

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

**U.S. District Court
Southern District of Indiana (Evansville)
CIVIL DOCKET FOR CASE #: 3:23-cv-00153-RLY-CSW**

POWERS v. RILEY et al
Assigned to: District Judge Richard L Young
Referred to: Magistrate Judge Crystal S. Wildeman
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/21/2023
Jury Demand: Both
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff**MARK ALLEN POWERS**

represented by **MARK ALLEN POWERS**
220306
BRANCHVILLE - CF
BRANCHVILLE CORRECTIONAL
FACILITY
Inmate Mail/Parcels
21390 Old State Road 37
BRANCHVILLE, IN 47514
PRO SE

V.

Defendant

STEPHANIE RILEY
Dr.

represented by **Laura K. Binford**
RILEY BENNETT EGLOFF LLP
500 N. Meridian Street
Suite 550
Indianapolis, IN 46204
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ATTORNEY TO BE NOTICED

Meghan Caroline Grimes
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/21/2023	<u>1</u>	CONSENT to Prisoner E-Service by BRANCHVILLE CF (Court Use Only) located at BRANCHVILLE CF. Pursuant to General Order 2013-1, documents submitted by

		BRANCHVILLE CF (Court Use Only) 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. (CCG) (Entered: 09/21/2023)
09/21/2023	2	COMPLAINT against CENTURION HEALTH, MONICA GIBSON, CHRISTINA REAGLE, STEPHANIE RILEY, filed by MARK ALLEN POWERS. (No fee paid with this filing) (Attachments: # 1 Exhibit)(CCG) (Entered: 09/21/2023)
09/21/2023	3	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff MARK ALLEN POWERS. (Attachments: # 1 Exhibit)(CCG) (Entered: 09/21/2023)
09/21/2023	4	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (CCG) (Entered: 09/21/2023)
09/21/2023	5	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (CCG) (Entered: 09/21/2023)
09/26/2023	6	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: 09/26/2023)
09/26/2023	7	CONSENT to Jurisdiction to US Magistrate Judge by MARK ALLEN POWERS. (LBT) (Entered: 09/27/2023)
09/28/2023	8	Order Granting 3 Motion to Proceed In Forma Pauperis and Directing Filing of a Complaint: Mr. Powers shall have through October 25, 2023, to pay the initial partial filing fee. In addition, he shall have through October 25, 2023, to file a complaint as directed. SEE ORDER FOR COMPLETE DETAILS. Signed by District Judge Richard L Young on 9/28/2023. (Attachments: # 1 Complaint Form) (LF) (Entered: 09/28/2023)
10/03/2023	9	AMENDED COMPLAINT against All Defendants, filed by MARK ALLEN POWERS. (Attachments: # 1 Exhibit)(LF) (Entered: 10/03/2023)
10/12/2023	10	RECEIPT #EV636 for Partial Filing Fee fee in the amount of \$2.85, paid by Mark Powers. (JRB) (Entered: 10/12/2023)
10/26/2023	11	ORDER Directing Monthly Payments be made from Prison Account of MARK ALLEN POWERS. Copy to Warden via US Mail. Copy to Finance Dept via Email. Signed by Magistrate Judge Crystal S. Wildeman on 10/26/2023.(SWM) (Entered: 10/26/2023)
11/29/2023	12	Order Dismissing Amended Complaint and Directing Filing of Amended Complaint - Because the Court has been unable to identify a viable claim for relief against any particular defendant, the complaint is subject to dismissal. The dismissal of the complaint will not in this instance lead to the dismissal of the action at present. The plaintiff shall have through December 27, 2023, to file an amended complaint. The clerk is directed to include a copy of the prisoner civil rights complaint form along with the plaintiff's copy of this Order. If the plaintiff files an amended complaint, it will be screened pursuant to 28 U.S.C. § 1915A(b). If no amended complaint is filed, this action will be dismissed without further notice or opportunity to show cause. (See Order.) Signed by District Judge Richard L. Young on 11/29/2023. (Attachments: # 1 Prisoner Civil Rights Complaint Form) (JSR) (Entered: 11/29/2023)
12/05/2023	13	RECEIPT #EV710 for Partial Filing Fee fee in the amount of \$24.00, paid by Mark Powers. (JRB) (Entered: 12/05/2023)
12/06/2023	14	AMENDED COMPLAINT against All Defendants, filed by MARK ALLEN POWERS. (AAS) (Entered: 12/06/2023)

