

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

NOD

**U.S. District Court  
Southern District of Indiana (Indianapolis)  
CIVIL DOCKET FOR CASE #: 1:24-cv-00486-JRS-MJD**

WINSTON v. TREVASKIS  
Assigned to: Chief District Judge James Russell Sweeney, II  
Referred to: Magistrate Judge Mark J. Dinsmore  
Demand: \$22,000  
Case in other court: Indiana Northern, 1:24-cv-00114  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/18/2024  
Jury Demand: Defendant  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**TIMOTHY J. WINSTON, II**

represented by **TIMOTHY J. WINSTON, II**  
228963  
HOWARD COUNTY JAIL  
1800 West Markland Avenue  
Kokomo, IN 46901  
PRO SE

V.

**Defendant**

**H. TREVASKIS**  
*correctional officer*

represented by **Michael Roth**  
EICHHORN & EICHHORN LLP  
(Indianapolis)  
10201 North Illinois Street  
Suite 240  
Indianapolis, IN 46290  
(317) 228-9670  
Fax: 317-228-9569  
Email: mroth@eichhorn-law.com  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/13/2024	<a href="#">1</a>	PRO SE COMPLAINT against H. Trevaskis, filed by Timothy J. Winston, II. (Attachments: # <a href="#">1</a> Proposed Summons, # <a href="#">2</a> Envelope) (File stamped copy of complaint and docket sheet mailed to Winston, II)(sej) [Transferred from Indiana Northern on 3/18/2024.] (Entered: 03/13/2024)

03/13/2024	<a href="#">2</a>	MOTION for Leave to Proceed in forma pauperis by Plaintiff Timothy J. Winston, II. (Attachments: # <a href="#">1</a> Declaration in Support, # <a href="#">2</a> Cover Letter) (sej) [Transferred from Indiana Northern on 3/18/2024.] Modified on 3/19/2024 to add gavel (TPS). (Entered: 03/13/2024)
03/13/2024	<a href="#">3</a>	REQUEST for Service of Process by United States Marshal's Service by Timothy J. Winston, II. (sej) [Transferred from Indiana Northern on 3/18/2024.] (Entered: 03/13/2024)
03/15/2024	<a href="#">4</a>	ORDER: Under 28 U.S.C. § 1404(a), this case is TRANSFERRED to the United States District Court for the Southern District of Indiana. Signed by Magistrate Judge Andrew P Rodovich on 3/14/2024. (Copy mailed to pro se party)(sej) [Transferred from Indiana Northern on 3/18/2024.] (Entered: 03/15/2024)
03/18/2024	<a href="#">5</a>	Case transferred in from District of Indiana Northern; Case Number 1:24-cv-00114. Original file copy of transfer order and docket sheet received. (Entered: 03/18/2024)
03/18/2024	<a href="#">6</a>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (TPS) (Entered: 03/18/2024)
03/18/2024	<a href="#">7</a>	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (TPS) (Entered: 03/18/2024)
03/27/2024	<a href="#">8</a>	NOTICE OF DEFICIENCY - Your civil rights complaint has been received. You shall have through April 24, 2024, 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. Copy to plaintiff by U.S. mail. (MEH) (Entered: 03/27/2024)
03/28/2024	<a href="#">9</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. Copy to plaintiff by U.S. Mail. (MEH) (Entered: 03/28/2024)
04/05/2024	<a href="#">10</a>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff TIMOTHY J. WINSTON, II. (Attachments: # <a href="#">1</a> Exhibit)(LF) (Entered: 04/09/2024)
04/11/2024	<a href="#">11</a>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff TIMOTHY J. WINSTON, II. (Attachments: # <a href="#">1</a> Exhibit) (BAA) (Entered: 04/11/2024)
04/15/2024	<a href="#">12</a>	Order on Motions to Proceed In Forma Pauperis - The plaintiff's motions to proceed in forma pauperis, dkt. <a href="#">2</a> , <a href="#">10</a> , and <a href="#">11</a> are granted to the extent that the plaintiff is assessed an initial partial filing fee of Six Dollars (\$6.00). The plaintiff shall have through May 13, 2024, in which to pay this sum to the clerk of the district court. (See Order.) Signed by Judge James R. Sweeney II on 4/15/2024. Copy to Plaintiff via US mail. (JSR) (Entered: 04/15/2024)
04/18/2024	<a href="#">13</a>	MOTION for Leave to File an Amended Complaint, filed by Plaintiff TIMOTHY J. WINSTON, II. (JSR) (Entered: 04/19/2024)
04/26/2024	<a href="#">14</a>	AMENDED COMPLAINT against H. TREVASKIS, filed by TIMOTHY J. WINSTON, II. (JSR) (Entered: 04/29/2024)
04/26/2024	<a href="#">15</a>	MOTION for Service by USM, filed by Plaintiff TIMOTHY J. WINSTON, II. (JSR) (Entered: 04/29/2024)

