

*** PUBLIC DOCKET ***

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:24-cv-00141-JPH-MG**

SULLIVAN v. UNITED STATES OF AMERICA
Assigned to: Judge James Patrick Hanlon
Referred to: Magistrate Judge Mario Garcia
Demand: \$100,000
Cause: 28:1331 Federal Question: Bivens Act

Date Filed: 04/18/2024
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff

JAMES D. SULLIVAN

represented by **JAMES D. SULLIVAN**
63990-060
BUTNER - FMC
BUTNER FEDERAL MEDICAL CENTER
Inmate Mail/Parcels
P.O. BOX 1600
BUTNER, NC 27509
PRO SE

V.

Defendant

UNITED STATES OF AMERICA

represented by **Joi Kamper**
DOJ-USAO
10 W. Market Street
Ste 2100
Indianapolis, IN 46204
317-226-6333
Email: joi.kamper@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/18/2024	1	COMPLAINT against UNITED STATES OF AMERICA, filed by JAMES D. SULLIVAN. (No fee paid with this filing) (Attachments: # 1 Cover Letter, # 2 Exhibit, # 3 Envelope)(CCG) (Entered: 04/19/2024)
04/18/2024	2	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff JAMES D. SULLIVAN. (Attachments: # 1 Exhibit, # 2 Envelope)(CCG) (Entered: 04/19/2024)
04/19/2024	3	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (CCG) (Entered: 04/19/2024)
04/19/2024	4	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (CCG) (Entered: 04/19/2024)
05/01/2024	5	ORDER granting 2 Motion for Leave to Proceed in forma pauperis. Although the plaintiff is excused from pre-paying the full filing fee, he still must pay the three hundred and fifty dollar (\$350.00) filing fee. (SEE ORDER.) Copy sent to plaintiff via

		US mail. Signed by Judge James Patrick Hanlon on 5/1/2024. (TPS) (Entered: 05/01/2024)
05/29/2024	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: 05/29/2024)
11/05/2024	7	Order Screening Complaint and Directing Further Proceedings - This summary of claims includes all of 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 November 30, 2024, in which to identify those claims. 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. 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. Signed by Judge James Patrick Hanlon on 11/5/2024. (Copy to plaintiff via US Mail.) (KAQ) (Entered: 11/06/2024)
11/06/2024	8	Summons Issued as to USA - UNITED STATES OF AMERICA. (Attachments: # 1 USM 285 Form USAG, # 2 USM 285 Form US Attorney)(KAQ) (Entered: 11/06/2024)
11/06/2024	9	Documents for service by USM - re 1 Complaint, 7 Order, 8 Summons Issued as to USA. Electronic notice to USM-C.(KAQ) (Entered: 11/06/2024)
11/19/2024	10	RETURN of USM Service by UNITED STATES OF AMERICA. United States Attorney General served on 11/12/2024. (JRB) (Entered: 11/19/2024)
11/19/2024	11	RETURN of USM Service by UNITED STATES OF AMERICA. Office of the United States Attorney served on 11/8/2024. (JRB) (Entered: 11/19/2024)
12/30/2024	12	NOTICE of Parties' First Extension of Time re Filing a response to pleading defined by Fed. R. Civ. P. 7(a), filed by Defendant UNITED STATES OF AMERICA. (Kamper, Joi) (Entered: 12/30/2024)
12/30/2024	13	NOTICE of Appearance by Joi Kamper on behalf of Defendant UNITED STATES OF AMERICA. (Kamper, Joi) (Entered: 12/30/2024)
02/04/2025	14	ANSWER to 1 Complaint , filed by UNITED STATES OF AMERICA.(Kamper, Joi) (Entered: 02/04/2025)
02/10/2025	15	MOTION for Scheduling Order, filed by Plaintiff JAMES D. SULLIVAN. (Attachments: # 1 Cover Letter)(LBT) (Entered: 02/10/2025)
02/10/2025	16	CONSENT to Jurisdiction to US Magistrate Judge by JAMES D. SULLIVAN. (LBT) (Entered: 02/10/2025)
02/21/2025	17	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 9/22/2025. Discovery due by 8/20/2025. Signed by Magistrate Judge Mario Garcia on 2/21/2025. Copy to Plaintiff via US Mail.(AAS) (Entered: 02/21/2025)
04/25/2025	18	MOTION for Protective Order , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Proposed Protective Order, # 2 Text of Proposed Order)(Kamper, Joi) (Entered: 04/25/2025)

