

**U.S. District Court [LIVE AREA]
Middle District of Georgia (Macon)
CIVIL DOCKET FOR CASE #: 5:00-cv-00080-WDO**

Mize v. Zant
Assigned to: Judge Wilbur D. Owens, Jr
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/08/2000
Date Terminated: 08/01/2007
Nature of Suit: 555 Prisoner: Prison
Condition
Jurisdiction: Federal Question

Plaintiff

William Mark Mize

represented by **William Mark Mize**
GDC159189
GEORGIA DIAGNOSTIC
&CLASSIFICATION PRISON
PO BOX 3877
JACKSON, GA 30233-3877
PRO SE

V.

Defendant

Walter Zant
Warden

represented by **DEVON ORLAND**
40 CAPITOL SQUARE, S.W.
ATLANTA, GA 30334-1300
404-656-3356
Email: dorland@law.ga.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Custer Jones
248
Roswell Street
Marietta, GA 30060
770-427-8066
Fax: 770-426-9584
Email: jcjones1234@bellsouth.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

James Allyson Lee

represented by **James Allyson Lee**
GDC930322
Georgia Diagnostic and Classification
Prison
P.O. Box 3877
Jackson, GA 30233-0078
PRO SE

Movant

Andrew Cook

represented by **Andrew Cook**
GDC963560
GDCP
P.O. Box 3877
Jackson, GA 30233
PRO SE

Movant

JAMES RAY WARD

represented by

JAMES RAY WARD
GDC22258
GEORGIA DIAGNOSTIC
&CLASSIFICATION PRISON
PO BOX 3877
JACKSON, GA 30233-3877
PRO SE

Date Filed	#	Docket Text
03/01/1999	2	COMPLAINT/Motion for Contempt Action and Motion to Modify and Enforce this Courts Consent Decree and Order filed by Plaintiff (ans) Modified on 03/08/2000 (Entered: 03/08/2000)
03/01/1999	3	ORDER dismissing without prejudice (167) Motion for Contempt. Defts. may refile said Motion within (180) days if all administrative remedies have been exhausted (signed by Judge Wilbur D. Owens Jr.) [EOD Date 3/8/00] (ans) Modified on 03/08/2000 (Entered: 03/08/2000)
03/01/1999	1	This file has been opened pursuant to 190 order in case no. 5:79-CV-110(WDO) directing the Clerk to open a new file (ans) (Entered: 03/08/2000)
09/02/1999	4	MOTION by William Mark Mize to Extend Time to refile Motion for Contempt (ans) Modified on 03/08/2000 (Entered: 03/08/2000)
09/09/1999	5	ORDER granting [3-1] motion to Extend Time to refile Motion for Contempt; Plaintiff shall have until 09/22/99 to refile his motion (signed by Judge Wilbur D. Owens Jr.) [EOD Date 3/8/00] (ans) Modified on 03/08/2000 (Entered: 03/08/2000)
09/22/1999	6	COMPLAINT/Motion by plaintiff for Contempt Action, Order to Enforce Court's Order and Petition for Writ of Mandamus (ans) Modified on 03/08/2000 (Entered: 03/08/2000)
12/06/1999	7	ORDER for Defendant to file a response within 90 days to plaintiff's 6 Motion for Contempt Action (signed by Judge Wilbur D. Owens Jr.) [EOD Date 3/8/00] (ans) Modified on 03/09/2000 (Entered: 03/08/2000)
12/10/1999	8	Emergency MOTION by William Mark Mize for Immediate Intervention on Contempt Issues or Motion to Transfer Plaintiff into Federal Custody (ans) Modified on 03/09/2000 (Entered: 03/08/2000)
01/31/2000	9	RESPONSE by Walter Zant to [6-1] motion for Contempt and Order to Enforce Courts Order and Petition for Writ of Mandamus (ans) Modified on 03/09/2000 (Entered: 03/08/2000)
01/31/2000	10	MEMORANDUM by Walter Zant in support of [9-1] response to [6-1] motion (ans) Modified on 03/09/2000 (Entered: 03/08/2000)
02/07/2000	11	REPLY by William Mark Mize to response to [6-1] motion for Contempt and Order to Enforce Courts Order and Petition for Writ of Mandamus (ans) Modified on 03/09/2000 (Entered: 03/08/2000)
02/07/2000	12	MOTION by William Mark Mize for Appointment of Counsel (ans) Modified on 03/09/2000 (Entered: 03/08/2000)
02/08/2000	13	Supplemental Emergency MOTION by William Mark Mize for immediate intervention (ans) Modified on 03/09/2000 (Entered: 03/08/2000)
03/08/2000	14	ORDER REFERRING CASE to Mag. Judge Claude W. Hicks Jr. (ans) Modified on 03/09/2000 (Entered: 03/08/2000)
03/09/2000	15	ORDER that no answer or motions addressed to the complaint shall be required until further order from the court notwithstanding the issuance of summons and process by the clerk of court; officials responsible for the operation of the said facility are directed to undertake a review of the subject matter of the complaint herein and a report be filed by defendant Walter Zant, or any successor warden in the conduct of the review no later than 04/14/00; a copy of this order shall be

