

U.S. District Court
District of Nebraska (8 Omaha)
CIVIL DOCKET FOR CASE #: 8:16-cv-00524-RFR-CRZ

Wilson v. Geerdes et al
Assigned to: Judge Robert F. Rossiter, Jr.
Referred to: Magistrate Judge Cheryl R. Zwart
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 11/30/2016
Date Terminated: 04/10/2020
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Harold Bryan Wilson

represented by **Elizabeth A. Govaerts**
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TERMINATED: 01/14/2019

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Plaintiff

Riley Nicole Shadle
TERMINATED: 01/17/2019

represented by **Riley Nicole Shadle**
82297
NEBRASKA DEPARTMENT OF
CORRECTIONS - LINCOLN
P.O Box 22800
Lincoln, NE 68542-2800
PRO SE

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

Vincent M. Powers
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V.

Defendant

represented by

Jason Geerdes
in their Official Capacity

Benjamin M. Goins
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TERMINATED: 07/31/2019

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ATTORNEY TO BE NOTICED

Defendant

Fred Britten
in their Official and Personal Capacities
TERMINATED: 10/18/2017

represented by **David A. Lopez**
(See above for address)
TERMINATED: 07/31/2019

Defendant

Cathy Sheair
in their Official and Personal Capacities
TERMINATED: 08/21/2017

represented by **David A. Lopez**
(See above for address)
TERMINATED: 07/31/2019

Defendant

Scott Frakes
Director, in their Official Capacity

represented by **Benjamin M. Goins**
(See above for address)
ATTORNEY TO BE NOTICED

Danielle L. Rowley
(See above for address)
ATTORNEY TO BE NOTICED

David A. Lopez
(See above for address)

TERMINATED: 07/31/2019

Ryan S. Post
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Brad Exstrom
TERMINATED: 01/26/2017

Defendant

Troy Hawk
TERMINATED: 01/26/2017

Defendant

Richard Cruickshank
in their Official and Personal Capacities
TERMINATED: 10/18/2017

Defendant

Diane Sabatka–Rine
in their Official and Personal Capacities
TERMINATED: 10/18/2017

Defendant

Michelle Cupps
in their Official and Personal Capacities
TERMINATED: 10/18/2017

Defendant

Brad Exstrom
in their Official and Personal Capacities
TERMINATED: 10/18/2017

Defendant

Tom Pfeiffer
in their Official and Personal Capacities
TERMINATED: 10/18/2017

Defendant

Taggart Boyd
Warden, in their Official Capacity

represented by **Benjamin M. Goins**
(See above for address)
ATTORNEY TO BE NOTICED

Danielle L. Rowley
(See above for address)
ATTORNEY TO BE NOTICED

David A. Lopez
(See above for address)
TERMINATED: 07/31/2019

Ryan S. Post
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ATTORNEY TO BE NOTICED

Defendant

Robert Madsen
Warden, in their Official Capacity

represented by **Benjamin M. Goins**
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TERMINATED: 12/14/2018

ATTORNEY TO BE NOTICED

David A. Lopez

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TERMINATED: 07/31/2019

Ryan S. Post

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Michele Capps

*in her official capacity as Warden of the
Nebraska State Penitentiary*

represented by **Benjamin M. Goins**

(See above for address)

ATTORNEY TO BE NOTICED

Danielle L. Rowley

(See above for address)

ATTORNEY TO BE NOTICED

David A. Lopez

(See above for address)

TERMINATED: 07/31/2019

Date Filed	#	Docket Text
11/30/2016	<u>1</u>	COMPLAINT against Fred Britten, Scott Frakes, Jason Geerdes, and Cathy Sheair. No summons issued, filed on behalf of Harold Bryan Wilson and Riley Nicole Shadle. (LAC) (Entered: 12/02/2016)
11/30/2016	<u>2</u>	MOTION for Leave to Proceed in forma pauperis on behalf of Plaintiffs Riley Nicole Shadle and Harold Bryan Wilson. (LAC) Modified on 12/2/2016 to correct file date (LAC). (Entered: 12/02/2016)
11/30/2016	<u>3</u>	PRISONER ACCOUNT STATEMENT by Plaintiff Harold Bryan Wilson. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). (LAC) Modified on 12/2/2016 to correct file date (LAC). (Entered: 12/02/2016)
12/02/2016	<u>4</u>	NOTICE by Clerk acknowledging receipt of complaint filed by a pro se party. (LAC) (Entered: 12/02/2016)
12/02/2016	<u>5</u>	GENERAL ORDER NO. 2016-02: This general order provides for the management and assignment of cases filed by a plaintiff or petitioner without counsel. This general order also includes the definition of the pro se docket, responsibilities of the pro se law clerks and scheduling and discovery requirements in pro se cases. Ordered by Chief Judge Laurie Smith Camp. (Copy mailed to pro se party) (LAC) (Entered: 12/02/2016)
12/07/2016	<u>6</u>	MEMORANDUM AND ORDER that the non-lead Plaintiff, Riley Nicole Shadle, shall have 30 days from the date of entry of this order in which to advise the court whether he wishes to continue as a Plaintiff in this group action. If, by that deadline, Shadle advises the court that he does not wish to participate in the action, he will be dismissed from the lawsuit and will not be charged a filing fee for this action. This is the only way to avoid the obligation to pay a filing fee for this action. Alternatively, if any Plaintiff (including Harold Wilson) wants to pursue his claims individually in a separate lawsuit, he shall so advise the court in writing, and his claims shall be severed into a new action where a filing fee will be assessed. Each non-lead Plaintiff who chooses to continue as a Plaintiff, either in this action or in a severed individual case, is hereby ORDERED to pay the court's filing fee or file a properly completed motion for leave to proceed in forma pauperis (IFP) within 30 days from the date of this Memorandum and Order. The clerk's office is directed to send the Form AO240 to Riley Nicole Shadle. Failure to submit a properly completed IFP motion does not relieve a non-lead Plaintiff of the obligation to pay a filing fee, unless he also submits timely written notice that he does not intend to proceed with the action. Any non-lead Plaintiff who simply does not respond to this Memorandum and Order within 30 days

