

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

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:19-cv-00372-JRS-MJD**

GILMORE v. INDIANA STATE POLICE et al
Assigned to: Judge James R. Sweeney II
Referred to: Magistrate Judge Mark J. Dinsmore
Cause: 42:1983 Civil Rights Act

Date Filed: 08/08/2019
Jury Demand: None
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

MICHAEL L. GILMORE, JR. represented by **MICHAEL L. GILMORE, JR.**
101 N.E. 4th St.
Washington, IN 47501
PRO SE

V.

Defendant

BROCK BUCHANAN
Officer

represented by **Michael J. Blinn**
INDIANA ATTORNEY
GENERAL
302 West Washington Street
Indiana Government Center
South, Fifth Floor
Indianapolis, IN 46204
(317) 233-6506
Fax: (317) 232-7979
Email: michael.blinn@atg.in.gov
ATTORNEY TO BE NOTICED

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302 West Washington Street
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 317-234-5365
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/08/2019	<u>1</u>	COMPLAINT against INDIANA STATE POLICE, KNOX COUNTY JAIL, STATE OF INDIANA, filed by MICHAEL L. GILMORE, JR. (No fee paid with this filing) (Attachments: # <u>1</u> Exhibit B New Release, # <u>2</u> Cover Letter, # <u>3</u> Envelope)(DJH) (Entered: 08/09/2019)
08/08/2019	<u>2</u>	SEALED Exhibit A (No Contact Order) re <u>1</u> Complaint, filed by Plaintiff MICHAEL L. GILMORE, JR. (DJH) (Entered: 08/09/2019)
08/09/2019	<u>3</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) (Entered: 08/09/2019)
08/13/2019	<u>4</u>	Order for Filing Fee, Dismissing the Complaint, and Directing Filing of Amended Complaint - No later than September 13, 2019, Mr. Gilmore shall pay the \$400 filing fee for this action to the clerk of the district court or demonstrate his financial inability to do so by filing a motion for leave to proceed without prepayment of filing fees. The complaint is dismissed for failure to state a claim upon which relief can be granted because none of the three named defendants are suable entities in a federal court. The Court will allow Mr. Gilmore an opportunity to file an amended complaint that cures the deficiencies identified in this Order. If an amended complaint is not filed by September 13, 2019, this action shall be closed and final judgment entered without further notice. The clerk is directed to send Mr. Gilmore a blank motion for leave to proceed without prepayment of fees or costs, and a blank civil rights complaint for his use should he wish to proceed. (See Order.) Copy to Plaintiff via US Mail. Signed by Judge James R. Sweeney II on 8/13/2019. (Attachments: # <u>1</u> Complaint Form, # <u>2</u> IFP Form)(DMW) (Entered: 08/14/2019)
08/15/2019	<u>5</u>	AMENDED COMPLAINT against All Defendants, filed by MICHAEL L. GILMORE, JR. (Attachments: # <u>1</u> Exhibit A, # <u>2</u>