		transmitted to the plaintiff and defendant Zant by the clerk; if the defendant desires that said Special Report be treated by the court as a motion for summary judgment, appropriate affidavits may be attached thereto set Notice of Compliance deadline to 4/14/00 (signed by Mag. Judge Claude W. Hicks Jr.) [EOD Date 3/9/00] (ans) (Entered: 03/09/2000)
04/06/2000	16	RESPONSE to [15-1] order requiring special report by Walter Zant (ans) (Entered: 04/06/2000)
04/06/2000	17	MOTION by Walter Zant for Summary Judgment (ans) (Entered: 04/14/2000)
04/14/2000	18	ORDER Requiring Plaintiff to Respond to 17 Defendant's Motion for Summary Judgment Response to Motion reset to 5/30/00 for [17-1] motion for Summary Judgment (signed by Mag. Judge Claude W. Hicks Jr.) [EOD Date 4/14/00] (ans) (Entered: 04/14/2000)
06/08/2000	19	Return of SERVICE UNEXECUTED as to Walter Zant (ans) (Entered: 06/08/2000)
06/12/2000	20	CONSENT to proceed before Magistrate Judge by Walter Zant (ans) (Entered: 06/12/2000)
07/18/2000	21	ORDER denying [13-1] motion for immediate intervention, denying [12-1] motion for Appointment of Counsel, denying [8-1] motion for Immediate Intervention (signed by Mag. Judge Claude W. Hicks Jr.) [EOD Date 7/18/00] (ans) (Entered: 07/18/2000)
07/18/2000	21	REPORT AND RECOMMENDATION of Mag. Judge Claude W. Hicks Jr. to grant [17-1] motion for Summary Judgment. Case no longer referred to Mag. Judge Claude W. Hicks Jr. Objections to R and R due by 8/4/00 (ans) (Entered: 07/18/2000)
08/11/2000	22	ORDER adopting [21-1] report and recommendations granting [17-1] motion for Summary Judgment (signed by Judge Wilbur D. Owens Jr.) Civil Order File volume # 78 page # 7869 [EOD Date 8/11/00] (ans) (Entered: 08/11/2000)
08/11/2000	23	JUDGMENT for Walter Zant against William Mark Mize Civil Order File volume # 78 page # 7869 () [EOD Date 8/11/00] (ans) (Entered: 08/11/2000)
08/18/2000		Case Closed (ans) (Entered: 08/18/2000)
11/14/2006	<u>24</u>	Letter to Judge Owens from plaintiff regarding motions. (dcp,) (Entered: 11/14/2006)
11/14/2006	<u>25</u>	MOTION for Contempt and Modification of Consent Decree Filed by William Mark Mize Response to Motion due by 12/7/2006. Reply to Response to Motion due by 12/26/2006. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit)(dcp,) (Entered: 11/14/2006)
11/14/2006	<u>26</u>	MOTION to Appoint Counsel, MOTION for Preliminary Injunction, MOTION for Temporary Restraining Order, MOTION for Order to Show Cause, MOTION for Class Status; to Enforce all Court Orders set out in the Consent Decree; for Compliance Conference; for Order to Bar Retaliation Filed by William Mark Mize Response to Motion due by 12/7/2006. Reply to Response to Motion due by 12/26/2006. Response to Motion due by 12/7/2006. Reply to Response to Motion due by 12/26/2006. Response to Motion due by 12/7/2006. Reply to Response to Motion due by 12/26/2006. (dcp,) (Entered: 11/14/2006)
11/15/2006	<u>27</u>	ORDER denying <u>26</u> Motion to Appoint Counsel, denying <u>26</u> Motion for Preliminary Injunction, denying <u>26</u> Motion for TRO, denying <u>26</u> Motion for Order to Show Cause, denying <u>26</u> Motion. Ordered by Judge Wilbur D. Owens Jr. on 11/15/2006. (cf) (Entered: 11/15/2006)
11/15/2006		Set/Reset Deadlines as to <u>25</u> MOTION for Contempt and Modification of Consent Decree. Response to Motion due by 12/15/2006. Reply to Response to Motion due by 1/5/2007 pursuant to <u>27</u> . (dcp,) (Entered: 11/15/2006)
11/15/2006		CERTIFICATE OF SERVICE – I certify that on this date I have mailed by United States Postal Service a copy of <u>27</u> Order on Motion to Appoint Counsel, Order on

