

CLOSED, PTO

**U.S. District Court
District of Kansas (Leavenworth)
CIVIL DOCKET FOR CASE #: 3:84-cv-03283-DES**

Smith v. Maschner
Assigned to: Senior Judge Dale E. Saffels
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 12/13/1984
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**Jerry Wayne Smith**

represented by **Jerry Wayne Smith**
2548 32nd Avenue South
Minneapolis, MN 55406
PRO SE

Stephen W. Kessler
3360 S.W. Harrison
Topeka, KS 66611
785-266-5922
Fax: 785-267-6384
Email: swk@twinlakeslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**Herb Maschner**

represented by **John R. Dowell**
City of Topeka, Kansas - Legal
Department
215 SE 7th
Topeka, KS 66603
785-368-3883
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jon P. Fleenor
Jon Fleenor
6119 Fontana St.
Fairway, KS 66205
785-235-8777
Fax: 785-234-5899
TERMINATED: 06/03/1992
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kristy L. Hiebert
 6330 SW Urish Rd.
 Auburn, KS 66402
 785-862-3222
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lawrence J. Logback
 Holbrook & Osborn, PA -- Overland
 Park
 7400 West 110th Street, Suite 600
 Overland Park, KS 66210
 913-342-2500
 Fax: 913-342-0603
 Email: llogback@holbrookosborn.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/13/1984	1	PETITION for removal by plaintiff (DO) (Entered: 04/03/1991)
04/19/1985	2	AMENDED COMPLAINT by plaintiff (DO) (Entered: 04/03/1991)
04/02/1986	41	PRE-TRIAL ORDER ENTERED by Senior Judge Dale E. Saffels (cc: all counsel) (DO) (Entered: 04/03/1991)
08/04/1986	54	AMENDED COMPLAINT [2-1] by plaintiff (DO) (Entered: 04/03/1991)
09/30/1988	68	ORDER ENTERED: by Senior Judge Dale E. Saffels Pltf's motion for summary judgment is denied; defts' motion for summary judgment is granted; dismissing case (cc: all counsel) (DO) (Entered: 04/03/1991)
10/27/1988	70	NOTICE OF APPEAL by plaintiff from Dist. Court decision re: re: [68-2] (cc: all counsel, 10CCA) (DO) (Entered: 04/03/1991)
04/02/1990	77	MANDATE, 10CCA: Judgment is affirmed in part and reversed in part. The cause is remanded to the U.S. District Court for the District of KS for further proceedings in accordance with the opinion of this court. (cc: all counsel) (DO) (Entered: 04/03/1991)
02/04/1991	87	LETTER to court from plaintiff (DO) (Entered: 04/03/1991)
06/18/1991	88	NOTICE of jury trial-Entered-Clerk: Jury trial set 10/28/91 @ 10:00 a.m. before The Hon. Dale E. Saffels, Sr. District Judge (cc: all counsel) (CAM) Modified on 07/01/1991 (Entered: 06/19/1991)
06/28/1991	89	MAIL Returned re: hearing notice [88-2] addressed to Jerry Wayne Smith (CAM) (Entered: 07/01/1991)
07/01/1991		Letter remailed to Jerry Wayne Smith 7/1/91 (CAM) (Entered: 07/01/1991)

09/10/1991	90	MAIL Returned re: hearing notice [88-2] addressed to Jerry Wayne Smith - re-mailed to 1483 Goodwin St., Oakdale, MN 55128 (CAM) (Entered: 09/10/1991)
09/16/1991	91	ATTORNEY APPEARANCE for defendant by Jon P. Fleenor and NOTICE OF WITHDRAWAL by Martha M. Snyder (DO) (Entered: 09/18/1991)
10/09/1991	92	ORDER ENTERED: by Senior Judge Dale E. Saffels. Court finds good cause for a pretrial conference & accordingly will refer this matter to the U.S. Magistrate Judge sitting in Leavenworth, KS, to conduct a telephonic pretrial within 60 days. Jury trial scheduled for 10/28/91 continued until further notice (cc: pltf; Atty Gen) (CAM) (Entered: 10/09/1991)
11/22/1991	93	ORDER ENTERED: by Magistrate Judge John C. Tillotson: Telephonic Pretrial conference set 12/11/91 @ 2:30 p.m. Further Ordered that 5 days before pretrial pltf shall file narrative written statement of facts to be offered by oral or documentary evidence at trial, file a list of all exhibits to be offered in evidence at the trial, file a list of names & addresses of all witnesses pltf intends to call, file a summary of anticipated testimony of any witnesses who are presently incarcerated & provide Magistrate w/telephone number where he can be reached at time of pretrial conference. Further ordered that counsel for defts shall be prepared to state at time of pretrial, the facts to be offered into evidence at trial & to list all of the names of witnesses defts intend to call. Further Ordered that on or before pretrial defts shall prepare & file any motion alleged by them to be dispositive of the case or any issues herein, together w/supporting affidavits & authorities (cc: pltf; Atty Gen) (CAM) (Entered: 11/22/1991)
12/26/1991	94	MOTION by defendant to extend time to file dispositive motions referred to Senior Judge Dale E. Saffels (CAM) (Entered: 12/26/1991)
12/31/1991	95	ORDER ENTERED: by Magistrate Judge John C. Tillotson granting defts' motion to extend time to 1/31/92 to file dispositive motions [94-1] (cc: pltf; Atty Gen) (CAM) (Entered: 12/31/1991)
01/06/1992	96	OBJECTIONS by plaintiff re: motion to extend time to file dispositive motions referred to Senior Judge Dale E. Saffels [94-1] (CAM) (Entered: 01/06/1992)
01/31/1992	97	MOTION by defendant to extend time to file dispositive motions referred to Senior Judge Dale E. Saffels (CAM) (Entered: 02/04/1992)
02/04/1992	98	ORDER ENTERED: by Senior Judge Dale E. Saffels granting defts' motion to extend time to 2/14/92 to file dispositive motions referred to Senior Judge Dale E. Saffels [97-1] (cc: pltf; Atty Gen) (CAM) (Entered: 02/04/1992)
02/04/1992	99	PRE-TRIAL ORDER ENTERED by Senior Judge Dale E. Saffels: Terminating case referral of Magistrate Judge John C. Tillotson; Discovery complete; Parties shall have until 1/1/92 to renew any

