

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

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:23-cv-01757-JPH-TAB**

SMITH v. FISH et al
Assigned to: Judge James Patrick Hanlon
Referred to: Magistrate Judge Tim A. Baker
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/29/2023
Jury Demand: Both
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff**COURTNEY SMITH**

represented by **COURTNEY SMITH**
941833
PENDLETON - CF
PENDLETON CORRECTIONAL
FACILITY
Inmate Mail/Parcels
4490 West Reformatory Road
PENDLETON, IN 46064
PRO SE

V.

Defendant**FISH**
Sgt.

represented by **Carlton Wayne Anker**
Lewis and Wilkins LLP
Lewis and Wilkins LLP
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Suite 104
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317-636-7460
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ATTORNEY TO BE NOTICED

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James Bolen

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ATTORNEY TO BE NOTICED

Defendant

ZIGGLER
Officer

represented by **Carlton Wayne Anker**
(See above for address)
ATTORNEY TO BE NOTICED

Eric Ryan Shouse
(See above for address)
ATTORNEY TO BE NOTICED

James Bolen
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

DEMMY
Sgt.

represented by **Carlton Wayne Anker**
(See above for address)
ATTORNEY TO BE NOTICED

Eric Ryan Shouse
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ATTORNEY TO BE NOTICED

James Bolen
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ATTORNEY TO BE NOTICED

Defendant

HOCKEY
Officer

represented by **Carlton Wayne Anker**
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Eric Ryan Shouse
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ATTORNEY TO BE NOTICED

James Bolen
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ATTORNEY TO BE NOTICED

Defendant

BROWN
Sgt.

represented by **Carlton Wayne Anker**
(See above for address)

*ATTORNEY TO BE NOTICED***Eric Ryan Shouse**

(See above for address)

*ATTORNEY TO BE NOTICED***James Bolen**

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/29/2023	1	COMPLAINT against DENNIS REAGLE, filed by COURTNEY SMITH. (No fee paid with this filing) (CCG) (Entered: 09/29/2023)
09/29/2023	2	CONSENT to Prisoner E-Service by COURTNEY SMITH located at PENDLETON CF. Pursuant to General Order 2013-1, documents submitted by COURTNEY SMITH 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: 09/29/2023)
09/29/2023	3	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff COURTNEY SMITH. (Attachments: # 1 Exhibit)(CCG) (Entered: 09/29/2023)
09/29/2023	4	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (CCG) (Entered: 09/29/2023)
09/29/2023	5	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (CCG) (Entered: 09/29/2023)
10/03/2023	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. (JRT) (Entered: 10/03/2023)
10/05/2023	7	CONSENT to Jurisdiction to US Magistrate Judge by COURTNEY SMITH. (CW) (Entered: 10/05/2023)
10/13/2023	8	Order on Motion to Proceed In Forma Pauperis - The plaintiff's motion to proceed in forma pauperis, dkt. 3 , is granted to the extent that the plaintiff is assessed an initial partial filing fee of Thirty-One Dollars and Sixty Cents (\$31.60). The plaintiff shall have through November 10, 2023, in which to pay this sum to the clerk of the district court. The plaintiff is informed that after the initial partial filing fee is paid, he will be obligated to make monthly payments of 20 percent of the preceding month's income each month that the amount in his account exceeds \$10.00, until the full filing fee of \$350.00 is paid. (See Order.) Signed by Judge Jane Magnus-Stinson on 10/13/2023. (JSR) (Entered: 10/13/2023)
11/21/2023	9	RECEIPT #7874 for partial filing fee in the amount of \$31.60, paid by COURTNEY SMITH. (DJH) (Entered: 11/21/2023)
01/08/2024	10	Order Dismissing Complaint and Directing Filing of Amended Complaint - The complaint is DISMISSED WITHOUT PREJUDICE for failure to comply with Rule 20.

