

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:10-cv-02070-FJM--MEA**

Gamez v. Ryan et al
Assigned to: Judge Frederick J Martone
Referred to: Magistrate Judge Mark E Aspey (PS)
Related Cases: [2:10-cv-01743-JWS-MEA](#)
[2:11-cv-02003-JWS--MEA](#)
[2:10-cv-02663-JWS-MEA](#)
[2:12-cv-00601-NVW](#)
[2:10-cv-02789-JWS--MEA](#)
[2:12-cv-00760-RCB-MEA](#)
[4:12-cv-00639-JGZ--JR](#)

Date Filed: 09/27/2010
Date Terminated: 03/21/2012
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner: Prison
Condition
Jurisdiction: Federal Question

Cause: 42:1983 Prisoner Civil Rights

Plaintiff

Robert Carrasco Gamez, Jr.
*also named as Robert C. Gamez, and
Robert Gamez*

represented by **Corene T Kendrick**
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1917 5th St.
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ATTORNEY TO BE NOTICED

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Plaintiff

Arizona Center for Disability Law

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Alison Hardy
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Plaintiff

Sonia Rodriguez

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Plaintiff

Maryanne Chisholm

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Plaintiff

Christina Verduzco

represented by **Daniel Joseph Pochoda**
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Plaintiff

Joshua Polson

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Plaintiff

Jackie Thomas

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Plaintiff

Dustin Brislan

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Plaintiff

Joseph Hefner

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Plaintiff

Desiree Licci

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Plaintiff

Shawn Jensen

represented by **Daniel Joseph Pochoda**
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Plaintiff

Charlotte Wells

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Plaintiff

Victor Parsons

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Plaintiff

Steven Swartz

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Douglas E Roberts
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Plaintiff

Jeremy Smith

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Caroline N Mitchell
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Douglas E Roberts
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ATTORNEY TO BE NOTICED

V.

Defendant

Charles L Ryan
*Director at ASPC Florence, individually
and in his official capacity*

Defendant

G Fizer
*Complex Warden (Deputy) at ASPC
Florence
TERMINATED: 03/22/2011*

Defendant

Dennis R Kendall

*Dr.; Facility Health Administration
(Mental Health) at ASPC Florence,
individually and in his official capacity
TERMINATED: 03/06/2012*

Defendant**Unknown Pittario**

*COIII, Assigned Counselor at ASPC
Florence
TERMINATED: 03/22/2011*

Defendant**Unknown Party**

*John Doe, Correctional Officer at
ASPC–Eyman Complex, individually and
in his/her official capacity
TERMINATED: 03/06/2012*

Defendant**Dora B Schriro**

*Director, ASPC Florence, individually
and in her official capacity
TERMINATED: 03/06/2012*

Defendant**Sherry Goldsmith**

*Doctor, Former Facility Health
Administrator, ASPC Florence,
individually and in his/her official
capacity
TERMINATED: 03/06/2012*

Defendant**Richard Pratt**

*Interim Division Director, Division of
health Services, Arizona Dept of
Corrections*

represented by **Daniel Joseph Pochoda**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Duff Lyall
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/27/2010	<u>1</u>	AMENDED by #18 – PRISONER CIVIL RIGHTS COMPLAINT, filed by Robert Carrasco Gamez, Jr.(JRD) Modified on 3/23/2011 (REW). (Entered: 09/28/2010)
09/27/2010	<u>2</u>	NOTICE OF ASSIGNMENT: (JRD) (Entered: 09/28/2010)
09/27/2010	<u>3</u>	MOTION for Leave to Proceed in forma pauperis by Robert Carrasco Gamez, Jr. (REW) (Entered: 09/28/2010)
09/27/2010	<u>4</u>	Prisoner Trust Fund Account Statement by Robert Carrasco Gamez, Jr. (REW) (Entered: 09/28/2010)
09/27/2010	<u>5</u>	MOTION for Appointment of Counsel by Robert Carrasco Gamez, Jr. (REW) (Entered: 09/28/2010)
11/03/2010	<u>6</u>	ORDER denying without prejudice Plaintiff's <u>3</u> Motion for Leave to Proceed in forma pauperis; within 30 days Plaintiff must either pay the \$350.00 filing fee or

