo) (Entered: 07/31/2024)
08/09/2024	30	ORDER GRANTING DEFENDANTS' MOTION FOR LEAVE TO DEPOSE PLAINTIFF - Defendants, by counsel, filed a motion asking for leave to take the deposition of Plaintiff, Andre Moton, an incarcerated individual. The Court, being duly advised, now GRANTS the motion, dkt. 29 . Defendants are granted leave to depose Plaintiff Andre Moton, an inmate held in the custody of the Indiana Department of Correction, at a date to be arranged with the facility and prior to the close of discovery. Said deposition may be taken via a videoconferencing service. Signed by Magistrate Judge Tim A. Baker on 8/9/2024. (JSR) (Entered: 08/09/2024)

10/01/2024	31	NOTICE <i>regarding Settlement Conference</i> , filed by Defendants K. BLANTON, N. KRAWCZYK, M. SAXON (Jimenez, Gustavo) (Entered: 10/01/2024)
10/09/2024	32	CERTIFICATE OF SERVICE by K. BLANTON, N. KRAWCZYK, M. SAXON re 31 Notice (Other) (<i>Amended</i>) (Jimenez, Gustavo) (Entered: 10/09/2024)
10/11/2024	33	NOTICE of Change of Address for ANDRE MOTON to New Castle Correctional Facility and Copy Request. ANDRE MOTON is no longer participating in E-Service. Public Docket Sheet provided via US Mail. (Attachments: # 1 Public Docket Sheet) (AAS) (Entered: 10/15/2024)
11/01/2024	34	MOTION for Extension of Time to November 25, 2024 <i>of the Discovery Deadline</i> , filed by Defendants M. SAXON, K. BLANTON, N. KRAWCZYK. (Attachments: # 1 Text of Proposed Order)(Jimenez, Gustavo) (Entered: 11/01/2024)
11/01/2024	35	MOTION to Take Deposition from William Mosley , filed by Defendants M. SAXON, K. BLANTON, N. KRAWCZYK. (Attachments: # 1 Text of Proposed Order)(Jimenez, Gustavo) (Entered: 11/01/2024)
11/15/2024	36	RECEIPT #12994 for Partial Filing fee in the amount of \$350.00, paid by ANDRE MOTON. (CCG) (Entered: 11/15/2024)
11/15/2024	37	ORDER - Pending before the Court is Defendants' motion to extend the discovery deadline so that they can complete the deposition of a non-party inmate, William Mosley. Dkt. 34 . The Court finds good cause for the requested extension, and the motion, dkt. 34 , is granted to the extent that the discovery deadline is extended up to and including November 25, 2024, for the limited purpose of allowing Defendants to depose Mr. Mosley. The discovery deadline is not otherwise extended, and no party may serve additional written discovery requests without leave of Court. Signed by Magistrate Judge Tim A. Baker on 11/15/2024. Copy to Plaintiff via US mail. (JSR) (Entered: 11/15/2024)
11/15/2024	38	ORDER granting 35 Motion to Take Deposition - Defendants, by counsel, filed a motion asking for leave to take the deposition of nonparty inmate, William Mosley (IDOC No. 266279), an incarcerated individual. The Court, being duly advised, now GRANTS the motion, dkt. 35 . Defendants are hereby granted leave to depose William Mosley, an inmate held in the custody of the Indiana Department of Correction, at a date to be arranged with the Pendleton Correctional Facility. Any deposition must be completed on or before November 25, 2024. Defense counsel is ordered to make arrangements with New Castle Correctional Facility to ensure Plaintiff Andre Moton is present to participate in the deposition. Said deposition may be taken via a videoconferencing service. Copy to Plaintiff via US mail. Signed by Magistrate Judge Tim A. Baker on 11/15/2024. (AJG) (Entered: 11/15/2024)
12/06/2024	39	ORDER PROVIDING NOTICE OF SATISFACTION OF FILING FEE - The Court's records reflect that the plaintiff has paid the full district court filing fee in this action. Accordingly, any collection order issued pursuant to 28 U.S.C. § 1915(b) to collect the district court filing fee has been satisfied and no further payments associated with this filing fee shall be made. A copy of this Notice shall be distributed to the plaintiff's custodian. Signed by Magistrate Judge Tim A. Baker on 12/6/2024. (Copies mailed per Distribution.) (KAA) (Entered: 12/06/2024)
12/18/2024	40	MOTION to Intervene, filed by Plaintiff ANDRE MOTON. (JRB) (Entered: 12/18/2024)
12/30/2024	41	RESPONSE in Opposition re 40 MOTION to Intervene , filed by Defendants M. SAXON, K. BLANTON, N. KRAWCZYK. (Jimenez, Gustavo) (Entered: 12/30/2024)
12/31/2024	42	ORDER - Plaintiff's motion asking the Court to require his prison to give him copies of any summary judgment motions filed in this case, dkt. 40 , is denied as unnecessary. No

