

**\*\*\* PUBLIC DOCKET \*\*\***

NOD

**U.S. District Court  
Southern District of Indiana (Terre Haute)  
CIVIL DOCKET FOR CASE #: 2:23-cv-00090-JPH-MKK**

SWEAT v. NORTON et al  
Assigned to: Judge James Patrick Hanlon  
Referred to: Magistrate Judge M. Kendra Klump  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 02/28/2023  
Jury Demand: Both  
Nature of Suit: 555 Prisoner Petitions -  
Prison Condition  
Jurisdiction: Federal Question

**Plaintiff****KEVIN WAYNE SWEAT**

represented by **KEVIN WAYNE SWEAT**  
280706  
WABASH VALLEY - CF  
Wabash Valley Correctional Facility  
6908 S. Old US Hwy 41  
CARLISLE, IN 47838  
PRO SE

V.

**Defendant****NORTON**  
*Officer*

represented by **Alexander Thomas Myers**  
Office of Indiana Attorney General  
Government Litigation  
302 W. Washington Street  
ICGS - 5th Floor  
Indianapolis, IN 46204  
463-261-7383  
Email: alexander.myers@atg.in.gov  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
------------	---	-------------

02/28/2023	<a href="#">1</a>	CONSENT to Prisoner E-Service by KEVIN WAYNE SWEAT located at WVCF. Pursuant to General Order 2013-1, documents submitted by KEVIN WAYNE SWEAT 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. <b>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.</b> (DJH) (Entered: 02/28/2023)
02/28/2023	<a href="#">2</a>	COMPLAINT against BENEFIEL, BOUNCE, NORTON, VAUGHN, filed by KEVIN WAYNE SWEAT. (No fee paid with this filing) (Attachments: # <a href="#">1</a> Exhibit 1 Report of Classification Hearing)(DJH) (Entered: 02/28/2023)
02/28/2023	<a href="#">3</a>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff KEVIN WAYNE SWEAT. (Attachments: # <a href="#">1</a> Certified Counselors Statement of Inmate Trust Fund Account, Affidavit of Special Circumstances)(DJH) (Entered: 02/28/2023)
02/28/2023	<a href="#">4</a>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) (Entered: 02/28/2023)
02/28/2023	<a href="#">5</a>	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (DJH) (Entered: 02/28/2023)
03/03/2023	<a href="#">6</a>	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: 03/03/2023)
03/07/2023	<a href="#">7</a>	CONSENT to Jurisdiction to US Magistrate Judge by KEVIN WAYNE SWEAT. (DWH) (Entered: 03/07/2023)
03/13/2023	<a href="#">8</a>	NOTICE OF DEFICIENCY - Your civil rights complaint has been received. You shall have through April 10, 2023, in which to correct the deficiencies as follows: Your motion to proceed <i>in forma pauperis</i> cannot be ruled on because you have not submitted a copy of the transaction history associated with your institution trust account for the 6-month period preceding the filing of this action. (MEH) (Entered: 03/13/2023)
03/16/2023	<a href="#">9</a>	RESPONSE re <a href="#">8</a> Notice of Deficiency, Submission of Trust Account, filed by Plaintiff KEVIN WAYNE SWEAT. (LBT) (Entered: 03/17/2023)
03/31/2023	<a href="#">10</a>	ORDER denying <a href="#">3</a> Motion for Leave to Proceed in forma pauperis. Mr. Sweat shall have through April 28, 2023, to either pay the \$402 filing fee to the Clerk of the Court or show cause why this action should not be dismissed for failure to pay the filing fee. If he fails to meet this deadline, this action may be dismissed without further notice or opportunity to show cause. Signed by Judge James Patrick Hanlon on 3/31/2023. (TPS) (Entered: 03/31/2023)
04/04/2023	<a href="#">11</a>	MOTION to Appoint Counsel, filed by Plaintiff KEVIN WAYNE SWEAT. (Attachments: # <a href="#">1</a> Exhibit)(JDC) (Entered: 04/05/2023)
04/11/2023	<a href="#">12</a>	MOTION for Assistance with Service of Summons, filed by Plaintiff KEVIN WAYNE SWEAT. (AKH) (Entered: 04/11/2023)
04/18/2023	13	RECEIPT #4820 for filing fee in the amount of \$402.00, paid by KEVIN WAYNE SWEAT. (DRB) (Entered: 04/18/2023)
05/15/2023	<a href="#">14</a>	MOTION for Status Update, filed by Plaintiff KEVIN WAYNE SWEAT. (AAS) (Entered: 05/15/2023)