		file a completed Application to Proceed In Forma Pauperis and a certified six-month trust account statement; if Plaintiff fails to comply with this order, the Clerk must enter a judgment of dismissal of this action without prejudice and without further notice to Plaintiff; denying Plaintiff's <u>5</u> Motion for Appointment of Counsel. Signed by Judge Mary H Murguia on 11/1/10. (Attachments: # <u>1</u> IFP Form)(REW) (Entered: 11/03/2010)
11/24/2010	<u>7</u>	MOTION for Extension of Time to Produce Certified Copy of Prisoner's Trust Account by Robert Carrasco Gamez, Jr. (REW) (Entered: 11/29/2010)
12/02/2010	<u>8</u>	ORDER, granting Plaintiff's <u>7</u> Motion for Extension of Time; Plaintiff is granted an additional 30 days within which to comply with the 11/3/10 Order by either filing a new Application to Proceed In Forma Pauperis or paying the \$350.00 filing fee; Plaintiff should file a declaration signed under penalty of perjury if he is unable to file a new Application to Proceed In Forma Pauperis in compliance with the 11/3/10 Order due to circumstances beyond his control; if Plaintiff fails to comply with this order, the Clerk must enter a judgment of dismissal of this action without prejudice and without further notice to Plaintiff. Signed by Judge Mary H Murguia on 11/29/10.(REW) (Entered: 12/02/2010)
12/06/2010	<u>9</u>	MOTION for Leave to Proceed in forma pauperis by Robert Carrasco Gamez, Jr. (KMG) (Entered: 12/07/2010)
12/06/2010	<u>10</u>	Prisoner Trust Fund Account Statement by Robert Carrasco Gamez, Jr. (KMG) (Entered: 12/07/2010)
12/14/2010	<u>11</u>	(Second) MOTION for Leave to Proceed in forma pauperis by Robert Carrasco Gamez, Jr. (REW) (Entered: 12/15/2010)
12/14/2010	<u>12</u>	(Second) Prisoner Trust Fund Account Statement by Robert Carrasco Gamez, Jr. (REW) (Entered: 12/15/2010)
01/05/2011	<u>13</u>	Minute Order: This case is reassigned to the Honorable John W Sedwick for all further proceedings. All future documents filed shall reflect the initials JWS as part of the complete case number. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (REW) (Entered: 01/05/2011)
01/26/2011	<u>14</u>	ORDER Directing Monthly Payments be made from Prison Account of Robert Carrasco Gamez. Signed by Judge John W Sedwick on 1/25/11. (TLJ) (Entered: 01/26/2011)
01/26/2011	<u>15</u>	ORDER granting <u>9</u> Plaintiff's Motion for Leave to Proceed in forma pauperis; denying as moot <u>11</u> Plaintiff's Motion for Leave to Proceed in forma pauperis. The Complaint (Doc. 1) is dismissed for failure to state a claim. Plaintiff has 30 days from the date this Order is filed to file a first amended complaint. If Plaintiff fails to comply, the Clerk of Court must enter a judgment of dismissal with prejudice that states that the dismissal may count as a strike under 28:1915(g). The Clerk of Court must mail Plaintiff a court-approved form for filing a civil rights complaint by a prisoner. Signed by Judge John W Sedwick on 1/26/11.(TLJ) (Entered: 01/26/2011)
02/16/2011	<u>16</u>	MOTION for Extension of Time to Comply with Court Order by Robert Carrasco Gamez, Jr. (ESL) (Entered: 02/17/2011)
02/18/2011	<u>17</u>	ORDER granting Plaintiff's <u>16</u> Motion for Extension of Time to file a first amended complaint to the extent that Plaintiff is granted an additional 30 days from the filing date of this Order in which to file a first amended complaint in compliance with the 1/26/11 Order <u>15</u> ; if Plaintiff fails to file an amended complaint within the extension granted herein, the Clerk must, without further notice, enter a judgment of dismissal of this action with prejudice that states that the dismissal may count as a "strike" under 28 U.S.C. § 1915(g). Signed by Judge John W Sedwick on 2/18/11. (REW) (Entered: 02/18/2011)
03/22/2011	<u>18</u>	FIRST AMENDED COMPLAINT, Jury Demand against Dennis Kendall, Charles L Ryan, Dora B Schriro, filed by Robert Carrasco Gamez, Jr.(REW) (Entered: 03/23/2011)