04/25/2025	24	PROTECTIVE ORDER - (See Order.) Copy to Plaintiff via U.S. Mail. Signed by Magistrate Judge Mario Garcia on 6/11/25.(NAD) (Entered: 06/11/2025)
05/06/2025	19	NOTICE of Change of Address for JAMES D. SULLIVAN. Currently located at BUTNER - FMC. (Previously located at ELKTON - FCI). (TPS) (Entered: 05/06/2025)
06/04/2025	20	MOTION to Take Deposition from Inmate James D. Sullivan , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Text of Proposed Order)(Kamper, Joi) (Entered: 06/04/2025)
06/04/2025	21	ORDER granting 20 Motion to Take Deposition - The Court, having reviewed Defendant's motion to depose prisoner James D. Sullivan regarding the claim and allegations at issue in this case, and being duly advised, hereby GRANTS Defendant's motion and ORDERS that Defendant may conduct the deposition of Plaintiff James D. Sullivan at the Federal Medical Center in Butner, North Carolina ("FMC Butner"), via remote video link, with the court reporter to appear and swear the witness remotely, at a date and time to be determined between Defendant's counsel and the staff of FMC Butner, subject to all custodial and security rules, regulations, and orders required by the Plaintiff=s custodian. Copy to Plaintiff via US mail. Signed by Magistrate Judge Mario Garcia on 06/04/2025. (AJG) (Entered: 06/05/2025)
06/09/2025	22	MOTION for Extension of Pretrial Schedule, filed by Plaintiff JAMES D. SULLIVAN. (AAS) (Entered: 06/11/2025)
06/10/2025	25	RESPONSE re 18 MOTION for Protective Order, filed by Plaintiff JAMES D. SULLIVAN. (Attachments: # 1 Cover Letter)(AAS) (Entered: 06/11/2025)
06/11/2025	23	ORDER - granting 18 Motion for Protective Order. The Clerk is directed to docket the Protective Order, [Filing No. 18-1], as of the date it was tendered to the Court April 25, 2025. Copy to Plaintiff via U.S. Mail. Signed by Magistrate Judge Mario Garcia on 6/11/25. (NAD) (Main Document 23 replaced to include Plaintiff's corrected address of Butner- FMC in distribution list on 6/11/2025) (NAD). (Entered: 06/11/2025)
07/21/2025	26	NOTICE <i>Regarding Settlement Conference</i> , filed by Defendant UNITED STATES OF AMERICA (Kamper, Joi) (Entered: 07/21/2025)
07/22/2025	27	NOTICE Regarding Settlement Conference, filed by Plaintiff JAMES D. SULLIVAN (SAM) (Entered: 07/22/2025)
07/29/2025	28	MOTION to Compel Witness to Be Deposed, filed by Plaintiff JAMES D. SULLIVAN. (Attachments: # 1 Text of Proposed Order, # 2 Exhibit)(SAM) (Entered: 07/31/2025)
08/04/2025	29	Plaintiff's Motion for Leave to Supplement 28 MOTION to Compel Witness to Be Deposed, filed by Plaintiff JAMES D. SULLIVAN. (Attachments: # 1 Cover Letter, # 2 Exhibit)(SAM) (Main Document 29 replaced on 8/6/2025) (SAM). (Attachment 2 replaced on 8/6/2025) (SAM). (Entered: 08/05/2025)
08/08/2025	30	ORDER - In this case, Plaintiff brings negligence claims against the United States of America under the Federal Tort Claims Act based on allegations that some correctional officers at FCI Terre Haute knew that other inmates were threatening him but did nothing, after which he was attacked. Dkt. 7 . The motion to supplement, dkt. 29 , is granted to the extent that the Court has considered the arguments in the motion in connection with Plaintiff's request to depose Captain Deutch, but denied to the extent it requests any other relief. The motion seeking leave to depose Captain Deutch, dkt. 28 , is also denied as presented. Captain Deutch is not a party, so the Court would be required to issue a subpoena before he could be deposed. Signed by Magistrate Judge Mario Garcia on 8/8/2025. (See Order.) Copy mailed to Plaintiff. (BAA) (Entered: 08/08/2025)