05/17/2023	<a href="#">15</a>	Order Granting Motion for Status Update - Plaintiff's motion for status update, dkt. <a href="#">14</a> , is granted to the extent that the Court explains as follows: The Court received Plaintiff's filing fee on April 18, 2023. Dkt. 13 . Plaintiff's complaint will be screened in due course under 28 U.S.C. § 1915A. If any of Plaintiff's claims survives screening, the Court will then serve the complaint on Defendants. The clerk is directed to enclose a copy of the public docket sheet with Plaintiff's copy of this Order. Signed by Magistrate Judge M. Kendra Klump on 5/17/2023. (Attachments: # <a href="#">1</a> Public Docket Sheet) (JSR) (Entered: 05/18/2023)
08/18/2023	<a href="#">16</a>	ORDER SCREENING COMPLAINT AND DIRECTING FURTHER PROCEEDINGS: Mr. Sweat's motion for assistance with recruiting counsel, dkt. <a href="#">11</a> , is denied without prejudice for the reasons stated in Section I. His motion for assistance with service, dkt. <a href="#">12</a> , is denied as unnecessary. Mr. Sweat is being allowed to proceed with Eighth Amendment excessive-force claims against Officer Norton as discussed in Section III. All other claims have been dismissed. If Mr. Sweat believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have through September 15, 2023, in which to identify those claims. The clerk is directed to issue process and serve Officer Norton as set forth in Section IV. The clerk is directed to terminate Sergeant Vaughn, Investigator Benefiel, and Officer Bounce as defendants on the docket. See Order. Signed by Judge James Patrick Hanlon on 8/18/2023. (LF) (Entered: 08/21/2023)
08/18/2023	<a href="#">17</a>	NOTICE OF LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS Issued by Clerk to Officer Norton. (LF) (Entered: 08/21/2023)
08/18/2023	<a href="#">18</a>	Documents to be Sent via Electronic Notice - re <a href="#">2</a> Complaint, <a href="#">17</a> NOTICE of Lawsuit & Waiver Issued by Clerk, <a href="#">16</a> Order on Motion to Appoint Counsel Electronic Notice to IDOC to Office Notron at Wabash Valley Correctional Facility. (LF) (Entered: 08/21/2023)
09/20/2023	<a href="#">19</a>	NOTICE of Appearance by Breanne Chambers on behalf of Defendant NORTON. (Chambers, Breanne) (Entered: 09/20/2023)
09/20/2023	<a href="#">20</a>	WAIVER OF SERVICE Returned Executed, filed by NORTON. NORTON waiver sent on 8/21/2023. (Chambers, Breanne) (Entered: 09/20/2023)
10/18/2023	<a href="#">21</a>	FIRST REQUEST for Production of Documents, filed by Defendant NORTON.(SWM) (Entered: 10/18/2023)
10/20/2023	<a href="#">22</a>	ANSWER to Plaintiff's Complaint, Affirmative Defenses and Demand for Jury Trial, filed by Defendant NORTON. (Chambers, Breanne) (Entered: 10/20/2023)
10/23/2023	<a href="#">23</a>	NOTICE of Appearance by Alexander Thomas Myers on behalf of Defendant NORTON. (Myers, Alexander) (Entered: 10/23/2023)
10/25/2023	<a href="#">24</a>	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 December 4, 2023, in which to either: SEE ORDER. If a dispositive motion is filed, the plaintiff shall have twenty-eight (28) days in which to respond. The movant shall then have fourteen (14) days in which to reply. Signed by Magistrate Judge M. Kendra Klump on 10/25/2023.(JRB) (Entered: 10/25/2023)
11/01/2023	<a href="#">25</a>	MOTION to Strike Plaintiff's Request for Production, filed by Defendant NORTON. (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed Order Granting Motion to Strike) (Chambers, Breanne) (Entered: 11/01/2023)

