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**U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)
CIVIL DOCKET FOR CASE #: 5:20-hc-02088-FL**

Hallinan et al v. Scarantino et al
Assigned to: District Judge Louise Wood Flanagan
Cause: 28:2241 Petition for Writ of Habeas Corpus (Federal)

Date Filed: 05/26/2020
Date Terminated: 06/29/2020
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: U.S. Government Defendant

Petitioner

Charles Hallinan

represented by **Jeffrey S. Wilkerson**
Winston & Strawn LLP
300 S. Tryon Street, 16th Floor
Charlotte, NC 28202-0178
704-350-7714
Fax: 704-350-7800
Email: jwilkerson@winston.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Jeanne Ireland
Winston & Strawn LLP
300 S. Tryon Street, 16th Floor
Charlotte, NC 28202-0178
704-350-7812
Fax: 704-350-7800
Email: eireland@winston.com
ATTORNEY TO BE NOTICED

Emily Elizabeth Seawell
ACLU of North Carolina Legal Foundation
P. O. Box 28004
Raleigh, NC 27611
919-256-5891
Email: eharwell@acluofnc.org
ATTORNEY TO BE NOTICED

Gretchen Vetter Scavo
Winston & Strawn LLP
300 S. Tryon Street, 16th Floor
Charlotte, NC 28202-0178
704-350-7785
Fax: 704-350-7800
Email: gscavo@winston.com
ATTORNEY TO BE NOTICED

Jaclyn A. Maffetore

ACLU of North Carolina Legal Foundation
P. O. Box 28004
Raleigh, NC 27611
919-354-5070
Email: jmaffetore@acluofnc.org
ATTORNEY TO BE NOTICED

Kristi L. Graunke

ACLU of North Carolina Legal Foundation
P. O. Box 28004
Raleigh, NC 27611
919-354-5066
Email: kgraunke@acluofnc.org
ATTORNEY TO BE NOTICED

Maria V. Morris

American Civil Liberties Union, National
Prison Project
915 15th St. NW, 7th Floor
Washington, DC 20005
202-548-6607
Fax: 202-393-4931
Email: mmorris@aclu.org
ATTORNEY TO BE NOTICED

Patrick A. Doerr

Winston & Strawn LLP
300 S. Tryon Street, 16th Floor
Charlotte, NC 28202-0178
704-350-7700
Fax: 704-350-7800
Email: pdoerr@winston.com
ATTORNEY TO BE NOTICED

Sarah A. Hinger

American Civil Liberties Union, Racial
Justice Program
125 Broad St.
New York, NY 10004
212-519-7882
Email: shinger@aclu.org
ATTORNEY TO BE NOTICED

Petitioner**Josean Kinard**

represented by **Jeffrey S. Wilkerson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Jeanne Ireland

(See above for address)
ATTORNEY TO BE NOTICED

Emily Elizabeth Seawell
(See above for address)
ATTORNEY TO BE NOTICED

Gretchen Vetter Scavo
(See above for address)
ATTORNEY TO BE NOTICED

Jaclyn A. Maffetore
(See above for address)
ATTORNEY TO BE NOTICED

Kristi L. Graunke
(See above for address)
ATTORNEY TO BE NOTICED

Maria V. Morris
(See above for address)
ATTORNEY TO BE NOTICED

Patrick A. Doerr
(See above for address)
ATTORNEY TO BE NOTICED

Sarah A. Hinger
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Arnold J. Hill

represented by **Jeffrey S. Wilkerson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Jeanne Ireland
(See above for address)
ATTORNEY TO BE NOTICED

Emily Elizabeth Seawell
(See above for address)
ATTORNEY TO BE NOTICED

Gretchen Vetter Scavo
(See above for address)
ATTORNEY TO BE NOTICED

Jaclyn A. Maffetore
(See above for address)
ATTORNEY TO BE NOTICED

Kristi L. Graunke
(See above for address)
ATTORNEY TO BE NOTICED

Maria V. Morris
(See above for address)
ATTORNEY TO BE NOTICED

Patrick A. Doerr
(See above for address)
ATTORNEY TO BE NOTICED

Sarah A. Hinger
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Benjamin D. McRae

represented by **Elizabeth Jeanne Ireland**
(See above for address)
ATTORNEY TO BE NOTICED

Emily Elizabeth Seawell
(See above for address)
ATTORNEY TO BE NOTICED

Gretchen Vetter Scavo
(See above for address)
ATTORNEY TO BE NOTICED

Jaclyn A. Maffetore
(See above for address)
ATTORNEY TO BE NOTICED

Kristi L. Graunke
(See above for address)
ATTORNEY TO BE NOTICED

Maria V. Morris
(See above for address)
ATTORNEY TO BE NOTICED

Patrick A. Doerr
(See above for address)
ATTORNEY TO BE NOTICED

Sarah A. Hinger
(See above for address)
ATTORNEY TO BE NOTICED

Jeffrey S. Wilkerson
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

John Dailey

represented by **Jeffrey S. Wilkerson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Jeanne Ireland
(See above for address)
ATTORNEY TO BE NOTICED

Emily Elizabeth Seawell
(See above for address)
ATTORNEY TO BE NOTICED

Gretchen Vetter Scavo
(See above for address)
ATTORNEY TO BE NOTICED

Jaclyn A. Maffetore
(See above for address)
ATTORNEY TO BE NOTICED

Kristi L. Graunke
(See above for address)
ATTORNEY TO BE NOTICED

Maria V. Morris
(See above for address)
ATTORNEY TO BE NOTICED

Patrick A. Doerr
(See above for address)
ATTORNEY TO BE NOTICED

Sarah A. Hinger
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Lee M. Ayers

represented by **Jeffrey S. Wilkerson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Jeanne Ireland
(See above for address)
ATTORNEY TO BE NOTICED