		Mr. Smith shall have through February 2, 2024, to file an amended complaint that complies with Rule 20. The amended complaint should focus on either the excessive force incident or the conditions of confinement claims. Then, if Mr. Smith so chooses, he may file a second complaint pertaining to the other set of claims, but he is advised that he will be responsible for the filing fee in any additional action. The clerk is directed to send Mr. Smith a copy of his complaint at dkt. 1 and two blank complaint forms. SEE ORDER. Signed by Judge Jane Magnus-Stinson on 01/08/2024. (Attachments: # 1 Complaint form, # 2 Complaint form, # 3 Dkt. 1)(AAS) (Entered: 01/08/2024)
01/23/2024	11	RESPONSE, re 10 Order, filed by Plaintiff COURTNEY SMITH. (Attachments: # 1 Exhibit)(LF) (Entered: 01/24/2024)
01/25/2024	12	ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT ON FORM - Local Rule 8-1 requires that pro se litigants file complaints under 42 U.S.C. § 1983 using the form supplied by the clerk. Thus, the clerk is directed to send Mr. Smith another copy of the civil rights complaint form, and Mr. Smith has through February 22, 2024, to file an amended complaint using this form. (See Order.) Signed by Magistrate Judge Tim A. Baker on 1/25/2024. (Attachments: # 1 Prisoner Civil Rights Complaint Form) (JSR) (Entered: 01/25/2024)
02/23/2024	13	Belated MOTION for Extension of Time to Reply to Court's Order, filed by Plaintiff COURTNEY SMITH. (KAA) (Entered: 02/23/2024)
02/27/2024	14	ORDER GRANTING MOTION FOR EXTENSION OF TIME - Mr. Smith's motion for extension of time, dkt. 13 , is granted to the extent that he has through March 26, 2024, to file an amended complaint on the form that the Court has now provided on two occasions. (See Order.) Signed by Magistrate Judge Tim A. Baker on 02/27/2024. (AJG) Modified on 2/28/2024 (RSF). (Entered: 02/27/2024)
04/10/2024	15	ORDER DIRECTING PRISONER PAYMENT - Plaintiff's custodian is directed to withhold sums from the inmate trust account of COURTNEY SMITH, 941833, 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 \$318.40. 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 4/10/2024. Copies distributed pursuant to distribution list. (JSR) (Entered: 04/10/2024)
04/12/2024	16	ORDER DIRECTING FURTHER PROCEEDINGS - The Court will grant Mr. Smith a final extension through May 7, 2024, to file an amended complaint. If he fails to do so, this action will be dismissed without prejudice for failure to comply with this Court's orders. See Dorsey v. Varga, 55 F.4th 1094, 1104 (7th Cir. 2022) (noting that "a district court has the inherent power to dismiss for failure to comply with its orders[]") - See Order for additional information. Signed by Magistrate Judge Tim A. Baker on 4/12/2024.(SWM) (Entered: 04/12/2024)
05/06/2024	17	Second MOTION for Extension of Time Within Which to File Reply to Court's Order, filed by Plaintiff COURTNEY SMITH. (JSR) (Entered: 05/07/2024)
05/07/2024	18	ORDER granting 17 Motion for Extension of Time. Plaintiff has through June 7, 2024, to file an amended complaint on the form previously provided to him by the Court.

