

CLOSED, DEATHP, JURY, PROTO

**U.S. District Court
Eastern District of Virginia (Richmond)
CIVIL DOCKET FOR CASE #: 3:03-cv-01039-JRS**

Reid v. Johnson, et al
Assigned to: District Judge James R. Spencer
Demand: \$0
Case in other court: 03-07916
04-00025
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 12/15/2003
Date Terminated: 10/22/2004
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Petitioner

James Edward Reid

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Unknown Executioners

Date Filed	#	Docket Text
12/15/2003	1	MOTION by James Edward Reid to Proceed in Forma Pauperis (scoo) (Entered: 12/16/2003)
12/15/2003	2	COMPLAINT (Imminent execution Dec. 18, 2003) (scoo) (Entered: 12/16/2003)
12/15/2003	3	MOTION by James Edward Reid to Stay execution (scoo) (Entered: 12/16/2003)

12/15/2003	4	MOTION by James Edward Reid for Production of documents and things (scoo) (Entered: 12/16/2003)
12/15/2003	5	MOTION by William Page True, Jr., George M. Hinkle, Gene M. Johnson to Transfer Case (scoo) Modified on 08/20/2004 (Entered: 12/16/2003)
12/15/2003	6	MEMORANDUM by Gene M. Johnson, George M. Hinkle, William Page Page Jr. in support of [5-1] motion by William Page Page Jr., George M. Hinkle, Gene M. Johnson to Transfer Case (scoo) (Entered: 12/16/2003)
12/15/2003		**Death Penalty Case** (scoo) (Entered: 12/16/2003)
12/16/2003	7	RESPONSE by James Edward Reid to [5-1] motion by William Page True Jr., George M. Hinkle, Gene M. Johnson to Transfer Case (scoo) Modified on 08/20/2004 (Entered: 12/16/2003)
12/16/2003	8	MEMORANDUM OPINION (signed by Judge James R. Spencer) Copies Mailed: y and faxed (scoo) (Entered: 12/16/2003)
12/16/2003	9	ORDER that this action is dismissed, and denying [3-1] motion by James Edward Reid to Stay execution, denying [1-1] motion by James Edward Reid to Proceed in Forma Pauperis (signed by Judge James R. Spencer) Copies Mailed: yes and fax [EOD Date: 12/16/03] (scoo) (Entered: 12/16/2003)
12/16/2003		Case closed (scoo) (Entered: 12/16/2003)
12/16/2003	10	NOTICE OF APPEAL OF [9-1] order by James Edward Reid .(TPO pkg mailed to pltf and no fee paid) (scoo) (Entered: 12/16/2003)
12/16/2003		Copy of Notice of Appeal, Final Order and certified copy of docket sheet to USCA: [10-1] appeal by James Edward Reid (sbar) (Entered: 12/16/2003)
12/17/2003		Payment of Notice of Appeal Filing Fee Appeal Fee \$ 255.00 RECEIPT # 71275 (scoo) (Entered: 12/17/2003)
12/19/2003		USCA Case Number Re: [10-1] appeal by James Edward Reid CASE MANAGER: Beth Walton USCA NUMBER: 03-7916 (scoo) (Entered: 12/22/2003)
12/19/2003	11	USCA Order that the Court grants the motion for leave to proceed IFP, grants the motion for preliminary injunction to stay execution and places this case in abeyance pending the decision of U.S. Supreme Court Nelson v. Campbell (scoo) (Entered: 12/22/2003)
08/03/2004	12	Copy of Opinion of USCA re: [10-1] appeal by James Edward Reid Decided August 2, 2004 Reversed and Remanded the District Court decision by unpublished per curiam opinion; attached copy of judgment will not take effect until issuance of the mandate. (thom) (Entered: 08/04/2004)
08/20/2004	13	JUDGMENT OF USCA (certified copy) with copy of opinion of USCA reverses the judgment of the District Court re: [10-1] appeal; this case is remanded to the District Court for further proceedings consistent with the Court's opinion; the judgment will take effect upon issuance of the mandate; (thom) Modified on 08/20/2004 (Entered: 08/20/2004)