08/22/2025	31	MOTION for Adverse Inference Sanction Pursuant to Fed. R. Civ. P. 37(e), filed by Plaintiff JAMES D. SULLIVAN. (Attachments: # 1 Exhibit) (BAA) (Entered: 08/25/2025)
08/22/2025	32	Correspondence REQUESTING COPY of Case Docket Sheet, filed by James Sullivan. Copy/Copies provided via US Mail. (Attachments: # 1 Public Docket Sheet) (SAM) (Entered: 08/25/2025)
08/22/2025	33	MOTION for Extension of Discovery Deadline, filed by Plaintiff JAMES D. SULLIVAN. (KAA) (Entered: 08/25/2025)
09/02/2025	34	ORDER ON PLAINTIFF'S MOTIONS FOR EXTENSION OF TIME - The Court will not extend discovery for an indefinite period as Plaintiff requests. Plaintiff's Motion for Extension of Pretrial Schedule, 22 , is thus DENIED. Plaintiff also filed a Motion for Extension of Discovery Deadline, 33 , requesting an extension of sixty days to the close of discovery, which Defendants have agreed to. Plaintiff's Motion for Extension of Discovery Deadline, 33 , is GRANTED. Discovery will close on October 20, 2025. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Mario Garcia on 9/2/2025.(JRB) (Entered: 09/03/2025)
09/08/2025	35	RESPONSE in Opposition re 31 MOTION for Sanctions , filed by Defendant UNITED STATES OF AMERICA. (Attachments: # 1 Exhibit 1 - Plaintiff's First Request for Production, # 2 Exhibit 2 - Defendant's Response to Plaintiff's First Request for Production, # 3 Exhibit 3 - Declaration of M. Miller, # 4 Attachment 1 - Request for Records Disposition Authority, # 5 Attachment 2 - Administrative Remedy Request No. 1121783, # 6 Attachment 3 - Administrative Remedy Request No. 1128118)(Kamper, Joi) (Entered: 09/08/2025)
09/22/2025	36	Witness List <i>Preliminary</i> , filed by Defendant UNITED STATES OF AMERICA. (Kamper, Joi) (Entered: 09/22/2025)
09/29/2025	37	REPLY in Support of Motion re 31 MOTION for Sanctions, filed by Plaintiff JAMES D. SULLIVAN. (SAM) (Entered: 09/30/2025)
10/06/2025	38	Preliminary Witness List, filed by Plaintiff JAMES D. SULLIVAN. (SAM) (Entered: 10/06/2025)
11/10/2025	40	ORDER DENYING WITHOUT PREJUDICE MOTION FOR ASSISTANCE WITH RECRUITING COUNSEL - 39 Motion for Assistance with Recruiting Counsel is DENIED without prejudice. The clerk is directed to send Mr. Sullivan a motion for assistance recruiting counsel with his copy of this Order. Mr. Sullivan has through December 5, 2025, to file a motion for counsel using this form motion. See Order for details. Signed by Judge James Patrick Hanlon on 11/10/2025 (Copy mailed to Plaintiff). (Attachments: # 1 Form Motion for Assistance Recruiting Counsel) (LBT) (Entered: 11/12/2025)
12/05/2025	41	MOTION to Appoint Counsel, filed by Plaintiff JAMES D. SULLIVAN. (SAM) (Entered: 12/05/2025)
12/10/2025	42	ORDER granting 41 Motion to Appoint Counsel - James D. Sullivan's motion for assistance with recruiting counsel, dkt. 41 , is granted insofar as the Court will attempt to recruit an attorney to represent Mr. Sullivan through final judgment. Signed by Judge James Patrick Hanlon on 12/10/2025. Copy to Plaintiff via US Mail. (AAS) (Entered: 12/10/2025)

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