

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

CASREF

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:23-cv-00520-MG-JMS**

SHERROD v. UNITED STATES OF AMERICA
Assigned to: Magistrate Judge Mario Garcia
Referred to: District Judge Jane Magnus-Stinson
Demand: \$2,200,000
Cause: 28:2674 Federal Tort Claims Act

Date Filed: 11/06/2023
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: U.S. Government Defendant

Plaintiff**ANTONIO SHERROD**

represented by **ANTONIO SHERROD**
14231-026
COLEMAN - II USP
COLEMAN II U.S. PENITENTIARY
Inmate Mail/Parcels
P.O. BOX 1034
COLEMAN, FL 33521
PRO SE

V.

Defendant**UNITED STATES OF AMERICA**


represented by **Gina M. Shields**
UNITED STATES ATTORNEY'S
OFFICE (Indianapolis)
10 West Market Street
Suite 2100
Indianapolis, IN 46204
317-226-6333
Fax: 317-226-6125
Email: Gina.Shields@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/06/2023	<u>1</u>	COMPLAINT against UNITED STATES OF AMERICA, filed by ANTONIO SHERROD. (No fee paid with this filing) (Attachments: # <u>1</u> Envelope)(DJH) (Entered: 11/07/2023)

11/06/2023	2	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff ANTONIO SHERROD. (Attachments: # 1 Envelope)(DJH) (Additional attachment(s) added on 11/7/2023: # 2 Transactions) (DJH). (Entered: 11/07/2023)
11/07/2023	3	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) (Entered: 11/07/2023)
11/07/2023	4	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (DJH) (Entered: 11/07/2023)
11/09/2023	5	Order on Motion to Proceed In Forma Pauperis - The plaintiff's motion to proceed in forma pauperis, dkt. 2 , is granted to the extent that the plaintiff is assessed an initial partial filing fee of Eight Dollars and Thirty-Three Cents (\$8.33). The plaintiff shall have through December 5, 2023 , in which to pay this sum to the clerk of the district court. (See Order.) Signed by Judge Jane Magnus-Stinson on 11/9/2023. Copy to Plaintiff via US mail. (JSR) (Entered: 11/09/2023)
11/09/2023	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. Copy to plaintiff by U.S. Mail. (MEH) (Entered: 11/09/2023)
12/29/2023	7	MOTION for Extension of Time to pay partial filing fee, filed by Plaintiff ANTONIO SHERROD. (Attachments: # 1 Envelope)(SWM) (Entered: 01/02/2024)
01/03/2024	8	ORDER Directing Further Proceedings - On November 9, 2023, the Court ordered Plaintiff to pay an initial partial filing fee of Eight Dollars and Thirty-Three Cents (\$8.33) by December 5, 2023. Dkt. 5 . That deadline has passed, and Plaintiff has failed to do so or otherwise respond. Therefore, Plaintiff shall have through January 23, 2024, 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 28 U.S.C. § 1915(b)(1) (requiring court to assess and collect an initial partial filing fee).Copy to Plaintiff via US Mail. Signed by Judge Jane Magnus-Stinson on 1/3/2024.(SWM) (Entered: 01/03/2024)
01/04/2024	9	Order Granting Motion for Extension of Time - Plaintiff's motion for an extension of time, dkt. 7 , is granted and he shall now have through January 31, 2024, to pay the initial partial filing fee. Further, the clerk is ordered to include a copy of the Public Docket Sheet with Plaintiff's copy of this order. (See Order.) Signed by Judge Jane Magnus-Stinson on 1/4/2024. Copies to Plaintiff via US mail. (Attachments: # 1 Public Docket Sheet) (JSR) (Entered: 01/04/2024)
02/01/2024	10	MOTION for Extension of Time to Pay Partial Filing Fee, filed by Plaintiff ANTONIO SHERROD. (Attachments: # 1 Envelope)(LF) (Entered: 02/02/2024)
02/15/2024	11	RECEIPT #9056 for partial filing fee in the amount of \$8.33, paid by ANTONIO SHERROD. (DJH) (Entered: 02/15/2024)
03/19/2024	12	Order Granting Motion for Extension of Time and Screening Complaint - Plaintiff, Antonio Sherrod, is incarcerated in Florida but alleges violations of the Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 2671, et seq., while incarcerated at the Terre Haute United States Penitentiary ("Terre Haute"). He filed this action asserting assault, battery, medical negligence, and infliction of emotion and mental anguish. Mr. Sherrod's motion for extension of time, dkt. 10 , is granted to the extent the Court accepts his payment of the initial partial filing fee as timely. The clerk is directed to issue a single summons to the United States attorney for this district and the Attorney General of the United States at Washington, D.C., pursuant to Fed. R. Civ. P. 4(i)(1).