		Signed by Magistrate Judge Tim A. Baker on 5/7/2024. (LBT) (Entered: 05/08/2024)
05/29/2024	19	AMENDED COMPLAINT against All Defendants, filed by COURTNEY SMITH. (Attachments: # 1 Affidavit)(LF) (Entered: 05/30/2024)
06/13/2024	20	ORDER Screening Amended Complaint and Directing Further Proceedings - Plaintiff Courtney Smith is a prisoner currently incarcerated at Pendleton Correctional Facility ("Pendleton"). He filed this civil action alleging that he was subjected to inhumane conditions of confinement. The clerk is directed to terminate Dennis Reagle as a defendant and to add (1) Sgt. Fish, (2) Officer Ziggler, (3) Sgt. Demmy, (4) Officer Hockey, and (5) Sgt. Brown as defendants on the docket. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to defendants (1) Sgt. Fish, (2) Officer Ziggler, (3) Sgt. Demmy, (4) Officer Hockey, and (5) Sgt. Brown in the manner specified by Rule 4(d). Process shall consist of the amended complaint filed on May 29, 2024, dkt. 19 , 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 FOR DETAILS). Signed by Judge Jane Magnus-Stinson on 6/13/2024.(DWH) (Entered: 06/14/2024)
06/14/2024	21	NOTICE of Lawsuit & Waiver Issued by Clerk TO: (1) Sgt. Fish, (2) Officer Ziggler, (3) Sgt. Demmy, (4) Officer Hockey, and (5) Sgt. Brown. (DWH) (Entered: 06/14/2024)
06/14/2024	22	Documents to be Sent via Electronic Notice TO: (1) Sgt. Fish, (2) Officer Ziggler, (3) Sgt. Demmy, (4) Officer Hockey, and (5) Sgt. Brown - re 19 Amended Complaint, 20 Order, 21 NOTICE of Lawsuit & Waiver Issued by Clerk. Electronic Notice to IDOC. (DWH) (Entered: 06/14/2024)
09/17/2024	23	ORDER DIRECTING CLERK TO REISSUE PROCESS AND DIRECTING DEFENDANTS TO ANSWER - The Court screened Courtney Smith's amended complaint and issued process to the defendants electronically on June 13 and 14, 2024. Dkts. 20 , 21 , 22 . The defendants have neither answered nor otherwise appeared in the action. The clerk is directed to reissue process to the defendants electronically. Process will consist of the amended complaint (dkt. 19), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), screening order (dkt. 20), and this order. The defendants will have through October 4, 2024, to answer the complaint or file an appropriate motion. Signed by District Judge Jane Magnus-Stinson on 9/17/2024.(KAA) (Entered: 09/17/2024)
09/17/2024	24	NOTICE of Lawsuit & Waiver Issued by Clerk upon: (1) Sgt. Fish, (2) Officer Ziggler, (3) Sgt. Demmy, (4) Officer Hockey, and (5) Sgt. Brown. (KAA) (Entered: 09/17/2024)
09/17/2024	25	Documents to be Sent via Electronic Notice - re 19 Amended Complaint, 20 Order, 24 NOTICE of Lawsuit & Waiver Issued by Clerk, 23 Order Electronic Notice to IDOC. Pendleton Correctional Facility (KAA) (Entered: 09/17/2024)
10/04/2024	26	NOTICE of Appearance by Eric Ryan Shouse on behalf of Defendants BROWN, DEMMY, FISH, HOCKEY, ZIGGLER. (Shouse, Eric) (Entered: 10/04/2024)
10/04/2024	27	ANSWER to 19 Amended Complaint <i>Affirmative Defenses, and Demand for Jury Trial</i> , filed by BROWN, DEMMY, FISH, HOCKEY, ZIGGLER.(Shouse, Eric) (Entered: 10/04/2024)
10/30/2024	28	MOTION for Case Management Scheduling Order, filed by Plaintiff COURTNEY SMITH. (LF) (Entered: 10/30/2024)