03/22/2011	<u>19</u>	MOTION for Appointment of Counsel by Robert Carrasco Gamez, Jr. (REW) (Entered: 03/23/2011)
05/13/2011	<u>20</u>	ORDER, the First Amended Complaint <u>18</u> is dismissed for failure to state a claim; Plaintiff has 30 days to file a second amended complaint in compliance with this Order; if Plaintiff fails to file an amended complaint within 30 days, the Clerk without further notice, enter a judgment of dismissal of this action with prejudice that states that the dismissal may count as a "strike" under 28 U.S.C. § 1915(g). Signed by Judge John W Sedwick on 5/12/11. (REW) (Entered: 05/13/2011)
05/17/2011	<u>21</u>	ORDER that Plaintiff's <u>19</u> motion for appointment of counsel is denied for the reasons stated in the Order filed on 05/13/11, doc. 20. Signed by Judge John W Sedwick on 05/17/11.(ESL) (Entered: 05/17/2011)
06/20/2011	<u>22</u>	MOTION for Extension of Time to File Amended Complaint by Robert Carrasco Gamez, Jr. (REW) (Entered: 06/21/2011)
06/24/2011	<u>23</u>	ORDER, granting Plaintiff's <u>22</u> Motion for Extension of Time to File a Second Amended Complaint to the extent as follows: stated Plaintiff is granted an additional 30 days from the filing date of this Order to file a second amended complaint in compliance with the 5/13/11 (Order) doc. 20; if Plaintiff fails to file an amended complaint within the extension granted, the Clerk must, without further notice, enter a judgment of dismissal of this action with prejudice that states that the dismissal may count as a "strike" under 28 U.S.C. § 1915(g). Signed by Judge John W Sedwick on 6/24/11. (REW) (Entered: 06/24/2011)
07/01/2011	<u>24</u>	MOTION for Status Hearing by Robert Carrasco Gamez, Jr. (REW) (Entered: 07/05/2011)
07/11/2011	<u>25</u>	MOTION to Compel defendants to produce medical file and injunction ordering a mental evaluation by Robert Carrasco Gamez, Jr. (TLJ) (Entered: 07/12/2011)
07/12/2011	<u>26</u>	ORDER denying as moot <u>24</u> Plaintiff's Motion for Hearing. Signed by Judge John W Sedwick on 7/12/11.(TLJ) (Entered: 07/12/2011)
07/14/2011	<u>27</u>	ORDER that Plaintiff's <u>25</u> motion to compel is denied. Plaintiff is granted until 08/15/11 in which to file a second amended complaint in compliance with the 05/13/11 Order, doc. 20. If Plaintiff fails to file an amended complaint within the extension granted herein, the Clerk of Court must, without further notice, enter a judgment of dismissal of this action with prejudice that states that the dismissal may count as a "strike" under 28 U.S.C. § 1915(g).Signed by Judge John W Sedwick on 07/14/11. (ESL) (Entered: 07/14/2011)
07/28/2011	<u>28</u>	SECOND AMENDED COMPLAINT against Dennis Kendall, Charles L Ryan, Dora B Schriro, Unknown Party (John Doe), Sherry Goldsmith, filed by Robert Carrasco Gamez, Jr.(LAD) (Entered: 07/29/2011)
02/24/2012	<u>29</u>	NOTICE of Appearance by Daniel Joseph Pochoda on behalf of Robert Carrasco Gamez, Jr. (Pochoda, Daniel) (Entered: 02/24/2012)
03/01/2012	<u>30</u>	ORDER, the Second Amended Complaint <u>28</u> is dismissed; Plaintiff has 30 days to file a third amended complaint in compliance with this Order; if Plaintiff fails to comply with this order, the Clerk must, without further notice, enter a judgment of dismissal of this action with prejudice. Signed by Judge John W Sedwick on 2/29/12. (REW) (Entered: 03/01/2012)
03/05/2012	<u>32</u>	NOTICE of Change of Address by Robert Carrasco Gamez Jr; #131401, ASPC-Eyman, Browning Unit, PO Box 3400, Florence AZ 85132 (REW) (Entered: 03/06/2012)
03/06/2012	<u>31</u>	STRICKEN by Order #51 – AMENDED COMPLAINT (<i>Third</i>) against Charles L Ryan, filed by Robert Carrasco Gamez, Jr.(Pochoda, Daniel) Modified on 3/21/2012 (REW). (Entered: 03/06/2012)
03/06/2012	<u>33</u>	MOTION for Admission Pro Hac Vice as to attorney Corene T Kendrick on behalf of Robert Carrasco Gamez, Jr. (BAS) (Entered: 03/06/2012)
03/06/2012	<u>34</u>	MOTION for Admission Pro Hac Vice as to attorney Sara Norman on behalf of Robert Carrasco Gamez, Jr. (BAS) (Entered: 03/06/2012)