		The Marshal for this District is directed to serve the summons and complaint by registered or certified mail at the expense of the United States. Nothing in this Order prohibits the filing of a proper motion pursuant to Rule 12 of the Federal Rules of Civil Procedure. Copy to plaintiff via US mail. Electronic Notice to USM-C. Signed by Judge Jane Magnus-Stinson on 03/19/2024. (AJG) (Entered: 03/19/2024)
03/19/2024	13	Summons Issued as to USA - UNITED STATES OF AMERICA via USAO and USAG (Attachments: # 1 285 USAG, # 2 285 USAO)(RSF) (Entered: 03/19/2024)
03/19/2024	14	Documents for service by USM - re 1 Complaint, 13 Summons Issued as to USA, 12 Order on Motion for Extension of Time to File. Electronic notice to USM-C.(RSF) (Entered: 03/19/2024)
03/25/2024	15	RETURN of USM Service by ANTONIO SHERROD. OFFICE OF THE UNITED STATES OF AMERICA ATTORNEY served on 3/22/2024. (LF) (Main Document 15 replaced on 3/27/2024) (LF). (Entered: 03/26/2024)
03/25/2024	16	RETURN of USM Service by ANTONIO SHERROD. UNITED STATES ATTORNEY GENERAL DEPARTMENT OF JUSTICE served on 3/25/2024. (LF) (Main Document 16 replaced on 3/27/2024) (LF). (Entered: 03/26/2024)
03/25/2024	17	MOTION Requesting Status of Case, filed by Plaintiff ANTONIO SHERROD. (Attachments: # 1 Envelope)(AAT) (Entered: 03/27/2024)
04/02/2024	18	ORDER GRANTING MOTION FOR STATUS UPDATE - Plaintiff's motion for a status update, dkt. 17 , is granted to the extent that the Court explains that his complaint has been screened, dkt. 12 , and Defendant has been served, dkts. 15 , 16 , but Defendant's answer is not yet due. The clerk is directed to enclose a public docket sheet with Plaintiff's copy of this Order. Copy to Plaintiff via US mail. Signed by Magistrate Judge Mario Garcia on 04/2/2024. (Attachments: # 1 Public Docket Sheet) (AJG) Corrected judges signature date. Modified on 4/4/2024 (AJG). (Entered: 04/03/2024)
05/14/2024	19	NOTICE of Appearance by Gina M. Shields on behalf of Defendant UNITED STATES OF AMERICA. (Shields, Gina) (Entered: 05/14/2024)
05/14/2024	20	First MOTION for Extension of Time to June 18, 2024, <i>to Respond to Plaintiff's Complaint</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Shields, Gina) (Entered: 05/14/2024)
05/17/2024	21	ORDER granting Defendant's 20 Motion for Extension of Time to File response to complaint to 6/18/2024. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia on 5/17/2024. (SWM) (Entered: 05/20/2024)
06/14/2024	22	ANSWER to 1 Complaint <i>and Defenses</i> , filed by UNITED STATES OF AMERICA. (Shields, Gina) (Entered: 06/14/2024)
08/08/2024	23	MOTION for Case Status, filed by Plaintiff ANTONIO SHERROD. (Attachments: # 1 Envelope) (JSR) (Entered: 08/09/2024)
08/09/2024	24	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 3/10/2025. Discovery due by 2/10/2025. Copy sent to plaintiff via US mail. Signed by Magistrate Judge Mario Garcia on 8/9/2024.(TPS) (Entered: 08/12/2024)
08/12/2024	25	NOTICE of <i>Re-Service of Answer</i> , filed by Defendant UNITED STATES OF AMERICA (Shields, Gina) (Entered: 08/12/2024)
08/21/2024	26	ORDER - Plaintiff's motion for a status update, dkt. 23 , is granted to the extent that the Court explains that Defendant filed its answer on June 14, 2024, dkt. 22, and the Court issued a scheduling order on August 9, 2024, dkt. 24 . Defendant has also filed a motion indicating that it sent Plaintiff another copy of its answer after he filed his motion. Dkt. 25 . In an abundance of caution, however, the clerk is directed to enclose copies of the following with Plaintiff's copy of this Order: (1) public docket sheet; (2) scheduling order, dkt. 24 , and (3) answer, dkt. 22 . Signed by Magistrate Judge Mario Garcia on 8/21/2024. Copies to Plaintiff via US mail. (Attachments: # 1 Public Docket Sheet, # 2 Scheduling Order - Dkt. 24, # 3 Answer - Dkt. 22) (JSR) (Entered: 08/22/2024)
09/12/2024	27	JOINT CONSENT to Jurisdiction to US Magistrate Judge by UNITED STATES OF AMERICA. (Shields, Gina) (Entered: 09/12/2024)
09/12/2024	28	ORDER REFERRING CASE to Magistrate Judge - Based on the written consents of the parties, this action is now referred to the assigned United States Magistrate Judge to conduct all proceedings and order the entry of judgment, in accordance with 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73. PARTIES SHALL USE THE ALTERED CAUSE NUMBER 2:23-cv-00520-MG-JMS. Signed by District Judge Jane Magnus-Stinson on 9/12/2024. (See Order.) (BAA) (Entered: 09/12/2024)
10/07/2024	29	MOTION for Protective Order , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit - Proposed Protective Order, # 2 Text of Proposed Order)(Shields, Gina) (Entered: 10/07/2024)
10/17/2024	30	ORDER - 29 Motion for Protective Order is DENIED without prejudice because it does not comply with the provisions of the Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation, which sets out specific requirements for objections to producing evidence based on security concerns. Signed by Magistrate Judge Mario Garcia on 10/17/2024 (Copy mailed to Plaintiff). (LBT) (Entered: 10/18/2024)
10/25/2024	31	MOTION for Protective Order (<i>Renewed</i>), filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit Proposed Protective Order, # 2 Text of Proposed Order)(Shields, Gina) (Entered: 10/25/2024)
10/25/2024	36	PROTECTIVE ORDER. Signed by Magistrate Judge Mario Garcia on 12/16/2024. (AAS) (Entered: 12/17/2024)
12/03/2024	32	MOTION for Extension of Time to <i>Complete Remaining Pretrial Deadlines</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Shields, Gina) (Entered: 12/03/2024)
12/13/2024	33	SCHEDULING ORDER: This matter is set for a telephone status conference on Wednesday, January 15, 2025 at 11:00 a.m. (Eastern). The purpose of the conference is to discuss case status. Plaintiff shall appear by telephone. An order to make inmate available shall be entered by separate order. Counsel shall attend the conference by calling the designated phone number, to be provided by the Court via email