10/31/2024	29	ENTRY DIRECTING DEVELOPMENT OF EXHAUSTION DEFENSE AND ISSUING PARTIAL STAY - The exhaustion defense will be resolved pursuant to the following schedule. The defendants shall have through December 12, 2024, in which to either: file a dispositive motion in support of the exhaustion defense (including the Notice required by Local Rule 56-1(k)); file a notice with the Court specifically identifying the fact issue(s) that preclude resolution of this affirmative defense via a dispositive motion and requesting a Pavey hearing; or file a notice with the Court withdrawing the exhaustion defense. The failure to pursue any of these options by the above deadline constitutes an abandonment of the exhaustion defense. If a dispositive motion is filed, the plaintiff shall have twenty-eight (28) days in which to respond. SEE ORDER. Signed by Magistrate Judge Tim A. Baker on 10/31/2024.(AAS) (Entered: 10/31/2024)
11/08/2024	30	ORDER denying as moot 28 Motion - ORDER Plaintiff's motion asking the Court to issue a scheduling order, dkt. 28 , is denied as moot. The Court has now issued a scheduling order governing the development of Defendants' exhaustion defense. See dkt. 29 . Signed by Magistrate Judge Tim A. Baker on 11/08/2024. (AJG) (Entered: 11/08/2024)
12/02/2024	31	NOTICE of Withdrawal of Exhaustion Defense, filed by Defendants FISH, ZIGGLER, DEMMY, HOCKEY, BROWN (Shouse, Eric) (Entered: 12/02/2024)
12/23/2024	32	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 7/23/2025. Discovery due by 6/23/2025. Signed by Magistrate Judge Tim A. Baker on 12/23/2024.(TPS) (Entered: 12/23/2024)
01/22/2025	33	MOTION for Initial Disclosures by Plaintiff COURTNEY SMITH. (DWH) (Entered: 01/23/2025)
01/22/2025	34	AFFIDAVIT of Truth by COURTNEY SMITH. (DWH) (Entered: 01/23/2025)
01/22/2025	35	MOTION for Non-Party Production of Discovery, filed by Plaintiff COURTNEY SMITH. (BAA) (Entered: 01/27/2025)
01/29/2025	36	ORDER - Motion denied. Defendants have withdrawn their exhaustion defense Filing No. 31 , and pursuant to the scheduling order 32 initial disclosures are to be served by February 21, 2025. (marginal notation). Signed by Magistrate Judge Tim A. Baker on 1/29/25. (CKM) (Entered: 01/29/2025)
01/30/2025	37	ORDER ON PLAINTIFF'S MOTION FOR NON-PARTY PRODUCTION OF DISCOVERY - Plaintiff's motion requesting issuance of a subpoena, Filing No. 35 , is granted. The clerk is directed to enclose one endorsed, but otherwise blank, document subpoena with Plaintiff's copy of this Order. Plaintiff is responsible for completing and serving the subpoenas and for complying with Federal Rule of Civil Procedure 45. SEE ORDER. Signed by Magistrate Judge Tim A. Baker on 1/30/2025. (Attachments: # 1 Endorsed Subpoena) (AAS) (Entered: 01/30/2025)