Emily Elizabeth Seawell
(See above for address)
ATTORNEY TO BE NOTICED

Gretchen Vetter Scavo
(See above for address)
ATTORNEY TO BE NOTICED

Jaclyn A. Maffetore
(See above for address)
ATTORNEY TO BE NOTICED

Kristi L. Graunke
(See above for address)
ATTORNEY TO BE NOTICED

Maria V. Morris
(See above for address)
ATTORNEY TO BE NOTICED

Patrick A. Doerr
(See above for address)
ATTORNEY TO BE NOTICED

Sarah A. Hinger
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

George B. Riddick

represented by **Jeffrey S. Wilkerson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Jeanne Ireland
(See above for address)
ATTORNEY TO BE NOTICED

Emily Elizabeth Seawell
(See above for address)
ATTORNEY TO BE NOTICED

Gretchen Vetter Scavo
(See above for address)
ATTORNEY TO BE NOTICED

Jaclyn A. Maffetore
(See above for address)
ATTORNEY TO BE NOTICED

Kristi L. Graunke
(See above for address)
ATTORNEY TO BE NOTICED

Maria V. Morris
(See above for address)
ATTORNEY TO BE NOTICED

Patrick A. Doerr
(See above for address)
ATTORNEY TO BE NOTICED

Sarah A. Hinger
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Jorge Luis Maldonado

represented by **Jeffrey S. Wilkerson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Jeanne Ireland
(See above for address)
ATTORNEY TO BE NOTICED

Emily Elizabeth Seawell
(See above for address)
ATTORNEY TO BE NOTICED

Gretchen Vetter Scavo
(See above for address)
ATTORNEY TO BE NOTICED

Jaclyn A. Maffetore
(See above for address)
ATTORNEY TO BE NOTICED

Kristi L. Graunke
(See above for address)
ATTORNEY TO BE NOTICED

Maria V. Morris
(See above for address)
ATTORNEY TO BE NOTICED

Patrick A. Doerr
(See above for address)
ATTORNEY TO BE NOTICED

Sarah A. Hinger
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Antwan Harris

represented by **Jeffrey S. Wilkerson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Jeanne Ireland
(See above for address)
ATTORNEY TO BE NOTICED

Emily Elizabeth Seawell
(See above for address)
ATTORNEY TO BE NOTICED

Gretchen Vetter Scavo

(See above for address)
ATTORNEY TO BE NOTICED

Jaclyn A. Maffetore
(See above for address)
ATTORNEY TO BE NOTICED

Kristi L. Graunke
(See above for address)
ATTORNEY TO BE NOTICED

Maria V. Morris
(See above for address)
ATTORNEY TO BE NOTICED

Patrick A. Doerr
(See above for address)
ATTORNEY TO BE NOTICED

Sarah A. Hinger
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Anthony Butler

represented by **Jeffrey S. Wilkerson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Jeanne Ireland
(See above for address)
ATTORNEY TO BE NOTICED

Emily Elizabeth Seawell
(See above for address)
ATTORNEY TO BE NOTICED

Gretchen Vetter Scavo
(See above for address)
ATTORNEY TO BE NOTICED

Jaclyn A. Maffetore
(See above for address)
ATTORNEY TO BE NOTICED

Kristi L. Graunke
(See above for address)
ATTORNEY TO BE NOTICED

Maria V. Morris
(See above for address)
ATTORNEY TO BE NOTICED

Patrick A. Doerr

(See above for address)
ATTORNEY TO BE NOTICED

Sarah A. Hinger
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Troy A. Titus

represented by **Jeffrey S. Wilkerson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Jeanne Ireland
(See above for address)
ATTORNEY TO BE NOTICED

Emily Elizabeth Seawell
(See above for address)
ATTORNEY TO BE NOTICED

Gretchen Vetter Scavo
(See above for address)
ATTORNEY TO BE NOTICED

Jaclyn A. Maffetore
(See above for address)
ATTORNEY TO BE NOTICED

Kristi L. Graunke
(See above for address)
ATTORNEY TO BE NOTICED

Maria V. Morris
(See above for address)
ATTORNEY TO BE NOTICED

Patrick A. Doerr
(See above for address)
ATTORNEY TO BE NOTICED

Sarah A. Hinger
(See above for address)
ATTORNEY TO BE NOTICED

V.

Respondent

Warden Thomas Scarantino

represented by **Genna D Petre**
United States Attorney's Office
310 New Bern Avenue, Suite 800
Raleigh, NC 27601
919-575-3900 ext. 6076

Email: gpetre@bop.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua L. Rogers
United States Attorney's Office - EDNC
150 Fayetteville Street, Suite 2100
Raleigh, NC 27601
919-856-4530
Email: Joshua.Rogers4@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael D. Bredenberg
Federal Medical Center
P. O. Box 1600
Butner, NC 27509
919-575-3900 x 6078
Fax: 575-4813
Email: mbredenberg@bop.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Respondent

Michael Carvajal

represented by **Genna D Petre**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua L. Rogers
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael D. Bredenberg
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Respondent

