

General Docket
United States Court of Appeals for the Sixth Circuit

Court of Appeals Docket #: 08-1371		Docketed: 03/21/2008		
Nature of Suit: 3555 Prison Condition		Termed: 02/18/2010		
Kenneth Foster, et al v. Sharee Booker, et al				
Appeal From: Eastern District of Michigan at Detroit				
Fee Status: fee paid				
Case Type Information:				
1) Prisoner				
2) State				
3) Prisoner Civil Rights				
Originating Court Information:				
District: 0645-2 : 05-71318				
Court Reporter: Allen T. Burnham				
Court Reporter: Suzanne Jacques				
Trial Judge: Marianne O. Battani, U.S. District Judge				
Date Filed: 04/05/2005				
Date Order/Judgment: 02/07/2008	Date NOA Filed: 03/05/2008			
Prior Cases: None				
Current Cases:				
	Lead	Member	Start	End
Consolidated				
	08-1371	08-1372	09/04/2009	
	08-1371	08-1626	09/04/2009	

KENNETH FOSTER Plaintiff - Appellee	Paul D. Reingold Direct: 734-763-4319 [COR LD NTC Retained] Michigan Clinical Law Program 801 Monroe Street Suite 363 Legal Research Building Ann Arbor, MI 48109
v.	
SHAREE BOOKER, in his/her official capacity as member of the Michigan Parole Board, et al. Defendant - Appellant	Kevin R. Himebaugh, Assistant Attorney General Direct: 517-335-7021 [COR LD NTC Retained] Office of the Michigan Attorney General P.O. Box 30217 Lansing, MI 48909



































KENNETH FOSTER, et al.







































Petitioners - Appellees


































v.















SHAREE BOOKER, in his/her official capacity as member of the Michigan Parole Board, et al.,