05/07/2024	16	RECEIPT #10207 for Initial Partial Filing fee in the amount of \$6.00, paid by TIMOTHY WINSTON. (CCG) (Entered: 05/07/2024)
08/01/2024	<a href="#">17</a>	Order Screening Complaint and Directing Further Proceedings: Applying the screening standard to the factual allegations in the complaint, Mr. Winston's claim that Officer Trevaskis slammed his arm in the ice machine shall proceed as an excessive force claim under the Eighth Amendment. 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 August 26, 2024, in which to identify those claims. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to the defendant in the manner specified by Rule 4(d). Process shall consist of the amended complaint, dkt <a href="#">14</a> , applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order. Consistent with this Order, Mr. Winston's motion to file an amended complaint, dkt. <a href="#">13</a> , is GRANTED. The request for service by United States Marshal, dkt. <a href="#">15</a> , is DENIED AS UNNECESSARY because the Court is issuing Notice of Lawsuit and Request to Waive Service of a Summons Forms to the defendant. The clerk is directed to serve the Indiana Department of Correction employee electronically. See Order. Signed by Judge James R. Sweeney II on 8/1/2024.(Copy mailed to Plaintiff.) (LF) (Entered: 08/02/2024)
08/01/2024	<a href="#">18</a>	NOTICE of Lawsuit & Waiver Issued by Clerk to H. Trevaskis. (LF) (Entered: 08/02/2024)
08/01/2024	<a href="#">19</a>	Documents to be Sent via Electronic Notice - re <a href="#">17</a> Order on Motion for Leave to File, <a href="#">14</a> Amended Complaint, <a href="#">18</a> NOTICE of Lawsuit & Waiver Issued by Clerk Electronic Notice to IDOC. (LF) (Entered: 08/02/2024)
08/22/2024	<a href="#">20</a>	NOTICE of Appearance by John Brayton Bignotti on behalf of Defendant H. TREVASKIS. (Bignotti, John) (Entered: 08/22/2024)
08/22/2024	<a href="#">21</a>	NOTICE of Appearance by Thomas Pratt on behalf of Defendant H. TREVASKIS. (Pratt, Thomas) (Entered: 08/22/2024)
08/30/2024	<a href="#">22</a>	WAIVER OF SERVICE Returned Executed, filed by H. TREVASKIS. H. TREVASKIS waiver sent on 8/1/2024. (Bignotti, John) (Entered: 08/30/2024)
09/10/2024	<a href="#">23</a>	DECLARATION of Timothy J. Winston, II for Entry of Default, filed by TIMOTHY J. WINSTON, II. (LBT) (Entered: 09/11/2024)
09/11/2024	<a href="#">24</a>	NOTICE of Appearance by Michael Roth on behalf of Defendant H. TREVASKIS. (Roth, Michael) (Entered: 09/11/2024)
09/11/2024	<a href="#">25</a>	NOTICE of Appearance by Katrin Christine Hodson on behalf of Defendant H. TREVASKIS. (Hodson, Katrin) (Entered: 09/11/2024)
09/12/2024	<a href="#">26</a>	MOTION to Withdraw Attorney Appearance <i>John B. Bignotti</i> , filed by Defendant H. TREVASKIS. (Attachments: # <a href="#">1</a> Text of Proposed Order Granting Motion to Withdraw Appearance)(Pratt, Thomas) (Entered: 09/12/2024)
09/12/2024	<a href="#">27</a>	MOTION to Withdraw Attorney Appearance <i>Thomas S. Pratt</i> , filed by Defendant H. TREVASKIS. (Attachments: # <a href="#">1</a> Text of Proposed Order Granting Motion to Withdraw Appearance)(Pratt, Thomas) (Entered: 09/12/2024)