		Motion for Preliminary Injunction, Order on Motion for TRO, Order on Motion for Order to Show Cause, Order on Motion for Miscellaneous Relief including any attachments filed with this document to all non-CM/ECF participants as indicated on the Notice of Electronic Filing. By dcp, Deputy Clerk. (dcp,) (Entered: 11/15/2006)
11/20/2006		MOTION(S) <u>25</u> MOTION for Contempt and Modification of Consent Decree REFERRED to Magistrate Judge Claude W. Hicks, Jr. (dcp,) (Entered: 11/20/2006)
12/11/2006	<u>28</u>	MOTION for Contempt and Modification of Consent Decree and, MOTION for Joinder Filed by William Mark Mize (Attachments: # <u>1</u> Affidavit of Sameul David Crowe)(dcp,) (Entered: 12/11/2006)
12/11/2006	<u>29</u>	MOTION for Joinder, MOTION for Contempt and Modification of Consent Decree Filed by William Mark Mize (Attachments: # <u>1</u> Affidavit of James Ray Ward)(dcp,) (Entered: 12/11/2006)
12/11/2006	<u>30</u>	MOTION for Joinder, MOTION for Contempt and Modification of Consent Decree Filed by William Mark Mize (Attachments: # <u>1</u> Affidavit of Troy A. Davis)(dcp,) (Entered: 12/11/2006)
12/13/2006	<u>31</u>	MOTION for Joinder, MOTION for Contempt and Modification of Consent Decree (Attachments: # <u>1</u> Affidavit of Donnie Allen Hulett, Jr.)(dcp,) (Entered: 12/13/2006)
12/13/2006	<u>32</u>	MOTION for Joinder, MOTION for Contempt and Modification of Consent Decree (Attachments: # <u>1</u> Affidavit of Michael W. Nance)(dcp,) (Entered: 12/13/2006)
12/13/2006	<u>33</u>	MOTION for Joinder, MOTION for Contempt and Modification of Consent Decree (Attachments: # <u>1</u> Affidavit of John Wayne Conner)(dcp,) (Entered: 12/13/2006)
12/14/2006	<u>34</u>	MOTION for Joinder, MOTION for Contempt and Modification of Consent Decree (Attachments: # <u>1</u> Affidavit of William Cary Sallie)(dcp,) (Entered: 12/14/2006)
12/15/2006	<u>35</u>	RESPONSE filed by Walter Zant re <u>33</u> MOTION for Joinder MOTION for Contempt and Modification of Consent Decree, <u>32</u> MOTION for Joinder MOTION for Contempt and Modification of Consent Decree, <u>28</u> MOTION for Contempt and Modification of Consent Decree and MOTION for Joinder, <u>31</u> MOTION for Joinder MOTION for Contempt and Modification of Consent Decree, <u>29</u> MOTION for Joinder MOTION, <u>30</u> MOTION for Joinder MOTION, <u>25</u> MOTION for Contempt and Modification of Consent Decree, <u>34</u> MOTION for Joinder MOTION for Contempt and Modification of Consent Decree (Attachments: # <u>1</u> Attachment 1 – Consent Decree And Order# <u>2</u> Attachment 2 – Order# <u>3</u> Affidavit of Wesley Baker# <u>4</u> Affidavit of Eric Cowart Mental Health Manager# <u>5</u> Affidavit of Officer Steven Goen Unit Manager# <u>6</u> Affidavit of John Harper Executive Assistant# <u>7</u> Affidavit of Officer Kenneth Goodman of GDCP Mail Room)(Orland, Devon) (Entered: 12/15/2006)
12/19/2006	<u>36</u>	ORDER directing plaintiff MIZE to file a reply to <u>35</u> defendant's response. Ordered by Judge Claude W. Hicks Jr. on 12/19/06. (Hicks, Claude) (Entered: 12/19/2006)
12/19/2006		CERTIFICATE OF SERVICE – I certify that on this date I have mailed by United States Postal Service a copy of <u>36</u> Order including any attachments filed with this document to all non-CM/ECF participants as indicated on the Notice of Electronic Filing. By dcp, Deputy Clerk. (dcp,) (Entered: 12/19/2006)
12/19/2006		Set/Reset Deadlines as to <u>25</u> MOTION for Contempt and Modification of Consent Decree. Reply to Response to Motion due by 1/8/2007. (dcp,) (Entered: 12/19/2006)
12/26/2006	<u>37</u>	MOTION for Leave to File Excess Pages for Reply to <u>35</u> Response Filed by William Mark Mize (hrm,) (Entered: 12/26/2006)