08/20/2004	14	AMENDED COMPLAINT against Unknown Executioners; amending [2-1] complaint; jury demand (thom) (Entered: 08/20/2004)
08/20/2004		Jury Trial Flag (thom) (Entered: 08/20/2004)
08/20/2004	15	Emergency MOTION by James Edward Reid for Initial Scheduling Conference (thom) (Entered: 08/20/2004)
08/20/2004	16	Supplemental RESPONSE in Opposition by James Edward Reid to [5-1] motion by William Page True Jr., George M. Hinkle, Gene M. Johnson to Transfer Case (thom) (Entered: 08/20/2004)
08/20/2004		Plaintiff's First Interrogatories and First Request for Production of Documents RECEIVED ONLY and placed on left; (thom) (Entered: 08/20/2004)
08/20/2004		Case reopened (thom) (Entered: 08/20/2004)
08/20/2004		**Death Penalty Case** (thom) (Entered: 08/20/2004)
08/23/2004	17	Minute entry: IN OPEN COURT: Hudson, J.; Blalock, OCR. Appearances: parties by counsel. Matter came on for status hearing/conference to set briefing schedule and hearing date. Case to proceed on amended complaint. Discovery issues heard; resolved. Responses to temporary injunction due 8/27/04. Hearing on TRO/PI set for 1:00 p.m. on 9/1/04. Defendant's motion to transfer case; denied. Plaintiff's motion to proceed IFP; granted. Case continued to 1:00 p.m. 9/1/04. (:45) (rpiz) (Entered: 08/23/2004)
08/23/2004		Hearing Deadline set 1:00 p.m. 9/1/04 before Judge Henry E. Hudson (plaintiff's motion for TRO/PI) (rpiz) (Entered: 08/23/2004)
08/24/2004	18	ORDER for the reasons set forth on the record, plaintiff's Motion to Proceed In Forma Pauperis is HEREBY GRANTED and Defendants' Motion to Transfer is HEREBY DENIED; granting in part, denying in part [15-1] motion by James Edward Reid for Initial Scheduling Conference; it is hereby ORDERED that to the extent possible, discovery be served upon plaintiff's counsel by close of business on Wednesday, 8/25/04; it is further ORDERED that all memoranda of law addressing the issuance of a temporary injunction be submitted to the Court on Friday, 8/27/04; this case is continued until Wednesday, 9/1/04 at 1:00 p.m. for a hearing regarding a preliminary injunction; (signed by Judge Henry E. Hudson) Copies Mailed: y and by facsimile [EOD Date: 8/24/04] (thom) Modified on 08/26/2004 (Entered: 08/24/2004)
08/25/2004		Defts' Interrogatories and Request for Production of Documents to Plaintiff (rec'd and placed on left) (thom) (Entered: 08/25/2004)
08/26/2004	19	MOTION by William Page True Jr., George M. Hinkle, Gene M. Johnson for Protective Order (w/sketch Consented Protective Order rec'd and presented) (w/SEALED Package 1 and Package 2 In Camera Review) (held pending ruling by Court) (thom) (Entered: 08/26/2004)
08/26/2004	20	Minute entry: CONFERENCE CALL: Hudson, J.; Blalock, OCR. Appearances: parties by counsel. Matter came on for conference call on discovery issues relating to proposed protective order. Argument heard. Issues resolved by Court; defendants to submit amended protective order for entry by court. Plaintiff's