03/06/2012	<u>35</u>	MOTION for Admission Pro Hac Vice as to attorney Donald Specter on behalf of Robert Carrasco Gamez, Jr. (BAS) (Entered: 03/06/2012)
03/06/2012		PRO HAC VICE FEE PAID. \$ 150, receipt number PHX119629 as to Corene T Kendrick, Donald Specter, Sara Norman. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 03/06/2012)
03/06/2012	36	ORDER pursuant to General Order 09-08 granting <u>33</u> Motion for Admission Pro Hac Vice; granting <u>34</u> Motion for Admission Pro Hac Vice; granting <u>35</u> Motion for Admission Pro Hac Vice. Per the Court's Administrative Policies and Procedures Manual, applicant has five (5) days in which to register as a user of the Electronic Filing System. Registration to be accomplished via the court's website at www.azd.uscourts.gov. (BAS)(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 03/06/2012)
03/06/2012	<u>37</u>	MOTION for Admission Pro Hac Vice as to attorney David Cyrus Fathi by Robert Carrasco Gamez, Jr. (Attachments: # <u>1</u> Certificate of Good Standing)(Fathi, David) (Entered: 03/06/2012)
03/06/2012		PRO HAC VICE FEE PAID. \$ 50, receipt number PHX119633 as to David Cyrus Fathi. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 03/06/2012)
03/06/2012	38	ORDER pursuant to General Order 09-08 granting <u>37</u> Motion for Admission Pro Hac Vice. Per the Court's Administrative Policies and Procedures Manual, applicant has five (5) days in which to register as a user of the Electronic Filing System. Registration to be accomplished via the court's website at www.azd.uscourts.gov. (BAS)(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 03/06/2012)
03/06/2012	<u>39</u>	SUMMONS Submitted by Robert Carrasco Gamez, Jr. (Pochoda, Daniel) (Entered: 03/06/2012)
03/06/2012	<u>40</u>	SUMMONS Submitted by Robert Carrasco Gamez, Jr. (Pochoda, Daniel) (Entered: 03/06/2012)
03/07/2012		NOTICE of request for e-notices by Augustine Jimenez. (Jimenez, Augustine) (Entered: 03/07/2012)
03/07/2012	<u>41</u>	Summons Issued as to Richard Pratt, Charles L Ryan. (Attachments: # <u>1</u> Summons)(REW). *** IMPORTANT: When printing the summons, select "Document and stamps" or "Document and comments" for the seal to appear on the document. (Entered: 03/07/2012)
03/08/2012	<u>42</u>	ORDER, for the reasons stated in this order, the assigned judge directs the Clerk of Court to re-assign this case to a district judge who has chambers in Arizona. Signed by Judge John W Sedwick on 3/7/12. NOTE: This case has been reassigned, by random draw, to Judge Frederick J Martone. All future pleadings shall bear the case number: CV 10-2070-PHX-FJM (MEA). (REW) (Entered: 03/08/2012)
03/09/2012	<u>43</u>	MOTION for Admission Pro Hac Vice as to attorney Caroline N Mitchell on behalf of Dustin Brislan, Maryanne Chisholm, Robert Carrasco Gamez, Jr, Joseph Hefner, Shawn Jensen, Desiree Licci, Victor Parsons, Joshua Polson, Sonia Rodriguez, Jeremy Smith, Steven Swartz, Jackie Thomas, Christina Verduzco, and Charlotte Wells. (BAS) (Entered: 03/09/2012)
03/09/2012		PRO HAC VICE FEE PAID. \$ 50, receipt number PHX119759 as to Caroline N Mitchell. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 03/09/2012)
03/09/2012	44	ORDER pursuant to General Order 09-08 granting <u>43</u> Motion for Admission Pro Hac Vice. Per the Court's Administrative Policies and Procedures Manual, applicant has five (5) days in which to register as a user of the Electronic Filing System. Registration to be accomplished via the court's website at www.azd.uscourts.gov. (BAS)(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 03/09/2012)