12/26/2006	<u>38</u>	MOTION for Contempt and Modification of Consent Decree; in the alternative, if dissolved; Motion for Reinstating and/or Separate Class Action Complaint Filed by James Allyson Lee. (hrm,) (Entered: 12/26/2006)
01/03/2007	<u>39</u>	REPLY to Response filed by William Mark Mize re <u>25</u> MOTION for Contempt and Modification of Consent Decree and MOTION for Joinder (Attachments: # <u>1</u> Exhibit # <u>2</u> proposed Order)(dcp,) Modified on 1/3/2007 (dcp,) to create relationship. (Entered: 01/03/2007)
01/04/2007	<u>40</u>	ORDER granting <u>37</u> Motion for Leave to File Excess Pages, permitting plaintiff to file no more than 15 pages as his reply. Ordered by Judge Claude W. Hicks Jr. on 1/4/07. (Hicks, Claude) (Entered: 01/04/2007)
01/04/2007		CERTIFICATE OF SERVICE – I certify that on this date I have mailed by United States Postal Service a copy of <u>40</u> Order on Motion for Leave to File Excess Pages including any attachments filed with this document to all non-CM/ECF participants as indicated on the Notice of Electronic Filing. By dcp, Deputy Clerk. (dcp,) (Entered: 01/04/2007)
01/05/2007	<u>41</u>	NOTICE of Attorney Appearance by Devon Orland on behalf of Walter Zant (Orland, Devon) (Entered: 01/05/2007)
01/05/2007	<u>42</u>	Notice of Error in Filing (related document(s): <u>41</u> Notice of Attorney Appearance filed by Walter Zant,). (dcp,) (Entered: 01/05/2007)
01/05/2007	<u>43</u>	NOTICE of Attorney Appearance by Devon Orland on behalf of Walter Zant (Orland, Devon) (Entered: 01/05/2007)
01/08/2007	<u>44</u>	MOTION for Contempt and Modification of Consent Decree Filed by Andrew Cook (dcp,) (Entered: 01/08/2007)
01/08/2007	<u>45</u>	MOTION to Appoint Custodian, MOTION for Hearing, MOTION for Charges of Perjury in a Civil Affidavit, Filed by William Mark Mize (dcp,) (Entered: 01/08/2007)
01/09/2007	<u>46</u>	Letter regarding Authorization For Independent Service. (Orland, Devon) (Entered: 01/09/2007)
01/09/2007	<u>47</u>	CERTIFICATE OF SERVICE by Walter Zant re <u>46</u> Letter (Orland, Devon) (Entered: 01/09/2007)
01/17/2007		MOTION(S) <u>38</u> MOTION for Contempt and Modification of Consent Decree; in the alternative, if dissolved; Motion for Reinstating and/or Separate Class Action Complaint, <u>44</u> MOTION for Contempt, <u>33</u> MOTION for Joinder MOTION for Contempt and Modification of Consent Decree, <u>32</u> MOTION for Joinder MOTION for Contempt and Modification of Consent Decree, <u>28</u> MOTION for Contempt and Modification of Consent Decree and MOTION for Joinder, <u>45</u> MOTION to Appoint Custodian MOTION for Hearing MOTION for Charges of Perjury in a Civil Affidavit, <u>31</u> MOTION for Joinder MOTION for Contempt and Modification of Consent Decree, <u>34</u> MOTION for Joinder MOTION for Contempt and Modification of Consent Decree, <u>29</u> MOTION for Joinder MOTION, <u>30</u> MOTION for Joinder MOTION REFERRED to Judge (dcp,) (Entered: 01/17/2007)
01/18/2007	<u>48</u>	Letter from plaintiff regarding filing of attached letter. (Attachments: # <u>1</u> Letter from plaintiff to defense counsel)(dcp,) Additional attachment(s) added on 1/18/2007 (dcp,). (Entered: 01/18/2007)
04/04/2007	<u>49</u>	MOTION to Enforce State Admitted Compliance Filed by William Mark Mize (dcp,) (Entered: 04/04/2007)
04/04/2007	<u>50</u>	Letter from plaintiff to Judge Owens regarding status of case and when to expect hearing. (dcp,) (Entered: 04/04/2007)
04/05/2007	<u>51</u>	RESPONSE filed by Walter Zant re <u>49</u> MOTION to Enforce State Admitted Compliance (Orland, Devon) (Entered: 04/05/2007)
04/13/2007	<u>52</u>	REPLY to Response filed by William Mark Mize re <u>49</u> MOTION to Enforce State Admitted Compliance (dcp,) (Entered: 04/13/2007)