03/27/2025	38	MOTION to Take Deposition from Plaintiff , filed by Defendants BROWN, DEMMY, FISH, HOCKEY, ZIGGLER. (Attachments: # 1 Text of Proposed Order Granting Leave to Depose Plaintiff)(Shouse, Eric) (Entered: 03/27/2025)
04/03/2025	39	ORDER granting 38 Motion for Leave to Depose State Prisoner from Courtney Smith, DOC# 941833 - IT IS HEREBY ORDERED that Defendants are granted leave to depose Plaintiff, Courtney Smith, DOC# 941833, inmate held in the custody of the Indiana Department of Correction at the Pendleton Correctional Facility no later than June 23, 2025, until such time as the deposition is concluded, by remote means outside the physical presence of the officer of the court/court reporter for the purposes of swearing in, if necessary, and subject to making reasonable accommodations within the Pendleton Correctional Facility. Signed by Magistrate Judge Tim A. Baker on 04/03/2025. (AAS) (Entered: 04/03/2025)
04/09/2025	40	MOTION to Appoint Counsel, filed by Plaintiff COURTNEY SMITH. (JRB) (Entered: 04/09/2025)
05/01/2025	41	NOTICE <i>Regarding Settlement Conference</i> , filed by Defendants BROWN, DEMMY, FISH, HOCKEY, ZIGGLER (Shouse, Eric) (Entered: 05/01/2025)
05/22/2025	42	NOTICE of Appearance by Carlton Wayne Anker on behalf of Defendants BROWN, DEMMY, FISH, HOCKEY, ZIGGLER. (Anker, Carlton) (Entered: 05/22/2025)
06/02/2025	43	MOTION to Compel <i>Discovery Responses</i> , filed by Defendants BROWN, DEMMY, FISH, HOCKEY, ZIGGLER. (Attachments: # 1 Exhibit A - Discovery Requests, # 2 Exhibit B - Rule 37 Letter, # 3 Text of Proposed Order Compelling Discovery Responses)(Shouse, Eric) (Entered: 06/02/2025)
06/09/2025	44	ORDER denying 43 Motion to Compel - SEE ORDER. Signed by Magistrate Judge Tim A. Baker on 6/9/2025. (JRB) (Entered: 06/10/2025)
06/11/2025	45	ORDER SETTING TELEPHONIC STATUS CONFERENCE - This matter is set for a telephonic status conference at 10:00 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 Defendants' discovery dispute. Signed by Magistrate Judge Tim A. Baker on 6/11/2025.(JRB) (Entered: 06/11/2025)
06/11/2025	46	ORDER to Make Inmate Available - via Telephone. Warden of Pendleton Correctional Facility ordered to make COURTNEY SMITH Available - via Telephone for court proceeding on 6/27/2025 at 10:00 am EST. Signed by Magistrate Judge Tim A. Baker on 6/11/2025.(JRB) (Entered: 06/11/2025)
06/26/2025	48	ORDER DENYING WITHOUT PREJUDICE MOTION FOR ASSISTANCE WITH RECRUITING COUNSEL 40 Mr. Smith's motion offers no indication that he has attempted to recruit counsel on his own. Therefore, his motion, dkt. 40 , is denied without prejudice. The clerk is directed to include a form motion for assistance recruiting counsel with Mr. Smith's copy of this order. If Mr. Smith chooses to renew his motion, he must use the Court's form and demonstrate that he has made reasonable efforts to contact attorneys on his own or been prevented from doing so. SEE ORDER. Signed by District Judge Jane Magnus-Stinson on 6/26/2025. (Attachments: # 1 Form Motion for Assistance with Recruiting Counsel) (AAS) (Entered: 06/26/2025)