11/06/2023	<a href="#">26</a>	Order on Motion to Strike Discovery Requests - Defendant's motion, dkt. <a href="#">25</a> , is granted in part to the extent that Defendant need not respond to the requests for production at this time. If Plaintiff's claims survive the exhaustion phase of the case, the stay will be lifted and discovery as to the merits of Plaintiff's claims will be allowed. Defendant shall have 30 days from the date merits discovery opens to respond to the discovery requests in the record as dkt. 21. Going forward, Plaintiff should not file discovery requests with the Court. Instead, he must send them to Defendant's counsel directly. SEE ORDER. Signed by Magistrate Judge M. Kendra Klump on 11/6/2023. (JRB) (Entered: 11/06/2023)
11/14/2023	<a href="#">27</a>	MOTION to Appoint Counsel, filed by Plaintiff KEVIN WAYNE SWEAT. (JSR) (Entered: 11/14/2023)
11/14/2023	<a href="#">28</a>	MOTION to Introduce Exhibits, filed by Plaintiff KEVIN WAYNE SWEAT. (Attachments: # <a href="#">1</a> Exhibits) (JSR) (Entered: 11/14/2023)
11/29/2023	<a href="#">29</a>	NOTICE of Withdrawal of Exhaustion Defense, filed by Defendant NORTON (Chambers, Breanne) (Entered: 11/29/2023)
11/30/2023	<a href="#">30</a>	ORDER DENYING WITHOUT PREJUDICE <a href="#">28</a> MOTION TO INTRODUCE EXHIBITS - Officer Norton has withdrawn his exhaustion defense, so there is no need for the Court to consider the exhibits at this time. If they ever become relevant to a motion, response, or other document Mr. Sweat files with the Court, he may submit them with such filing. (See Order.) Signed by Judge James Patrick Hanlon on 11/30/2023. (JSR) (Entered: 11/30/2023)
11/30/2023	<a href="#">31</a>	Order Lifting Partial Stay and Setting Schedule for Discovery and Other Pretrial Matters 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 7/1/2024. Discovery due by 5/30/2024.. Signed by Magistrate Judge M. Kendra Klump on 11/30/2023.(LF) (Entered: 12/01/2023)
12/01/2023	<a href="#">32</a>	**PLEASE DISREGARD - DOCKETED IN ERROR** ORDER to Make Inmate Available - via Telephone. Warden of Wabash Valley Correctional Facility ordered to make Kevin Wayne Sweat (280706) Available - via Telephone for court proceeding on 2/7/2024. The Court will contact Wabash Correctional Facility staff by separate email with the information to be used to connect Mr. Sweat to the conference. Signed by Magistrate Judge M. Kendra Klump on 12/1/2023.(KAA) Modified on 12/4/2023 (KAA). (Entered: 12/04/2023)
12/01/2023	<a href="#">33</a>	ORDER SETTING TELEPHONIC INITIAL PRETRIAL CONFERENCE - This case is set for a telephonic initial pretrial conference on <b>2/7/2024 at 10:00 AM (Eastern Time)</b> before Magistrate Judge M. Kendra Klump. The Court will contact counsel by separate email 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 Wabash Valley Correctional Facility by separate email with the call-in information to be used to connect Mr. Sweat to the conference. Signed by Magistrate Judge M. Kendra Klump on 12/1/2023.(KAA) (Entered: 12/04/2023)
12/01/2023	<a href="#">34</a>	ORDER to Make Inmate Available - via Telephone. Warden of Wabash Valley Correctional Facility ordered to make Kevin Wayne Sweat (280706) Available - via