		motion for leave to file additional documents after Court-imposed deadline; plaintiff to submit documents and Court to rule at that time. Defendants' request for interrogatories and production of documents; argument heard; request granted. Matter continued to 1:00 p.m. 9/1/04 for hearing on plaintiff's motion for TRO/PI. (:45) (rpiz) (Entered: 08/26/2004)
08/26/2004	21	TRANSCRIPT for date of August 23, 2004 hearing before the Honorable Henry E.Hudson (placed in brown expandable) (thom) (Entered: 08/26/2004)
08/26/2004		**Set Protective Order Flag. (thom) (Entered: 08/26/2004)
08/26/2004	22	ORDER that for reasons stated on the record, plaintiff's and defts' cross-motions for discovery re: defts' Interrogatories and Requests for Production of Documents filed on 8/25/04 are HEREBY GRANTED, and both plaintiff and defts are HEREBY ORDERED to respond by 4:00 p.m. on 8/26/04; both plaintiff and defts are further ORDERED to supplement such responses by 8/30/04 at 1:00 p.m.; defts' Motion for Discovery with respect to Interrog. #1 and Interrog. #14 of Plaintiff's First Set of Interrogatories filed on 8/20/04 is HEREBY GRANTED in part and HEREBY DENIED in part, for reasons more specifically set forth on record; for reasons stated on record, granting [19-1] motion by William Page True Jr., George M. Hinkle, Gene M. Johnson for Protective Order and Confidentiality Agreement; defts are ORDERED to file an amended Protective ORder and Confidentiality Agreement with the Court in such time as reasonably possible; (signed by Judge Henry E. Hudson) Copies Mailed: y and by facsimile [EOD Date: 8/26/04] (thom) (Entered: 08/26/2004)
08/26/2004	23	Protective Order (See Order for Details); (signed by Judge Henry E. Hudson) Copies Mailed y and facsimile (thom) (Entered: 08/26/2004)
08/26/2004	24	ORDER that it appearing to the Court that the considerations of safety and public interest warrant the sealing of certain documents; it is HEREBY ORDERED documents entitled redacted "Division Operating Procedure 426" and complete "Division Operating PRocedure 426" submitted to Court on 8/26/04 for in camera review, are HEREBY ORDERED to be filed UNDER SEAL; it is further ORDERED that the amended redacted version of "Division Operating Procedure 426" submitted to Court on 8/26/04 is to be filed UNDER SEAL; the Clerk is directed to SEAL these documents and they SHALL REMAIN SEALED unless and until ordered by this Court; (signed by Judge Henry E. Hudson) Copies Mailed: y and by facsimile [EOD Date: 8/26/04] (thom) (Entered: 08/26/2004)
08/26/2004	25	MOTION by James Edward Reid for Gary Patrick Clements to appear pro hac vice Filing Fee Paid \$ Receipt # (thom) (Entered: 08/26/2004)
08/26/2004	26	MOTION by James Edward Reid for Mark Evan Olive to appear pro hac vice Filing Fee Paid \$ Receipt # (thom) (Entered: 08/26/2004)
08/27/2004		So Ordered: granting [26-1] motion by James Edward Reid for Mark Evan Olive to appear pro hac vice Filing Fee Waived; granting [25-1] motion by James Edward Reid for Gary Patrick Clements to appear pro hac vice Filing Fee Waived; (signed by Judge Henry E. Hudson) Copies Mailed: y and by facsimile (thom) (Entered: 08/27/2004)