		will be obligated to pay the full filing fee and will also be dismissed from this action for want of prosecution and/or for failure to comply with a court order under Federal Rule of Civil Procedure 41(b). Plaintiffs are again WARNED that future group motions or pleadings that do not comply with the group pleading requirements discussed herein shall be stricken pursuant to Rule 11(a). Plaintiffs are further ADVISED that each of them is under a continuing obligation to keep the court informed of any change in his address. The clerk of court is directed to set a pro se case management deadline using the following text: January 6, 2017: Check for Response to Memorandum and Order. Ordered by Senior Judge Richard G. Kopf. (Copy mailed to pro se party) (LAC) (Entered: 12/07/2016)
12/07/2016	<u>7</u>	MOTION for Leave to Proceed in forma pauperis on behalf of Plaintiff Riley Nicole Shadle. (LAC) (Entered: 12/07/2016)
12/07/2016	<u>8</u>	PRISONER ACCOUNT CERTIFICATE by Plaintiff Riley Nicole Shadle ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). (LAC) (Entered: 12/07/2016)
12/09/2016	<u>9</u>	MOTION on behalf of Plaintiff Harold Bryan Wilson. (LAC) (Entered: 12/09/2016)
12/21/2016	<u>29</u>	RESPONSE regarding Memorandum and Order <u>6</u> on behalf of Plaintiff Riley Nicole Shadle. (LAC) (Entered: 02/02/2017)
12/27/2016	<u>10</u>	MOTION for Leave to Proceed in forma pauperis on behalf of Plaintiff Riley Nicole Shadle. (LAC) (Entered: 12/27/2016)
12/27/2016	<u>11</u>	PRISONER ACCOUNT CERTIFICATE by Plaintiff Riley Nicole Shadle. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). (LAC) (Entered: 12/27/2016)
12/27/2016	<u>12</u>	MOTION for Preliminary Injunction and/or Temporary Restraining Order on behalf of Plaintiff Harold Bryan Wilson. (LAC) (Entered: 12/27/2016)
12/29/2016	<u>13</u>	MEMORANDUM AND ORDER that Wilson's Motion for Leave to Proceed IFP (Filing No. <u>2</u>) is granted. Wilson must pay an initial partial filing fee of \$35.79 within 30 days, unless the court extends the time in which he has to pay in response to a written motion. After payment of the initial partial filing fee, Wilson's institution must collect the additional monthly payments in the manner set forth in 28 U.S.C. § 1915(b)(2), quoted above, and forward those payments to the court. The clerk's office is directed to send a copy of this order to the appropriate official at Wilson's institution. The clerk's office is directed to set a pro se case management deadline in this case using the following text: January 28, 2017: initial partial filing fee payment due. Wilson is advised that, following payment of the initial partial filing fee, the next step in this case will be for the court to conduct an initial review of the claims to determine whether summary dismissal is appropriate under 28 U.S.C. § 1915(e) (2). The court will conduct this initial review in its normal course of business. Wilson's Motion to Amend (Filing No. <u>9</u>) is denied without prejudice to him filing a proper motion to amend which complies with the local rules of this court. Wilson's Motion for Preliminary Injunction and/or Temporary Restraining Order (Filing No. <u>12</u>) is denied without prejudice to reassertion. Ordered by Senior Judge Richard G. Kopf. (Copy mailed to pro se party and as directed)(LAC) (Entered: 12/29/2016)
12/29/2016	<u>14</u>	MEMORANDUM AND ORDER that Shadle's Motion for Leave to Proceed IFP (Filing No. <u>10</u>) is granted. Shadle must pay an initial partial filing fee of \$22.70 within 30 days, unless the court extends the time in which he has to pay in response to a written motion. After payment of the initial partial filing fee, Shadle's institution must collect the additional monthly payments in the manner set forth in 28 U.S.C. § 1915(b)(2), quoted above, and forward those payments to the court. The clerk's office is directed to send a copy of this order to the appropriate official at Shadle's institution. The clerk's office is directed to set a pro se case management deadline in this case using the following text: January 28, 2017: initial partial filing fee payment due. Shadle is advised that, following payment of the initial partial filing fee, the next step in this case will be for the court to conduct an initial review of the claims to determine whether summary dismissal is appropriate under 28 U.S.C. § 1915(e) (2). The court will conduct this initial review in its normal course of business. Shadle's initial Motion

		for Leave to Proceed In Forma Pauperis (Filing No. <u>7</u>) is denied as moot. Ordered by Senior Judge Richard G. Kopf. (Copy mailed to pro se party and as directed) (LAC) (Entered: 12/29/2016)
01/03/2017	<u>15</u>	MOTION for Preliminary Injunction and/or temporary restraining order, and motion to add additional defendant on behalf of Plaintiff Harold Bryan Wilson.(CCB) (Entered: 01/03/2017)
01/03/2017	<u>16</u>	MOTION for status on behalf of Plaintiff Harold Bryan Wilson.(CCB) (Entered: 01/03/2017)
01/03/2017	<u>17</u>	MOTION to Compel presence of inmate advisor at teleconference hearings or other proceedings on behalf of Plaintiff Harold Bryan Wilson.(CCB) (Entered: 01/03/2017)
01/05/2017	<u>20</u>	RESTRICTED SUPPLEMENT regarding Complaint <u>1</u> on behalf of Plaintiff Riley Nicole Shadle. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). (LAC) Modified on 4/13/2017 to add restricted language pursuant to order <u>50</u> (CS). (Entered: 01/10/2017)
01/09/2017	<u>18</u>	MOTION to Amend to add defendants and facts on behalf of Plaintiff Harold Bryan Wilson. (LAC) (Entered: 01/10/2017)
01/09/2017	<u>19</u>	AMENDED COMPLAINT against Defendant Fred Britten, Richard Cruickshank, Brad Exstrom, Scott Frakes, Jason Geerdes, Troy Hawks, Cathy Sheair filed by Plaintiff Harold Bryan Wilson. (LAC) (Entered: 01/10/2017)
01/17/2017	<u>21</u>	MOTION to Extend on behalf of Plaintiff Riley Nicole Shadle. (LAC) (Entered: 01/17/2017)
01/19/2017		TEXT ENTRY THAT INITIAL PARTIAL FILING fee paid on behalf of Harold B. Wilson on 01/19/2017. Receipt number 8041085, in the amount of \$35.79. (KLF) (Entered: 01/19/2017)
01/19/2017	<u>22</u>	MOTION on behalf of Plaintiff Harold Bryan Wilson. (LAC) (Entered: 01/19/2017)
01/20/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Riley Nicole Shadle on 1/20/2017. Receipt number 8041101, in the amount of \$ 22.70. (TCL) (Entered: 01/20/2017)
01/20/2017	<u>23</u>	LETTER on behalf of Plaintiff Riley Nicole Shadle.(TCL) (Entered: 01/20/2017)
01/20/2017	<u>24</u>	MOTION for Reconsideration regarding Memorandum and Order on Motion for Preliminary Injunction <u>13</u> filed by Plaintiff Riley Nicole Shadle. (JAB) (Entered: 01/20/2017)
01/26/2017	<u>25</u>	MEMORANDUM AND ORDER – This matter may proceed to service of process as to Plaintiffs' 42 U.S.C. § 1983 claims based on due process, equal protection, and retaliation against Defendants Jason Geerdes, Fred Britten, Cathy Sheair, and Scott Frakes in their official capacities only. Because Defendants are sued only in their official capacities, they shall be served at the office of the Nebraska Attorney General. The clerk of the court is directed to complete summons forms and USM–285 forms for each of the Defendants using the address Office of the Nebraska Attorney General, 2115 State Capitol, Lincoln, NE 68509, and forward them together with a copy of the Complaint and a copy of this Memorandum and Order to the Marshals Service for service of process on Defendants. Defendants shall have 21 days from the date they are served to file an answer or other responsive pleading to Plaintiffs' Complaint. Wilson's Motion for Status is granted. (Filing No. <u>16</u> .) Shadle has been given leave to proceed in forma pauperis. (Filing No. <u>14</u> .) Shadle's Motion (Filing No. <u>21</u>) seeking an extension of time to file his initial partial filing fee is denied as moot. The court received Shadle's initial partial filing fee on January 20, 2017. All other pending motions (Filing Nos. <u>15</u> , <u>17</u> , <u>18</u> , <u>22</u> , and <u>24</u>) will be stayed in abeyance pending a response from Defendants. The clerk's office shall terminate Defendants Brad Exstrom, Troy Hawk, and Richard Cruickshank from the case until the court acts on Wilsons Motion to Amend (Filing No. <u>18</u>). The clerk's office shall set a pro se case management deadline using the following text: February 15, 2017: check for Defendants' response. (Pro Se Case Management Deadline set for 2/15/2017.) Ordered by Senior Judge Richard G. Kopf. (Copy mailed to pro se party and USM with

