

**U.S. District Court
Southern District of Iowa (Central)
CIVIL DOCKET FOR CASE #: 4:03-cv-40522-JEG-CFB**

Voshell, et al v. Spence, et al
Assigned to: Chief Judge James E. Gritzner
Referred to: Magistrate Judge Celeste F. Bremer
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/22/2003
Date Terminated: 07/24/2009
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Jake Voshell

represented by **Patrick E Ingram**
Mears Law Office
209 East Washington
Suite 203
Iowa City, IA 52240
319 351 4363
Fax: 351 7911
Email: patingram@mearslawoffice.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Scotty Flemming

represented by **Patrick E Ingram**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Jeff Winters

represented by **Patrick E Ingram**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Burt James Smith

represented by **Patrick E Ingram**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Louie Jales

represented by **Patrick E Ingram**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

David James Baber

represented by **Patrick E Ingram**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Joe Weig

represented by **Patrick E Ingram**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Bryan Keller

represented by **Patrick E Ingram**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Wayne Quillan

represented by **Patrick E Ingram**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Mike Joslin

represented by **Patrick E Ingram**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Clayton Gregory

represented by **Patrick E Ingram**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Rick Whitney

represented by **Patrick E Ingram**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Thomas Keith

represented by **Patrick E Ingram**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

James Hall

represented by **Patrick E Ingram**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Kris Johnson

represented by **Patrick E Ingram**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

John Spence

represented by **H Loraine Wallace**
IOWA ATTORNEY GENERAL -- Des
Moines
1305 E WALNUT STREET
DES MOINES, IA 50319
515 281 6670
Fax: 515 281 4902
Email: lwallac@ag.state.ia.us

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant**John Mathis**

represented by **H Loraine Wallace**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant**Ronald Welder**

represented by **H Loraine Wallace**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant**Ruth Stockbridge**
Records Administrator

represented by **H Loraine Wallace**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant**James R Burton**

represented by **H Loraine Wallace**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant**Louis Galloway**

represented by **H Loraine Wallace**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant**Charles Harper**

represented by **H Loraine Wallace**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant**Dave DeGrange**

represented by **H Loraine Wallace**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
09/22/2003	<u>1</u>	COMPLAINT (cc: pltf(s)). (dv) (Entered: 09/22/2003)
09/22/2003	<u>2</u>	MOTION by plaintiff Jake Voshell for appointment of counsel before Judge James E. Gritzner (dv) (Entered: 09/22/2003)
09/22/2003	<u>3</u>	DEMAND FOR JURY TRIAL by plaintiff Jake Voshell (dv) (Entered: 09/22/2003)
09/22/2003		REMARK no filing fee or motion for ifp (dv) (Entered: 09/22/2003)
11/12/2003	<u>4</u>	ORDER by Judge James E. Gritzner; Plaintiff shall fill out the forms attached or pay \$150.00 (cc: all counsel) (dv) (Entered: 11/12/2003)