Jeffrey Allen

represented by **Genna D Petre**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua L. Rogers
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael D. Bredenberg
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/26/2020	1 R	<p>PETITION for Writ of Habeas Corpus <i>Under 28 U.S.C. § 2241 and Class Action Complaint for Injunctive and Declaratory Relief</i> (Filing fee \$ 5 receipt number 0417-5440346.), filed by Lee M. Ayers, Troy A. Titus, Arnold J. Hill, George B. Riddick, Antwan Harris, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, Charles Hallinan, Anthony Butler, John Dailey. (Attachments: # 1 Index of Exhibits, # 2 R Exhibit 1 - Declaration of Petitioner Lee M. Ayers, # 3 R Exhibit 2 - Declaration of Petitioner John Dailey, # 4 R Exhibit 3 - Declaration of Roger Duane Goodwin, # 5 R Exhibit 4 - Declaration of Petitioner Charles Hallinan, # 6 R Exhibit 5 - Declaration of Michael Harrington, # 7 R Exhibit 6 - Declaration of Petitioner Antwan Harris, # 8 R Exhibit 7 - Declaration of Petitioner Arnold J. Hill, # 9 R Exhibit 8 - Declaration of Lewis Donnell Huntley, # 10 R Exhibit 9 - Declaration of Petitioner Josean Kinard, # 11 R Exhibit 10 - Declaration of John Krokos, # 12 R Exhibit 11 - Declaration of Petitioner Jorge Luis Maldonado, # 13 R Exhibit 12 - Declaration of Petitioner Benjamin D. McRae, # 14 R Exhibit 13 - Declaration of Randy Flores Ortiz, # 15 R Exhibit 14 - Declaration of Petitioner George B. Riddick, # 16 R Exhibit 15 - Declaration of Petitioner Troy Aurelius Titus, # 17 R Exhibit 16 - Declaration of William Robert Whyte, # 18 Exhibit 17 - Declaration of Expert Dr. Chris Beyrer, M.D., M.P.H., # 19 Exhibit 18 - Declaration of Expert Dr. Joe Goldenson, M.D., # 20 Exhibit 19 - Declaration of Expert Dan Pacholke, # 21 Exhibit 20 - U.S. Department of Justice, Federal Bureau of Prisons Press Releases on Inmate Deaths at FCI Butner I Prison, # 22 Exhibit 21 - Memo from Attorney General William Barr dated March 26, 2020 to the Director of Bureau Prisons re Prioritization of Home Confinement As Appropriate In Response to COVID-19 Pandemic, # 23 Exhibit 22 - Memo from Attorney General William Barr dated April 3, 2020 to the Director of Bureau of Prisons re Increasing Use of Home Confinement at Institutions Most Affected by COVID-19, # 24 Exhibit 23 - Memo from Andre Matevousian and L. Cristina Griffith dated April 13, 2020 to All Chief Executive Officers re Coronavirus (COVID-19) Phase 6 Action Plan, # 25 Exhibit 24 - Centers for Disease Control Coronavirus (COVID-19) Social Distancing Guidelines, # 26 Exhibit 25 - Centers for Disease Control Coronavirus (COVID-19) How to Protect Yourself & Others Guidelines, # 27 Exhibit 26 - Centers for Disease Control Coronavirus (COVID-19) How COVID-19 Spreads Information Sheet, # 28 Exhibit 27 - Centers for Disease Control Coronavirus (COVID-19) Assessing Risk Factors for Severe COVID-19 Illness Guidelines, # 29 Exhibit 28 - Centers for Disease Control Coronavirus (COVID-19) Older Adults Information Sheet, # 30 Exhibit 29 - Centers for Disease Control Morbidity and Mortality Weekly Report (MMWR) dated May 6, 2020, # 31 Exhibit 30 - Centers for Disease Control Coronavirus (COVID-19) Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities, # 32 Exhibit 31 - Opposition to Defendant Wesam El-Hanafis Motion for Compassionate Release, United States v. El-Hanafi, No. 1:10-cr-00162-KMW (S.D.N.Y. May 13, 2020), ECF No. 247 at 16, # 33 Exhibit 32 - Defendant Thompsons Status Report on Compassionate Release Motion and Request for Additional Court Action at 2, United States v. Thompson, No. 1:15-cr-00448 (E.D. Ill. Apr. 20, 2020), ECF No. 81, # 34 Exhibit 33 - Opinion and Order, United States v. Wesam El-Hanafi, No. 10-cr-162 (KMW) (S.D.N.Y. May 19, 2020), ECF No. 252, # 35 Exhibit 34 - Criminal Minutes-General, United States v. Krokos, No. 12-cr-527 (C.D. Cal. May 1, 2020), ECF No. 1016, # 36 Exhibit 35 - Minute Entry, United States v. Thompson, No. 15-cr-448 (N.D. Ill. April 17, 2020), ECF No. 80, # 37 Civil Cover Sheet, # 38 Proposed Summons, # 39 Proposed Summons, # 40 Proposed Summons, # 41 Proposed Summons, # 42 Proposed Summons, # 43 Proposed Summons) (Wilkerson, Jeffrey) (Entered: 05/26/2020)</p>

05/26/2020	2	Notice of Appearance filed by Jeffrey S. Wilkerson on behalf of Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus. (Wilkerson, Jeffrey) (Entered: 05/26/2020)
05/26/2020	3	Financial Disclosure Statement by Lee M. Ayers (Wilkerson, Jeffrey) (Entered: 05/26/2020)
05/26/2020	4	Financial Disclosure Statement by Anthony Butler (Wilkerson, Jeffrey) (Entered: 05/26/2020)
05/26/2020	5	Financial Disclosure Statement by John Dailey (Wilkerson, Jeffrey) (Entered: 05/26/2020)
05/26/2020	6	Financial Disclosure Statement by Charles Hallinan (Wilkerson, Jeffrey) (Entered: 05/26/2020)
05/26/2020	7	Financial Disclosure Statement by Antwan Harris (Wilkerson, Jeffrey) (Entered: 05/26/2020)
05/26/2020	8	Financial Disclosure Statement by Arnold J. Hill (Wilkerson, Jeffrey) (Entered: 05/26/2020)
05/26/2020	9	Financial Disclosure Statement by Josean Kinard (Wilkerson, Jeffrey) (Entered: 05/26/2020)
05/26/2020	10	Financial Disclosure Statement by Jorge Luis Maldonado (Wilkerson, Jeffrey) (Entered: 05/26/2020)
05/26/2020	11	Financial Disclosure Statement by Benjamin D. McRae (Wilkerson, Jeffrey) (Entered: 05/26/2020)
05/26/2020	12	Financial Disclosure Statement by George B. Riddick (Wilkerson, Jeffrey) (Entered: 05/26/2020)
05/26/2020	13	Financial Disclosure Statement by Troy A. Titus (Wilkerson, Jeffrey) (Entered: 05/26/2020)
05/26/2020	14 R	Notice of Related Case filed by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus . (Wilkerson, Jeffrey) (Entered: 05/26/2020)
05/27/2020		Case Submitted to District Judge Louise Wood Flanagan for initial review. (Castania, M) (Entered: 05/27/2020)
05/27/2020	15	ORDER DIRECTING CLERK TO CONTINUE MANAGEMENT OF CASE. Signed by District Judge Louise Wood Flanagan on 5/27/2020. (Castania, M) (Entered: 05/27/2020)
05/27/2020	16	Letter sent to U.S. Attorney with Petition for Writ of Habeas Corpus. Answer due by 6/3/2020. (Castania, M) (Entered: 05/27/2020)
05/27/2020	17	Notice of Appearance filed by Emily Elizabeth Seawell on behalf of Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus. (Seawell, Emily) (Entered: 05/27/2020)
05/27/2020	18	Notice of Appearance filed by Jaclyn A. Maffetore on behalf of Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard,

		Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus. (Maffetore, Jaclyn) (Entered: 05/27/2020)
05/27/2020	19	Notice of Appearance filed by Kristi L. Graunke on behalf of Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus. (Graunke, Kristi) (Entered: 05/27/2020)
05/27/2020	20	Summonses Issued as to Jeffrey Allen, Michael Carvajal, Thomas Scarantino, U.S. Attorney Robert J. Higdon, U.S. Attorney Civil Process Clerk, and U.S. Attorney General. (Castania, M) <i>NOTICE: Counsel shall print the attached summons(es) and serve.</i> (Entered: 05/27/2020)
05/28/2020	21	Notice of Appearance filed by Michael D. Bredenberg on behalf of Jeffrey Allen, Michael Carvajal, Thomas Scarantino. (Bredenberg, Michael) (Entered: 05/28/2020)
05/28/2020	22	Notice of Appearance filed by Joshua L. Rogers on behalf of Jeffrey Allen, Michael Carvajal, Thomas Scarantino. (Rogers, Joshua) (Entered: 05/28/2020)
05/28/2020	23	Notice of Appearance filed by Genna D Petre on behalf of Jeffrey Allen, Michael Carvajal, Thomas Scarantino. (Petre, Genna) (Entered: 05/28/2020)
05/28/2020	24 R	Emergency MOTION for Temporary Restraining Order , <i>Preliminary Injunction, and Writ of Habeas Corpus</i> filed by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus. (Attachments: # 1 R Text of Proposed Order : Order Granting Petitioners/Plaintiffs' Motion for Temporary Restraining Order, Preliminary Injunction, and Writ of Habeas Corpus) (Wilkerson, Jeffrey) (Entered: 05/28/2020)
05/28/2020	25 R	Memorandum in Support regarding 24 R Emergency MOTION for Temporary Restraining Order , <i>Preliminary Injunction, and Writ of Habeas Corpus</i> filed by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus. (Wilkerson, Jeffrey) (Entered: 05/28/2020)
05/28/2020		Motion Submitted to District Judge Louise Wood Flanagan regarding 24 R Emergency MOTION for Temporary Restraining Order, <i>Preliminary Injunction, and Writ of Habeas Corpus</i> . (Castania, M) (Entered: 05/28/2020)
05/28/2020	26 R	Declaration of Jeffrey S. Wilkerson in Support of 24 R Emergency MOTION for Temporary Restraining Order , <i>Preliminary Injunction, and Writ of Habeas Corpus</i> filed by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus. (Attachments: # 1 R Index of Exhibits, # 2 R Exhibit 1 - Decl. of Petitioner Ayers, # 3 R Exhibit 2 - Decl. of Petitioner Dailey, # 4 R Exhibit 3 - Decl. of Goodwin, # 5 R Exhibit 4 - Decl. of Petitioner Hallinan, # 6 R Exhibit 5 - Decl. of Harrington, # 7 R Exhibit 6 - Decl. of Petitioner Harris, # 8 R Exhibit 7 - Decl. of Petitioner Hill, # 9 R Exhibit 8 - Decl. of Huntley, # 10 R Exhibit 9 - Decl. of Petitioner Kinard, # 11 R Exhibit 10 - Decl. of Krokos, # 12 R Exhibit 11 - Decl. of Petitioner Maldonado, # 13 R Exhibit 12 - Decl. of Petitioner McRae, # 14 R Exhibit 13 - Decl. of Ortiz, # 15 R Exhibit 14 - Decl. of Petitioner Riddick, # 16 R Exhibit 15 - Decl. of Petitioner Titus, # 17 R Exhibit 16 - Decl. of Whyte, # 18 R Exhibit 17 - Decl. of Dr. Beyrer, # 19 R Exhibit 18 - Decl. of Expert Dr. Goldenson, # 20 R Exhibit 19 - Decl. of Expert Pacholke, # 21 R Exhibit 20 - Press Releases on Inmate Deaths, # 22 R Exhibit 21 - Barr Memo dated March 26, 2020, # 23 R Exhibit 22 - Barr Memo