Respondents - Appellants

- 03/21/2008   Prisoner Case Docketed. Notice filed by Appellants Sharee Booker, et al. Transcript needed: y. (KK)
2 pg, 12.71 KB
- 03/21/2008  The case manager for this case is: Kathryn Kasner (KK)
- 03/21/2008  The case manager for this case is: Kathryn Kasner [08-1372, 08-1371] (KK)
- 03/27/2008  APPELLEE APPEARANCE filed by Attorney Mr. Paul D. Reingold for Appellee Kenneth Foster. Email Consent: n. [08-1371, 08-1372] (KK)
- 04/04/2008  APPELLANT APPEARANCE filed by Attorney Mr. Kevin R. Himebaugh for Appellants Sharee Booker, et al.. Email Consent: y. [08-1371, 08-1372] (KK)
- 04/07/2008  Attorney LETTER filed to amend case caption to reflect change in parole board members. Letter from Mr. Kevin R. Himebaugh for Sharee Booker, et al. Certificate of Service: 04/04/2008. [08-1371, 08-1372] (KK)
- 04/08/2008   LETTER SENT with amended official case caption. [08-1371, 08-1372] (KK)
1 pg, 11.18 KB
- 06/17/2008   APPEARANCE filed for Appellant Sharee Booker in 08-1626, 08-1371, 08-1372 by Kevin Himebaugh. Certificate of Service: 06/17/2008. [08-1626, 08-1371, 08-1372] (KRH)
1 pg, 42.98 KB
- 07/10/2008   MOTION filed by Mr. Kevin R. Himebaugh for Sharee Booker in 08-1626, 08-1371, 08-1372 to reconsider order dated 06/30/2008. Certificate of Service: 07/10/2008. [08-1626, 08-1371, 08-1372] (KRH)
16 pg, 375.6 KB
- 08/14/2008   MOTION filed by Mr. Kevin R. Himebaugh for Sharee Booker in 08-1371, 08-1372, 08-1626 to stay district court proceeding. Certificate of Service: 08/14/2008. [08-1371, 08-1372, 08-1626] (KRH)
96 pg, 5.05 MB
- 08/19/2008   DESIGNATION of RECORD filed by Attorney Mr. Paul D. Reingold for Appellee Kenneth Foster in 08-1626, 08-1371, Attorney Mr. Paul D. Reingold for Appellant Kenneth Foster in 08-1372 Certificate of Service: 08/19/2008. [08-1626, 08-1371, 08-1372] (PDR)
4 pg, 44.6 KB
- 08/19/2008   DESIGNATION of RECORD filed by Attorney Mr. Kevin R. Himebaugh for Appellant Sharee Booker in 08-1626, 08-1371, 08-1372 Certificate of Service: 08/19/2008. [08-1626, 08-1371, 08-1372] (KRH)
3 pg, 190.44 KB
- 08/22/2008   RESPONSE in opposition filed regarding a motion stay district court proceeding, [\[3826730-2\]](#); previously filed by Mr. Kevin R. Himebaugh for Sharee Booker in 08-1626,08-1371,08-1372. Response from Attorney Mr. Paul D. Reingold for Appellee Kenneth Foster in 08-1626, 08-1371, Attorney Mr. Paul D. Reingold for Appellant Kenneth Foster in 08-1372 Certificate of Service:08/22/2008. [08-1626, 08-1371, 08-1372] Incorrect entry. Attorney advised to redocket as one document with exhibits attached.--[Edited 08/22/2008 by KK] (PDR)
0 pg, 0 KB
- 08/22/2008   EXHIBIT FILED by Mr. Paul D. Reingold for Kenneth Foster in 08-1626, 08-1371, 08-1372 consisting of Index of Exhibits and Exhibits A-G in support of plaintiffs' response to motion for stay. Certificate of Service: 08/22/2008. [08-1626, 08-1371, 08-1372] Incorrect entry. Attorney advised to redocket as one entry with exhibits attached.--[Edited 08/22/2008 by KK] (PDR)
0 pg, 0 KB
- 08/22/2008   RESPONSE in opposition filed regarding a motion stay district court proceeding, [\[3826730-2\]](#); previously filed by Mr. Kevin R. Himebaugh for Sharee Booker in 08-1626,08-1371,08-1372. Response from Attorney Mr. Paul D. Reingold for Appellee Kenneth Foster in 08-1626, 08-1371, Attorney Mr. Paul D. Reingold for Appellant Kenneth Foster in 08-1372 Certificate of Service:08/22/2008. [08-1626, 08-1371, 08-1372] (PDR)
52 pg, 2.96 MB
- 09/08/2008   FILED: Correction to Pls' response to Defs' motion for stay by Mr. Paul D. Reingold for Kenneth Foster in 08-1626, 08-1371, 08-1372. Certificate of Service: 09/08/2008. [08-1626, 08-1371, 08-1372] (PDR)
3 pg, 40.44 KB
- 10/30/2008   ORDER filed DENYING Appellant's motion stay district court proceeding filed by Mr. Kevin R. Himebaugh for Sharee Booker. Boyce F. Martin , Jr., Circuit Judge; Eric L. Clay, Circuit Judge and Ronald Lee Gilman, Circuit Judge. [08-1371, 08-1372, 08-1626] (PJE)
3 pg, 64.15 KB
- 10/30/2008   MOTION filed by Mr. Kevin R. Himebaugh for Sharee Booker in 08-1371 to stay injunction pending appeal. Certificate of Service: 10/30/2008. [08-1371, 08-1372, 08-1626] (KRH)
120 pg, 6.54 MB
- 11/05/2008   RESPONSE filed regarding a motion to stay injunction pending appeal, [\[3873172-2\]](#); previously filed by Mr. Kevin R. Himebaugh for Sharee Booker in 08-1371,08-1372,08-1626. Response from Attorney Mr. Paul D. Reingold for Appellee Kenneth Foster in 08-1371, Attorney Mr. Paul D. Reingold for Appellant Kenneth Foster in 08-1372, 08-1626 Certificate of Service:11/05/2008. [08-1371, 08-1372, 08-1626] (PDR)
46 pg, 463.07 KB
- 11/18/2008  ORDER filed: The motion for a stay is DENIED without prejudice. Boyce F. Martin , Jr., Eric L. Clay and Ronald Lee Gilman, Circuit Judges. [08-1371, 08-1372, 08-1626] Incorrect/Duplicate order attached.--[Edited 11/18/2008 by KK]--[Edited 11/18/2008 by KK] (KK)