11/28/2003		FILING FEE PAID: on 11/24/03 in the amount of \$ 50.00, receipt # 68010. (gk) (Entered: 11/28/2003)
12/08/2003		FILING FEE PAID: on 12/8/03 in the amount of \$ 100.00, receipt # 68133. no amount due (dv) (Entered: 12/08/2003)
01/23/2004	<u>5</u>	INITIAL REVIEW ORDER by Judge James E. Gritzner granting motion for appointment of counsel [2-1] Patrick E Ingram; Because the filing fee has been paid, no further money will be withdrawn from the inmates' accounts for the filing fee. Service of process shall issue by mail to defendants and to the AG (cc: all counsel) (dv) (Entered: 01/23/2004)
02/02/2004	<u>6</u>	RESPONSE for IFP form by plaintiff Jeff Winters [5-1] re: order (don) (Entered: 02/02/2004)
02/02/2004	<u>7</u>	FORM C: CERTIFICATE OF INMATE ACCOUNT AND ASSETS by plaintiff Jeff Winters re [5-1] order (don) (Entered: 02/02/2004)
02/02/2004	<u>8</u>	FORM D: AUTHORIZATION TO DEBIT TRUST ACCOUNT TO PAY FEDERAL COURT FILING FEE by plaintiff Jeff Winters re [5-1] order (don) (Entered: 02/02/2004)
02/04/2004	<u>9</u>	MAIL Returned [5-1] addressed to defendant John Spence (John Spence is not than employee of ISP. (don) (Entered: 02/04/2004)
02/11/2004	<u>10</u>	MOTION by plaintiff Jake Voshell to proceed in forma pauperis before Judge James E. Gritzner (dv) (Entered: 02/12/2004)
02/11/2004	<u>11</u>	FORM D: AUTHORIZATION TO DEBIT TRUST ACCOUNT TO PAY FEDERAL COURT FILING FEE by plaintiff Jake Voshell re [5-1] order (dv) (Entered: 02/12/2004)
02/11/2004	<u>12</u>	MOTION by plaintiff Dave Baber to proceed in forma pauperis before Judge James E. Gritzner (dv) (Entered: 02/12/2004)
02/11/2004	<u>13</u>	FORM D: AUTHORIZATION TO DEBIT TRUST ACCOUNT TO PAY FEDERAL COURT FILING FEE by plaintiff Dave Baber re [5-1] order (dv) (Entered: 02/12/2004)
02/11/2004	<u>14</u>	MOTION by plaintiff Mike Joslin to proceed in forma pauperis before Judge James E. Gritzner (dv) (Entered: 02/12/2004)
02/11/2004	<u>15</u>	FORM D: AUTHORIZATION TO DEBIT TRUST ACCOUNT TO PAY FEDERAL COURT FILING FEE by plaintiff Mike Joslin re [5-1] order (dv) (Entered: 02/12/2004)
02/13/2004	<u>16</u>	MOTION by plaintiff Kris Johnson to proceed in forma pauperis before Judge James E. Gritzner (dv) (Entered: 02/13/2004)
02/17/2004	<u>17</u>	FORM C: CERTIFICATE OF INMATE ACCOUNT AND ASSETS by plaintiff Burt James Smith re [5-1] order (dv) (Entered: 02/17/2004)
02/17/2004	<u>18</u>	FORM D: AUTHORIZATION TO DEBIT TRUST ACCOUNT TO PAY FEDERAL COURT FILING FEE by plaintiff Burt James Smith re [5-1] order (dv) (Entered: 02/17/2004)
02/17/2004	<u>19</u>	MOTION by plaintiff Burt James Smith to proceed in forma pauperis before Judge James E. Gritzner (dv) (Entered: 02/17/2004)
02/17/2004	<u>20</u>	MOTION by plaintiff Wayne Quillan to proceed in forma pauperis before Judge James E. Gritzner (dv) (Entered: 02/17/2004)
02/17/2004	<u>21</u>	MAIL Returned [5-1] addressed to plaintiff Scotty Flemming (dv) (Entered: 02/17/2004)
02/17/2004	<u>22</u>	ORDER by Judge James E. Gritzner re [9-1] mail; Plaintiffs must immediately provide the Clerk with the correct name and current address for the unserved defendant, if available, so service can be obtained. (cc: all counsel) (dv) (Entered: 02/17/2004)