		generated by the Court's ECF system. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia on 12/13/2024.(JRB) (Entered: 12/16/2024)
12/13/2024	34	ORDER to Make Inmate Available - via Telephone. Warden of Coleman - II USP ordered to make ANTONIO SHERROD Available - via Telephone for court proceeding on 1/15/2025 at 11:00 am EST. Copy sent to distribution list via US Mail. Signed by Magistrate Judge Mario Garcia on 12/13/2024.(JRB) (Entered: 12/16/2024)
12/16/2024	35	ORDER - This matter is before the Court on Defendant's Renewed Motion for Entry of Protective Order 31 . The Court, having reviewed the motion, being duly advised in the premises, and finding good cause for the entry of a protective order, now GRANTS Defendant's motion. The Clerk is directed to docket Defendant's Protective Order, filed at Dkt. [31-1], with a filing date of October 25, 2024. Signed by Magistrate Judge Mario Garcia on 12/16/2024. Copy to Plaintiff via US Mail. (AAS) (Entered: 12/17/2024)
01/16/2025	38	ORDER granting 32 Motion for Extension of Time to File :IT IS THEREFORE ORDERED that the Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation [Filing No. 24] is amended as follows: SEE ORDER FOR DETIALS (Dispositive Motions due by 9/24/2025., Discovery due by 8/26/2025.). Signed by Magistrate Judge Mario Garcia on 1/16/2025.(Copy to Plaintiff via US Mail.) (LF) (Entered: 01/16/2025)
01/16/2025	39	MINUTE ORDER for proceedings held before Magistrate Judge Mario Garcia: Status Conference held on 1/15/2025. Defendant's motion for extension of time will be granted by separate order with no objection by plaintiff. The court will extend the remaining deadlines by 120 days. Defendant's counsel to contact the litigation liaison at the BOP facility where plaintiff is currently housed to ensure mail delivery and pickup from plaintiff is occurring in a timely manner. Defendant's counsel to send plaintiff a third set of its first interrogatories and requests for production. Court to send a copy of Dkt. 35 Order on Protective Order and a blank motion for recruited counsel with a copy of this order.This matter is scheduled for a telephonic status conference on Thursday, May 15, 2025 at 10:00 a.m. (Eastern) to discuss case status. Plaintiff shall appear via telephone. An Order to Make Inmate Available shall issue by separate entry. Copies to Plaintiff per order via U.S. Mail. Signed by Magistrate Judge Mario Garcia. (NAD) (Entered: 01/16/2025)
01/16/2025	40	ORDER to Make Inmate Available via Telephone - Warden of Coleman - II USP ordered to make ANTONIO SHERROD available via telephone for court proceeding on 5/15/2025 at 10:00 A.M. (EST). (See Order.) Signed by Magistrate Judge Mario Garcia on 1/16/2025. Copies distributed pursuant to distribution. (JSR) (Entered: 01/17/2025)
01/21/2025	41	NOTICE to the Court, filed by Plaintiff ANTONIO SHERROD (JSR) (Entered: 01/22/2025)
02/18/2025	42	MOTION to Appoint Counsel, filed by Plaintiff ANTONIO SHERROD. (JSR) (Entered: 02/18/2025)
04/07/2025	 43	MOTION to Compel <i>Discovery Responses and Complete Disclosures</i> , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit A - Declaration of Gina M. Shields, # 2 Exhibit 1 to Shields Decl. - October 22, 2024, Letter Transmitting Discovery Requests, # 3 Exhibit 2 to Shields Decl. - December 2,