05/02/2007	<u>53</u>	Letter from James Ray Ward regarding status of previously filed motions. (dcp,) (Entered: 05/02/2007)
05/02/2007	<u>54</u>	MOTION for Injunction, MOTION to Appoint Class Counsel Filed by Ray James Ward (Attachments: # <u>1</u> Exhibit)(dcp,) (Entered: 05/02/2007)
05/02/2007	<u>55</u>	RESPONSE filed by Walter Zant re <u>54</u> MOTION for Preliminary Injunction MOTION to Appoint Counsel (Orland, Devon) (Entered: 05/02/2007)
05/02/2007	<u>56</u>	Notice of Error in Filing (related document(s): <u>55</u> Response to Motion filed by Walter Zant,). (dcp,) (Entered: 05/02/2007)
05/02/2007	<u>57</u>	RESPONSE filed by Walter Zant re <u>54</u> MOTION for Preliminary Injunction MOTION to Appoint Counsel (Orland, Devon) (Entered: 05/02/2007)
05/09/2007	<u>58</u>	MOTION for Clarification of previous Motions to Join Filed by William Mark Mize (dcp,) (Entered: 05/09/2007)
06/13/2007	<u>59</u>	MOTION for Intervention into the daily operation of Georgia's death row Filed by William Mark Mize (dcp,) (Entered: 06/13/2007)
07/10/2007	<u>60</u>	RECOMMENDATION to deny <u>25</u> MOTION for Contempt and Modification of Consent Decree filed by William Mark Mize and all other such motions and to close this case. Objections to RR due by 8/2/2007. Ordered by Judge Claude W. Hicks Jr. on 7/10/07. (CWH) (Entered: 07/10/2007)
07/11/2007		CERTIFICATE OF SERVICE – I certify that on this date I have mailed by United States Postal Service a copy of <u>60</u> REPORT AND RECOMMENDATION re <u>25</u> MOTION for Contempt and Modification of Consent Decree filed by William Mark Mize REPORT AND RECOMMENDATION re <u>25</u> MOTION for Contempt and Modification of Consent Decree filed by William Mark Mize including any attachments filed with this document to all non–CM/ECF participants as indicated on the Notice of Electronic Filing. By H. McCarra, Deputy Clerk. (hrm) (Entered: 07/11/2007)
07/12/2007	<u>61</u>	MOTION for emergency relief Filed by William Mark Mize (hrm) (Entered: 07/12/2007)
07/13/2007	<u>62</u>	ORDER denying <u>61</u> Motion for Emergency Relief. Ordered by Judge Claude W. Hicks Jr. on 7/13/07. (CWH) (Entered: 07/13/2007)
07/13/2007		CERTIFICATE OF SERVICE – I certify that on this date I have mailed by United States Postal Service a copy of <u>62</u> Order on Motion for Miscellaneous Relief including any attachments filed with this document to all non–CM/ECF participants as indicated on the Notice of Electronic Filing. By dcp, Deputy Clerk. (dcp) (Entered: 07/13/2007)
07/18/2007	<u>63</u>	OBJECTION to <u>60</u> Report and Recommendations filed by William Mark Mize Response to Objections to Report and Recommendation due by 8/6/2007. (dcp) (Entered: 07/18/2007)
07/30/2007		Motion(s) No Longer Referred: <u>25</u> MOTION for Contempt and Modification of Consent Decree, <u>45</u> MOTION for Hearing MOTION for Charges of Perjury in a Civil Affidavit, <u>49</u> MOTION to Enforce State Admitted Compliance, <u>59</u> MOTION for Intervention into the daily operation of Georgia's death row, <u>54</u> MOTION for Preliminary Injunction MOTION to Appoint Counsel, <u>28</u> MOTION for Contempt and Modification of Consent Decree and MOTION for Joinder, <u>33</u> MOTION for Joinder MOTION for Contempt and Modification of Consent Decree, <u>58</u> MOTION for Clarification of previous Motions to Join, <u>38</u> MOTION for Contempt and Modification of Consent Decree; in the alternative, if dissolved; Motion for Reinstating and/or Separate Class Action Complaint, <u>34</u> MOTION for Joinder MOTION for Contempt and Modification of Consent Decree, <u>31</u> MOTION for Joinder MOTION for Contempt and Modification of Consent Decree, <u>44</u> MOTION for Contempt, <u>32</u> MOTION for Joinder MOTION for Contempt and Modification of Consent Decree, <u>30</u> MOTION for Joinder, <u>29</u> MOTION for Joinder (dcp) (Entered: 07/30/2007)