02/19/2004	<u>23</u>	MOTION by plaintiff Bryan Keller to proceed in forma pauperis before Judge James E. Gritzner (dv) (Entered: 02/19/2004)
02/19/2004	<u>24</u>	FORM D: AUTHORIZATION TO DEBIT TRUST ACCOUNT TO PAY FEDERAL COURT FILING FEE by plaintiff Bryan Keller re [5-1] order (dv) (Entered: 02/19/2004)
02/25/2004	<u>25</u>	LETTER to court from plaintiff Kris Johnson (dv) (Entered: 02/25/2004)
02/26/2004	<u>26</u>	LETTER to court from plaintiff Jake Voshell (dv) (Entered: 02/26/2004)
02/27/2004	<u>27</u>	MAIL Returned [22-1] addressed to plaintiff Scotty Flemming (dv) (Entered: 02/27/2004)
03/01/2004	<u>28</u>	LETTER to court from plaintiff Dave Baber (dv) (Entered: 03/01/2004)
03/04/2004	<u>29</u>	RESPONSE by plaintiff Jeff Winters [22-1] re: order (dv) (Entered: 03/04/2004)
03/08/2004	<u>30</u>	ORDER by Judge James E. Gritzner re [22-1] order; Plaintiffs have sent in an address for John Spence. Service of process shall issue by mail to defendant Spence. The Clerk of Court is directed to send a copy of this order to both Plaintiffs and the Mears Law Office. The Clerk of Court also shall send a complete copy of the file to the Mears Law Office (cc: all counsel) (dv) (Entered: 03/09/2004)
03/09/2004		REMARK copy of file sent to John Spence and Mears Law Firm (dv) (Entered: 03/10/2004)
03/24/2004	<u>31</u>	MOTION by plaintiff Jake Voshell for preliminary injunction before Judge James E. Gritzner (dv) (Entered: 03/24/2004)
03/26/2004	<u>32</u>	ANSWER by defendants complaint [1-1] (dv) (Entered: 03/26/2004)
03/29/2004	<u>33</u>	MAIL Returned [30-1] addressed to plaintiff Scotty Flemming (dv) (Entered: 03/29/2004)
04/05/2004	<u>34</u>	MOTION by defendant John Spence, defendant John Mathis, defendant Ronald Welder, defendant Ruth Stockbridge, defendant James R Burton, defendant Louis Galloway, defendant Charles Harper, defendant Dave DeGrange to strike motion for preliminary injunction before Judge James E. Gritzner [31-1] before Judge James E. Gritzner (don) (Entered: 04/05/2004)
04/07/2004	<u>35</u>	ORDER by Judge James E. Gritzner denying motion for preliminary injunction [31-1] ; Dispositive Motion ddl set for 8/6/04 (cc: all counsel, all plaintiffs with motion filed 3/24/04) (don) Modified on 04/07/2004 (Entered: 04/07/2004)
04/22/2004	<u>36</u>	MAIL Returned [35-2] addressed to plaintiff Scotty Flemming (dv) (Entered: 04/22/2004)
06/21/2004	<u>37</u>	MOTION by plaintiff Burt James Smith for temporary restraining order and to waive existing counsel before Judge James E. Gritzner (dv) (Entered: 06/21/2004)
06/21/2004	<u>38</u>	MEMORANDUM by plaintiff Burt James Smith in support [37-1] of motion for temporary restraining order and to waive existing counsel before Judge James E. Gritzner (dv) (Entered: 06/21/2004)
06/23/2004	<u>39</u>	MOTION by defendant to strike motion for temporary restraining order and to waive existing counsel before Judge James E. Gritzner [37-1] before Judge James E. Gritzner (dv) (Entered: 06/23/2004)
06/23/2004	<u>40</u>	MOTION by defendant to strike memorandum [38-1] before Judge James E. Gritzner (dv) (Entered: 06/23/2004)
06/28/2004	<u>41</u>	ORDER by Judge James E. Gritzner finding the motion to strike memorandum [38-1] [40-1] moot, finding the motion to strike motion for temporary restraining order and to waive existing counsel [37-1] moot [39-1] denying motion for temporary restraining order and to waive existing counsel [37-1] see order for specifics...(cc: all counsel) (ld) (Entered: 06/28/2004)