		summons) (CS) (Entered: 01/26/2017)
01/26/2017	<u>26</u>	Summons Issued (COPY) with USM 285 forms as to defendants Fred Britten, Scott Frakes, Jason Geerdes, Cathy Sheair with copy of Memorandum and Order <u>25</u> , Complaint – Pro Se <u>1</u> , and Amended Complaint <u>19</u> . (CS) (Entered: 01/26/2017)
01/30/2017	<u>27</u>	MOTION for Temporary Restraining Order and Preliminary Injunction on behalf of Plaintiff Harold Bryan Wilson. (LAC) (Entered: 01/30/2017)
02/01/2017	<u>28</u>	MEMORANDUM AND ORDER – With regard to this court's order dated January 26, 2017 (Filing No. <u>25</u>), the United States Marshal shall serve all process in this case without prepayment of fees from Plaintiff. The clerk's office provide a copy of this order to the United States Marshal. Ordered by Senior Judge Richard G. Kopf. (1 Certified copy to USM and Copy mailed to pro se party)(LAC) Modified on 2/1/2017 to include mailed to pro se party (LAC). (Entered: 02/01/2017)
02/07/2017	<u>30</u>	MEMORANDUM AND ORDER that Wilson's motion (Filing No. <u>27</u>) will be stayed in abeyance with all other pending motions in this matter until Defendants respond to Plaintiffs' Complaint. Ordered by Senior Judge Richard G. Kopf. (Copy mailed to pro se party) (LAC) (Entered: 02/07/2017)
02/07/2017	<u>31</u>	SUMMONS Returned Executed upon defendant Cathy Sheair on 2/6/2017. (LAC) (Entered: 02/07/2017)
02/07/2017	<u>32</u>	SUMMONS Returned Executed upon defendant Jason Geerdes on 2/6/2017. (LAC) (Entered: 02/07/2017)
02/07/2017	<u>33</u>	SUMMONS Returned Executed upon defendant Scott Frakes on 2/6/2017. (LAC) (Entered: 02/07/2017)
02/07/2017	<u>34</u>	SUMMONS Returned Executed upon defendant Fred Britten on 2/6/2017. (LAC) (Entered: 02/07/2017)
02/22/2017	<u>35</u>	MOTION for Extension of Time to File a Responsive Pleading (<i>30 days to 3/29/17</i>), MOTION to Continue <i>Stay of all Pending Motions</i> by Attorney David A. Lopez on behalf of Defendants Fred Britten, Scott Frakes, Jason Geerdes, Cathy Sheair.(Lopez, David) (Entered: 02/22/2017)
02/23/2017	36	TEXT ORDER: Defendants' Motion for Extension of Time to file a Responsive Pleading (Filing No. <u>35</u>) is granted. The clerk's office shall set a pro se case management deadline using the following text: March 29, 2017: check for Defendants' responsive pleading. Ordered by Senior Judge Richard G. Kopf. (Copy mailed to pro se party) (LAC) (Entered: 02/23/2017)
03/01/2017	<u>37</u>	MOTION for Judgment on the Pleadings on behalf of Plaintiff Harold Bryan Wilson. (LAC) (Entered: 03/01/2017)
03/02/2017	38	TEXT ORDER – Plaintiff Wilson's Motion for Judgment on the Pleadings (Filing No. <u>37</u>) is denied. Defendants were given until March 29, 2017, to file a responsive pleading (Filing No. 36). Plaintiff Wilson was given notice of Defendants' March 29, 2017, deadline to file a responsive pleading (Filing No. 36 Display Receipt). Ordered by Senior Judge Richard G. Kopf. (Copy mailed to pro se party) (LAC) (Entered: 03/02/2017)
03/08/2017	<u>39</u>	OBJECTION on behalf of Plaintiff Harold Bryan Wilson. (LAC) (Entered: 03/08/2017)
03/09/2017	40	TEXT ORDER – Plaintiff Wilson's Objection (Filing No. <u>39</u>) is denied. The court will address any motions for extension of time to respond to Defendants' responsive pleading at the time that Plaintiffs file them. All pending motions continue to be stayed pending Defendants' response. Ordered by Senior Judge Richard G. Kopf. (Copy mailed to pro se party) (LAC) (Entered: 03/09/2017)
03/29/2017	<u>41</u>	MOTION on behalf of Plaintiff Riley Nicole Shadle. (LAC) (Entered: 03/29/2017)
03/29/2017	<u>42</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Attorney David A. Lopez on behalf of Defendants Fred Britten, Scott Frakes, Jason Geerdes, Cathy Sheair.(Lopez, David) (Entered: 03/29/2017)

