

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

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**U.S. District Court
Southern District of Indiana (New Albany)
CIVIL DOCKET FOR CASE #: 4:24-cv-00096-TWP-KMB**

PEGAN v. FLOYD COUNTY JAIL
Assigned to: Judge Tanya Walton Pratt
Referred to: Magistrate Judge Kellie M. Barr
Demand: \$500,000
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 07/10/2024
Jury Demand: None
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff**VINCENT PEGAN**

represented by **VINCENT PEGAN**
121899
FLOYD COUNTY JAIL
FLOYD COUNTY JAIL
Inmate Mail/Parcels
311 Hauss Sq.
New Albany, IN 47150
PRO SE

V.

Defendant

STEVE BUSH
Sheriff

represented by **Brianna Nicole Berry**
Barnes Maloney PLLC
401 West Main Street
Suite 1600
Louisville, KY 40202
502-625-1665
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Defendant

GENE PERROT
Captain

represented by **Brianna Nicole Berry**
 (See above for address)
ATTORNEY TO BE NOTICED

Justin M. Schaefer
 (See above for address)
ATTORNEY TO BE NOTICED

Patrick Muldoon
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

CHRIS ROY
Sgt.

represented by **Brianna Nicole Berry**
 (See above for address)
ATTORNEY TO BE NOTICED

Justin M. Schaefer
 (See above for address)
ATTORNEY TO BE NOTICED

Patrick Muldoon
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/10/2024	<u>1</u>	COMPLAINT against FLOYD COUNTY JAIL, filed by VINCENT PEGAN. (No fee paid with this filing) (Attachments: # <u>1</u> Envelope)(DJH) (Entered: 07/15/2024)
07/15/2024	<u>2</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) (Entered: 07/15/2024)
07/15/2024	<u>3</u>	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (DJH) (Entered: 07/15/2024)
07/17/2024	<u>4</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. Copy to plaintiff by U.S. Mail. (MEH) (Entered: 07/17/2024)

07/30/2024	5	NOTICE OF DEFICIENCY - Your civil rights complaint has been received. You shall have through August 27, 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 to plaintiff by U.S. Mail. (Attachments: # 1 Form Motion for IFP) (MEH) (Entered: 07/30/2024)
08/12/2024	6	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff VINCENT PEGAN. (Attachments: # 1 Exhibit, # 2 Envelope)(JRB) (Entered: 08/14/2024)
08/26/2024	7	MOTION to Appoint Counsel, filed by Plaintiff VINCENT PEGAN. (Attachments: # 1 Envelope) (BAA) (Entered: 08/27/2024)
08/26/2024	8	MOTION for Rule 65(d), filed by Plaintiff VINCENT PEGAN. (Attachments: # 1 Envelope) (JSR) (Entered: 08/27/2024)
08/29/2024	9	ORDER granting 6 Motion for Leave to Proceed in forma pauperis - No initial partial filing fee is due at this time. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge Tanya Walton Pratt on 8/29/2024. (JRB) (Entered: 08/30/2024)
10/07/2024	10	MOTION Requesting Copies, filed by Plaintiff VINCENT PEGAN. (Attachments: # 1 Envelope)(AJG) (Entered: 10/11/2024)
10/29/2024	11	ORDER - 10 Motion for Copies is GRANTED to the extent that the clerk is directed to enclose copies of the following with Plaintiff's copy of this Order: (1) public docket sheet; (2) table of contents of Federal Rules of Civil Procedure; and (3) table of contents of Southern District of Indiana Local Rules. See Order for details. Signed by Magistrate Judge Kellie M. Barr on 10/29/2024 (Copy mailed to Plaintiff). (Attachments: # 1 Public Docket Sheet, # 2 Table of Contents of Federal Rules of Civil Procedure, # 3 Table of Contents of Local Rules) (LBT) (Entered: 10/29/2024)
11/04/2024	12	Order Dismissing Complaint and Directing Filing of Amended Complaint: Applying the screening standard to the facts alleged in the complaint, the complaint must be dismissed for failure to state a claim upon which relief may be granted. Specifically, his claims against the Floyd County Jail are dismissed for failure to state a claim upon which relief may be granted because it is a building, not a person who can be sued for damages. Mr. Pegan shall have through November 29, 2024, to file an amended complaint. Mr. Pegan has also filed two motions that bear only titles and no supporting content. See dkt. 7 (titled "Motion to Appoint Counsel"), dkt. 8 (titled "Motion for Rule 6(d)"). Because these motions are wholly empty of content, they are denied as presented. Dkts. 7 , 8 . The clerk is directed to include a form motion for counsel with Mr. Pegan's copy of this Order. Mr. Pegan is reminded that it is procedurally improper and a violation of the courts Local Rules to file motions that bear only a title and do not provide any basis for the Court to grant his requested action. See Pegan v. Roy, et al., 4:24- cv-28-TWP-KMB, dkt. 71 at 6 (providing identical instruction). Any future filings that bear only a title will be summarily denied. See Order for details. Signed by Judge Tanya Walton Pratt on 11/4/2024.(Copy mailed to Plaintiff.) (Attachments: # 1 Blank Complaint form, # 2 Form for motion for Counsel) (LF) (Entered: 11/04/2024)
11/14/2024	13	MOTION for Assistance with Service of Complaint, filed by Plaintiff VINCENT PEGAN. (Attachments: # 1 Envelope)(AAS) (Entered: 11/18/2024)