		Cover Letter, # 3 Envelope)(DMW) (Entered: 08/16/2019)
08/15/2019	6	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff MICHAEL L. GILMORE, JR. (Attachments: # 1 Envelope)(DMW) Modified on 8/16/2019 to add restriction re PDI (DMW). (Entered: 08/16/2019)
08/21/2019	7	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 sent to plaintiff via US Mail) (JRT) (Entered: 08/21/2019)
08/23/2019	8	Mail Returned as undeliverable. Went to DOC 8-14-19. Return to sender. Refused. Unable to forward. 3 Magistrate Judge's Notice of Availability to Exercise Jurisdiction sent to MICHAEL L. GILMORE, JR., 2375 South Old Decker Rd., Vincennes, IN 47591. (DMW) (Entered: 08/23/2019)
08/29/2019	9	Order Granting Motion for Leave to Proceed In Forma Pauperis, Screening Amended Complaint, Dismissing Certain Claims, and Directing Issuance and Service of Process - Plaintiff Michael L. Gilmore, Jr.'s motion for leave to proceed in forma pauperis, dkt. 6 , is granted. Pursuant to 28 U.S.C. § 1915(b) (1)(A), an initial partial filing fee of twelve dollars and no cents (\$12.00) is assessed and shall be paid to the clerk of the district court no later than September 30, 2019. The clerk is directed to update the docket and send a copy of this order to Mr. Gilmore at the address listed in the distribution list below. The clerk is directed pursuant to Federal Rule of Civil Procedure 4(c)(3) to issue process to defendant Officer Brock Buchanan in the manner specified by Rule 4(d). Process shall consist of the amended complaint, dkt. 5 , 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 add Officer Brock Buchanan to the docket and terminate as defendants the Knox County Jail and State of Indiana. (See Order.) Copy to Plaintiff via US Mail. Signed by Judge James R. Sweeney II on 8/29/2019. (DMW) (Entered: 08/29/2019)
08/29/2019	10	NOTICE of Lawsuit & Waiver Issued by Clerk to: Officer Brock Buchanan, Indiana State Police (DMW) (Entered: 08/29/2019)
08/29/2019	11	NOTICE of Change of Address for MICHAEL L. GILMORE, JR. to Washington, IN. (Attachments: # 1 Envelope) (DMW)

		(Entered: 08/30/2019)
09/09/2019	<u>12</u>	Mail Returned as undeliverable. <u>9</u> Order on Motion for Leave to Proceed in forma pauperis sent to MICHAEL L. GILMORE, JR. #141307 Reception Diagnostic Center Inmate Mail/Parcels 737 Moon Rd. Plainfield, IN 46168. Return to sender - Unable to forward. (TMC) (Entered: 09/11/2019)
09/19/2019	<u>13</u>	Mail Returned as undeliverable. <u>7</u> Notice to Pro se Litigant sent to MICHAEL L. GILMORE, JR. 2375 South Old Decker Rd. Vincennes, IN 47591. Return to sender - Not here. (TMC) (Entered: 09/20/2019)
09/20/2019	<u>14</u>	Mail Returned as undeliverable. <u>4</u> Order and attachments sent to MICHAEL L. GILMORE, JR. 2375 South Old Decker Rd. Vincennes, IN 47591. Return to sender - not here. (TMC) (Entered: 09/23/2019)
09/26/2019	15	RECEIPT #IP066753 for partial filing fee in the amount of \$12.00, paid by plaintiff. (AKH) (Entered: 09/26/2019)
10/07/2019	<u>16</u>	WAIVER OF SERVICE Returned Executed as to MICHAEL L. GILMORE, JR. MICHAEL L. GILMORE, JR waiver sent on 8/29/2019. (Attachments: # <u>1</u> Envelope)(TMC) (Entered: 10/08/2019)
12/12/2019	<u>17</u>	NOTICE of Appearance by Winston Lin on behalf of Defendant BROCK BUCHANAN. (Lin, Winston) (Entered: 12/12/2019)
12/12/2019	<u>18</u>	MOTION for Extension of Time to December 12, 2019 in which to <u>5</u> Amended Complaint , filed by Defendant BROCK BUCHANAN. (Attachments: # <u>1</u> Text of Proposed Order Order) (Lin, Winston) (Entered: 12/12/2019)
12/12/2019	<u>19</u>	ANSWER to <u>5</u> Amended Complaint , filed by BROCK BUCHANAN.(Lin, Winston) (Entered: 12/12/2019)
01/02/2020	<u>20</u>	NOTICE of Change of Address for MICHAEL L. GILMORE, JR. (Attachments: # <u>1</u> Envelope) (LBT) (Entered: 01/03/2020)
01/03/2020	<u>21</u>	ORDER - Defendants Motion to Extend Time to Answer Amended Complaint. Dkt. <u>18</u> is GRANTED. The Court notes that Defendants Answer to Plaintiffs Amended Complaint is on file. Dkt. <u>19</u> Copy to Plaintiff via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 1/3/2020. (KAA) Modified on 1/6/2020 to correct brackets(KAA). Modified on 1/6/2020