09/19/2024	<a href="#">28</a>	ANSWER to <a href="#">14</a> Amended Complaint <i>Defendant's Answer, Affirmative Defenses and Demand for Jury Trial</i> , filed by H. TREVASKIS.(Hodson, Katrin) (Entered: 09/19/2024)
09/30/2024	<a href="#">29</a>	ORDER - granting <a href="#">26</a> Motion to Withdraw Attorney Appearance. Attorney John Brayton Bignotti withdrawn. (See Order.) Signed by Magistrate Judge Mark J. Dinsmore on 9/30/2024. Copy to Plaintiff via US mail. (JSR) (Entered: 09/30/2024)
09/30/2024	<a href="#">30</a>	ORDER - granting <a href="#">27</a> Motion to Withdraw Attorney Appearance. Attorney Thomas Pratt withdrawn. (See Order.) Signed by Magistrate Judge Mark J. Dinsmore on 9/30/2024. Copy to Plaintiff via US mail. (JSR) (Entered: 09/30/2024)
09/30/2024	<a href="#">31</a>	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. Dispositive Motions due by 5/2/2025. Discovery due by 4/4/2025. Signed by Magistrate Judge Mark J. Dinsmore on 9/30/2024. (See Order for additional deadlines and information.) Copy mailed to Plaintiff. (BAA) (Entered: 09/30/2024)
10/08/2024	<a href="#">32</a>	Plaintiff's First REQUEST for Production of Documents, filed by Plaintiff TIMOTHY J. WINSTON, II.(AAS) (Entered: 10/09/2024)
10/14/2024	<a href="#">33</a>	RESPONSE to Discovery Request from Holly Trevaskis, filed by Defendant H. TREVASKIS. (Attachments: # <a href="#">1</a> Exhibit Plaintiff Grievances, Grievance History, Relevant Medical Records, and Disciplinary Hearing Reports, # <a href="#">2</a> Exhibit Written Statements)(Hodson, Katrin) (Entered: 10/14/2024)
10/14/2024	<a href="#">34</a>	DISCOVERY <i>Requests - Defendant's Interrogatories to Plaintiff</i> , filed by Defendant H. TREVASKIS.(Hodson, Katrin) (Entered: 10/14/2024)
10/14/2024	<a href="#">35</a>	REQUEST for Production of Documents, filed by Defendant H. TREVASKIS.(Hodson, Katrin) (Entered: 10/14/2024)
10/23/2024	<a href="#">36</a>	NOTICE <i>Defendant's Initial Disclosures</i> , filed by Defendant H. TREVASKIS (Hodson, Katrin) (Entered: 10/23/2024)
12/19/2024	<a href="#">37</a>	MOTION for Extension of Time to January 9, 2025 <i>Motion for Extension of Time to Respond to Plaintiff's Discovery Requests</i> , filed by Defendant H. TREVASKIS. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Hodson, Katrin) (Entered: 12/19/2024)
12/20/2024	<a href="#">38</a>	ORDER granting <a href="#">37</a> Motion for Extension of Time - Defendant shall respond to Plaintiff's discovery requests on or before January 9, 2025. SEE ORDER. Signed by Magistrate Judge Mark J. Dinsmore on 12/20/2024. (JRB) (Entered: 12/23/2024)
01/24/2025	<a href="#">39</a>	DISCOVERY <i>Defendant's Expert Witness Disclosure</i> , filed by Defendant H. TREVASKIS.(Hodson, Katrin) (Entered: 01/24/2025)
05/02/2025	<a href="#">40</a>	MOTION for Summary Judgment , filed by Defendant H. TREVASKIS. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit, # <a href="#">4</a> Exhibit, # <a href="#">5</a> Exhibit, # <a href="#">6</a> Exhibit, # <a href="#">7</a> Exhibit, # <a href="#">8</a> Exhibit Proposed Order)(Hodson, Katrin) (Entered: 05/02/2025)
05/02/2025	<a href="#">41</a>	BRIEF/MEMORANDUM in Support re <a href="#">40</a> MOTION for Summary Judgment , filed by Defendant H. TREVASKIS. (Hodson, Katrin) (Entered: 05/02/2025)