		summary judgment motions have been filed in this case. The clerk is directed to enclose a public docket sheet with Plaintiff's copy of this Order. Signed by Magistrate Judge Tim A. Baker on 12/31/2024. (Attachments: # 1 Public Docket Sheet) Copy mailed to Plaintiff. (BAA) (Entered: 12/31/2024)
12/31/2024	43	MOTION to Intervene, filed by Plaintiff ANDRE MOTON. (LF) (Entered: 01/02/2025)
12/31/2024	44	Amended Preliminary Witness List and Exhibit List, filed by Plaintiff ANDRE MOTON. (LF) (Entered: 01/02/2025)
01/03/2025	45	RESPONSE in Opposition re 43 MOTION to Intervene , filed by Defendants M. SAXON, K. BLANTON, N. KRAWCZYK. (Jimenez, Gustavo) (Entered: 01/03/2025)
01/27/2025	46	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Andre Moton. Copy/Copies provided via US Mail. (Attachments: # 1 Public Docket Sheet) (LBT) (Entered: 01/28/2025)
02/11/2025	47	MOTION to Take Notice, filed by Plaintiff ANDRE MOTON. (JSR) (Entered: 02/11/2025)
02/21/2025	48	MARGINAL ENTRY Regarding 43 Motion to Intervene - Motion denied. Defendants have not filed a motion for summary judgment, and the deadline for doing so has passed. Signed by Magistrate Judge Tim A. Baker on 02/21/2025. Copy to Plaintiff via US Mail. (AAS) (Entered: 02/21/2025)
02/21/2025	49	MARGINAL ENTRY Regarding 47 Motion to Take Notice - Motion granted to the extent that Court states the summary judgment deadline was December 2, 2024, and no summary judgment motions have been filed. Signed by Magistrate Judge Tim A. Baker on 02/21/2025. Copy to Plaintiff via US Mail. (AAS) (Entered: 02/21/2025)
03/10/2025	50	MOTION for Court Assistance, filed by Plaintiff ANDRE MOTON. (LBT) (Entered: 03/11/2025)
03/14/2025	51	MARGINAL ENTRY - 50 Motion for Court Assistance is DENIED as repetitive of Plaintiff's prior filings which have been addressed. [Filing Nos. 42 , 48 , 49]. Signed by Magistrate Judge Tim A. Baker on 3/14/2025 (Copy mailed to Plaintiff) (LBT) (Entered: 03/14/2025)
05/22/2025	52	MOTION for Settlement Conference, filed by Plaintiff ANDRE MOTON. (TPS) (Entered: 05/23/2025)
05/28/2025	53	MARGINAL ENTRY Regarding 52 Motion for Settlement Conference - Motion granted to the extent that, by separate order, this cause will be set for a status conference to address case status and settlement. Signed by Magistrate Judge Tim A. Baker on 05/28/2025. Copy to Plaintiff via US Mail. (AAS) (Entered: 05/28/2025)
05/29/2025	54	ORDER SETTING TELEPHONIC STATUS CONFERENCE - This matter is set for a telephonic status conference at 9:30 a.m. on June 27, 2025, before Magistrate Judge Tim A. Baker. The Court will arrange Plaintiff's participation in this conference, and Defendants shall appear by counsel. The information needed by counsel of record to participate in this telephonic conference will be provided by separate notification. The purpose of this conference is to address case status and settlement. Copy to Plaintiff via US mail. Signed by Magistrate Judge Tim A. Baker on 05/29/2025. (AJG) (Entered: 05/29/2025)
05/29/2025	55	ORDER TO MAKE PLAINTIFF AVAILABLE BY TELEPHONE - This cause is set for a telephonic status conference at 9:30 a.m. (Eastern Time) on June 27, 2025. Plaintiff is currently incarcerated in the New Castle Correctional Facility and is expected to remain incarcerated through the date of the conference and beyond. This order shall be sent to the New Castle Correctional Facility, via e-mail in care of Pamela Thessen to facilitate Plaintiff's participation in this conference. Ms. Thessen as a designee of Plaintiff's

		custodian, is directed to make Plaintiff available to participate in this conference, which may last up to 30 minutes. Court staff shall contact Ms. Thessen on the morning of the conference. Any questions or information concerning compliance with the terms of this order, such as Plaintiff's transfer to another institution prior to the conference, should be brought to the attention of the Judge's staff at 317-229- 3660. Copy to Plaintiff via US mail. Signed by Magistrate Judge Tim A. Baker on 05/29/2025. (AJG) - Email copy to facility on 05/29/2025 (DMB). (Entered: 05/29/2025)
06/09/2025	56	MOTION to Appoint Counsel, filed by Plaintiff ANDRE MOTON. (AAS) (Entered: 06/11/2025)
06/27/2025	58	MINUTE ORDER for Telephonic Status Conference held before Magistrate Judge Tim A. Baker on 6/27/2025. Settlement Conference set for 8/21/2025 at 9:00 AM (Eastern Time) in room #234, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Magistrate Judge Tim A. Baker. See Minute Order for further information and deadlines. Signed by Magistrate Judge Tim A. Baker. (Copy mailed to Plaintiff) (BAS) (Entered: 06/30/2025)
06/30/2025	59	ORDER to PRODUCE INMATE. Warden of New Castle Correctional Facility ordered to produce Andre Moton for court proceeding on 8/21/2025. Signed by Magistrate Judge Tim A. Baker on 6/30/2025. (copy mailed to Plaintiff). Electronic notice to USM-W.(BAS) (Main Document 59 replaced on 7/1/2025) (BAS). (Entered: 06/30/2025)
07/07/2025	60	ORDER GRANTING MOTION FOR ASSISTANCE RECRUITING COUNSEL - Plaintiff's motion for assistance with recruiting counsel, dkt. 56 , is GRANTED to the extent that the Court will attempt to recruit pro bono counsel to represent Plaintiff for the limited purpose of assisting him during any settlement negotiations and proceedings. Copy to Plaintiff via US mail. Signed by Judge Sarah Evans Barker on 07/07/2025. (AJG) (Entered: 07/08/2025)

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