		dated April 3, 2020, # 24 R Exhibit 23 - Matevousian Memo dated April 13, 2020, # 25 R Exhibit 24 - CDC COVID-19 Social Distancing Guidelines, # 26 R Exhibit 25 - CDC COVID-19 How to Protect Yourself & Others Guidelines, # 27 R Exhibit 26 - CDC COVID-19 How COVID-19 Spreads Info Sheet, # 28 R Exhibit 27 - CDC COVID-19 Assessing Risk Factors for Severe COVID-19 Illness Guidelines, # 29 R Exhibit 28 - CDC COVID-19 Older Adults Info Sheet, # 30 R Exhibit 29 - CDC Morbidity & Mortality Weekly Report dated May 6, 2020, # 31 R Exhibit 30 - CCD COVID-19 Interim Guidance on Mgmt of Coronavirus Disease 2019 in Correctional & Detention Facilities, # 32 R Exhibit 31 - Opposition to Defendants Motion for Compassionate Release, United States v. El-Hanafi, # 33 R Exhibit 32 - Defendants Status Report on Compassionate Release Motion and Request for Addl Court Action, United States v. Thompson, # 34 R Exhibit 33 - Opinion and Order, United States v. Wesam El-Hanafi, # 35 R Exhibit 34 - Minutes, United States v. Krokos, # 36 R Exhibit 35 - Minute Entry, United States v. Thompson, # 37 R Exhibit 36 COVID-19 Tested Positive Cases from BOP Website on 03/31/2020, # 38 R Exhibit 37 April 27, 2020 Screenshot of BOP COVID-19 Cases Dashboard, Sorted to Show Cases at FCC Butner) (Wilkerson, Jeffrey) Modified on 5/29/2020 to correct docket text to note this is a declaration, not a memorandum. (Castania, M) (Entered: 05/28/2020)
05/29/2020	27	RESPONSE to Motion regarding 24 R Emergency MOTION for Temporary Restraining Order , <i>Preliminary Injunction, and Writ of Habeas Corpus Preliminary Response</i> filed by Jeffrey Allen, Michael Carvajal, Thomas Scarantino. (Bredenberg, Michael) (Entered: 05/29/2020)
05/29/2020		Notice to Counsel for Petitioners regarding 26 R Declaration in Support. By no later than <u>Monday, June 1, 2020</u>, counsel is directed to deliver to the clerk's office at New Bern, courtesy copies of all filings at document number 26. (Castania, M) (Entered: 05/29/2020)
05/29/2020		TEXT ORDER - In this action initiated by complaint filed May 26, 2020, upon defendants' request, (DE 27), and in the court's discretion, defendants have until <u>June 3, 2020</u>, to submit any response to plaintiffs' motion for temporary restraining order filed May 28, 2020. (DE 24 R). Plaintiffs' request therein that response be made by June 1, 2020, therefore is denied. Any voluminous material(s) made a part of defendants' anticipated response shall be presented to the clerk's at New Bern also in paper form not later than <u>June 4, 2020</u>, the day after the filing is due. SO ORDERED by District Judge Louise Wood Flanagan on 5/29/2020. (Castania, M) (Entered: 05/29/2020)
05/29/2020	28	Notice filed by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus regarding 24 R Emergency MOTION for Temporary Restraining Order , <i>Preliminary Injunction, and Writ of Habeas Corpus (Notice of Subsequent Facts)</i> . (Wilkerson, Jeffrey) (Entered: 05/29/2020)
05/29/2020	29	Declaration regarding 24 R Emergency MOTION for Temporary Restraining Order , <i>Preliminary Injunction, and Writ of Habeas Corpus (Supplemental Declaration of Jeffrey Wilkerson)</i> by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus (Attachments: # 1 Exhibit 1 - Additional Press Releases on Inmate Deaths) (Wilkerson, Jeffrey) (Entered: 05/29/2020)
06/01/2020	30	Notice filed by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus regarding 24 R Emergency MOTION for Temporary

		Restraining Order , <i>Preliminary Injunction, and Writ of Habeas Corpus (Second Notice of Subsequent Facts)</i> . (Wilkerson, Jeffrey) (Entered: 06/01/2020)
06/01/2020	31	Declaration regarding 24 R Emergency MOTION for Temporary Restraining Order , <i>Preliminary Injunction, and Writ of Habeas Corpus (Second Supplemental Declaration of Jeffrey S. Wilkerson)</i> by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus (Attachments: # 1 Exhibit 1 - COVID-19 Tested Positive Cases from BOP Website on 05/25/2020, # 2 Exhibit 2 - Additional Press Releases on Inmate Deaths) (Wilkerson, Jeffrey) (Entered: 06/01/2020)
06/02/2020	32	Notice filed by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus regarding 24 R Emergency MOTION for Temporary Restraining Order , <i>Preliminary Injunction, and Writ of Habeas Corpus (Third Notice of Subsequent Facts)</i> . (Wilkerson, Jeffrey) (Entered: 06/02/2020)
06/02/2020	33	Declaration regarding 24 R Emergency MOTION for Temporary Restraining Order , <i>Preliminary Injunction, and Writ of Habeas Corpus (Third Supplemental Declaration of Jeffrey S. Wilkerson)</i> by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus (Attachments: # 1 Exhibit 1 - Additional Press Release on Inmate Death, # 2 Exhibit 2 - Screenshot of BOP Inmate Locator Site, # 3 Exhibit 3 - COVID-19 Tested Positive Cases from BOP website on 06/01/2020) (Wilkerson, Jeffrey) (Entered: 06/02/2020)
06/03/2020	34	MOTION to Dismiss , <i>or in the alternative,</i> , MOTION for Summary Judgment filed by Jeffrey Allen, Michael Carvajal, Thomas Scarantino. (Rogers, Joshua) (Entered: 06/03/2020)
06/03/2020	35 R	Memorandum in Support regarding 34 MOTION to Dismiss , <i>or in the alternative,</i> , MOTION for Summary Judgment filed by Jeffrey Allen, Michael Carvajal, Thomas Scarantino. (Rogers, Joshua) (Entered: 06/03/2020)
06/03/2020	36	Statement of Material Facts regarding 34 MOTION to Dismiss , <i>or in the alternative,</i> , MOTION for Summary Judgment filed by Jeffrey Allen, Michael Carvajal, Thomas Scarantino. (Rogers, Joshua) (Entered: 06/03/2020)
06/03/2020	37	Appendix to the Statement of Facts regarding 34 MOTION to Dismiss , <i>or in the alternative,</i> , MOTION for Summary Judgment filed by Jeffrey Allen, Michael Carvajal, Thomas Scarantino. (Attachments: # 1 R Declaration of Phillip Clark, Complex Case Management Coordinator, # 2 Attachment 1 Compassionate release request records related to Charles Hallinan, Register Number 75207-066, # 3 Attachment 2 Compassionate release request records related to Josean Kinard, Register Number 33603-058, # 4 Attachment 3 Compassionate release request records related to Arnold Hill, Register Number 09077-007, # 5 Attachment 4 Compassionate release request records related to John Dailey, Register Number 39637-044, # 6 Attachment 5 Compassionate release request records related to Lee Ayers, Register Number 03882-007, # 7 Attachment 6 Compassionate release request on behalf Lee Ayers, Register Number 03882-007 (May 11, 2020), # 8 Attachment 7 Compassionate release request records related to Jorge Maldonado, Register Number 63756-018, # 9 Attachment 8 Compassionate release request records related to Anthony Butler, Register Number 65583-056, # 10 Declaration of Andrew Stock, Clinical Director, # 11 Declaration of Mary Strassel, Assistant Supervisor of Education, and Team Leader of the FCC Butner Planning Section Team, # 12 Attachment 1 Coronavirus Disease 2019 (COVID-19) Inmate Screening Tool, Version 2.0 (February 2020), # 13 Attachment 2 Memorandum