		Telephone for court proceeding on 2/7/2024. The Court will contact Wabash Correctional Facility staff by separate email with the information to be used to connect Mr. Sweat to the conference. Signed by Magistrate Judge M. Kendra Klump on 12/1/2023.(KAA) (Entered: 12/04/2023)
12/29/2023	<a href="#">36</a>	NOTICE of Service of Discovery, filed by Defendant NORTON (Chambers, Breanne) (Entered: 12/29/2023)
01/29/2024	<a href="#">37</a>	NOTICE of Service of Defendant's Initial Disclosures, filed by Defendant NORTON (Chambers, Breanne) (Entered: 01/29/2024)
02/08/2024	<a href="#">38</a>	ORDER denying without prejudice Plaintiff's <a href="#">27</a> Renewed Motion for assistance recruiting counsel. The clerk is directed to send Mr. Sweat a motion for assistance with recruiting counsel form, which he must use if he chooses to renew his motion. The Court will remain alert to changes in circumstances that may warrant reconsideration of the motion, such as a settlement conference or trial. See Order for additional information. Copies to Plaintiff via US Mail. Signed by Judge James Patrick Hanlon on 2/8/2024. (SWM) (Entered: 02/08/2024)
02/08/2024	<a href="#">39</a>	MINUTE ORDER for Telephonic Initial Pretrial Conference held before Magistrate Judge M. Kendra Klump on 2/7/2024. Telephonic Status Conference set for 5/17/2024 at 10:30 AM (Eastern Time) before Magistrate Judge M. Kendra Klump. See Minute Order for further information. Signed by Magistrate Judge M. Kendra Klump. (BAS) (Entered: 02/08/2024)
02/08/2024	<a href="#">40</a>	ORDER to Make Inmate Available - via Telephone. Warden of Wabash Correctional Facility ordered to make Kevin Wayne Sweat Available - via Telephone for court proceeding on 5/17/2024 at 10:30 a.m.(Eastern). See Order. Signed by Magistrate Judge M. Kendra Klump on 2/8/2024.(LF) (Entered: 02/09/2024)
02/08/2024	<a href="#">41</a>	ORDER REGARDING DISCOVERY DISPUTES: Under Fed. R. Civ. P. 37(a)(1) and S.D. Ind. L.R. 37-1(a), a party must meet and confer in good faith to resolve a discovery dispute with another person or party before involving the court in the dispute. Ideally, the meet and confer shall occur in person to resolve the discovery issues; however, genuine attempts may be made virtually or telephonically if meeting in person is unfeasible. If the party has exhausted those efforts and the dispute still persists, they must seek a discovery conference with the Magistrate Judge before the filing of a formal motion to compel or contested motion for protective order in the manner set forth below: SEE ORDER. Signed by Magistrate Judge M. Kendra Klump on 2/8/2024. (LF) (Entered: 02/09/2024)
02/08/2024	<a href="#">42</a>	ORDER REGARDING PROTECTIVE ORDERS: In the event an agreed protective order is required in this matter, the parties shall file a motion seeking the entry of such an order, attaching thereto the proposed protective order. The parties shall either use the Court's Uniform Protective Order <a href="http://www.insd.uscourts.gov/court-info/local-rules-and-orders">http://www.insd.uscourts.gov/court-info/local-rules-and-orders</a> or explain in the motion why a different form of order is being proposed. See Order for details. Signed by Magistrate Judge M. Kendra Klump on 2/8/2024.(LF) (Entered: 02/09/2024)
04/24/2024	<a href="#">43</a>	MOTION to Take Deposition from Kevin Wayne Sweat , filed by Defendant NORTON. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Chambers, Breanne) (Entered: 04/24/2024)
04/30/2024	<a href="#">45</a>	NOTICE Regarding Settlement Conference, filed by Defendant NORTON (Chambers, Breanne) (Entered: 04/30/2024)