08/27/2004	27	ORDER that this this case is before the Court on 8/26/04 on plaintiff's objection to defts' Confidentiality Agreement, Exhibit A attached to Defts' Protective Order; Plaintiff's objection deals with the language in paragraph two of the Confidentiality Agreement...After much discussion re: that particular language, late on 8/26/04, the parties agreed to an Amended Confidentiality Agreement; SEE ORDER FOR DETAILS; it is the opinion of the Court that the modification is appropriate and is approved by the Court; the parties should proceed with Discovery pursuant to the Protective Order, the Amended Confidentiality Agreement, and all other Orders and Directives of this Court; (signed by Judge Henry E. Hudson) Copies Mailed: y and by facsimile [EOD Date: 8/27/04] (thom) (Entered: 08/27/2004)
08/27/2004		Hearing Deadline set 2:00 8/30/04 before Judge Henry E. Hudson (video teleconference) (rpiz) (Entered: 08/27/2004)
08/27/2004	28	AMENDED ORDER it appearing to the Court that the considerations of safety and public interest warrant the sealing of certain documents produced by the Commonwealth of VA in this case, documents entitled redacted "Division Operating Procedure 426" and the complete "Division Operating Procedure 426" submitted to the Court on 8/26/04 for in camera review, are HEREBY ORDERED to be filed for IN CAMERA REVIEW ONLY; it is further ORDERED that the amended redacted version of "Division Operating Procedure 426" submitted on 8/26/04 is to be filed for IN CAMERA REVIEW ONLY; the Clerk is directed to file these documents for IN CAMERA REVIEW ONLY until further ordered by this Court; (signed by Judge Henry E. Hudson) Copies Mailed: y and by facsimile [EOD Date: 8/27/04] (thom) (Entered: 08/27/2004)
08/27/2004	29	ORDER that it appearing to the Court that this case is time sensitive and complex, and it appearing just and proper to do so, it is hereby ORDERED that Dr. Mark Dershwitz be available on Monday, 8/30/04 at 2:00 p.m. at a predetermined location, to give his expert testimony in the above case; it is FURTHER ORDERED that counsel for the parties will be present in Court for the video-conference; (signed by Judge Henry E. Hudson) Copies Mailed: y and by facsimile [EOD Date: 8/27/04] (thom) (Entered: 08/27/2004)
08/27/2004	30	MOTION (First Request) by James Edward Reid for issuance of subpoenas (thom) (Entered: 08/27/2004)
08/27/2004	31	Amended MOTION by James Edward Reid for Preliminary Injunction (thom) (Entered: 08/27/2004)
08/27/2004	32	MEMORANDUM in support of [31-1] Amended motion by James Edward Reid for Preliminary Injunction (FILED UNDER SEAL) (thom) (Entered: 08/27/2004)
08/27/2004		Plaintiff's Initial Response to Deft's Interrogatories and Request for PROduction of Documents RECEIVED only and placed on left. (thom) (Entered: 08/27/2004)
08/27/2004	33	RESPONSE in opposition by Gene M. Johnson, George M. Hinkle, William Page True Jr. to [31-1] motion by James Edward Reid for Preliminary Injunction (thom) (Entered: 08/30/2004)
08/30/2004		Motion hearing re: [31-1] motion by James Edward Reid for Preliminary Injunction set at 1:00 9/1/04 before Judge Henry E. Hudson (rpiz) (Entered: 08/30/2004)