07/30/2007		Judge Claude W. Hicks, Jr no longer assigned to case. (dcp) (Entered: 07/30/2007)
08/01/2007	<u>64</u>	ORDER adopting Report and Recommendations re <u>60</u> and DISMISSING ALL MOTIONS for the reasons stated in the Report and Recommendation. Ordered by Judge Hugh Lawson on 7/27/2007. (cf) (Entered: 08/01/2007)
08/01/2007	<u>65</u>	JUDGMENT adopting Rdismissing (dcp) (Entered: 08/01/2007)
08/01/2007		CERTIFICATE OF SERVICE – I certify that on this date I have mailed by United States Postal Service a copy of <u>65</u> Judgment, <u>64</u> Order on Report and Recommendations including any attachments filed with this document to all non-CM/ECF participants as indicated on the Notice of Electronic Filing. By dcp, Deputy Clerk. (dcp) (Entered: 08/01/2007)
08/08/2007	<u>66</u>	MOTION for Reconsideration re <u>64</u> Order on Report and Recommendations Filed by William Mark MizeResponse to Motion due by 8/27/2007. (dcp) (Entered: 08/08/2007)
08/09/2007		This is a text only entry; no document issued. ORDER denying <u>66</u> Motion for Reconsideration of <u>64</u> for the reasons set forth in <u>60</u> , the Report and Recommendation. Ordered by Judge C. Ashley Royal on 8/9/2007. (cf) (Entered: 08/09/2007)
08/09/2007		CERTIFICATE OF SERVICE – I certify that on this date I have mailed by United States Postal Service a copy of text only Order on Motion for Reconsideration including any attachments filed with this document to all non-CM/ECF participants as indicated on the Notice of Electronic Filing. By dcp, Deputy Clerk. (dcp) (Entered: 08/09/2007)
08/15/2007	<u>67</u>	RESPONSE filed by Walter Zant re <u>66</u> MOTION for Reconsideration re <u>64</u> Order on Report and Recommendations (Orland, Devon) (Entered: 08/15/2007)