04/30/2024	<a href="#">46</a>	ORDER granting Defendant's <a href="#">43</a> Motion to Take Deposition from KEVIN WAYNE SWEAT - See Order. Signed by Magistrate Judge M. Kendra Klump on 4/30/2024. (SWM) (Entered: 04/30/2024)
04/30/2024	<a href="#">47</a>	MOTION to Appoint Counsel, filed by Plaintiff KEVIN WAYNE SWEAT. (SWM) (Entered: 05/01/2024)
05/23/2024	<a href="#">48</a>	MINUTE ORDER for Telephonic Status Conference held before Magistrate Judge M. Kendra Klump on 5/17/2024. The conference concluded without further order. Signed by Magistrate Judge M. Kendra Klump. (BAS) (Entered: 05/23/2024)
07/01/2024	<a href="#">49</a>	MOTION for Summary Judgment , filed by Defendant NORTON. (Chambers, Breanne) (Entered: 07/01/2024)
07/01/2024	<a href="#">50</a>	Designation of Evidence re <a href="#">49</a> MOTION for Summary Judgment , filed by Defendant NORTON. (Attachments: # <a href="#">1</a> Exhibit A) Deposition of Plaintiff Kevin Sweat, # <a href="#">2</a> Exhibit B) Plaintiffs Responses to Defendants Discovery Requests, # <a href="#">3</a> Exhibit D) Plaintiffs Responses to Defendants Discovery Requests, # <a href="#">4</a> Exhibit E) Report of Internal Affairs Investigation, # <a href="#">5</a> Exhibit I) Written Statements from Other Offenders, # <a href="#">6</a> Exhibit J) Medical Records for Offender Sweat)(Chambers, Breanne) (Entered: 07/01/2024)
07/01/2024	<a href="#">51</a>	BRIEF/MEMORANDUM in Support re <a href="#">49</a> MOTION for Summary Judgment , filed by Defendant NORTON. (Chambers, Breanne) (Entered: 07/01/2024)
07/01/2024	<a href="#">52</a>	NOTICE of Manual Filing re <a href="#">49</a> MOTION for Summary Judgment , filed by NORTON (Chambers, Breanne) (Entered: 07/01/2024)
07/01/2024	<a href="#">53</a>	NOTICE <i>Regarding Right to Respond to and Submit Evidence in Opposition to Motion for Summary Judgment</i> , filed by Defendant NORTON, re <a href="#">49</a> MOTION for Summary Judgment . (Chambers, Breanne) (Entered: 07/01/2024)
07/08/2024	<a href="#">54</a>	One CD Received re <a href="#">52</a> NOTICE of Manual Filing re <a href="#">49</a> MOTION for Summary Judgment , filed by NORTON (Chambers, Breanne) (AAS) (Entered: 07/09/2024)
07/22/2024	<a href="#">55</a>	RESPONSE in Opposition re <a href="#">49</a> MOTION for Summary Judgment , filed by Plaintiff KEVIN WAYNE SWEAT. (AAS) (Entered: 07/22/2024)
07/22/2024		CD has been uploaded re <a href="#">52</a> NOTICE of Manual Filing (KAA) (Entered: 07/22/2024)
08/05/2024	<a href="#">56</a>	REPLY in Support of Motion re <a href="#">49</a> MOTION for Summary Judgment , filed by Defendant NORTON. (Chambers, Breanne) (Entered: 08/05/2024)
08/29/2024	<a href="#">57</a>	MOTION to Withdraw Attorney Appearance <i>of Breanne Chambers</i> , filed by Defendant NORTON. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Myers, Alexander) (Entered: 08/29/2024)
08/30/2024	<a href="#">58</a>	ORDER granting <a href="#">57</a> Motion to Withdraw Attorney Appearance. Attorney Breanne Chambers withdrawn. Signed by Magistrate Judge M. Kendra Klump on 8/30/2024. (JRB) (Entered: 08/30/2024)