	<p>to All Staff from Complex Warden T. Scarantino (March 4, 2020), # 14 Attachment 3 Memorandum for LSCI Inmate Population from Food Service (March 12, 2020), # 15 Attachment 4 E-mail correspondence to All Staff from Complex Warden Scarantino (March 13, 2020), # 16 Attachment 5 Food Services Memo (March 13, 2020), # 17 Attachment 6 FCI II Education Department 30 Day Modified Schedule, beginning on March 14, 2020, # 18 Attachment 7 Phase I FMC Butner Master Movement Schedule, # 19 Attachment 8 Memorandum for LSCI Inmate Population, # 20 Attachment 9 Memorandum for the Inmate Population from FCI I Warden Sullivan (March 13, 2020)) (Rogers, Joshua) (Entered: 06/03/2020)</p>
06/03/2020	<p>38 Appendix to the Statement of Facts regarding 34 MOTION to Dismiss , <i>or in the alternative</i>, MOTION for Summary Judgment filed by Jeffrey Allen, Michael Carvajal, Thomas Scarantino. (Attachments: # 1 Attachment 10 E-mail from FCI Butner Warden Sullivan, # 2 Attachment 11 Memorandum for D.J. Harmon, Regional Director Mid-Atlantic Region from FCI II Warden Leu (March 18, 2020), # 3 Attachment 12 E-mail to staff from Complex Warden Scarantino and Modified Move Attachment (March 20, 2020), # 4 Attachment 13 E-mail to All Staff regarding the Staff Fitness Center (March 24, 2020), # 5 Attachment 14 March 26, 2020 Memo from Warden to Inmates, # 6 Attachment 15 E-mail from Complex Warden Scarantino to All Staff (March 25, 2020), # 7 Attachment 16 Coronavirus Information FCI I (March 25, 2020), # 8 Attachment 17 FMC Modified Move Plan (March 26, 2020), # 9 Attachment 18 LSCI Laundry Procedures Memo (March 26, 2020), # 10 Attachment 19 Memorandum to the Inmate Population from FCI II Warden Leu (March 26, 2020), # 11 Attachment 20 Memorandum for Inmate Population from Complex Warden Scarantino (March 26, 2020), # 12 Attachment 21 FCI I Warden Sullivan e-mail to staff (March 27, 2020), # 13 Attachment 22 E-mail from Complex Warden Scarantino to all staff (March 27, 2020), # 14 Attachment 23 E-mail to all staff regarding the Staff Center Showers (March 27, 2020), # 15 Attachment 24 Memorandum to Inmate Population from LSCI Warden Lyn (March 27, 2020), # 16 Attachment 25 E-mail to all staff regarding Respirator Fit Test, # 17 Attachment 26 E-mail from FCI I Warden Sullivan to all staff, # 18 Attachment 27 Phase IV COVID-19 Action Plan Memorandum for All Staff from FMC Captain (March 31, 2020), # 19 Attachment 28 E-mail to all Staff from LSCI Warden Lyn, # 20 Attachment 29 Memorandum to Inmate Population from LSCI Warden Lyn (March 31, 2020), # 21 Attachment 30 Memorandum from Captain Leslie to LSCI Warden Lyn regarding COVID-19 Modified Operations at LSCI Butner, # 22 Attachment 31 Memorandum to the Inmate Population from FCI II Warden Leu (April 1, 2020), # 23 Attachment 32 E-mail from Complex Warden Scarantino to All Staff, # 24 Attachment 33 Mobile Screening Site E-mail (April 2, 2020), # 25 Attachment 34 Mobile Screening Site Update (April 2, 2020), # 26 Attachment 35 E-mail from LSCI Warden Lyn to all staff (April 2, 2020), # 27 Attachment 36 LSCI Butner Modified Lockdown Plan (April 3, 2020), # 28 Attachment 37 E-mail to All Staff from FCI I Warden Sullivan (April 4, 2020), # 29 Attachment 38 Memorandum for all FCI II Staff from FCI II Warden Leu (April 5, 2020), # 30 Attachment 39 Unit Officers Plan for April 4-5, 2020, # 31 Attachment 40 E-mail to All Staff from LSCI Warden Lyn, # 32 Attachment 41 E-mail to All Staff from Complex Warden Scarantino) (Rogers, Joshua) (Entered: 06/03/2020)</p>
06/03/2020	<p>39 Appendix to the Statement of Facts regarding 34 MOTION to Dismiss , <i>or in the alternative</i>, MOTION for Summary Judgment filed by Jeffrey Allen, Michael Carvajal, Thomas Scarantino. (Attachments: # 1 Attachment 42 FCC Butner COVID-19 Virus Prevention Measures and Complex Sanitation handout (April 2020), # 2 Attachment 43 E-mail to staff from FCI I Warden Sullivan (April 7, 2020), # 3 Attachment 44 E-mail to All Staff from Complex Warden Scarantino (April 9, 2020), # 4 Attachment 45 Memorandum to All Staff from Complex Warden Scarantino (April 9, 2020), # 5 Attachment 46 E-mail to All Staff from FCI I Warden Sullivan (April 12, 2020), # 6</p>