11/18/2024	14	MOTION for Court Assistance, filed by Plaintiff VINCENT PEGAN. (Attachments: # 1 Envelope) (JSR) (Entered: 11/20/2024)
11/18/2024	15	MOTION to Appoint Counsel, filed by Plaintiff VINCENT PEGAN. (Attachments: # 1 Envelope) (JSR) (Entered: 11/20/2024)
11/18/2024	16	MOTION for Rule 60 Relief from a Judgment or Order, filed by Plaintiff VINCENT PEGAN. (Attachments: # 1 Envelope)(KAA) (Entered: 11/25/2024)
11/18/2024	17	AMENDED COMPLAINT against All Defendants, filed by VINCENT PEGAN. (Attachments: # 1 Envelope)(KAA) (Entered: 11/25/2024)
12/06/2024	18	ORDER - Plaintiff's motions asking the Court to screen his complaint, dkt. 13 and 14 , are GRANTED to the extent that the Court explains that it screened his complaint on November 4, 2024. Dkt. 12 . In that Order, the Court dismissed his claims and directed him to file an amended complaint. It appears that Plaintiff received that Order after he filed the currently pending motions because he has now filed an amended complaint. Dkt. 17 . The Court will screen the amended complaint by separate entry in due course. Copy to Plaintiff via US mail. Signed by Magistrate Judge Kellie M. Barr on 12/06/2024. (AJG) (Entered: 12/06/2024)
12/11/2024	19	Submission of Evidence, filed by Plaintiff VINCENT PEGAN. (JRB) (Entered: 12/12/2024)
12/13/2024	20	Submission of Grievance on the Nutraloaf Evidence, filed by Plaintiff VINCENT PEGAN. (LBT) (Entered: 12/13/2024)
12/19/2024	21	MOTION for Preliminary Injunction, filed by Plaintiff VINCENT PEGAN. (JRB) (Entered: 12/20/2024)
12/26/2024	22	Correspondence REQUESTING COPY of Case Docket Sheet, filed by VINCENT PEGAN. Copy/Copies provided via US Mail. (Attachments: # 1 Public Docket Sheet) (KAA) (Entered: 12/30/2024)
12/30/2024	23	Submission of Evidence of Grievance, filed by Plaintiff VINCENT PEGAN. (TPS) (Entered: 12/31/2024)
01/21/2025	24	NOTICE of Change of Address for VINCENT PEGAN. (LBT) (Entered: 01/22/2025)
01/21/2025	25	MOTION for Court Assistance for Clarification, filed by Plaintiff VINCENT PEGAN. (JSR) (Entered: 01/22/2025)
01/24/2025	26	Submission of Grievance, filed by Plaintiff VINCENT PEGAN. (AJG) (Entered: 01/27/2025)
01/24/2025	27	NOTICE of Change of Address for VINCENT PEGAN. Address is Current. (AJG) (Entered: 01/27/2025)
02/28/2025	28	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Vincent Pegan. Copy/Copies provided via US Mail. (Attachments: # 1 Docket Sheet) (JRB) (Entered: 02/28/2025)
03/04/2025	29	ORDER STAYING PROCEEDINGS PENDING RESTORATION OF PLAINTIFF'S COMPETENCY AND RULING ON PENDING NON-DISPOSITIVE MOTIONS - Mr. Pegan's Motion for Assistance Recruiting Counsel, [dkt. 15], is DENIED WITHOUT PREJUDICE. The Court will assess Mr. Pegan's competency to proceed in this lawsuit following his completion of restoration services at Logansport State Hospital. At that time, the Court will also review Mr. Pegan's potential need for recruited counsel.Mr. Pegan has filed a motion titled "Motion for Rule 60 Relief from a Judgment or Order." [Dkt. 16.] It is unclear what relief Mr. Pegan is seeking in this motion. Federal Rule of Civil Procedure