06/27/2025	49	MINUTE ORDER for Telephonic Status Conference held before Magistrate Judge Tim A. Baker on 6/27/2025. See Minute Order for further information and deadlines. Signed by Magistrate Judge Tim A. Baker. (BAS) (Entered: 06/30/2025)
07/02/2025	50	ANSWER to Interrogatories from Courtney Smith, filed by Plaintiff COURTNEY SMITH.(JRB) (Entered: 07/02/2025)
07/22/2025	51	BELATED MOTION for Settlement Conference, filed by Plaintiff COURTNEY SMITH. (JRB) (Entered: 07/22/2025)
07/22/2025	52	NOTICE <i>Regarding Summary Judgment</i> , filed by Defendants BROWN, DEMMY, FISH, HOCKEY, ZIGGLER (Anker, Carlton) (Entered: 07/22/2025)
07/22/2025	53	Witness List (<i>Preliminary</i>), filed by Defendants BROWN, DEMMY, FISH, HOCKEY, ZIGGLER. (Anker, Carlton) (Entered: 07/22/2025)
07/24/2025	54	MARGINAL ENTRY by Magistrate Judge Tim A. Baker on 7/24/2025 granting 51 BELATED MOTION for Settlement Conference granted. Belated settlement proposal duly noted. The Court will set this case for a settlement conference by separate order. (TPS) (Entered: 07/24/2025)
07/30/2025	55	ORDER SETTING TELEPHONIC SETTLEMENT CONFERENCE AND RELATED DEADLINES - This matter is set for a telephonic settlement conference at 9 a.m. (Eastern Time) on September 19, 2025, before Magistrate Judge Tim A. Baker. The Court will arrange Plaintiff's participation in this conference. The information needed by counsel of record to participate in this telephonic conference will be provided by separate notification. (see Order.) Signed by Magistrate Judge Tim A. Baker on 07/30/2025. (AJG) (Entered: 07/30/2025)
07/30/2025	56	ORDER TO MAKE INMATE AVAILABLE - You or your designee(s) are ORDERED to make COURTNEY SMITH available to participate in a telephonic settlement conference at the time and date specified in this Order. The Court has provided PENDLETON CORRECTIONAL FACILITY with the call-in information. Inmate: COURTNEY SMITH # 941833 Dated: SEPTEMBER 19, 2025 Time: 9:00 A.M. (EST) Expected Duration of Court Proceeding: 3 HOURS. Any questions or information concerning this Order should be brought to the attention of Judge Baker's chambers at 317-229-3660. Signed by Magistrate Judge Tim A. Baker on 09/19/2025. (AJG) (Entered: 07/30/2025)
08/06/2025	57	ORDER - It is the Court's preference that Mr. Smith be represented by counsel for any trial and, if possible, for the upcoming settlement conference. First, however, he must complete and return the Court's form motion, which includes an agreement to abide by certain conditions of the representation. If Mr. Smith does not complete and return the form promptly, the Court may not be able to recruit an attorney in time for the September 19 settlement conference. The clerk is directed to include an additional form motion for assistance with recruiting counsel with this order. SEE ORDER. Signed by District Judge Jane Magnus-Stinson on 08/06/2025. (Attachments: # 1 Form Motion for Assistance with Recruiting Counsel)(AAS) (Entered: 08/06/2025)
08/12/2025	58	MOTION to Excuse Attendance <i>at Settlement Conference</i> , filed by Defendants BROWN, DEMMY, FISH, HOCKEY, ZIGGLER. (Attachments: # 1 Text of Proposed Order Excusing Defendants from Settlement Conference)(Shouse, Eric) (Entered: 08/12/2025)