	<p>Attachment 47 E-mail to All Staff from Complex Warden Scarantino (April 15, 2020), # 7 Attachment 48 Memorandum to the Inmate Population from FCI I Warden Sullivan (April 15, 2020), # 8 Attachment 49 Memorandum for Inmate Population from LSCI Warden Lyn (April 16, 2020), # 9 Attachment 50 E-mail to All Staff from Warden Sullivan (April 16, 2020), # 10 Attachment 51 Memorandum to All Camp Staff regarding Camp Operations Through Monday, April 20, 2020, from Acting Captain M. Kemmerer, # 11 Attachment 52 Memorandum regarding Islamic Ramadan Procedures from P. Hong, Staff Chaplain, to LSCI Warden Lyn (April 16, 2020), # 12 Attachment 53 E-mail from Acting Associate Warden with Inmate Schedule attached (April 19, 2020 and April 20, 2020), # 13 Attachment 54 E-mail to All Staff from Complex Warden Scarantino (April 20, 2020), # 14 Attachment 55 E-mail to Staff from LSCI Warden Lyn (April 28, 2020), # 15 Attachment 56 Memo from FCI Captain regarding Camp Modified Operations (May 1, 2020), # 16 Attachment 57 Memo from FCI Captain regarding FCI I Modified Operations (May 1, 2020), # 17 Attachment 58 E-mail to Complex Executive Assistant from Assistant Trust Fund Supervisor (May 1, 2020), # 18 Attachment 59 E-mail to All Staff from Complex Warden Scarantino (May 4, 2020), # 19 Attachment 60 E-mail to Staff from LSCI Warden Lyn (May 5, 2020), # 20 Attachment 61 E-mail to Staff from FCI I Warden Sullivan (May 7, 2020), # 21 Attachment 62 E-mail to All Staff from Complex Warden Scarantino (May 14, 2020), # 22 Attachment 63 Memorandum to Inmate Population from FCI II Warden Leu (May 19, 2020), # 23 Attachment 64 Memorandum to Inmate Population from Complex Warden Scarantino (May 19, 2020), # 24 Attachment 65 e-mail to All Staff from Complex Warden Scarantino (June 1, 2020), # 25 Declaration of Kellie Harden) (Rogers, Joshua) (Entered: 06/03/2020)</p>
06/03/2020	<p>40 Appendix to the Statement of Facts regarding 34 MOTION to Dismiss , <i>or in the alternative</i>, MOTION for Summary Judgment filed by Jeffrey Allen, Michael Carvajal, Thomas Scarantino. (Attachments: # 1 Declaration of Luis Martinez, # 2 Attachment 1 FCC Butner Complex Plan, Sanitation (Jan. 26, 2017), # 3 Attachment 2 Memorandum for All FCC Staff from Complex Warden Scarantino regarding Cleaning and Disinfecting of Daily Equipment (March 17, 2020), # 4 Attachment 3 FMC COVID-19 Preventative Measures/Sanitation Tracking Sheet, # 5 Attachment 4 FMC Cadre Sanitation Measures and Rotation Schedule, # 6 Declaration of Christina Kelley, # 7 Attachment 1 Administrative Remedy Generalized Retrieval, Inmate Kinard, Reg. No. 33603-058 (June 2, 2020), # 8 Attachment 2 Administrative Remedy Generalized Retrieval, Inmate McCrae, Reg. No. 87682-007 (June 2, 2020), # 9 Attachment 3 Administrative Remedy Generalized Retrieval, Inmate Riddick, Reg. No. 72403-053 (June 2, 2020), # 10 Attachment 4 Administrative Remedy Generalized Retrieval, Inmate Harris, Reg. No. 55884-056 (June 2, 2020), # 11 Attachment 5 Administrative Remedy Generalized Retrieval, Inmate Hallinan, Reg. No. 75207-066 (June 2, 2020), # 12 Attachment 6 Administrative Remedy Generalized Retrieval, Inmate Hill, Reg. No. 09077-007 (June 2, 2020), # 13 Attachment 7 Administrative Remedy Generalized Retrieval, Inmate Dailey, Reg. No. 39637-044 (June 2, 2020), # 14 Attachment 8 Administrative Remedy Generalized Retrieval, Inmate Ayers, Reg. No. 03882-007 (June 2, 2020), # 15 Attachment 9 Administrative Remedy Generalized Retrieval, Inmate Maldonado, Reg. No. 63756-018 (June 2, 2020), # 16 Attachment 10 Administrative Remedy Generalized Retrieval, Inmate Butler, Reg. No. 65583-056 (June 2, 2020), # 17 Attachment 11 Administrative Remedy Generalized Retrieval, Inmate Titus, Reg. No. 58299-083 (June 2, 2020)) (Rogers, Joshua) (Entered: 06/03/2020)</p>
06/03/2020	<p>41 MOTION for Leave to File Excess Pages <i>as to Docket Entry Number 35</i> filed by Jeffrey Allen, Michael Carvajal, Thomas Scarantino. (Attachments: # 1 Text of Proposed Order) (Rogers, Joshua) (Entered: 06/03/2020)</p>

06/03/2020	42	RESPONSE in Opposition regarding 24 R Emergency MOTION for Temporary Restraining Order , <i>Preliminary Injunction, and Writ of Habeas Corpus</i> filed by Jeffrey Allen, Michael Carvajal, Thomas Scarantino. (Rogers, Joshua) (Entered: 06/03/2020)
06/04/2020	43	Notice filed by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus regarding 24 R Emergency MOTION for Temporary Restraining Order , <i>Preliminary Injunction, and Writ of Habeas Corpus (Fourth Notice of Subsequent Facts)</i> . (Wilkerson, Jeffrey) (Entered: 06/04/2020)
06/04/2020	44	Declaration regarding 24 R Emergency MOTION for Temporary Restraining Order , <i>Preliminary Injunction, and Writ of Habeas Corpus (Fourth Supplemental Declaration of Jeffrey S. Wilkerson)</i> by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus (Attachments: # 1 Exhibit BOP Website Screenshot COVID-19 Cases, # 2 Exhibit Additional Press Release on Inmate Death) (Wilkerson, Jeffrey) (Entered: 06/04/2020)
06/04/2020	45	ORDER granting 41 Motion for Leave to File Excess Pages. Signed by District Judge Louise Wood Flanagan on 6/4/2020. (Castania, M) (Entered: 06/04/2020)
06/04/2020		TEXT ORDER regarding 24 R Emergency MOTION for Temporary Restraining Order, Preliminary Injunction, and Writ of Habeas Corpus - This matter is before the court on petitioners' motion for temporary restraining order or preliminary injunction, filed May 28, 2020. (DE 24). Where respondents filed lengthy opposition to the motion on June 3, 2020, (DE 42), the court in its discretion allows petitioners to file reply brief on or before <u>June 8, 2020</u>. Courtesy copy of the filing shall be delivered to the clerk's office in New Bern on or before <u>June 9, 2020</u>. SO ORDERED by District Judge Louise Wood Flanagan on 6/4/2020. (Castania, M) (Entered: 06/04/2020)
06/05/2020	46	Notice filed by Jeffrey Allen, Michael Carvajal, Thomas Scarantino regarding 42 Response in Opposition to Motion, 34 MOTION to Dismiss , <i>or in the alternative</i> , MOTION for Summary Judgment . (Attachments: # 1 Exhibit 1 - Nellson v. Barnhart, D.E 45 Order) (Petre, Genna) (Entered: 06/05/2020)
06/08/2020	47	REPLY to Response to Motion regarding 24 R Emergency MOTION for Temporary Restraining Order , <i>Preliminary Injunction, and Writ of Habeas Corpus</i> filed by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus. (Wilkerson, Jeffrey) (Entered: 06/08/2020)
06/08/2020	48	Declaration regarding 24 R Emergency MOTION for Temporary Restraining Order , <i>Preliminary Injunction, and Writ of Habeas Corpus (Fifth Supplemental Declaration of Jeffrey S. Wilkerson)</i> by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus (Attachments: # 1 Exhibit 1 - BOP Press Releases re Additional Deaths, # 2 Exhibit 2 - Screenshots of BOP COVID-19 Cases Website) (Wilkerson, Jeffrey) (Entered: 06/08/2020)
06/09/2020	49	Notice of Special Appearance for non-district by Maria V. Morris on behalf of All Plaintiffs. (Morris, Maria) (Entered: 06/09/2020)
06/09/2020	50	Affidavit of Service for Summons filed by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus served on Jeffery Allen, M.D. on 06/01/2020. (Wilkerson, Jeffrey) (Entered: 06/09/2020)