		<p>Rule 60 allows a party to seek relief from a judgment or order that has already issued. Final judgment has not issued in this case, and Mr. Pegan does not identify an order that he is seeking relief from. Accordingly, this motion is DENIED WITHOUT PREJUDICE. Mr. Pegan has filed a motion requesting an update on case status. [Dkt. 25.] The CLERK SHALL send Mr. Pegan a copy of the public docket sheet along with his copy of this Order. The motion is GRANTED to the extent that the Court issues this Order. Mr. Pegan's Motion for Preliminary Injunction, [dkt. 21], which argues that he did not receive adequate medical care while he was incarcerated at Floyd County Jail, remains pending. Mr. Pegan may not file any additional motions in this lawsuit until after he completes restoration services at Logansport State Hospital and the Court assesses his competency. Any motions Mr. Pegan files before his competency is restored will be summarily denied without prejudice. However, Mr. Pegan may file a Status Report upon his completion of restoration services at Logansport State Hospital and a Notice of Change of Address upon his transfer back to Floyd County Jail. The Court will also periodically monitor the online docket in his state criminal cases to stay apprised of his location and condition. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 3/4/2025. (Attachments: # 1 Docket Sheet) (JRB) (Entered: 03/04/2025)</p>
03/31/2025	30	NOTICE of Change of Address for VINCENT PEGAN to Logansport State Hospital. (JRB) (Entered: 03/31/2025)
04/03/2025	31	NOTICE of Change of Address for VINCENT PEGAN from LOGANSFORT STATE HOSPITAL to Floyd County Jail. (LF) (Entered: 04/03/2025)
04/16/2025	34	MOTION for Court Assistance for Clarification Regarding Address, filed by Plaintiffs VINCENT PEGAN. (KAA) (Entered: 04/18/2025)
04/16/2025	35	NOTICE to the Court Regarding Competency, filed by Plaintiff VINCENT PEGAN. (KAA) (Entered: 04/18/2025)
04/17/2025	32	MOTION for Preliminary Injunction, filed by Plaintiff VINCENT PEGAN. (JSR) (Entered: 04/18/2025)
04/17/2025	33	NOTICE of Change of Address for VINCENT PEGAN to Floyd County Jail. (AAS) (Entered: 04/18/2025)
04/17/2025	36	Correspondence REQUESTING COPY of Case Docket Sheet, filed by VINCENT PEGAN. Copy/Copies provided via US Mail in all cases. (KAA) (Entered: 04/18/2025)
04/21/2025	37	NOTICE of Change of Address for VINCENT PEGAN to Floyd County Jail. (AAS) (Entered: 04/21/2025)
04/25/2025	38	<p>ORDER LIFTING STAY ON PROCEEDINGS, SCREENING AMENDED COMPLAINT, AND RULING ON PENDING MOTIONS - Mr. Pegan has been restored to competency by the Indiana Division of Mental Health and Addiction, and his filings since he has been returned to the Floyd County Jail have been coherent. Accordingly, the Court finds that he is competent to litigate this action, and the Stay issued on March 4, 2025, dkt. 29 , is hereby lifted. Mr. Pegan's motions for preliminary injunction, dkt. 21 , dkt. 32 , are denied without prejudice. Mr. Pegan's motion for court assistance with respect to his address at docket 34 , is granted to the extent that the Court confirms that Mr. Pegan's address on the docket has been updated to reflect that he is at the Floyd County jail. The clerk is directed to add Sheriff Steve Bush, Captain Gene Perrot, and Sgt. Chris Roy as defendants on the docket and to terminate Floyd County Jail as a defendant on the docket. The clerk is directed to issue process to Defendants Sheriff Steve Bush, Captain Gene Perrot, and Sgt. Chris Roy in the manner specified by Rule 4(d). Process shall consist of the amended complaint filed on November 18, 2024, dkt. 17 , applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this</p>