07/12/2004	<u>42</u>	ORDER by Judge James E. Gritzner denying motion to strike motion for preliminary injunction [31-1] [34-1], granting motion to proceed in forma pauperis [23-1], granting motion to proceed in forma pauperis [20-1], granting motion to proceed in forma pauperis [19-1], granting motion to proceed in forma pauperis [16-1], granting motion to proceed in forma pauperis [14-1], granting motion to proceed in forma pauperis [12-1], granting motion to proceed in forma pauperis [10-1] (cc: all counsel) (dv) (Entered: 07/12/2004)
07/26/2004	<u>43</u>	MAIL Returned [41-1] addressed to plaintiff Scotty Flemming. "Undeliverable as address" (fm) (Entered: 07/26/2004)
08/24/2004	<u>44</u>	ORDER ; Jury trial set for 02/14/05 at 9:00 ; Final pretrial cnf (MAG) set for 02/02/05 at 11:00 /s/JRR, Clerk (cc: all counsel) (dv) (Entered: 08/24/2004)
09/07/2004	<u>45</u>	MAIL Returned [44-2] addressed to plaintiff Scotty Flemming (dv) (Entered: 09/07/2004)
09/13/2004	<u>46</u>	LETTER to court from plaintiff Louie Jales (Joles) (don) (Entered: 09/13/2004)
10/21/2004	<u>47</u>	ORDER. Referred to Mag. Judge Bremer to determine if settlement conference should be held and if so to schedule; counsel shall confer and file status report within 30 days of this order indicating whether or not they want the Court to schedule a settlement conference. Entered by Judge James E. Gritzner on 10/21/2004. (nlh) (Entered: 10/21/2004)
11/12/2004	<u>48</u>	Mail Returned as Undeliverable. Mail sent to Scotty Flemming which included <u>47</u> Order, no forwarding address given. (don,) (Entered: 11/12/2004)
11/16/2004	<u>49</u>	MOTION to Withdraw as Attorney by Patrick Ingram for Dave Baber, Scotty Flemming, Clayton Gregory, James Hall, Louie Jales, Kris Johnson, Mike Joslin, Thomas Keith, Bryan Keller, Wayne Quillan, Burt James Smith, Jake Voshell, Joe Weig, Rick Whitney, Jeff Winters. Responses due by 12/3/2004 (don,) (Entered: 11/17/2004)
11/22/2004	<u>50</u>	STATUS REPORT by James R Burton, Dave DeGrange, Louis Galloway, Charles Harper, John Mathis, John Spence, Ruth Stockbridge, Ronald Welder. (Wallace, H) (Entered: 11/22/2004)
11/22/2004	<u>51</u>	TEXT ORDER Setting Hearing on Plaintiff's counsel's <u>49</u> MOTION to Withdraw as Attorney: Motion Hearing set for 12/1/2004 10:00 AM by telephone conference call placed by counsel for Plaintiff before Magistrate Judge Celeste F. Bremer. Entered by Magistrate Judge Celeste F. Bremer on 11/22/2004. (mlr) (Entered: 11/22/2004)
11/23/2004	<u>52</u>	RESPONSE to Motion re <u>49</u> MOTION to Withdraw as Attorney <i>Defendants' Resistance to Motion to Withdraw</i> filed by James R Burton, Dave DeGrange, Louis Galloway, Charles Harper, John Mathis, John Spence, Ruth Stockbridge, Ronald Welder. Replies due by 12/6/2004. (Wallace, H) (Entered: 11/23/2004)
12/02/2004	<u>53</u>	Minute Entry for proceedings held before Magistrate Judge Celeste F. Bremer: Hearing held on 12/2/2004 on resisted Motion to Withdraw (#49). Appearing were Pat Ingram for Plaintiffs and Lorraine Wallace for Defendants. Order entered separately. (mlr) (Entered: 12/02/2004)
12/02/2004	<u>54</u>	ORDER denying <u>49</u> Atty Ingram's Mot. to Withdraw. Deadline for Def. to file status report is 12/7/04. Plaintiffs to contact Atty Ingram no later than 12/31/04 indicating whether they intend to continue as Pl. in this case. A copy of this Order will be mailed to each Plaintiff individually. Trial set for 2/14/05 &FPTC set for 2/2/05 continued and will be reset after status of case is determined. Entered by Magistrate Judge Celeste F. Bremer on 12/2/2004. (mlr) (Entered: 12/02/2004)
12/02/2004	<u>55</u>	STATUS REPORT by James R Burton, Dave DeGrange, Louis Galloway, Charles Harper, John Mathis, John Spence, Ruth Stockbridge, Ronald Welder. (Wallace, H) (Entered: 12/02/2004)
12/02/2004	<u>56</u>	AFFIDAVIT of Jake Voshell by Jake Voshell. (Attachments: # <u>1</u> Envelope) (don,) (Entered: 12/06/2004)