06/09/2020	51	Affidavit of Service for Summons filed by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus served on Michael Carvajal on 06/01/2020. (Wilkerson, Jeffrey) (Entered: 06/09/2020)
06/09/2020	52	Affidavit of Service for Summons filed by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus served on Thomas Scarantino on 06/01/2020. (Wilkerson, Jeffrey) (Entered: 06/09/2020)
06/09/2020	53	Affidavit of Service for Summons filed by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus served on Robert J. Higdon, U.S. Attorney for the EDNC, Attention: Civil Process Clerk on 06/01/2020. (Wilkerson, Jeffrey) (Entered: 06/09/2020)
06/09/2020	54	Affidavit of Service for Summons filed by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus served on Robert J. Higdon, U.S. Attorney for the EDNC. (Wilkerson, Jeffrey) (Entered: 06/09/2020)
06/09/2020	55	Affidavit of Service for Summons filed by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus served on William Barr, U.S. Attorney General on 06/02/2020. (Wilkerson, Jeffrey) (Entered: 06/09/2020)
06/10/2020	56	Notice of Appearance filed by Gretchen Vetter Scavo on behalf of All Plaintiffs. (Scavo, Gretchen) (Entered: 06/10/2020)
06/10/2020	57	Notice of Appearance filed by Elizabeth Jeanne Ireland on behalf of All Plaintiffs. (Ireland, Elizabeth) (Entered: 06/10/2020)
06/10/2020	58	Notice of Appearance filed by Patrick A. Doerr on behalf of All Plaintiffs. (Doerr, Patrick) (Entered: 06/10/2020)
06/10/2020		NOTICE OF DEFICIENCY regarding 56 Notice of Appearance, 58 Notice of Appearance, 57 Notice of Appearance. When filing a notice of appearance in this case, counsel cannot select "All Plaintiffs". (With CM/ECF, there are no plaintiffs in HC cases.) Counsel are directed to refile their notices of appearance and select each party that counsel will be representing. (Notice of electronic filing manually sent to gscavo@winston.com, eireland@winston.com, and pdoerr@winston.com.) (Castania, M) (Entered: 06/10/2020)
06/10/2020	59	Notice of Appearance filed by Gretchen Vetter Scavo on behalf of Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus. (Scavo, Gretchen) (Entered: 06/10/2020)
06/10/2020	60	Notice of Appearance filed by Elizabeth Jeanne Ireland on behalf of Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus. (Ireland, Elizabeth) (Entered: 06/10/2020)
06/10/2020	61	Notice of Appearance filed by Patrick A. Doerr on behalf of Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus. (Doerr, Patrick) (Entered: 06/10/2020)
06/11/2020	62 R	ORDER denying 24 R Motion for Temporary Restraining Order, Preliminary

		Injunction, and Writ of Habeas Corpus. Signed by District Judge Louise Wood Flanagan on 6/11/2020. (Castania, M) (Entered: 06/11/2020)
06/11/2020	63	Notice of Special Appearance for non-district by Sarah A. Hinger on behalf of Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus. (Hinger, Sarah) (Entered: 06/11/2020)
06/23/2020	64	Consent MOTION for Extension of Time to File Response/Reply as to 34 MOTION to Dismiss , <i>or in the alternative</i> , MOTION for Summary Judgment filed by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus. (Attachments: # 1 Exhibit A - Proposed Order) (Wilkerson, Jeffrey) (Entered: 06/23/2020)
06/23/2020		Motion Submitted to District Judge Louise Wood Flanagan regarding 64 Consent MOTION for Extension of Time to File Response to 34 MOTION to Dismiss, <i>or in the alternative</i> , MOTION for Summary Judgment. (Castania, M) (Entered: 06/23/2020)
06/24/2020	65	ORDER granting 64 Motion for Extension of Time to File Response to 34 MOTION to Dismiss, or in the alternative, MOTION for Summary Judgment - Response due by 7/1/2020. Signed by District Judge Louise Wood Flanagan on 6/24/2020. (Castania, M) (Entered: 06/24/2020)
06/29/2020	66	STIPULATION of Dismissal <i>Without Prejudice Under Rule 41(a)(1)(A)(ii)</i> by Lee M. Ayers, Anthony Butler, John Dailey, Charles Hallinan, Antwan Harris, Arnold J. Hill, Josean Kinard, Jorge Luis Maldonado, Benjamin D. McRae, George B. Riddick, Troy A. Titus (Wilkerson, Jeffrey) (Entered: 06/29/2020)

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