10/10/2024	<a href="#">59</a>	ORDER DENYING WITHOUT PREJUDICE RENEWED MOTION FOR ASSISTANCE WITH RECRUITING COUNSEL - Plaintiff's renewed motion for assistance recruiting counsel is denied without prejudice. Dkt. <a href="#">47</a> . Defendant's motion for summary judgment, dkt. <a href="#">49</a> , remains under advisement and will be ruled on in due course. (See Order.) Signed by Judge James Patrick Hanlon on 10/10/2024. (JSR) (Entered: 10/10/2024)
11/07/2024	<a href="#">60</a>	MOTION to Add to Complaint, filed by Plaintiff KEVIN WAYNE SWEAT. (JSR) (Entered: 11/08/2024)
11/19/2024	<a href="#">61</a>	RESPONSE in Opposition re <a href="#">60</a> MOTION <i>to Add to Complaint</i> , filed by Defendant NORTON. (Myers, Alexander) (Entered: 11/19/2024)
12/13/2024	<a href="#">62</a>	REPLY in Support of <a href="#">60</a> MOTION to Add Complaint, filed by Plaintiff KEVIN WAYNE SWEAT. (Attachments: # <a href="#">1</a> Exhibit)(JRB) (Entered: 12/13/2024)
01/13/2025	<a href="#">63</a>	MOTION for Case Status, filed by Plaintiff KEVIN WAYNE SWEAT. (KAA) (Entered: 01/13/2025)
01/18/2025	<a href="#">64</a>	ORDER granting <a href="#">63</a> Motion for Case Status. The Clerk is directed to send Plaintiff a copy of the docket with his copy of this Order. Signed by Magistrate Judge M. Kendra Klump on 1/18/2025. (Attachments: # <a href="#">1</a> Public Docket Sheet) (AAS) (Entered: 01/21/2025)
05/20/2025	<a href="#">65</a>	ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT - Kevin Wayne Sweat, an inmate at Wabash Valley Correctional Facility, alleges that he was subjected to excessive force by Defendant Officer Katherine Norton in violation of the Eighth Amendment. Officer Norton's motion for summary judgment is DENIED. Dkt. <a href="#">49</a> . Also, Mr. Sweat's motion to add to his complaint, dkt. <a href="#">60</a> , is DENIED. The Court prefers that Mr. Sweat be represented by counsel for the remainder of this action. Therefore, the Court now reconsiders its prior denial of Mr. Sweat's renewed motion for counsel, dkt. 59. The Court intends to recruit counsel for Mr. Sweat unless he files notice with the Court within 14 days of this Order that he wishes to proceed pro se through settlement negotiations and trial. Once counsel has been recruited, or if Mr. Sweat gives notice that he wishes to continue pro se, the Magistrate Judge is asked to schedule a telephonic status conference to discuss further proceedings (SEE ORDER FOR DETAILS). Signed by Judge James Patrick Hanlon on 5/20/2025. (DWH) (Entered: 05/20/2025)
05/23/2025	<a href="#">66</a>	SCHEDULING ORDER: Telephonic Status Conference set for 7/31/2025 at 2:30 PM (Eastern Time) before Magistrate Judge M. Kendra Klump. The Court will contact counsel by separate email 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 Wabash Valley Correctional Facility by separate email with the call-in information to be used to connect Mr. Sweat to the conference. Signed by Magistrate Judge M. Kendra Klump on 5/23/2025.(LBT) (Entered: 05/23/2025)
05/23/2025	<a href="#">67</a>	ORDER to Make Inmate Available - via Telephone. Warden of Wabash Valley Correctional Facility ordered to make Kevin Wayne Sweat (280706) Available - via Telephone for court proceeding on 7/31/2025 at 2:30 p.m. (Eastern). Signed by Magistrate Judge M. Kendra Klump on 5/23/2025.(LBT) (Entered: 05/23/2025)