

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA, INDIANAPOLIS DIVISION

Keith A. Smith v. D. Reagle, UTM Cochran, Lt. Cooperider, Ofc.
Truax, Ofc. Blanton

Smith v. Reagle · No. 1:23-cv-00667-JRO-KMB · Decided March 25, 2026

SUMMARY

The United States District Court for the Southern District of Indiana granted defendants’ motion for summary judgment in Keith A. Smith’s Eighth Amendment failure-to-protect action arising from an inmate’s throwing liquid feces at him. The court held that Smith could not show that the defendants had actual knowledge of a substantial risk of serious harm, granted the motion to strike his unauthorized surreplies, and denied his motion to appoint counsel as moot.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana, Indianapolis Division
WRITING FOR THE COURT	R. Olson
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	March 25, 2026
DOCKET	1:23-cv-00667-JRO-KMB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought an Eighth Amendment failure-to-protect claim against prison officials. Defendants moved for summary judgment, moved to strike plaintiff’s unauthorized surreplies, and plaintiff moved for appointment of counsel.
STANDARD OF REVIEW	Summary judgment is reviewed under Federal Rule of Civil Procedure 56: the court views the record and draws reasonable inferences in favor of the nonmoving party, may not weigh evidence or make credibility determinations, and grants judgment when no genuine dispute of material fact exists and the movant is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	unpublished district court opinion; nonprecedential

PARTIES

Keith A. Smith v. D. Reagle, UTM Cochran, Lt. Cooperider, Ofc. Truax, Ofc. Blanton

TOPICS

prisoners rights

cruel and unusual punishment

summary judgment

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional torts

federal civil procedure

QUESTIONS PRESENTED

1. Whether defendants were deliberately indifferent under the Eighth Amendment by failing to protect Smith from Jennings's attack.
2. Whether the evidence established that any defendant had actual knowledge of a substantial risk of serious harm to Smith.
3. Whether defendants reasonably responded to any known risk despite the eventual attack.
4. Whether Smith's post-reply filings were unauthorized and untimely surreplies under Local Rule 56-1(d).
5. Whether Smith's motion to appoint counsel should be denied as moot after disposition of the case.

HOLDINGS

1. A prison official cannot be liable for deliberate indifference absent evidence that the official actually knew of a substantial risk of serious harm; generalized knowledge of prison violence or evidence that an official should have known of a threat is insufficient. The record showed no actual knowledge by Reagle, Reid, Truax, or Blanton.
2. Even assuming Lieutenant Cooperider knew of Jennings's threat, no reasonable jury could find that he had actual knowledge of a substantial and imminent risk of serious harm to Smith or deliberately disregarded such a risk.
3. Smith's voluntary decision to go unescorted to the range and work within throwing distance of Jennings's cell, despite being warned not to deal with Jennings, further defeated an inference that defendants were deliberately indifferent to the risk.
4. The court may strike an unauthorized filing, and under Local Rule 56-1(d) a summary-judgment surreply is permitted only to address new evidence or admissibility objections raised in the reply and must be filed within seven days.

KEY QUOTATIONS

“Smith cannot prove deliberate indifference.” (at 1)

“the prison official must have actual, and not merely constructive, knowledge of the risk.” (Discussion § III.A)

“A reasonable jury could not infer from the record that any defendant knew about a substantial risk to Smith’s safety.” (Discussion § III.C)

FACTUAL BACKGROUND

Keith A. Smith was incarcerated in protective custody at Pendleton Correctional Facility and performed janitorial work in the cellhouse. A nonparty inmate, Quinton Jennings, was housed in administrative segregation and allegedly threatened Smith through a correctional officer, who warned Smith not to deal with Jennings. The next day, Smith went unescorted to the range containing Jennings's cell and cleaned bars near that cell; Jennings threw liquid feces at Smith, causing mental stress and anxiety but no physical injury. The evidence did not show that any defendant knew Smith planned to approach Jennings's cell without an escort.

PROCEDURAL HISTORY

Defendants moved for summary judgment on all claims. Plaintiff responded, and defendants replied. Plaintiff later filed an affidavit and brief treated as unauthorized surreplies; defendants moved to strike them. The court granted summary judgment for defendants, granted the motion to strike, denied plaintiff's motion to appoint counsel as moot, and directed that final judgment issue separately.

DISPOSITION

other

CASES CITED

- *Khungar v. Access Community Health Network*, 985 F.3d 565, 572-73 (7th Cir. 2021)
- *Miller v. Gonzalez*, 761 F.3d 822, 827 (7th Cir. 2014)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986)
- *Grant v. Trustees of Indiana University*, 870 F.3d 562, 572-73 (7th Cir. 2017)
- *Farmer v. Brennan*, 511 U.S. 825, 828, 833, 837, 844-45 (1994)
- *LaBrec v. Walker*, 948 F.3d 836, 841, 843, 846-47 (7th Cir. 2020)
- *Santiago v. Walls*, 599 F.3d 749, 756, 758-59 (7th Cir. 2010)
- *Dale v. Poston*, 548 F.3d 563, 569 (7th Cir. 2008)
- *Sinn v. Lemmon*, 911 F.3d 412, 419, 421-22 (7th Cir. 2018)
- *Gevas v. McLaughlin*, 798 F.3d 475, 480-81 (7th Cir. 2015)
- *Borello v. Allison*, 446 F.3d 742, 747 (7th Cir. 2006)
- *Brown v. Budz*, 398 F.3d 904, 913 (7th Cir. 2005)
- *Pope v. Shafer*, 86 F.3d 90, 92 (7th Cir. 1996)
- *Haley v. Gross*, 86 F.3d 630, 638-40 (7th Cir. 1996)
- *Balle v. Kennedy*, 73 F.4th 545, 555 (7th Cir. 2023)
- *Cleveland v. Porca Co.*, 38 F.3d 289, 297 (7th Cir. 1994)