03/29/2017	<u>43</u>	BRIEF in support of MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <u>42</u> by Attorney David A. Lopez on behalf of Defendants Fred Britten, Scott Frakes, Jason Geerdes, Cathy Sheair.(Lopez, David) (Entered: 03/29/2017)
03/29/2017	<u>44</u>	BRIEF in opposition to MOTION for Preliminary Injunction <u>15</u> , MOTION for Reconsideration regarding Memorandum and Order on Motion for Leave to Proceed in forma pauperis,,,,,, Order on Motion for Miscellaneous Relief,,,,,, Order on Motion for Preliminary Injunction,,,,, <u>13</u> <u>24</u> , MOTION to Amend <u>18</u> , MOTION <u>22</u> , MOTION to Compel <u>17</u> , MOTION for Temporary Restraining Order <u>27</u> by Attorney David A. Lopez on behalf of Defendants Fred Britten, Scott Frakes, Jason Geerdes, Cathy Sheair.(Lopez, David) (Entered: 03/29/2017)
03/29/2017	<u>45</u>	MOTION to Strike Supplement <u>20</u> (<i>Privacy Violations</i>) by Attorney David A. Lopez on behalf of Defendants Fred Britten, Scott Frakes, Jason Geerdes, Cathy Sheair.(Lopez, David) (Entered: 03/29/2017)
03/31/2017	<u>46</u>	MEMORANDUM AND ORDER that with thanks for accepting the appointment, Michael D. Gooch is hereby appointed to represent Plaintiff Wilson and Plaintiff Shadle. The clerk of the court shall provide Mr. Gooch with a copy of this Memorandum and Order. Mr. Gooch is directed to promptly enter his appearance as counsel in this case. Upon entry of Mr. Gooch's appearance in CM/ECF, the clerk of the court shall immediately pay from the Federal Practice Fund the sum of \$1,000 to Mr. Gooch. A second and the last installment of \$1,000 shall become due and payable to Mr. Gooch upon the entry of judgment or other closing documents in the case. Mr. Gooch may incur reasonable expenses when representing Plaintiffs in accordance with parts III(A), VI(C), and VI(E) of the Amended Plans for Administration of the Federal Practice Fund and Federal Practice Committee.1 See also NEGenR 1.7(g) and NECivR 54.3–54.4. Should Plaintiffs succeed and Mr. Gooch is awarded attorney fees and expenses that exceed \$2,000 plus expenses, he shall reimburse the Federal Practice Fund for the fees and expenses paid from the fund. At the direction of the court, this case is removed from the pro se docket. The clerk's office shall randomly assign new judges to this case and shall request a reassignment order from the Chief Judge. All pending motions, including Defendants' Motion to Dismiss (Filing No. <u>42</u>), will be stayed until the assigned judges enter an order progressing the matter. The undersigned recommends to the judges, who are ultimately assigned, to consider issuing a progression order after consultation with counsel. The clerk's office shall provide Plaintiffs, counsel for Defendants, and Chief Judge Smith Camp with a copy of this Memorandum and Order. Ordered by Senior Judge Richard G. Kopf. (Copy mailed to pro se party and as directed)(LAC) (Entered: 03/31/2017)
03/31/2017	<u>47</u>	NOTICE of Appearance by Attorney Michael D. Gooch on behalf of Plaintiff Harold Bryan Wilson (Gooch, Michael) (Entered: 03/31/2017)
03/31/2017	<u>48</u>	NOTICE of Appearance by Attorney Michael D. Gooch on behalf of Plaintiff Riley Nicole Shadle (Gooch, Michael) (Entered: 03/31/2017)
04/03/2017	<u>49</u>	REASSIGNMENT ORDER – This case is reassigned to District Judge Robert F. Rossiter, Jr. for disposition and to Magistrate Judge Cheryl R. Zwart for judicial supervision and processing of all pretrial matters. Ordered by Chief Judge Laurie Smith Camp. (Copy mailed to pro se party) (LAC) (Entered: 04/03/2017)
04/10/2017		TEXT ENTRY THAT FILING fee paid on behalf of Dillon Shadle on 4/10/2017. Receipt number 8042210, in the amount of \$ 15.08. (GJG) (Entered: 04/11/2017)
04/12/2017	<u>50</u>	ORDER – Plaintiff Wilson's motion to amend the complaint to add additional defendants <u>18</u> is denied without prejudice to re–filing, if appropriate, through his court–appointed counsel. Plaintiff Wilson's motion to permit the presence of an inmate advisor at teleconference hearings <u>17</u> is denied. Plaintiff Wilson's motion to pay the full filing fee for co–plaintiff Shadle <u>22</u> is denied. Plaintiff Shadle's motion to make filing fee payments directly to the court rather than through the penal institution <u>41</u> is denied. Defendants' motion to restrict access to Wilson's <u>20</u> (which includes Shadle's date of birth and social security number) <u>45</u> is granted. Filing <u>20</u> is now a restricted access filing. Ordered by Magistrate Judge Cheryl R. Zwart. (CS) (Entered: 04/12/2017)
04/26/2017	<u>51</u>	ORDER that plaintiff Harold Bryan Wilson's Motion for Preliminary Injunction and/or Temporary Restraining Order and Motion to Add Additional Defendant (Filing No. <u>15</u>

) is denied without prejudice to refiling, if appropriate, through court-appointed counsel. Plaintiff Riley Nicole Shadle's Motion for Reconsideration (Filing No. <u>24</u>) is denied without prejudice to refiling, if appropriate, through court-appointed counsel. Wilson's Motion for Temporary Restraining Order and Preliminary Injunction (Filing No. <u>27</u>) is denied without prejudice to refiling, if appropriate, through court-appointed counsel. The stay is lifted. The plaintiffs shall have until May 26, 2017, to respond to the defendants' Motion to Dismiss. Ordered by Judge Robert F. Rossiter, Jr. (JSF) (Entered: 04/26/2017)
05/10/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Dillon Shadle on 5/10/2017. Receipt number 8042569, in the amount of \$22.36. (SLP) (Entered: 05/11/2017)
05/10/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Harold B. Wilson on 5/10/2017. Receipt number 8042577, in the amount of \$45.57. (SLP) (Entered: 05/12/2017)
05/15/2017	<u>52</u>	UNOPPOSED MOTION to Extend <i>Filing Deadline</i> Order,,,, Terminate Motion and R&R Deadlines/Hearings,,,, Set/Reset Motion and R&R Deadlines/Hearings,,, <u>51</u> by Attorney Michael D. Gooch on behalf of Plaintiffs Riley Nicole Shadle, Harold Bryan Wilson.(Gooch, Michael) (Entered: 05/15/2017)
05/15/2017	<u>53</u>	CASE CONFERENCING INSTRUCTIONS: RESTRICTED ORDER. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 05/15/2017)
05/15/2017	54	TEXT ORDER granting <u>52</u> Motion to Extend. 1) Plaintiffs' Amended Complaint shall be filed on or before August 1, 2017. 2) A telephonic conference will the undersigned magistrate judge will be held on August 8, 2017 at 10:00 a.m. to discuss further case scheduling. Counsel shall use the conferencing information assigned to this case, (Filing No. 53), to participate in the conference. 3) Plaintiffs' deadline for responding to Defendants' motion to dismiss <u>42</u> is stayed pending further order of the court. Ordered by Magistrate Judge Cheryl R. Zwart. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 05/15/2017)
06/14/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Dillon Shadle on 6/14/2017. Receipt number 8043010, in the amount of \$ 32.00. (TCL) (Entered: 06/15/2017)
06/14/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Harold B. Wilson on 6/14/2017. Receipt number 8043019, in the amount of \$ 45.24. (TCL) (Entered: 06/15/2017)
07/10/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Dillon Shadle on 07/10/2017. Receipt number 8043339, in the amount of \$ 25.32. (MBM) (Entered: 07/11/2017)
07/10/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Harold B. Wilson on 07/10/2017. Receipt number 8043350, in the amount of \$ 45.57. (MBM) (Entered: 07/11/2017)
07/28/2017	55	TEXT ORDER CONTINUING HEARING: On the court's own motion Telephone Conference is continued to 8/10/2017 at 10:30 AM before Magistrate Judge Cheryl R. Zwart. Counsel shall participate using the conferencing instructions assigned to the case (<u>see</u> filing no. <u>53</u>). Ordered by Magistrate Judge Cheryl R. Zwart. (TLSS) (Entered: 07/28/2017)
08/01/2017	<u>56</u>	MOTION to Amend <i>Without Showing Changes and to Add Defendants</i> by Attorney Michael D. Gooch on behalf of Plaintiffs Riley Nicole Shadle, Harold Bryan Wilson. (Attachments: # <u>1</u> Amended Complaint)(Gooch, Michael) (Entered: 08/01/2017)
08/01/2017	<u>57</u>	AMENDED COMPLAINT against Defendant All Defendants, by Attorney Michael D. Gooch on behalf of Riley Nicole Shadle, Harold Bryan Wilson(Gooch, Michael)