01/03/2024	15	RECEIPT #EV747 for Partial Filing Fee fee in the amount of \$22.80, paid by Mark Powers. (JRB) (Entered: 01/03/2024)
01/05/2024	16	Order Providing Notice of Satisfaction of Filing Fee - Copy sent to distribution list via US Mail. Signed by Magistrate Judge Crystal S. Wildeman on 1/5/2024.(JRB) (Entered: 01/08/2024)
01/11/2024	17	MOTION to Appoint Counsel, filed by Plaintiff MARK ALLEN POWERS. (Attachments: # 1 Exhibit A)(JRB) (Entered: 01/12/2024)
02/09/2024	18	Order Screening Amended Complaint and Directing Further Proceedings - This summary of claims includes all the viable claims identified by the Court. All other claims have been dismissed. If the plaintiff believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have through March 6, 2024, in which to identify those claims. Because the only defendant in the amended complaint is Dr. Riley, the clerk is directed to terminate Monica Gibson, Christina Reagle, and Centurion Health as defendants on the docket. The clerk is directed to issue process to the defendant. The clerk is directed to serve the Dr. Riley, a Centurion employee, electronically. Signed by District Judge Richard L Young on 2/9/2024.(KAA) (Entered: 02/12/2024)
02/12/2024	19	NOTICE of Lawsuit & Waiver Issued by Clerk upon Stephanie Riley. (KAA) (Entered: 02/12/2024)
02/12/2024	20	Documents to be Sent via Electronic Notice - re 14 Amended Complaint, 18 Order, 19 NOTICE of Lawsuit & Waiver Issued by Clerk Electronic Notice to Centurion. (KAA) (Entered: 02/12/2024)
02/29/2024	21	NOTICE of Appearance by Laura K. Binford on behalf of Defendant STEPHANIE RILEY. (Binford, Laura) (Entered: 02/29/2024)
02/29/2024	22	WAIVER OF SERVICE Returned Executed, filed by STEPHANIE RILEY. STEPHANIE RILEY waiver sent on 2/12/2024. (Binford, Laura) (Entered: 02/29/2024)
03/11/2024	23	ORDER denying without prejudice 17 Motion to Appoint Counsel. The court finds that he has not made a reasonable effort to recruit counsel on his own before seeking the court's assistance. The clerk is directed to send Plaintiff a motion for assistance recruiting counsel form, which he must use if he chooses to renew his motion. (SEE ORDER.) Signed by District Judge Richard L Young on 3/11/2024. (Attachments: # 1 Blank Motion for Assistance with Recruiting Counsel Form) (TPS) (Entered: 03/11/2024)
04/12/2024	24	NOTICE of Appearance by Robert C. Brandt on behalf of Defendant STEPHANIE RILEY. (Brandt, Robert) (Entered: 04/12/2024)
04/12/2024	25	NOTICE of Appearance by Meghan Caroline Grimes on behalf of Defendant STEPHANIE RILEY. (Grimes, Meghan) (Entered: 04/12/2024)
04/12/2024	26	MOTION to Withdraw Attorney Appearance , filed by Defendant STEPHANIE RILEY. (Attachments: # 1 Text of Proposed Order)(Binford, Laura) (Entered: 04/12/2024)
04/12/2024	27	ANSWER to 14 Amended Complaint , filed by STEPHANIE RILEY.(Brandt, Robert) (Entered: 04/12/2024)
04/16/2024	28	Entry Directing Development of Exhaustion Defense and Issuing Partial Stay - The exhaustion defense will be resolved pursuant to the following schedule. The defendant shall have through May 24, 2024, in which to either: SEE ORDER. The failure to pursue any of these options by the above deadline constitutes an abandonment of the exhaustion defense. Signed by Magistrate Judge Crystal S. Wildeman on 4/16/2024.(KAA) (Entered: 04/17/2024)