		applicable grounds for relief by motion for summary judgment; jury trial at Topeka, KS; Ready for trial after 1/1/92 & disposition of any pending motions; ETT: 4 to 5 days days; Prospects for settlement are nil. (cc: pltf; Atty Gen) (CAM) (Entered: 02/04/1992)
02/14/1992	100	MOTION by defendants for summary judgment referred to Senior Judge Dale E. Saffels (CAM) (Entered: 02/18/1992)
02/14/1992	101	MEMORANDUM in support by defendants re: motion for summary judgment referred to Senior Judge Dale E. Saffels [100-1] (CAM) (Entered: 02/18/1992)
06/03/1992	102	ATTORNEY APPEARANCE for defendant by Kristy L. Hiebert & notice of withdrawal of Jon P. Fleenor (ICMSUSER) (Entered: 06/04/1992)
02/16/1994	103	ORDER ENTERED: by Senior Judge Richard D. Rogers re [100-1] Pltf ordered to respond to defts' motion for summary judgment & supporting documents within 20 days from date of this order. Failure to respond as ordered may result in entry of summary judgment against pltf (cc: all counsel) (CAM) (Entered: 02/16/1994)
03/11/1994	104	ORDER ENTERED: by Senior Judge Dale E. Saffels appointing Stephen W. Kessler as counsel for pltf (cc: all counsel) (LAK) (Entered: 03/11/1994)
03/16/1994	105	MOTION by plaintiff to extend time to respond to defts' motion for summary judgment; referred to Senior Judge Dale E. Saffels (LAK) (Entered: 03/16/1994)
03/17/1994	106	ORDER ENTERED: by Senior Judge Dale E. Saffels granting motion to extend time until 4/15/94 to respond to defts' motion for summary judgment [105-1] (cc: all counsel) (CAM) Modified on 04/19/1995 (Entered: 03/17/1994)
04/11/1994	107	RESPONSE by plaintiff to defts' motion for summary judgment; referred to Senior Judge Dale E. Saffels [100-1] (LAK) (Entered: 04/11/1994)
04/11/1994	107	CROSS MOTION by plaintiff for summary judgment; referred to Senior Judge Dale E. Saffels (LAK) (Entered: 04/11/1994)
01/09/1996		NOTICE of change of address by plaintiff Jerry Wayne Smith: PO Box 1000, Oxford, WI 53952-1000 (LAK) (Entered: 01/09/1996)
01/11/1996	108	MEMORANDUM AND ORDER: by Senior Judge Dale E. Saffels denying motion by defts for summary judgment [100-1]; denying cross-motion by pltf for summary judgment [107-1] Jury trial set for 3/18/96 at 1:30 pm. 18 pages (cc: all counsel) (LAK) (Entered: 01/11/1996)
02/23/1996	109	MOTION by plaintiff for order to issue subpoenas; referred to Senior Judge Dale E. Saffels (LAK) Modified on 03/15/1996 (Entered: 02/23/1996)
02/23/1996	110	MOTION by plaintiff for writ of habeas corpus ad testificandum; referred