- 11/18/2008   ORDER filed: The renewed motion for a stay is DENIED. Boyce F. Martin , Jr.; Eric L. Clay and Ronald Lee Gilman, Circuit Judges. [08-1371, 08-1372, 08-1626] (KK)
3 pg, 55.72 KB
- 02/13/2009   BRIEFING LETTER SENT: First brief due 03/25/2009; second brief due 04/24/2009; third brief due 05/26/2009; fourth brief due 06/09/2009. [08-1371, 08-1372, 08-1626] (KK)
2 pg, 13.48 KB
- 02/13/2009   ORDER filed to consolidate for briefing and submission cases 08-1371, 08-1372 & 08-1626. [08-1371, 08-1372, 08-1626] (KK)
2 pg, 29.65 KB
- 03/25/2009  FIRST BRIEF filed by Mr. Kevin R. Himebaugh for Sharee Booker in 08-1371, 08-1372, 08-1626. Certificate of Service:03/25/2009. Argument Request: requested. [08-1371, 08-1372, 08-1626]--[Edited 03/26/2009 by KK] (KRH)
- 03/26/2009   BRIEFING LETTER SENT requesting brief corrections from Mr. Kevin R. Himebaugh for Sharee Booker: 1) Designation of Relevant District Court Documents must include a list of all referenced documents. Corrections due: 04/09/2009. [08-1371, 08-1372, 08-1626] (KK)
1 pg, 11.45 KB
- 03/26/2009  Corrected brief filed on 03/25/2009 brief filed by Mr. Kevin R. Himebaugh for Sharee Booker in 08-1371, 08-1372, 08-1626. Certificate of Service:03/26/2009. [08-1371, 08-1372, 08-1626]--[Edited 04/24/2009 by KK] (KRH)
- 04/24/2009   APPELLEE BRIEF filed by Mr. Paul D. Reingold for Kenneth Foster in 08-1371, 08-1626. Certificate of Service:04/24/2009. Argument Request: requested. [08-1371, 08-1372, 08-1626] Attorney advised to redocket as second brief filed as this is a cross-appeal briefing schedule.--[Edited 04/24/2009 by KK] (PDR)
0 pg, 0 KB
- 04/24/2009   BRIEFING LETTER SENT requesting brief corrections from Mr. Paul D. Reingold for Kenneth Foster: 1) Designation of Relevant District Court documents, not Joint Appendix designation, needs to include only a description and the date of the document filed 2) Brief should be filed as a second brief filed, not appellee brief. Corrections due: 05/08/2009. [08-1371, 08-1372, 08-1626]--[Edited 04/24/2009 by KK] (KK)
3 pg, 15.22 KB
- 04/24/2009   BRIEFING LETTER SENT requesting brief corrections from Mr. Kevin R. Himebaugh for Sharee Booker: 1) Designation of Relevant District Court documents page needs to have only date and brief description of document. Corrections due: 05/08/2009. [08-1371, 08-1372, 08-1626] (KK)
3 pg, 15.14 KB
- 04/27/2009   Corrected second brief filed by Mr. Paul D. Reingold for Kenneth Foster in 08-1371, 08-1372, 08-1626. Certificate of Service:04/27/2009. Argument Request: requested.. [08-1371, 08-1372, 08-1626]--[Edited 04/27/2009 by KK] (PDR)
74 pg, 329.51 KB
- 04/27/2009   Corrected first brief filed by Mr. Kevin R. Himebaugh for Sharee Booker in 08-1371, 08-1372, 08-1626. Certificate of Service:04/27/2009. [08-1371, 08-1372, 08-1626]--[Edited 04/27/2009 by KK] (KRH)
61 pg, 247.04 KB
- 05/15/2009   MOTION filed by Mr. Kevin R. Himebaugh for Sharee Booker in 08-1371, 08-1372, 08-1626 to extend time to file brief. Certificate of Service: 05/15/2009. [08-1371, 08-1372, 08-1626] (KRH)
3 pg, 18.11 KB
- 05/15/2009   LETTER SENT GRANTING motion to extend time to file brief for 14 days filed by Mr. Kevin R. Himebaugh for Sharee Booker: Third brief now due 06/09/2009; fourth brief now due 06/23/2009. [08-1371, 08-1372, 08-1626] (KK)
2 pg, 12.96 KB
- 06/08/2009   THIRD BRIEF filed by Attorney Mr. Kevin R. Himebaugh for Appellant Sharee Booker in 08-1371, 08-1372, 08-1626. Certificate of Service:06/08/2009. [08-1371, 08-1372, 08-1626] Incorrect attachment. See brief below.--[Edited 06/09/2009 by KK] (KRH)
0 pg, 0 KB
- 06/08/2009   THIRD BRIEF filed by Attorney Mr. Kevin R. Himebaugh for Appellant Sharee Booker in 08-1371, 08-1372, 08-1626. Certificate of Service:06/08/2009. [08-1371, 08-1372, 08-1626] (KRH)
38 pg, 139.44 KB
- 06/22/2009   MOTION filed by Mr. Paul D. Reingold for Kenneth Foster in 08-1371, 08-1372, 08-1626 to extend time to file brief. Certificate of Service: 06/22/2009. [08-1371, 08-1372, 08-1626] (PDR)
2 pg, 66.92 KB
- 06/23/2009   LETTER SENT GRANTING motion to extend time to file fourth brief for 14 days filed by Mr. Paul D. Reingold for Kenneth Foster: Fourth brief now due 07/07/2009. [08-1371, 08-1372, 08-1626] (KK)
2 pg, 12.83 KB
- 07/07/2009   FOURTH BRIEF filed by Mr. Paul D. Reingold for Kenneth Foster in 08-1371, 08-1372, 08-1626. Certificate of Service:07/07/2009. [08-1371, 08-1372, 08-1626] (PDR)
0 pg, 0 KB
- 07/07/2009   BRIEFING LETTER SENT requesting brief corrections from Mr. Paul D. Reingold for Kenneth Foster: 1) Footnotes must be the same size as in the body of the text. Corrections due: 07/21/2009. [08-1371, 08-1372, 08-1626] (KK)
3 pg, 15.92 KB
- 07/07/2009   CORRECTED Fourth Brief BRIEF filed by Mr. Paul D. Reingold for Kenneth Foster in 08-1371, 08-1372, 08-1626. Certificate of Service:07/07/2009. Argument Request: requested. [08-1371, 08-1372, 08-1626] (PDR)
12 pg, 74.77 KB