05/02/2025	<a href="#">42</a>	Statement <i>Statement of Material Facts Not in Dispute</i> by H. TREVASKIS. (Hodson, Katrin) (Entered: 05/02/2025)
05/02/2025	<a href="#">43</a>	NOTICE <i>Notice Regarding Right to Respond to and Submit Evidence in Opposition to Motion for Summary Judgment</i> , filed by Defendant H. TREVASKIS, re <a href="#">40</a> MOTION for Summary Judgment . (Hodson, Katrin) (Entered: 05/02/2025)
06/06/2025	<a href="#">44</a>	MOTION for Extension of Time to Respond to Motion for Summary Judgment, filed by Plaintiff TIMOTHY J. WINSTON, II. (BAA) (Entered: 06/06/2025)
06/10/2025	<a href="#">45</a>	ORDER granting <a href="#">44</a> Motion for Extension of Time - Plaintiff shall respond to Defendant's Motion for Summary Judgment on or before July 1, 2025. Signed by Magistrate Judge Mark J. Dinsmore on 06/10/2025. Copy to Plaintiff via US Mail. (AAS) (Entered: 06/11/2025)
07/03/2025	<a href="#">46</a>	RESPONSE in Opposition re <a href="#">40</a> MOTION for Summary Judgment , filed by Plaintiff TIMOTHY J. WINSTON, II. (BAA) (Entered: 07/07/2025)
07/03/2025	<a href="#">47</a>	AFFIDAVIT of TIMOTHY J. WINSTON, II. (Attachments: # <a href="#">1</a> Exhibit) (BAA) (Entered: 07/07/2025)
07/03/2025	<a href="#">48</a>	BRIEF/MEMORANDUM in Support of Response in Opposition to Motion re <a href="#">40</a> MOTION for Summary Judgment , filed by Plaintiff TIMOTHY J. WINSTON, II. (BAA) (Entered: 07/07/2025)
12/04/2025	<a href="#">49</a>	NOTICE of Change of Address for TIMOTHY J. WINSTON, II to 623 S. Berkley Rd., Kokomo, IN 46901. (JRB) (Entered: 12/04/2025)
02/23/2026	<a href="#">50</a>	ORDER denying <a href="#">40</a> Motion for Summary Judgment - Officer Trevaskis' motion for summary judgment is denied. Dkt. <a href="#">40</a> . The Court prefers that Mr. Winston be represented by counsel for the remainder of this action. The clerk is directed to send Mr. Winston a motion for assistance recruiting counsel with his copy of this Order. Mr. Winston has 28 days in which 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 Chief District Judge James Russell Sweeney, II on 2/23/2026. Copy sent to Plaintiff via US Mail. (Attachments: # <a href="#">1</a> Motion for Assistance with Recruiting Counsel Form) (CCG) (Entered: 02/23/2026)
03/27/2026	<a href="#">51</a>	MOTION to Withdraw Attorney Appearance <i>Motion for Leave to Withdraw Appearance as Counsel for Defendants</i> , filed by Defendant H. TREVASKIS. (Attachments: # <a href="#">1</a> Exhibit Proposed Order)(Hodson, Katrin) (Entered: 03/27/2026)
03/30/2026	<a href="#">52</a>	ORDER granting <a href="#">51</a> Motion to Withdraw Attorney Appearance. Attorney Katrin Christine Hodson withdrawn. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 3/30/2026. (JRB) (Entered: 03/31/2026)
04/06/2026	<a href="#">53</a>	Mail Returned as undeliverable. <a href="#">50</a> Order on Motion for Summary Judgment sent to TIMOTHY J. WINSTON, II. (AJG) (Entered: 04/07/2026)
04/10/2026	<a href="#">54</a>	SCHEDULING ORDER: Status Conference set for 5/6/2026 at 1:00 PM (Eastern Time) in room #270, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Magistrate Judge Mark J. Dinsmore. Accordingly, the Clerk is directed to send Mr. Winston another copy of the Court's form Motion for Assistance with Recruiting Counsel with his copy of this Order. Plaintiff Timothy J. Winston II shall appear for the