		Order. (SEE ORDER.) Copies sent pursuant to distribution list via US mail. Signed by Judge Tanya Walton Pratt on 4/28/2025. (TPS) (Entered: 04/28/2025)
04/28/2025	39	NOTICE of Lawsuit & Waiver Issued by Clerk upon 1) Sheriff Steve Bush, 2) Captain Gene Perrot, and 3) Sergeant Chris Roy. (TPS) (Entered: 04/28/2025)
04/28/2025	40	MOTION to Lift Stay and Notice of Change of Address, filed by Plaintiff VINCENT PEGAN. (AAS) (Entered: 04/30/2025)
04/28/2025	41	NOTICE of Change of Address and Request for Docket Sheet for VINCENT PEGAN. (Address has been updated, docket sheet mailed.) (Attachments: # 1 Public Docket Sheet) (KAA) (Entered: 04/30/2025)
05/06/2025	42	MOTION for Court Assistance to Lift Stay, filed by Plaintiffs VINCENT PEGAN. (LF) (Entered: 05/07/2025)
05/12/2025	43	ORDER: Plaintiff Vincent Pegan has filed two motions, asking the Court to lift the stay on proceedings and update his address to Floyd County Jail. The Court grants Mr. Pegan's motions, dkt. 40 , dkt. 42 , to the extent that the Court issued an Order lifting the stay on proceedings on April 25, 2025. See dkt. 38. This Order also updated Mr. Pegan's address to Floyd County Jail. The clerk is directed to include copies of the Court's Order at dkt. 38 along with this Order. Signed by Judge Tanya Walton Pratt on 5/12/2025.(Copy mailed to Plaintiff.) (Attachments: # 1 Docket 38) (LF) (Entered: 05/12/2025)
05/12/2025	44	MOTION for Preliminary Injunction, filed by Plaintiff VINCENT PEGAN. (JRB) (Entered: 05/13/2025)
05/28/2025	45	NOTICE of Appearance by Justin M. Schaefer on behalf of Defendants STEVE BUSH, GENE PERROT, CHRIS ROY. (Schaefer, Justin) (Entered: 05/28/2025)
05/28/2025	46	NOTICE of Appearance by Patrick Muldoon on behalf of Defendants STEVE BUSH, GENE PERROT, CHRIS ROY. (Muldoon, Patrick) (Entered: 05/28/2025)
05/28/2025	47	NOTICE of Appearance by Brianna Nicole Berry on behalf of Defendants STEVE BUSH, GENE PERROT, CHRIS ROY. (Berry, Brianna) (Entered: 05/28/2025)
05/28/2025	48	WAIVER OF SERVICE Returned Executed, filed by STEVE BUSH. STEVE BUSH waiver sent on 4/28/2025. (Schaefer, Justin) (Entered: 05/28/2025)
05/28/2025	49	WAIVER OF SERVICE Returned Executed, filed by GENE PERROT. GENE PERROT waiver sent on 4/28/2025. (Schaefer, Justin) (Entered: 05/28/2025)
05/28/2025	50	WAIVER OF SERVICE Returned Executed, filed by CHRIS ROY. CHRIS ROY waiver sent on 4/28/2025. (Schaefer, Justin) (Entered: 05/28/2025)
06/09/2025	51	REQUEST for Admissions, filed by Plaintiff VINCENT PEGAN.(KAA) (Entered: 06/10/2025)
06/09/2025	52	MOTION to Appoint Counsel, filed by Plaintiff VINCENT PEGAN. (AAS) (Entered: 06/11/2025)
06/16/2025	53	NOTICE to the Court re: Mail Handling at the Jail, filed by Plaintiff VINCENT PEGAN (JRB) (Entered: 06/17/2025)
06/16/2025	54	REQUEST for Production of Documents, filed by Plaintiff VINCENT PEGAN.(KAA) (Entered: 06/20/2025)
06/24/2025	55	ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION - Because Mr. Pegan's request for injunctive relief is outside the scope of the claims proceeding in this action and interferes with prison officials' discretion over prison administration, his motion for preliminary injunction, Dkt. 44 , is DENIED. Mr. Pegan's Motion to Appoint Counsel,

	Dkt. 52 is GRANTED so far as the Court will assist in recruiting counsel in this case. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge Tanya Walton Pratt on 6/24/2025. (JRB) (Entered: 06/25/2025)
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Case #: 4:24-cv-00096-TWP-KMB