		2024, Letter Re Overdue Disclosures and Discovery Requests, # 4 Exhibit 3 to Shields Decl. - Certified Mail Receipt for December 2, 2024, Correspondence, # 5 Exhibit 4 to Shields Decl. - January 15, 2025, Letter Transmitting 3rd Copy of Discovery Requests, # 6 Exhibit 5 to Shields Decl. - Certified Mail Receipt for January 15, 2025, Correspondence, # 7 Exhibit 6 to Shields Decl. - Plaintiff's February 3, 2025, Letter, # 8 Exhibit 7 to Shields Decl. - February 20, 2025, Letter Transmitting 4th Copy of Discovery Requests, # 9 Exhibit 8 to Shields Decl. - Certified Mail Receipt for February 20, 2025 Correspondence, # 10 Exhibit 9 to Shields Decl. - Legal/Certified Mail Logs for USP Coleman II)(Shields, Gina) (Entered: 04/07/2025)
04/07/2025	44	BRIEF/MEMORANDUM in Support re 43 MOTION to Compel <i>Discovery Responses and Complete Disclosures</i> , filed by Defendant UNITED STATES OF AMERICA. (Shields, Gina) (Entered: 04/07/2025)
04/07/2025	45	CERTIFICATE OF SERVICE by UNITED STATES OF AMERICA re 44 Brief/Memorandum in Support, 43 MOTION to Compel <i>Discovery Responses and Complete Disclosures (Amended)</i> (Shields, Gina) (Entered: 04/07/2025)
04/25/2025	46	ORDER GRANTING MOTION FOR ASSISTANCE OF COUNSEL - Mr. Sherrod shows that he may have significant challenges pursuing this action, his motion for assistance in recruiting counsel is GRANTED. The Court will attempt to recruit counsel to represent Mr. Sherrod in this action. (See Order.) Copy to Plaintiff via US mail. Signed by Magistrate Judge Mario Garcia on 04/25/2025. (AJG) (Entered: 04/25/2025)

Case #: 2:23-cv-00520-MG-JMS