08/30/2004	34	MEMORANDUM by James Edward Reid in support of [30-1] motion by James Edward Reid for issuance of subpoenas (FILED UNDER SEAL) (thom) (Entered: 08/30/2004)
08/30/2004		Plaintiff's Second Interrogatories to Defendants (RECEIVED ONLY and PLACED UNDER SEAL) (thom) (Entered: 08/30/2004)
08/30/2004	35	TRANSCRIPT for date of 8/26/04 hearing before the Honorable Henry E. Hudson (placed in brown expandable) (thom) (Entered: 08/30/2004)
08/30/2004		Plaintiff's Supplemental Response to Deft's Interrogatories and Request for Production of Documents (RECEIVED ONLY and PLACED UNDER SEAL) (thom) (Entered: 08/30/2004)
08/30/2004	36	Minute entry: IN OPEN COURT: Hudson, J.; Krista Liscio, Court Reporter. Appearances: parties by counsel. Matter came on for hearing on plaintiff's motion for preliminary injunction - dfts' expert testimony only. Dfts' adduced evidence; rested. Dfts' objections to plaintiff's proposed witness list; ruled on by Court. Matter continued to 1:00 p.m. 9/1/04 for further evidence and argument on motion for preliminary injunction. (2:35) (rpiz) (Entered: 08/31/2004)
08/31/2004	37	MOTION by James Edward Reid for Leave to File Response [to Respond] to Defts' Opposition to Preliminary Injunction (Plaintiff's Response to Defendants' Opposition to Preliminary Injunction Received and placed on left) (cmcc) (Entered: 08/31/2004)
08/31/2004	42	REPLY by James Edward Reid to response to [31-1] motion for Preliminary Injunction by James Edward Reid (thom) (Entered: 09/03/2004)
09/01/2004	38	TRANSCRIPT for date of August 30, 2004 hearing before the Honorable Henry E. Hudson (placed in brown expandable) (thom) (Entered: 09/01/2004)
09/01/2004	39	Minute entry: CONFERENCE CALL: Hudson, J.; Krista Liscio, Court Reporter. Appearances: parties by counsel. Matter came on for conference call on defendants' objections to plaintiff's second set of interrogatories and request for production of documents. Argument heard. Objections ruled on by Court. Dft informed Court that witness Parker is not available to appear at preliminary injunction hearing; Court ruled that substitute may appear, defendants to notify plaintiff ASAP of name of witness. Matter continued to 1:00 p.m. 9/1/04 for preliminary injunction hearing. (:15) (rpiz) (Entered: 09/01/2004)
09/01/2004	40	Minute entry: IN OPEN COURT: Hudson, J.; Krista Liscio, Court Reporter. Appearances: parties by counsel. Matter came on for hearing on plaintiff's motion for preliminary injunction, continued from 8/30/04. Plaintiff adduced evidence. Hearing adjourned for the day, to commence at unknown time on 9/2/04, for continuation of plaintiff's evidence (telephone examination of Gene Johnson). Plaintiff's motion for leave to file reply to defendant's response in opposition to motion for PI; granted. (4:20) (Exhibits placed in brown expandable folder.) (rpiz) Modified on 09/02/2004 (Entered: 09/01/2004)
09/02/2004	41	Minute entry: IN OPEN COURT: Hudson, J.; Val Schmit, Chandler & Halasz, Court Reporter. Appearances: parties by counsel (plaintiff's attorney via telephone). Matter came on for continuation of hearing on plaintiff's motion for preliminary injunction. Plaintiff's evidence continued. Hearing adjourned for the