		(KAA). (Entered: 01/03/2020)
01/14/2020	22	MOTION for Relief, filed by Plaintiff MICHAEL L. GILMORE, JR. (Attachments: # 1 Envelope)(TMC) (Entered: 01/14/2020)
01/23/2020	23	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Michael Gilmore. Copy provided via US Mail. (Attachments: # 1 Docket Sheet, # 2 Envelope) (TMC) (Entered: 01/24/2020)
01/28/2020	24	RESPONSE in Opposition re 22 MOTION , filed by Defendant BROCK BUCHANAN. (Attachments: # 1 Text of Proposed Order Order)(Lin, Winston) (Entered: 01/28/2020)
02/05/2020	25	MOTION to Amend 1 Complaint, filed by Plaintiff MICHAEL L. GILMORE, JR. (Attachments: # 1 Envelope)(TMC) (Entered: 02/06/2020)
02/05/2020	26	MOTION to Appoint Counsel, filed by Plaintiff MICHAEL L. GILMORE, JR. (Attachments: # 1 Envelope)(TMC) (Entered: 02/06/2020)
02/12/2020	27	Correspondence REQUESTING COPY of Case Docket Sheet and Prisoner Complaint Form, filed by Michael Gilmore. Copies provided via US Mail. (Attachments: # 1 Docket Sheet, # 2 Complaint Form, # 3 Envelope) (TMC) (Entered: 02/13/2020)
02/21/2020	28	NOTICE of Appearance by Michael J. Blinn on behalf of Defendant BROCK BUCHANAN. (Blinn, Michael) (Entered: 02/21/2020)
02/21/2020	29	REQUEST for Admissions, filed by Plaintiff MICHAEL L. GILMORE, JR. (Attachments: # 1 Envelope)(TMC) (Entered: 02/24/2020)
02/26/2020	30	Second AMENDED COMPLAINT against BROCK BUCHANAN, filed by MICHAEL L. GILMORE, JR. (Attachments: # 1 Envelope)(TMC) (Entered: 02/27/2020)
02/27/2020	31	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Michael Gilmore. Copy provided via US Mail. (Attachments: # 1 Docket Sheet, # 2 Envelope) (TMC) (Entered: 02/28/2020)
03/09/2020	32	ENTRY - Plaintiff's motion for leave to amend his complaint ECF No. 25 is granted. Plaintiff's motion for relief ECF No. 22 is

		denied as moot. Plaintiff's motion for appointment of counsel ECF No. 26 is denied without prejudice. The clerk is directed to include a form Motion for Assistance with Recruiting Counsel, through which the Plaintiff must acknowledge important conditions of the appointment of counsel, with the Plaintiffs copy of this Entry. SEE ORDER. Copy to Plaintiff via US Mail. Signed by Judge James R. Sweeney II on 3/9/2020. (Attachments: # 1 Motion for Counsel Form) (KAA) (Entered: 03/09/2020)
03/11/2020	 33	MOTION <i>to Screen Second Amended Complaint and Motion for Extension of Time to Respond</i> , filed by Defendant BROCK BUCHANAN. (Lin, Winston) (Entered: 03/11/2020)
03/20/2020	 34	MOTION to Appoint Counsel, filed by Plaintiff MICHAEL L. GILMORE, JR. (Attachments: # 1 Envelope)(AAS) (Entered: 03/20/2020)
04/01/2020	35	NOTICE of Change of Address for MICHAEL L. GILMORE, JR. (Attachments: # 1 Envelope) (AAS) (Entered: 04/01/2020)
08/14/2020	36	Copy Request - Case Docket Sheet and NOTICE of Change of Address for MICHAEL L. GILMORE, JR., 101 NE 4th St. Washington, IN 47501. (Attachments: # 1 Envelope, # 2 Public Docket Sheet) (AAS) (Entered: 08/14/2020)

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