- 08/04/2009   Oral argument date set for 1:30 p.m. Wednesday, October 14, 2009. Notice of argument sent to counsel on 08/04/2009. [08-1371, 08-1372, 08-1626] (DTS)
2 pg, 14.55 KB
- 08/05/2009   Oral argument acknowledgement filed by Attorney Mr. Paul D. Reingold for Appellee Kenneth Foster in 08-1371, Attorney Mr. Paul D. Reingold for Appellant Kenneth Foster in 08-1372, 08-1626. Certificate of Service: 08/05/2009. [08-1371, 08-1372, 08-1626] (PDR)
1 pg, 46.54 KB
- 08/17/2009   MOTION filed by Mr. Paul D. Reingold for Kenneth Foster in 08-1371, 08-1372, 08-1626 to change date of oral argument. Certificate of Service: 08/17/2009. [08-1371, 08-1372, 08-1626] (PDR)
6 pg, 52.31 KB
- 08/28/2009   RESPONSE in opposition filed regarding a motion to change argument date, [[4038459-2](#)]; previously filed by Mr. Paul D. Reingold for Kenneth Foster in 08-1371,08-1372,08-1626. Response from Attorney Mr. Kevin R. Himebaugh for Appellant Sharee Booker in 08-1371, 08-1372, 08-1626 Certificate of Service:08/28/2009. [08-1371, 08-1372, 08-1626] (KRH)
12 pg, 213.31 KB
- 08/31/2009  Date previously set for oral argument is cancelled. These cases will be rescheduled at a later date. 08-1371, 08-1372, 08-1626] (DTS)
- 08/31/2009   ORDER filed GRANTING motion to change argument date filed by Mr. Paul D. Reingold for Kenneth Foster. These cases will be rescheduled at a later date. Entered by order of the court. [08-1371, 08-1372, 08-1626] (KK)
2 pg, 29.56 KB
- 09/08/2009   Oral argument date set for 10:00 a.m., Tuesday, November 3, 2009 at the U.S. Courthouse in Detroit, Michigan.. Notice of argument sent to counsel on 09/08/2009. [08-1371, 08-1372, 08-1626] (DTS)
2 pg, 14.28 KB
- 09/09/2009   Oral argument acknowledgement filed by Attorney Mr. Paul D. Reingold for Appellee Kenneth Foster in 08-1371, Attorney Mr. Paul D. Reingold for Appellant Kenneth Foster in 08-1372, 08-1626. Certificate of Service: 09/09/2009. [08-1371, 08-1372, 08-1626] (PDR)
1 pg, 52.19 KB
- 09/09/2009   Oral argument acknowledgement filed by Attorney Mr. Kevin R. Himebaugh for Appellant Sharee Booker in 08-1371, 08-1372, 08-1626. Certificate of Service: 09/09/2009. [08-1371, 08-1372, 08-1626] (KRH)
2 pg, 80.59 KB
- 11/03/2009  CAUSE ARGUED by Mr. Kevin R. Himebaugh for Appellant Sharee Booker and Mr. Paul D. Reingold for Appellee Kenneth Foster in 08-1371, Mr. Kevin R. Himebaugh for Appellant Sharee Booker and Mr. Paul D. Reingold for Appellant Kenneth Foster in 08-1372, 08-1626 before Kennedy,Circuit Judge; Rogers,Circuit Judge; and Hood,U.S. District Judge. [08-1371, 08-1372, 08-1626] (KSC)