08/12/2025	59	ORDER - granting 58 Motion to Excuse Attendance; The Defendants, Jacob Fish, Grant Haake, Momar Deme, Matthew Sigler, and Ashley Brown are excused from attending the settlement conference on September 19, 2025. A representative of the Indiana Department of Correction will attend the settlement conference on their behalf. Signed by Magistrate Judge Tim A. Baker on 8/12/2025. (CKM) (Entered: 08/12/2025)
09/18/2025	61	NOTICE of Appearance by James Bolen on behalf of Defendants BROWN, DEMMY, FISH, HOCKEY, ZIGGLER. (Bolen, James) (Entered: 09/18/2025)
09/19/2025	62	MINUTE ORDER ON SEPTEMBER 19, 2025, SETTLEMENT CONFERENCE - Plaintiff appeared in person and Defendants appeared in person and by counsel for a telephonic settlement conference. Settlement discussions were held, but no settlement was reached. The magistrate judge recommends the district judge determine whether plaintiff seeks Court-appointed counsel and set this case for a three-day jury trial beginning in or after March 2026. Signed by Magistrate Judge Tim A. Baker. (DMB) (Entered: 09/19/2025)
12/02/2025	63	Order Directing Further Proceedings - On August 6, 2025, the Court informed Plaintiff that it preferred that he be represented by counsel for the remainder of this action. Dkt. 57 . The Court sent Plaintiff a form motion for assistance with recruiting counsel, which he did not return. On September 19, 2025, the Court held a settlement conference at which Plaintiff represented himself; no settlement was achieved. Dkt. 62 . Thus, this matter will likely proceed to trial. Given the difficulty with representing oneself at trial, and the fact that Mr. Smith previously requested recruitment of counsel, Dkt. 40 , the Court will provide Plaintiff through December 22, 2025, to return the form motion for counsel, or to file a notice stating that he chooses to proceed pro se. If Plaintiff does not return the form by this deadline, the Court will understand that Plaintiff plans to proceed to trial pro se. The clerk is directed to send Plaintiff a form motion for assistance with recruiting counsel form with his copy of this Order. Signed by District Judge Jane Magnus-Stinson on 12/02/2025. (Attachments: # 1 Recruited Counsel Form) (AJG) (Entered: 12/02/2025)
01/07/2026	64	ORDER OF CASE REASSIGNMENT - The Court, sua sponte, now orders this case randomly reassigned due to the requirements of workload pursuant to S.D. Ind. L.R. 40-1(f). The Clerk is directed to randomly reassign the case to another district judge. No magistrate judge reassignment shall occur. Signed by District Judge Jane Magnus-Stinson on 1/7/2026. (JSR) (Entered: 01/07/2026)
01/07/2026	65	NOTICE of Reassignment of Case to Judge James Patrick Hanlon. Judge Jane Magnus-Stinson is no longer assigned to this case. Please include the new case number, 1:23-cv-01757-JPH-TAB , on all future filings in this matter. (JHS) (Entered: 01/07/2026)
01/13/2026	66	ORDER SCHEDULING FINAL PRETRIAL CONFERENCE AND TRIAL DATES - The Court SCHEDULES this case for a final pretrial conference on August 13, 2026, at 10:30 a.m. and jury trial to commence on August 31, 2026, at 9:00 a.m. in Room 307, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana. The Clerk is DIRECTED to docket Judge Hanlon's current Practices and Procedures. Signed by Judge James Patrick Hanlon on 01/13/2026. (AJG) (Entered: 01/13/2026)
01/13/2026	67	PRACTICES AND PROCEDURES before Judge James Patrick Hanlon. (AJG) (Entered: 01/13/2026)
04/07/2026	68	ORDER SETTING TELEPHONIC STATUS CONFERENCE - A Telephonic Status Conference is set for 4/13/2026 at 9:00 AM (Eastern Time) before Magistrate Judge

		<p>Tim A. Baker. The Court will arrange Plaintiff's participation in this conference. 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, settlement, and whether Plaintiff intends to renew his request for Court-appointed counsel. Signed by Magistrate Judge Tim A. Baker on 4/7/2026. (JSR) (Entered: 04/07/2026)</p>
04/07/2026	69	<p>ORDER to Make Inmate Available via Telephone - Warden of Pendleton Correctional Facility ordered to make COURTNEY SMITH available via telephone for court proceeding on 4/13/2026 at 9:00 A.M. (EST). (See Order.) Signed by Magistrate Judge Tim A. Baker on 4/7/2026. (JSR) (Entered: 04/07/2026)</p>
04/13/2026	71	<p>MINUTE ENTRY FROM APRIL 13, 2026, TELEPHONIC STATUS CONFERENCE AND ORDER GRANTING ORAL MOTION FOR COUNSEL - Plaintiff appeared in person and Defendants appeared by counsel April 13, 2026, for a telephonic status conference. The Court asked Mr. Smith whether he wished to have the assistance of recruited counsel for the remainder of this action. Mr. Smith confirmed that he did and orally moved that the Court attempt to recruit counsel for him. The Court then confirmed with Mr. Smith that he agreed to the following terms of accepting the assistance of recruited counsel. Having obtained Mr. Smith's acceptance of these terms, his oral motion for assistance with recruiting counsel is granted. The Court will attempt to recruit counsel to represent Mr. Smith for the remainder of these proceedings. The conference concluded without further order. (SEE ORDER) Signed by Magistrate Judge Tim A. Baker. (DMB) (Entered: 04/13/2026)</p>

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