04/19/2024	29	ORDER GRANTING MOTION FOR LEAVE TO WITHDRAW APPEARANCE 26 - The Motion for Leave to Withdraw Appearance of Laura K. Binford, of the law firm Riley Bennett Egloff LLP, for Defendant, Stephanie Riley, M.D., is hereby GRANTED, and it is further ordered that said Appearance be and hereby is WITHDRAWN. (See Order.) Signed by Magistrate Judge Crystal S. Wildeman on 4/19/2024. (BAA) (Entered: 04/19/2024)
05/23/2024	30	NOTICE of Withdrawal of Affirmative Defense for Failure to Exhaust Admin Remedies, filed by Defendant STEPHANIE RILEY, re 28 Entry. (Brandt, Robert) (Entered: 05/23/2024)
06/03/2024	31	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 12/30/2024. Discovery due by 11/29/2024. Signed by Magistrate Judge Crystal S. Wildeman on 6/3/2024. (BAA) (Entered: 06/03/2024)
06/06/2024	32	SCHEDULING ORDER:Telephonic Initial Discovery Conference set for 8/8/2024 09:30 AM (Central Time) before Magistrate Judge Crystal S. Wildeman. The Court will contact counsel 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 Branchville Correctional Facility by separate email to obtain/provide the call-in information needed to connect Mr. Powers to the conference. The purposes of the Discovery Conference are to address - SEE ORDER. Signed by Magistrate Judge Crystal S. Wildeman on 6/6/2024.(SWM) (Entered: 06/06/2024)
06/06/2024	33	ORDER to Make Inmate Available - via Telephone. Warden of BRANCHVILLE CORRECTIONAL FACILITY ordered to make MARK ALLEN POWERS Available - via Telephone for court proceeding on 8/8/2024 at 9:30 (Central Time). Distributed to Branchville Correctional Facility Staff via email. Signed by Magistrate Judge Crystal S. Wildeman on 6/6/2024.(SWM) (Entered: 06/06/2024)
07/29/2024	34	NOTICE of Service of Initial Disclosures , filed by Defendant STEPHANIE RILEY. (Brandt, Robert) (Entered: 07/29/2024)
08/09/2024	36	MINUTE ORDER for proceedings held before Magistrate Judge Crystal S. Wildeman: Discovery Conference held on 8/8/2024. The Parties discussed case status. Defendant acknowledged receipt of the Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation, (Dkt. No. 31). The initial disclosure deadlines are extended as follows: Defendant will serve initial disclosure materials to Plaintiff (or file a notice indicating why it cannot) no later than August 16, 2024. Plaintiff will serve amended initial disclosures by August 30, 2024. The remaining case deadlines are confirmed. No further orders are entered at this time. Signed by Magistrate Judge Crystal S. Wildeman. (TMB) (Entered: 08/09/2024)
08/14/2024	37	NOTICE of Service of Initial Disclosures and Compliance with Court Order (Doc. 36), filed by Defendant STEPHANIE RILEY. (Brandt, Robert) (Entered: 08/14/2024)
10/29/2024	38	NOTICE Regarding Settlement Conference, filed by Defendant STEPHANIE RILEY, re 31 Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation. (Brandt, Robert) (Entered: 10/29/2024)
12/20/2024	39	MOTION for Extension of Time to 01/13/2025 in which to 31 Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation <i>File Dispositive Motions</i> , filed