- 11/04/2009   MOTION filed by Mr. Kevin R. Himebaugh for Sharee Booker in 08-1371, 08-1372, 08-1626 to stay injunction pending appeal. Certificate of Service: 11/04/2009. [08-1371, 08-1372, 08-1626] (KRH)
22 pg, 979.42 KB
- 11/06/2009   RESPONSE in opposition filed regarding a motion to stay injunction pending appeal, [[4081236-2](#)]; previously filed by Mr. Kevin R. Himebaugh for Sharee Booker in 08-1371,08-1372,08-1626. Response from Attorney Mr. Paul D. Reingold for Appellee Kenneth Foster in 08-1371, Attorney Mr. Paul D. Reingold for Appellant Kenneth Foster in 08-1372, 08-1626 Certificate of Service:11/06/2009. [08-1371, 08-1372, 08-1626] (PDR)
18 pg, 93.42 KB
- 11/18/2009   ORDER filed GRANTING the defendants' motion for a stay of the district court's November 3, 2009 "Order on the Defendants' Second Remedial Report" [[4081236-2](#)] For the reasons provided in our orders filed on October 30, 2008 and November 18, 2008, however, the defendants' motion for a stay of the district court's original injunctive order and all further district court proceedings pending resolution of the case on appeal is DENIED. Cornelia G. Kennedy, Circuit Judge; John M. Rogers, Circuit Judge and Joseph M. Hood, U.S. District Judge. [08-1371, 08-1372, 08-1626] (YH)
4 pg, 50.72 KB
- 02/18/2010   OPINION and JUDGMENT filed: AFFIRMED in part, REVERSED in part, VACATED in part, case is REMANDED, decision for publication pursuant to local rule 206. Cornelia G. Kennedy, John M. Rogers (AUTHORING), Circuit Judges; Joseph M. Hood, U.S. District Judge for the Eastern District of Kentucky. [08-1371, 08-1372, 08-1626] (LKM)
26 pg, 128.08 KB
- 03/02/2010  NOTICE OF DOCKETING ERROR, ENTRY REMOVED. Name of Document: PETITION for en banc rehearing, for rehearing before original panel filed by Mr. Paul D. Reingold for Kenneth Foster. Type of Error: Wrong entry. Action taken: Attorney redocketed. [08-1371, 08-1372, 08-1626] (BLH)
- 03/02/2010   PETITION for en banc rehearing filed by Mr. Paul D. Reingold for Kenneth Foster in 08-1371, 08-1372, 08-1626. Certificate of Service: 03/02/2010. [08-1371, 08-1372, 08-1626] (PDR)
41 pg, 185.91 KB
- 03/02/2010   BILL OF COSTS filed by Attorney Mr. Kevin R. Himebaugh for Appellant Sharee Booker in 08-1371, Attorney Mr. Kevin R. Himebaugh for Appellee Sharee Booker in 08-1372, 08-1626. Amount: \$1008.75. Certificate of service date: 03/02/2010. [08-1371, 08-1372, 08-1626] (KRH)
4 pg, 31.58 KB
- 03/11/2010   RESPONSE TO BILL OF COSTS, [[4141565-2](#)], filed by Mr. Paul D. Reingold for Kenneth Foster in 08-1371, 08-1372, 08-1626. Certificate of service date: 03/11/2010. [08-1371, 08-1372, 08-1626] (PDR)
5 pg, 94.8 KB