		(Entered: 08/01/2017)
08/10/2017	<u>58</u>	ORDER that Plaintiffs' anticipated motion to strike the amended complaint (Filing No. <u>57</u>), and to file a new amended complaint shall be filed on or before August 18, 2017. Plaintiff need not outline or otherwise identify the changes in the amended complaint. Defendants' response to Plaintiff's amended complaint shall be filed on or before 30 days after the last defendant is served. Ordered by Magistrate Judge Cheryl R. Zwart. (LAC) (Entered: 08/10/2017)
08/18/2017	<u>59</u>	AMENDED COMPLAINT against Defendant All Defendants, by Attorney Michael D. Gooch on behalf of Riley Nicole Shadle, Harold Bryan Wilson(Gooch, Michael) (Entered: 08/18/2017)
08/21/2017	60	TEXT ORDER. Plaintiffs' amended complaint has been filed. Their motion to amend, filing <u>56</u> , is denied as moot. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 08/21/2017)
08/21/2017	61	TEXT ORDER. Plaintiffs have filed an amended complaint. Accordingly, Defendants' Motion to Dismiss for Failure to State a Claim <u>42</u> is denied as moot. However, as to all defendants, this order is entered without prejudice to Defendants re-filing a motion to dismiss on or before 30 days after all the newly added defendants have been served. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 08/21/2017)
08/21/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Dillon Shadle on 8/21/2017. Receipt number 8043838, in the amount of \$ 23.15. (TCL) (Entered: 08/22/2017)
08/21/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Harold B. Wilson on 8/21/2017. Receipt number 8043847, in the amount of \$ 45.32. (TCL) (Entered: 08/22/2017)
09/18/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Riley Nicole Shadle also known as Dillon Shadle on 09/18/2017. Receipt number 8044170, in the amount of \$20.00. (KLF) (Entered: 09/19/2017)
09/18/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Harold Bryan Wilson on 09/18/2017. Receipt number 8044188, in the amount of \$45.08. (KLF) (Entered: 09/19/2017)
10/14/2017	<u>62</u>	UNOPPOSED MOTION to Amend <i>Complaint</i> by Attorney Michael D. Gooch on behalf of Plaintiffs Riley Nicole Shadle, Harold Bryan Wilson. (Attachments: # <u>1</u> Second Amended Complaint)(Gooch, Michael) (Entered: 10/14/2017)
10/17/2017	63	TEXT ORDER granting <u>62</u> Motion to Amend. Plaintiffs' Second Amended Complaint shall be filed on or before October 20, 2017. Defendants' response to the Second Amended Complaint shall be filed within 21 days after all new defendants have been deemed served by either actual service or by waiver of service. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 10/17/2017)
10/17/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Riley Nicole Shadle also known as Dillon Shadle on 10/16/2017. Receipt number 8044557, in the amount of \$36.00. (KLF) (Entered: 10/17/2017)
10/17/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Harold Bryan Wilson on 10/16/2017. Receipt number 8044567, in the amount of \$45.57. (KLF) (Entered: 10/17/2017)
10/17/2017	<u>64</u>	SECOND AMENDED COMPLAINT against Defendant Scott Frakes, Jason Geerdes, Jeff Wooten, Robert Madsen, by Attorney Michael D. Gooch on behalf of Riley Nicole Shadle, Harold Bryan Wilson(Gooch, Michael) Modified on 12/27/2017 to add "second". (JAB) (Entered: 10/17/2017)
11/07/2017	<u>65</u>	ANSWER to Amended Complaint <u>64</u> by Scott Frakes, Jason Geerdes, Robert Madsen, Jeff Wooten (Lopez, David) (Entered: 11/07/2017)

11/14/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Dillon Shadle on 11/13/17. Receipt number 8044958, in the amount of \$ 38.49. (LAC) (Entered: 11/14/2017)
11/14/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Harold B. Wilson on 11/13/17. Receipt number 8044970, in the amount of \$ 41.86. (LAC) (Entered: 11/14/2017)
11/30/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Riley Nicole Shadle on 11/30/2017. Receipt number 8045170, in the amount of \$16.91. (SLP) (Entered: 12/01/2017)
12/18/2017		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Riley Nicole Shadle on 12/18/17. Receipt number 8045437, in the amount of \$ 20.57. (LAC) (Entered: 12/19/2017)
12/19/2017		TEXT ENTRY THAT FILING fee paid on behalf of Riley Shadle in case 8:16CV546 on 12/18/2017, Receipt number 8045440, in the amount of \$ 20.57 has been moved to this case. (SCR,) (Entered: 12/19/2017)
12/27/2017	<u>66</u>	ORDER that the parties shall review the undersigned magistrate judge's practices posted at Civil Case Management Practices. Counsel for the parties shall confer and, on or before January 26, 2018, they shall jointly file a Form 35 (Rule 26 (f)) Report, a copy of which can be found at http://www.ned.uscourts.gov/forms in Word and WordPerfect format. If one or more of the parties believes a planning conference is needed to complete the Rule 26(f) Report, or if the parties cannot agree on one or more of the deadlines identified or case progression issues raised in the Rule 26(f) Report, on or before January 17, 2018 a party shall contact my chambers at (402) 437-1670, or by email addressed to zwart@ned.uscourts.gov , to arrange a conference call. Ordered by Magistrate Judge Cheryl R. Zwart. (LAC) (Entered: 12/27/2017)
01/02/2018	<u>67</u>	MOTION for refund on behalf of Plaintiff Riley Nicole Shadle. (MBM) (Entered: 01/02/2018)
01/03/2018	<u>68</u>	LETTER from Clerk's Office regarding # <u>67</u> Motion for refund on behalf of Plaintiff Riley Nicole Shadle.(LAC) (Entered: 01/03/2018)
01/22/2018		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Dillon Shadle on 1/22/18. Receipt number 8045842, in the amount of \$ 23.35. (LAC) (Entered: 01/23/2018)
01/22/2018		TEXT ENTRY THAT FILING fee paid on behalf of Riley Shadle in case 8:16CV546 on 01/22/2018, Receipt number 8045843, in the amount of \$ 22.00 has been moved to this case. (SCR,) (Entered: 01/24/2018)
01/23/2018	<u>69</u>	MOTION to Consolidate Case(s) 8:16-CV-524 and 4:18-CV-3011 by Attorney Ryan S. Post on behalf of Defendants Scott Frakes, Jason Geerdes, Robert Madsen, Jeff Wooten.(Post, Ryan) (Entered: 01/23/2018)
01/23/2018	<u>70</u>	BRIEF in support of MOTION to Consolidate Case(s) 8:16-CV-524 and 4:18-CV-3011 <u>69</u> by Attorney Ryan S. Post on behalf of Defendants Scott Frakes, Jason Geerdes, Robert Madsen, Jeff Wooten.(Post, Ryan) (Entered: 01/23/2018)
01/26/2018	<u>71</u>	UNOPPOSED MOTION to Extend or Suspend the Parties' Deadline to Submit Rule 26(f) Report Pending Decision on the Motion to Consolidate by Attorney David A. Lopez on behalf of Defendants Scott Frakes, Jason Geerdes, Robert Madsen, Jeff Wooten.(Lopez, David) (Entered: 01/26/2018)
01/26/2018	72	TEXT ORDER granting <u>71</u> Motion to Extend. The Rule 26(f) report deadline is stayed pending a ruling on the motion to consolidate. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 01/26/2018)
01/30/2018		TEXT ENTRY THAT FINAL FILING fee paid on behalf of Riley Nicole Shadle on 1/30/18. Receipt number 4-7163, in the amount of \$ 11.50. (CCB) (Entered: 01/30/2018)
01/30/2018		Remark – The plaintiff's institution, LINCOLN CORRECTIONAL CENTER, is notified that the case is paid in full for Riley N Shadle. The institution is directed to cease collection of payments in this case. (SCR,) (Entered: 01/30/2018)