12/15/2004	<u>57</u>	ORDER denying Plaintiff Baber's request to receive copies of all pleadings. See order for particulars. Entered by Magistrate Judge Celeste F. Bremer on 12/15/2004. (mlr) (Entered: 12/15/2004)
12/15/2004		Trial and Final Pretrial Conference canceled per Order #54 on 12/2/2004. (mlr) (Entered: 12/15/2004)
12/20/2004	<u>58</u>	Mail Returned as Undeliverable. Mail sent to Scotty Flemming which included <u>54</u> Order on Motion to Withdraw as Attorney, (don,) (Entered: 12/20/2004)
02/22/2005	<u>59</u>	ORDER STAYING CASE pending outcome of Case No. 4:05-cv-00068-RP-RAW (Wycoff v. Brewer). Entered by Judge James E. Gritzner on 2/22/2005. (nlh) (Entered: 02/22/2005)
04/09/2009	<u>60</u>	ORDER FOR STATUS REPORT. Status Report due by 4/27/2009. See order for particulars. Signed by Judge James E. Gritzner on 4/9/2009. (nlh) (Entered: 04/09/2009)
04/27/2009	<u>61</u>	STATUS REPORT by John Mathis, Ronald Welder, Ruth Stockbridge, James R Burton, Louis Galloway, Charles Harper, Dave DeGrange, John Spence. (Wallace, H) (Entered: 04/27/2009)
04/30/2009	<u>62</u>	STATUS REPORT <i>from the Plaintiff</i> by Jake Voshell. (Ingram, Patrick) (Entered: 04/30/2009)
05/04/2009	<u>63</u>	ORDER lifting stay. Parties may file dispositive motions by not later than 5/18/2009/ Signed by Judge James E. Gritzner on 5/4/2009. (nlh) (Entered: 05/04/2009)
05/05/2009		Set/Reset Deadlines: Dispositive Motion Deadline due by 5/18/2009. Per order <u>63</u> . (don) (Entered: 05/05/2009)
05/18/2009	<u>64</u>	First MOTION for Extension of Time to File <i>Dispositive Motion</i> Motions referred to Celeste F. Bremer. by John Mathis, Ronald Welder, Ruth Stockbridge, James R Burton, Louis Galloway, Charles Harper, Dave DeGrange, John Spence. Responses due by 6/4/2009 (Wallace, H) (Entered: 05/18/2009)
05/19/2009	<u>65</u>	TEXT ORDER granting <u>64</u> unresisted motion for extension of time. Any dispositive motion shall be filed on or before 5/22/2009. Signed by Judge James E. Gritzner on 5/19/2009. (nlh) (Entered: 05/19/2009)
05/19/2009		Set/Reset Deadlines: Dispositive Motion Deadline due by 5/22/2009. Per Order <u>65</u> . (don,) (Entered: 05/19/2009)
05/22/2009	<u>66</u>	MOTION for Summary Judgment by John Mathis, Ronald Welder, Ruth Stockbridge, James R Burton, Louis Galloway, Charles Harper, Dave DeGrange, John Spence. Responses due by 6/15/2009 (Attachments: # <u>1</u> Statement of Undisputed Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Appendix pp. 1-66, # <u>4</u> Appendix pp. 67-160)(Wallace, H) (Entered: 05/22/2009)
07/23/2009	<u>67</u>	ORDER granting <u>66</u> Motion for Summary Judgment in favor of Defendants. This case is dismissed. See order for particulars. Signed by Judge James E. Gritzner on 7/23/2009. (nlh) (Entered: 07/23/2009)
07/24/2009	<u>68</u>	JUDGMENT in favor of Charles Harper, Dave DeGrange, James R Burton, John Mathis, John Spence, Louis Galloway, Ronald Welder, Ruth Stockbridge against Bryan Keller, Burt James Smith, Clayton Gregory, David James Baber, Jake Voshell, James Hall, Jeff Winters, Joe Weig, Kris Johnson, Louie Jales, Mike Joslin, Rick Whitney, Scotty Flemming, Thomas Keith, Wayne Quillan. Signed by Clerk Marjorie Krahn on 7/24/2009. (don,) (Entered: 07/24/2009)