- 03/15/2010   CORRESPONDENCE: requesting information on this case by Victor Hartness. (PJE)
2 pg, 162.99 KB
- 03/16/2010   LETTER SENT toVictor Hartness regarding the status of this case. (PJE)
1 pg, 11.4 KB
- 03/17/2010   ORDER filed denying bill of costs. Each party to bear its own costs on these appeals . Entered by order of the court. [08-1371, 08-1372, 08-1626] (NB)
2 pg, 29.51 KB
- 04/14/2010   ORDER filed denying petition for en banc rehearing [[4141521-2](#)] filed by Mr. Paul D. Reingold for Kenneth Foster. Cornelia G. Kennedy, John M. Rogers, Circuit Judges; Joseph M. Hood, District Judge. [08-1371, 08-1372, 08-1626] (BLH)
2 pg, 61.02 KB
- 04/22/2010   MANDATE ISSUED with no costs taxed. [08-1371, 08-1372, 08-1626] (PJE)
2 pg, 12.35 KB
- 07/23/2010   U.S. Supreme Court notice filed regarding petition for writ of certiorari filed by Appellee Kenneth Foster in 08-1371, Appellant Kenneth Foster in 08-1372, 08-1626. Supreme Court Case No:10-5004, 06/23/2010. [08-1371, 08-1372, 08-1626] (SWH)
- 10/07/2010   U.S. Supreme Court letter filed denying certiorari petition [[4221287-2](#)] filed by Kenneth Foster in 08-1371. Supreme Court Case No: 10-5004, 10/04/2010.. [08-1371, 08-1372, 08-1626] (SWH)
1 pg, 50.69 KB

[Clear All](#)

- Documents and Docket Summary
- Documents Only

Include Page Numbers

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Totals reflect accessible documents only and do not include unauthorized restricted documents.

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