02/26/2018	<u>73</u>	ORDER – Rule 26 Meeting Report Deadline set for 3/30/2018. Ordered by Magistrate Judge Cheryl R. Zwart. (LAC) (Entered: 02/26/2018)
02/26/2018		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Riley Shadle on 2/26/2018. Receipt number 8046322, in the amount of \$ 25.00. (TCL) (Entered: 02/26/2018)
02/27/2018	<u>74</u>	LETTER with Clerk's response on behalf of Plaintiff Riley Nicole Shadle.(TCL) (Entered: 02/27/2018)
02/27/2018		Remark – Prisoner Overpayment (Public)– The plaintiff's institution, LINCOLN CORRECTIONAL CENTER, is notified that an overpayment has been received in this case for RILEY SHADLE. A refund check in the amount of \$25.00 will be forthcoming. The institution is directed to cease collection of payments in this case. (SCR) (Entered: 02/27/2018)
03/01/2018	75	TEXT ORDER: Plaintiffs' brief in response to Defendants' motion to consolidate (Filing No. 69) shall be filed on or before March 8, 2018, with any reply filed on or before March 15, 2018. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 03/01/2018)
03/08/2018	<u>76</u>	UNOPPOSED MOTION to Extend <i>Filing Deadline</i> Set/Reset Motion and R&R Deadlines/Hearings,, Order, 75 by Attorney Michael D. Gooch on behalf of Plaintiffs Riley Nicole Shadle, Harold Bryan Wilson.(Gooch, Michael) (Entered: 03/08/2018)
03/08/2018	77	TEXT ORDER granting <u>76</u> Motion to Extend. Plaintiffs' response and/or objection to Defendants' motion to consolidate shall be filed on or before March 15, 2018. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 03/08/2018)
03/23/2018	<u>78</u>	ORDER denying <u>69</u> Motion to Consolidate Cases. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 03/23/2018)
03/26/2018	<u>79</u>	UNOPPOSED MOTION to Extend <i>Rule 26(f) Filing Date</i> Order on Motion to Consolidate Cases <u>78</u> by Attorney Michael D. Gooch on behalf of Plaintiffs Riley Nicole Shadle, Harold Bryan Wilson.(Gooch, Michael) (Entered: 03/26/2018)
03/28/2018	<u>80</u>	ORDER granting <u>79</u> Motion to Extend deadline for filing the parties' Rule 26(f) Report. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 03/28/2018)
05/11/2018	<u>81</u>	UNOPPOSED MOTION to Extend <i>Rule 26(f) Deadline</i> Order on Motion to Extend <u>80</u> , Order on Motion to Extend 77 by Attorney Michael D. Gooch on behalf of Plaintiffs Riley Nicole Shadle, Harold Bryan Wilson.(Gooch, Michael) (Entered: 05/11/2018)
05/14/2018	82	TEXT ORDER granting <u>81</u> Motion to Extend – Rule 26 Meeting Report Deadline is extended to 5/21/2018 . Ordered by Magistrate Judge Cheryl R. Zwart. (TLSS) (Entered: 05/14/2018)
05/21/2018	<u>83</u>	REPORT of Rule 26(f) Planning Meeting by Attorney Michael D. Gooch on behalf of Plaintiffs Riley Nicole Shadle, Harold Bryan Wilson.(Gooch, Michael) (Entered: 05/21/2018)
06/04/2018	<u>84</u>	FINAL PROGRESSION ORDER– Depositions due September 7, 2018. Non–Jury Trial set for 1/14/2019 at 09:00 AM in Courtroom 4, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Judge Robert F. Rossiter Jr.. Pretrial Conference set for 12/18/2018 at 10:00 AM Internet/Telephonic Conferencing before Magistrate Judge Cheryl R. Zwart. Status Conference set for 8/7/2018 at 10:30 AM by Telephone before Magistrate Judge Cheryl R. Zwart.Ordered by Magistrate Judge Cheryl R. Zwart. (LAC) (Entered: 06/04/2018)
06/04/2018	<u>85</u>	CASE CONFERENCE INSTRUCTIONS. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E–GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). Ordered by Magistrate Judge Cheryl R. Zwart. (LAC) (Entered: 06/04/2018)
06/12/2018	<u>86</u>	MOTION to Substitute Party (<i>Taggart Boyd, in his official capacity as Warden of the Lincoln Correctional Center, for Jeff Wooten</i>) by Attorney David A. Lopez on behalf of Defendants Scott Frakes, Jason Geerdes, Robert Madsen, Jeff Wooten.(Lopez,