		day, to commence at 1:30 p.m. on 9/3/04 for further evidence, specifically the telephone examination of Anthony Parker. (:20) (rpiz) (Entered: 09/02/2004)
09/02/2004		Motion hearing re: [31-1] motion by James Edward Reid for Preliminary Injunction set at 1:30 9/3/04 before Judge Henry E. Hudson (hearing continued from 9/2/04) (rpiz) (Entered: 09/02/2004)
09/03/2004	43	TRANSCRIPT for date of August 30, 2004 before the Honorable Henry E. Hudson (placed in brown expandable) (thom) (Entered: 09/03/2004)
09/03/2004	44	TRANSCRIPT for date of September 1, 2004 hearing before the Honorable Henry E. Hudson (placed in brown expandable file) (thom) (Entered: 09/03/2004)
09/03/2004	45	Minute entry: IN OPEN COURT: Hudson, J.; Donna Chandler, Chandler & Halasz, court reporter. Appearances: parties by counsel. Matter came on for continuation of hearing on plaintiff's motion for preliminary injunction (continued from 9/2/04). Plaintiff's evidence continued. Plaintiff rested. Opinion and order to enter. (:35) (rpiz) (Entered: 09/03/2004)
09/03/2004		Motion hearing held re: [31-1] motion by James Edward Reid for Preliminary Injunction (rpiz) (Entered: 09/03/2004)
09/03/2004	46	MEMORANDUM OPINION (signed by Judge Henry E. Hudson) Copies Mailed: y and by facsimile (thom) (Entered: 09/03/2004)
09/03/2004	47	ORDER denying [31-1] motion by James Edward Reid for Preliminary Injunction (signed by Judge Henry E. Hudson) Copies Mailed: y and by facsimile [EOD Date: 9/3/04] (thom) (Entered: 09/03/2004)
09/07/2004	48	NOTICE OF APPEAL OF [47-1] order by James Edward Reid. FILING FEE not paid; (thom) (Entered: 09/07/2004)
09/07/2004		Copy of Notice of Appeal, Final Order and docket sheet to USCA: [48-1] appeal by James Edward Reid (sbar) (Entered: 09/07/2004)
09/07/2004		Certified and transmitted Record on Appeal to U.S. Court of Appeals: [48-1] appeal by James Edward Reid, Vol 1 (pleadings 1-48), Vols 2 - 6 (Transcripts), Vols 7, Exhibits, Vols 8 -9 (Sealed pleadings) (sbar) (Entered: 09/07/2004)
09/07/2004		USCA Case Number Re: [48-1] appeal by James Edward Reid CASE MANAGER: Beth Walton USCA NUMBER: 04-25 (sbar) (Entered: 09/07/2004)
09/07/2004	49	TRANSCRIPT for date of September 3, 2004 hearing before the Honorable Henry Hudson (placed in brown expandable) (thom) (Entered: 09/08/2004)
09/07/2004	50	TRANSCRIPT for date of September 2, 2004 hearing before the Honorable Henry E. Hudson (placed in brown expandable file) (thom) (Entered: 09/08/2004)
09/08/2004		Transmitted Supplemental Record on Appeal: [48-1] appeal by James Edward Reid, Supplemental #1, Vol 10 (Transcript 9/3/04), Vol 11 (Transcript 9/2/04) (sbar) Modified on 09/08/2004 (Entered: 09/08/2004)
09/09/2004	51	USCA Order that the Court grants the motion for leave to file an oversize brief and the motion to seal; the Court denies the request for preliminary injunction; the Court affirms the denial of preliminary injunctive relief by the Court; the mandate shall issue forthwith; Entered at direction of Chief Judge Wilkins with

		concerrence of Judge Shedd; Judge Gregory would grant request for preliminary injunction and would reverse the District Court; (thom) (Entered: 09/09/2004)
09/09/2004	52	JUDGMENT OF USCA (certified copy) with copy of opinion of USCA affirms the judgment of the District Court re: [48-1] appeal; (thom) (Entered: 09/09/2004)
09/09/2004		Record on Appeal returned from U.S. Court of Appeals: (one volume of pleadings, seven transcripts, one set of exhibits, two sealed pleadings and three in camera review documents) (thom) (Entered: 09/09/2004)
09/10/2004	53	TRANSCRIPT for date of September 1, 2004 hearing before the Honorable Henry E. Hudson (placed in brown expandable) (thom) (Entered: 09/10/2004)
09/21/2004	54	MOTION by William Page True Jr., George M. Hinkle, Gene M. Johnson to Dismiss (thom) (Entered: 09/22/2004)
09/30/2004	55	RESPONSE by James Edward Reid to [54-1] motion by William Page True Jr., George M. Hinkle, Gene M. Johnson to Dismiss (thom) (Entered: 09/30/2004)
09/30/2004		Plaintiff's Memorandum in Support of Amended Motion for Preliminary Injunction (REDACTED VERSION of Dkt. #32 filed 8/27/04) RECEIVED ONLY and placed in brown expandable file. (thom) (Entered: 09/30/2004)
10/22/2004	56	MEMORANDUM OPINION (signed by Judge Henry E. Hudson) Copies Mailed: yes (thom) (Entered: 10/22/2004)
10/22/2004	57	FINAL ORDER that the [54-1] motion by William Page True Jr., George M. Hinkle, Gene M. Johnson to Dismiss is moot (signed by Judge Henry E. Hudson) Copies Mailed: yes [EOD Date: 10/22/04] (thom) (Entered: 10/22/2004)
10/22/2004		Case closed (thom) (Entered: 10/25/2004)

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Description:	Docket Report	Search Criteria:	3:03-cv-01039-JRS
Billable Pages:	7	Cost:	0.56