03/13/2012	<u>45</u>	SUMMONS Returned Executed by Joshua Polson, Jeremy Smith, Desiree Licci, Steven Swartz, Arizona Center for Disability Law, Robert Carrasco Gamez, Jr, Joseph Hefner, Charlotte Wells, Victor Parsons, Jackie Thomas, Sonia Rodriguez, Christina Verduzco, Shawn Jensen, Maryanne Chisholm, Dustin Brislan. Charles L Ryan served on 3/8/2012. (Eidenbach, Kirstin) (Entered: 03/13/2012)
03/13/2012	<u>46</u>	SUMMONS Returned Executed by Joshua Polson, Jeremy Smith, Desiree Licci, Steven Swartz, Arizona Center for Disability Law, Robert Carrasco Gamez, Jr, Joseph Hefner, Charlotte Wells, Victor Parsons, Jackie Thomas, Sonia Rodriguez, Christina Verduzco, Shawn Jensen, Maryanne Chisholm, Dustin Brislan. Richard Pratt served on 3/8/2012. (Eidenbach, Kirstin) (Entered: 03/13/2012)
03/15/2012	<u>47</u>	MOTION for Admission Pro Hac Vice as to attorney Alison Hardy on behalf of Arizona Center for Disability Law, Dustin Brislan, Robert Carrasco Gamez, Jr, Joseph Hefner, Shawn Jensen, Desiree Licci, Victor Parsons, Joshua Polson, Sonia Rodriguez, Jeremy Smith, Steven Swartz, Jackie Thomas, Christina Verduzco, and Charlotte Wells. (BAS) (Entered: 03/15/2012)
03/15/2012		PRO HAC VICE FEE PAID. \$ 50, receipt number PHX119975 as to Alison Hardy. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 03/15/2012)
03/15/2012	48	ORDER pursuant to General Order 09-08 granting <u>47</u> Motion for Admission Pro Hac Vice. Per the Court's Administrative Policies and Procedures Manual, applicant has five (5) days in which to register as a user of the Electronic Filing System. Registration to be accomplished via the court's website at www.azd.uscourts.gov. (BAS)(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 03/15/2012)
03/19/2012	<u>49</u>	MOTION for Admission Pro Hac Vice as to attorney Douglas E Roberts on behalf of plaintiffs Dustin Brislan, Maryanne Chisholm, Robert Carrasco Gamez, Jr, Joseph Hefner, Shawn Jensen, Desiree Licci, Victor Parsons, Joshua Polson, Sonia Rodriguez, Jeremy Smith, Steven Swartz, Jackie Thomas, Christina Verduzco, and Charlotte Wells. (BAS) (Entered: 03/20/2012)
03/20/2012		PRO HAC VICE FEE PAID. \$ 50, receipt number PHX120088 as to Douglas E Roberts. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 03/20/2012)
03/20/2012	50	ORDER pursuant to General Order 09-08 granting <u>49</u> Motion for Admission Pro Hac Vice. Per the Court's Administrative Policies and Procedures Manual, applicant has five (5) days in which to register as a user of the Electronic Filing System. Registration to be accomplished via the court's website at www.azd.uscourts.gov. (BAS)(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 03/20/2012)
03/21/2012	<u>51</u>	ORDER, striking the Third Amended Complaint and dismissing this action for lack of prosecution under Rule 41(b), Fed. R. Civ. P.; this is without prejudice to the right of counsel to file a new and separate action on behalf of the proposed new plaintiffs in this case, Gamez, and the proposed class; we note that proposed plaintiff, Arizona Center for Disability Law, may not proceed in forma pauperis. Signed by Judge Frederick J Martone on 3/21/12. (REW) (Entered: 03/21/2012)
03/21/2012	<u>52</u>	CLERK'S JUDGMENT, pursuant to the Court's Order of March 21, 2012, dismissing this action for lack of prosecution, judgment is hereby entered in favor of Defendants. Plaintiff shall take nothing by way of the Amended Complaint. The Amended Complaint and this action are hereby dismissed without prejudice. (REW) (Entered: 03/21/2012)