		David) (Entered: 06/12/2018)
06/12/2018	<u>87</u>	Certificate of Service of the Defendants' Rule 26(a)(1) Initial Disclosures by Attorney David A. Lopez on behalf of Defendants Scott Frakes, Jason Geerdes, Robert Madsen, Jeff Wooten.(Lopez, David) (Entered: 06/12/2018)
06/12/2018	<u>88</u>	ORDER – Taggart Boyd, in his official capacity as the Warden of the Lincoln Correctional Center, is substituted for Jeff Wooten, in his official capacity as the Warden of the Lincoln Correctional Center. The caption on all docket filings hereafter shall reflect this substitution of parties. The clerk shall correct the court's docket accordingly. Ordered by Magistrate Judge Cheryl R. Zwart. (KLF) (Entered: 06/13/2018)
06/13/2018	89	TEXT EMAIL MOTION – Joint Motion for Stipulated Protective Order. (TLSS) (Entered: 06/13/2018)
06/13/2018	<u>90</u>	STIPULATED PROTECTIVE ORDER – granting TEXT EMAIL MOTION 89 . Ordered by Magistrate Judge Cheryl R. Zwart. (KLF) (Entered: 06/13/2018)
06/13/2018	<u>91</u>	DISCLOSURE Pursuant to Rule26(a)(1) by Attorney Michael D. Gooch on behalf of Plaintiffs Riley Nicole Shadle, Harold Bryan Wilson.(Gooch, Michael) (Entered: 06/13/2018)
08/02/2018	<u>92</u>	Certificate of Service of Discovery for Both Plaintiffs by Attorney Michael D. Gooch on behalf of Plaintiff Riley Nicole Shadle.(Gooch, Michael) (Entered: 08/02/2018)
08/02/2018	<u>93</u>	Certificate of Service of Discovery for Both Plaintiffs by Attorney Michael D. Gooch on behalf of Plaintiff Harold Bryan Wilson.(Gooch, Michael) (Entered: 08/02/2018)
08/07/2018	<u>94</u>	AMENDED PROGRESSION ORDER – The trial and pretrial conference settings are vacated. The deposition deadline is November 30, 2018. The clerk shall set an internal case management deadline of January 18, 2019: Confirm that cross–motions were timely filed. Ordered by Magistrate Judge Cheryl R. Zwart. (KLF) (Entered: 08/07/2018)
09/11/2018	<u>95</u>	NOTICE of Appearance by Attorney Benjamin M. Goins on behalf of Defendants Taggart Boyd, Scott Frakes, Jason Geerdes, Robert Madsen (Goins, Benjamin) (Entered: 09/11/2018)
09/23/2018	<u>96</u>	Certificate of Service of the Defendants' Rule 26(a)(2)(C) Non–retained Expert Witness Disclosure and Partial Responses to Request for Production (First Set) by Attorney David A. Lopez on behalf of Defendants Taggart Boyd, Scott Frakes, Jason Geerdes, Robert Madsen.(Lopez, David) (Entered: 09/23/2018)
09/29/2018	<u>97</u>	Certificate of Service of the Defendants' Responses to the Plaintiffs First Set of Interrogatories and Supplemental Responses to the Plaintiffs' First Set of Requests for Production by Attorney David A. Lopez on behalf of Defendants Taggart Boyd, Scott Frakes, Jason Geerdes, Robert Madsen.(Lopez, David) (Entered: 09/29/2018)
12/13/2018	<u>98</u>	MOTION to Substitute Party (<i>Michele Capps in place of Robert Madsen</i>) by Attorney David A. Lopez on behalf of Defendants Taggart Boyd, Scott Frakes, Jason Geerdes, Robert Madsen.(Lopez, David) (Entered: 12/13/2018)
12/14/2018	<u>99</u>	ORDER granting <u>98</u> Motion to Substitute Party. Michele Capps in her official capacity as Warden of the Nebraska State Penitentiary is substituted for Robert Madsen, Warden, in his Official Capacity. Ordered by Magistrate Judge Cheryl R. Zwart. (ADB) (Entered: 12/17/2018)
12/28/2018	<u>100</u>	JOINT MOTION to Extend <i>Progression Deadlines and to Amend Order</i> Order Setting Schedule for Progression of a Civil Case,, Terminate Deadlines and Hearings,, Set/Reset All Deadlines, <u>94</u> by Attorney Michael D. Gooch on behalf of Plaintiff Harold Bryan Wilson.(Gooch, Michael) (Entered: 12/28/2018)
12/28/2018	<u>101</u>	AMENDED PROGRESSION ORDER – The deposition deadline is now January 31, 2019. Cross–motions for summary judgment based on stipulated facts shall be filed on or before March 14, 2019, with any response due on or before April 15, 2019. No reply shall be filed absent leave of the court for good cause shown. The deadline for filing motions to exclude testimony on <i>Daubert</i> and related grounds is now March 14, 2019. The clerk shall set an internal case management deadline of March 18, 2019:

		Confirm that cross-motions were timely filed. Ordered by Magistrate Judge Cheryl R. Zwart. (KLF) (Entered: 12/28/2018)
01/10/2019	<u>102</u>	MOTION to file under Seal by Attorney Michael D. Gooch on behalf of Plaintiffs Riley Nicole Shadle, Harold Bryan Wilson.(Gooch, Michael) (Entered: 01/10/2019)
01/14/2019	<u>105</u>	ORDER granting <u>102</u> Motion to Seal; granting 103 SEALED MOTION. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) Modified on 1/14/2019---Order unsealed and NEF regenerated by CRZ (Zwart, Cheryl). Modified on 1/14/2019 copy mailed to pro se party. (JAB) (Entered: 01/14/2019)
01/15/2019	<u>106</u>	UNOPPOSED MOTION to Dismiss Party Riley Nicole Shadle by Attorney Michael D. Gooch on behalf of Plaintiff Riley Nicole Shadle. (Attachments: # <u>1</u> Settlement Agreement)(Gooch, Michael) (Entered: 01/15/2019)
01/17/2019	<u>107</u>	ORDER that plaintiff Riley Nicole Shadle's Voluntary Motion to Dismiss (Filing No. <u>106</u>) is granted. Shadle's claims against defendants Jason Geerdes, Scott Frakes, Taggart Boyd, and Michelle Capps are dismissed with prejudice. Plaintiff Harold Bryan Wilson's claims against the defendants remain pending. Ordered by Judge Robert F. Rossiter, Jr. (Copy mailed to Harold Bryan Wilson) (JSF) (Entered: 01/17/2019)
01/22/2019	<u>108</u>	MOTION for replacement counsel and for possible return of filing fees in the event of a settlement on behalf of Plaintiff Harold Bryan Wilson.(TCL) (Entered: 01/22/2019)
01/23/2019	<u>109</u>	MOTION for Reimbursement from Federal Practice Fund by Attorney Michael D. Gooch on behalf of Plaintiff Riley Nicole Shadle. (Attachments: # <u>1</u> Supplement Expense Worksheet, # <u>2</u> Exhibit Receipts)(Gooch, Michael) (Entered: 01/23/2019)
01/29/2019	<u>110</u>	ORDER denying <u>108</u> Motion to Appoint Counsel. On or before February 11, 2019, Plaintiff Wilson shall either: (a) obtain the services of counsel and have that attorney file an appearance in this case; or (b) file a statement notifying the court of his intent to litigate this case without the assistance of counsel. The failure to do so may result in a dismissal of Plaintiff Wilson's claims without further notice. Ordered by Magistrate Judge Cheryl R. Zwart. (Copy mailed to pro se party) (ADB) (Entered: 01/29/2019)
01/29/2019	<u>111</u>	ORDER that attorney Michael D. Gooch's Motion for Payment of the Remaining Fee for Reimbursement of Actual Expenses (Filing No. <u>109</u>) is granted. The Clerk of Court shall pay to attorney Michael D. Gooch from the Federal Practice Fund, the amount of \$1,000 for his remaining attorney fees and \$500 for expenses. Ordered by Judge Robert F. Rossiter, Jr. (Copy mailed to pro se party; copy given to Finance) (JSF) (Entered: 01/29/2019)
02/12/2019	<u>112</u>	OBJECTION to dismissal on behalf of Plaintiff Harold Bryan Wilson. (ADB) (Entered: 02/12/2019)
02/14/2019	<u>113</u>	ORDER on <u>112</u> Wilson's Objection to Dismissal. 1) Wilson's objection to Shadle's settlement and voluntary dismissal of her claims with prejudice is overruled. 2) Wilson's request for appointed counsel is denied. 3) Wilson will be litigating this action pro se. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) Modified on 2/19/2019 to reflect copy mailed to pro se party on 2/14/2019. (JAB) (Entered: 02/14/2019)
02/15/2019	<u>114</u>	ORDER – IT IS ORDERED: The deadline for cross-motions for summary judgment remains in effect. Such motions shall be filed on or before March 14, 2019, with any response due on or before April 15, 2019. No reply shall be filed absent leave of the court for good cause shown. (See Filing No. <u>101</u>) Ordered by Magistrate Judge Cheryl R. Zwart. (Copy mailed to pro se party)(TCL) (Entered: 02/15/2019)
03/14/2019	<u>115</u>	MOTION for Summary Judgment (<i>with Suggestion of Mootness</i>) by Attorney David A. Lopez on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Lopez, David) (Entered: 03/14/2019)
03/14/2019	<u>116</u>	BRIEF in support of MOTION for Summary Judgment (<i>with Suggestion of Mootness</i>) <u>115</u> by Attorney David A. Lopez on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Lopez, David) (Entered: 03/14/2019)