		by Defendant STEPHANIE RILEY. (Attachments: # 1 Text of Proposed Order)(Brandt, Robert) (Entered: 12/20/2024)
12/30/2024	40	ORDER ON DEFENDANT'S MOTION FOR EXTENSION OF THE DISPOSITIVE MOTION DEADLINE - granting 39 Motion for Extension of the Dispositive Motion Deadline. The dispositive motions deadline is extended by fourteen (14) days, up to and including 1/13/2025. Signed by Magistrate Judge Crystal S. Wildeman on 12/20/2024. (KAA) (Entered: 12/30/2024)
01/13/2025	41	MOTION for Summary Judgment , filed by Defendant STEPHANIE RILEY. (Brandt, Robert) (Entered: 01/13/2025)
01/13/2025	42	Designation of Evidence re 41 MOTION for Summary Judgment , filed by Defendant STEPHANIE RILEY. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Brandt, Robert) (Entered: 01/13/2025)
01/13/2025	43	BRIEF/MEMORANDUM in Support re 41 MOTION for Summary Judgment , filed by Defendant STEPHANIE RILEY. (Brandt, Robert) (Entered: 01/13/2025)
01/13/2025	44	NOTICE <i>Regarding Right to Respond to and Submit Evidence in Opposition to Motion for Summary Judgment</i> , filed by Defendant STEPHANIE RILEY, re 43 Brief/Memorandum in Support, 41 MOTION for Summary Judgment , 42 Designation of Evidence. (Brandt, Robert) (Entered: 01/13/2025)
02/10/2025	45	MOTION for Extension of Time, filed by Plaintiff MARK ALLEN POWERS. (JRB) (Entered: 02/10/2025)
02/13/2025	46	ORDER - granting 45 Motion for Extension of Time. Mr. Powers is given until March 11, 2025, to respond to Defendant's Motion for Summary Judgment. (See Order.) Signed by Magistrate Judge Crystal S. Wildeman on 2/13/25. (RSF) (Entered: 02/13/2025)
02/28/2025	47	RESPONSE in Opposition to 41 MOTION for Summary Judgment , filed by Plaintiff MARK ALLEN POWERS. (JRB) (Entered: 03/03/2025)
02/28/2025	48	BRIEF/MEMORANDUM in Support of Response in Opposition to 41 MOTION for Summary Judgment , filed by Plaintiff MARK ALLEN POWERS. (JRB) (Entered: 03/03/2025)
02/28/2025	49	Declaration in Support of Response in Opposition to 41 MOTION for Summary Judgment , filed by Plaintiff MARK ALLEN POWERS. (Attachments: # 1 Exhibit)(JRB) (Entered: 03/03/2025)
03/14/2025	50	REPLY in Support of Motion re 41 MOTION for Summary Judgment , filed by Defendant STEPHANIE RILEY. (Brandt, Robert) (Entered: 03/14/2025)
03/24/2025	51	*** STRICKEN RE - 56 *** MOTION for Court Assistance, filed by Plaintiff MARK ALLEN POWERS. (JRB) Modified on 7/10/2025 Updated docket Text. (AJG). (Entered: 03/25/2025)
03/31/2025	52	NOTICE of Substitution of Appearance by Laura K. Binford replacing <i>Robert C. Brandt</i> on behalf of STEPHANIE RILEY (Binford, Laura) (Entered: 03/31/2025)
04/02/2025	53	MOTION to Strike 51 MOTION for Court Assistance , filed by Defendant STEPHANIE RILEY. (Binford, Laura). (Entered: 04/02/2025)
06/11/2025	54	*** STRICKEN RE - 56 *** MOTION to Clarify, filed by Plaintiff MARK ALLEN POWERS. (JRB) Modified on 7/10/2025 (AJG). (Entered: 06/12/2025)
06/17/2025	55	MOTION to Strike 54 MOTION <i>to Clarify/Ruled in Plaintiff's Favor</i> , filed by Defendant STEPHANIE RILEY. (Attachments: # 1 Text of Proposed Order Granting Defendant's

		Motion to Strike Plaintiff's "Motion to Clarify/Ruled in Plaintiff's Favor")(Binford, Laura) (Entered: 06/17/2025)
07/09/2025	56	ORDER - The motions to strike, Dkts. 53 and 55 , are granted. As Defendant argues without contradiction from Plaintiff, both of the motions are effectively summary judgment surreplies. Pursuant to Southern District of Indiana Local Rule 56-1(d), a surreply is allowed only if the moving party cites new evidence in the reply or objects to the admissibility of the evidence cited in the response. Defendant's summary judgment reply did neither of those things, so briefing on summary judgment closed with the reply, and no further filings are allowed without leave of Court. The clerk is directed to strike Plaintiff's motions at Dkts. 51 and 54 , and terminate them. (See Order.). Signed by Magistrate Judge Crystal S. Wildeman on 07/09/2025. (AJG) (Main Document 56 replaced on 7/10/2025) (TMB). (Entered: 07/10/2025)
08/13/2025	57	ORDER denying 41 Motion for Summary Judgment - Dr. Riley's motion for summary judgment, dkt. 41 , is denied. The court prefers that Mr. Powers be represented by counsel for the remainder of this action. The clerk is directed to send Mr. Powers a motion for assistance recruiting counsel with his copy of this Order. Mr. Powers has through September 9, 2025, 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. (See Order.) Signed by District Judge Richard L. Young on 8/13/2025. (Attachments: # 1 Motion for Assistance with Recruiting Counsel form) (JSR) (Entered: 08/13/2025)
08/18/2025	58	MOTION for Assistance with Recruiting Counsel, filed by Plaintiff MARK ALLEN POWERS. (JRB) (Entered: 08/18/2025)
08/19/2025	59	ORDER - The plaintiff's motion for assistance with recruiting counsel, dkt. 58 , is GRANTED. The court will attempt to recruit counsel to represent the plaintiff for the remainder of the case. He will be notified when this step has been taken. Signed by District Judge Richard L Young on 08/19/2025. (AAS) (Entered: 08/19/2025)

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