		conference in person. Copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 4/10/26. (Attachments: # <a href="#">1</a> Motion for Assistance Form)(ARP) (Entered: 04/13/2026)
04/17/2026	<a href="#">55</a>	ORDER Vacating Status Conference and Directing Further Proceedings - On February 23, 2026, the Court denied Defendant's motion for summary judgment and sent Plaintiff Timothy Winston a Motion for Assistance Recruiting Counsel form, informing Mr. Winston he had 28 days to return the form or notify the Court that he intended to proceed pro se. Dkt. <a href="#">50</a> . That order was returned undeliverable, and the Court set the matter for a status conference. Dkts. <a href="#">53</a> , <a href="#">54</a> . The Clerk is directed to update Mr. Winston's address on the docket and to send Mr. Winston another copy of the Motion for Assistance Recruiting Counsel form and a copy of the Order Denying Summary Judgment, dkt. <a href="#">50</a> . The Status Conference scheduled for May 6, 2026, is vacated. Mr. Winston has through May 12, 2026, to return the form motion or to inform the Court that he wishes to proceed pro se. Mr. Winston is again reminded of his duty to inform the Court of his current address. Dkt. <a href="#">9</a> . Signed by Magistrate Judge Mark J. Dinsmore on 4/17/2026. (See Order.) Copies mailed to Plaintiff. (Attachments: # <a href="#">1</a> Recruited Counsel Form) (BAA) (Entered: 04/20/2026)
04/27/2026	<a href="#">56</a>	Mail Returned as undeliverable. <a href="#">54</a> SCHEDULING ORDER sent to TIMOTHY J. WINSTON, II at 623 S Berkley Rd, Kokomo, IN 46901. (SAS) (Entered: 04/29/2026)
05/07/2026	<a href="#">57</a>	MOTION for Assistance with Recruiting Counsel, filed by Plaintiff TIMOTHY J. WINSTON, II. (CCG) (Entered: 05/08/2026)
05/07/2026	<a href="#">58</a>	NOTICE of Change of Address for TIMOTHY J. WINSTON, II to Howard County Jail. NOTE - Address Already on File. (SAS) (Entered: 05/11/2026)
05/07/2026	<a href="#">59</a>	Correspondence REQUESTING COPY of Case Document(s) re <a href="#">50</a> ORDER denying <a href="#">40</a> Motion for Summary Judgment, filed by TIMOTHY J. WINSTON, II. Copy/Copies provided via US Mail. (Attachments: # <a href="#">1</a> Dkt. 50 - ORDER denying <a href="#">40</a> Motion for Summary Judgment) (SAS) (Entered: 05/11/2026)
05/11/2026	<a href="#">60</a>	TRIAL SETTING AND NOTICE OF FINAL PRETRIAL CONFERENCE - This cause is hereby set for a Jury Trial before Judge James R. Sweeney II on December 7, 2026 at 9:00 a.m. (ET) in Room 202 of the Birch Bayh Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana. A Final Pretrial Conference is also set for November 19,2026 at 9:00 a.m. (ET) in Room 202 of the Birch Bayh Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana. Signed by Chief District Judge James Russell Sweeney, II on 05/11/2026. Copy to Plaintiff via US Mail. (AAS) (Entered: 05/11/2026)
05/15/2026	<a href="#">61</a>	Dkt <a href="#">56</a> resent to TIMOTHY J. WINSTON, II at HOWARD COUNTY JAIL. (SAM) (Entered: 05/15/2026)
05/19/2026	<a href="#">62</a>	ORDER - Plaintiff's motion for counsel, dkt. <a href="#">57</a> , is granted to the extent that the Court will attempt to recruit counsel to assist Plaintiff through final judgment. Signed by Chief District Judge James Russell Sweeney, II on 5/19/2026. (Copy to plaintiff via US Mail.) (KAA) (Entered: 05/19/2026)

Case #: 1:24-cv-00486-JRS-MJD