		to Senior Judge Dale E. Saffels (LAK) (Entered: 02/23/1996)
02/23/1996	111	MOTION by plaintiff for appointment of expert; referred to Senior Judge Dale E. Saffels (LAK) (Entered: 02/23/1996)
02/28/1996	112	ATTORNEY APPEARANCE for defendant by Lawrence J. Logback (CAM) (Entered: 02/29/1996)
02/28/1996	113	MOTION by defendants to dismiss referred to Senior Judge Dale E. Saffels (CAM) (Entered: 02/29/1996)
02/28/1996	114	MEMORANDUM in support re: motion by defendants to dismiss referred to Senior Judge Dale E. Saffels [113-1] (CAM) (Entered: 02/29/1996)
02/28/1996	115	OBJECTIONS by defendant re: [111-1] motion by plaintiff for appointment of expert; referred to Senior Judge Dale E. Saffels (CAM) (Entered: 02/29/1996)
02/28/1996	116	OBJECTIONS by defendant re: [109-1] motion by plaintiff for order to issue subpoenas; referred to Senior Judge Dale E. Saffels (CAM) (Entered: 02/29/1996)
02/28/1996	117	RESPONSE by defendant to motion by plaintiff for writ of habeas corpus ad testificandum; referred to Senior Judge Dale E. Saffels [110-1] (CAM) (Entered: 02/29/1996)
03/06/1996	118	ORDER ENTERED: by Senior Judge Dale E. Saffels granting motion by plaintiff for writ of habeas corpus ad testificandum [110-1] for Jerry Wayne Smith for appearance on 3/18/96 at 1:30 pm before Senior Judge Saffels (cc: all counsel; USPO; USM) (LAK) (Entered: 03/06/1996)
03/06/1996		WRIT OF HABEAS CORPUS AD TESTIFICANDUM issued to USM for Jerry Wayne Smith for appearance before Senior Judge Saffels on 3/18/96 at 1:30 pm (LAK) (Entered: 03/06/1996)
03/06/1996	119	NOTICE of hearing: motions hearing set for 3/18/96 at 1:30 pm before Senior Judge Saffels for Herb Maschner (cc: all counsel; USPO) (LAK) (Entered: 03/06/1996)
03/07/1996	120	ORDER ENTERED: by Senior Judge Dale E. Saffels re pltf's motions for order to issue subpoenas [109-1]; motion for writ of habeas corpus ad testificandum [110-1]; motion for appointment of expert [111-1]. Denying motion of defendants to dismiss [113-1]. Jury trial continued to 4/18/96 at 9:00 am. Hearing on pending motions & other pretrial matters set for 3/18/96 at 1:30 pm (cc: all counsel) (LAK) Modified on 03/15/1996 (Entered: 03/07/1996)
03/14/1996	121	ATTORNEY APPEARANCE for defendant by John R. Dowell (MB) Modified on 03/15/1996 (Entered: 03/14/1996)
03/18/1996	125	MINUTE SHEET of status hearing at Topeka, KS before Senior Judge Dale E. Saffels: Counsel directed to attempt to reach agreement without court intervention re pending motions (LAK) (Entered: 03/25/1996)

03/22/1996	122	AFFIDAVIT of Jerry Wayne Smith of financial statement (MB) (Entered: 03/22/1996)
03/22/1996	123	CERITIFICATE of svc of affidavit by plaintiff to deft on 3/22/96 (MB) Modified on 03/22/1996 (Entered: 03/22/1996)
03/22/1996	124	ORDER ENTERED: by Senior Judge Dale E. Saffels denying motion by plaintiff for appointment of expert, [111-1]; denying motion by plaintiff for order to issue subpoenas, [109-1]; and granting motion by plaintiff for writ of habeas corpus ad testificandum to the extent stated in the order, [110-1] (cc: all counsel) (MS) (Entered: 03/22/1996)
03/26/1996	126	NOTICE of hearing: Jury trial set for 4/29/96 at 10:00 am before Senior Judge Dale E. Saffels (cc: all counsel; USPM) (LAK) (Entered: 03/26/1996)
03/26/1996	127	ORDER FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM ENTERED: by Senior Judge Dale E. Saffels for Jerry Wayne Smith for appearance 4/29/96 at 10:00 am (cc: all counsel; USM) (LAK) (Entered: 03/26/1996)
04/17/1996	128	ORDER FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM ENTERED: by Senior Judge Dale E. Saffels for Craig Bryant for production on 4/29/96 at 10:00 am (cc: all counsel; USM) (LAK) (Entered: 04/17/1996)
04/17/1996		WRIT OF HABEAS CORPUS AD TESTIFICANDUM issued to USM for Craig Bryant on 4/29/96 at 10:00 am before Senior Judge Dale E. Saffels (LAK) (Entered: 04/17/1996)
04/22/1996	129	WITNESS & EXHIBIT LIST submitted by defendants (LAK) (Entered: 04/22/1996)
04/25/1996	130	OBJECTIONS by defendant to pltf's proposed exhibits (MB) (Entered: 04/25/1996)
04/25/1996	131	ORDER ENTERED: by Senior Judge Dale E. Saffels. Writ of habeas corpus ad testificandum issued by the court for pltf Jerry Wyane Smith is cancelled & USM directed to return pltf to FCI Oxford, WI to continue serving sentence (cc: all counsel; USM) (LAK) (Entered: 04/25/1996)
08/23/1996	132	STIPULATION OF DISMISSAL by parties (MS) (Entered: 08/26/1996)
09/05/1996	133	ORDER ENTERED: by Senior Judge Dale E. Saffels regarding stipulation [132-1] - this action is dismissed with prejudice (cc: all counsel) (MS) (Entered: 09/05/1996)
07/21/2000	134	ORDER ENTERED by Judge G. T. VanBebber: all monies now in the registry and restitution deposit funds of the Court and on deposit for at least five years unclaimed by persons shall be transferred to the Treasury of the US (cc: all counsel) (DAW) (Entered: 07/25/2000)

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