03/14/2019	<u>117</u>	MOTION for Summary Judgment on behalf of Plaintiff Harold Bryan Wilson. (TCL) (Entered: 03/14/2019)
03/14/2019	<u>118</u>	CROSS MOTION for Summary Judgment on behalf of Plaintiff Harold Bryan Wilson.(TCL) (Entered: 03/14/2019)
03/14/2019	<u>119</u>	PRISONER ACCOUNT STATEMENT by Plaintiff Harold Bryan Wilson. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). (TCL) (Entered: 03/14/2019)
03/29/2019	<u>120</u>	BRIEF in opposition to MOTION for Summary Judgment <u>118</u> , MOTION for Summary Judgment <u>117</u> by Attorney David A. Lopez on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Lopez, David) (Entered: 03/29/2019)
04/03/2019	<u>121</u>	REPLY to MOTION for Summary Judgment (<i>with Suggestion of Mootness</i>) <u>115</u> on behalf of Plaintiff Harold Bryan Wilson.(TCL) (Entered: 04/03/2019)
05/13/2019	<u>122</u>	MEMORANDUM AND ORDER that defendants Jason Geerdes, Scott Frakes, Taggart Boyd, and Michelle Capps's Suggestion of Mootness and Motion for Summary Judgment (Filing No. <u>115</u>) is denied. Plaintiff Harold Bryan Wilson's pro se Motion for Summary Judgment (Filing No. <u>117</u>) and Cross Motion for Summary Judgment (Filing No. <u>118</u>) are denied. Ordered by Judge Robert F. Rossiter, Jr. (Copy mailed to pro se party) (JSF) (Entered: 05/13/2019)
05/17/2019	<u>123</u>	FINAL PROGRESSION ORDER – Non–Jury Trial set for 9/9/2019 at 09:00 AM in Courtroom 4, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Judge Robert F. Rossiter Jr.. Pretrial Conference set for 8/20/2019 at 11:00 AM by Telephone before Magistrate Judge Cheryl R. Zwart. If a plaintiff is held in an institution, the pretrial conference will be by telephone. In that case, Defense counsel shall contact the plaintiff's institution in advance and arrange to initiate and place the conference call. Ordered by Magistrate Judge Cheryl R. Zwart. (Copy mailed to pro se party)(ADB) (Entered: 05/17/2019)
05/28/2019	<u>124</u>	MEMORANDUM regarding pretrial conference and non–jury trial and MOTION to Appoint Counsel on behalf of Plaintiff Harold Bryan Wilson. (ADB) (Entered: 05/29/2019)
06/07/2019	<u>125</u>	RESPONSE regarding MOTION to Appoint Counsel <u>124</u> by Attorney David A. Lopez on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Lopez, David) (Entered: 06/07/2019)
06/11/2019	<u>126</u>	MOTION for Leave to Depose a Confined Person, MOTION to Extend Time to Take Deposition by Attorney David A. Lopez on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Lopez, David) (Entered: 06/11/2019)
06/11/2019	<u>127</u>	BRIEF in support of MOTION for Leave to Depose a Confined Person MOTION to Extend Time to Take Deposition <u>126</u> by Attorney David A. Lopez on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Lopez, David) (Entered: 06/11/2019)
06/19/2019	<u>128</u>	OBJECTION to request for dipositon out of time and reason Plaintiff cannot present a proper response on behalf of Plaintiff Harold Bryan Wilson.(TCL) (Entered: 06/19/2019)
06/20/2019	<u>130</u>	AFFIDAVIT of Plaintiff Riley Nicole Shadle. (JSF) (Entered: 06/25/2019)
06/21/2019	<u>129</u>	REPLY BRIEF in support of MOTION for Leave to Depose a Confined Person MOTION to Extend Time to Take Deposition <u>126</u> by Attorney David A. Lopez on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Lopez, David) (Entered: 06/21/2019)
07/01/2019	<u>131</u>	OBJECTION to use of telephone during deposition on behalf of Plaintiff Harold Bryan Wilson.(ADB) (Entered: 07/01/2019)
07/01/2019	<u>132</u>	REQUEST to depose attorney Michael Gooch on behalf of Plaintiff Harold Bryan Wilson. (ADB) (Entered: 07/01/2019)

07/09/2019	<u>133</u>	MEMORANDUM AND ORDER – IT IS ORDERED: The Motion to Appoint Counsel filed by Plaintiff Harold Wilson, (Filing No. <u>124</u>), is denied without prejudice to re–filing if the substantive merits of the right to marry claim must be decided by the court, either by motion or at trial. Plaintiff's objections, (Filing Nos. <u>128</u> and <u>131</u>), are overruled, and Defendants' Motion to Depose a Confined Person and to extend the deposition deadline, (Filing No. <u>126</u>), is granted as follows: a. Defendants' deposition of Riley Shadle will commence at a date and time agreeable to the penal facilities where Shadle and Plaintiff Harold Wilson are housed. The location of the deposition shall be a place agreeable to the administration of that penal facility. b. Riley Shadle is ordered to attend the deposition as scheduled, and Shadle shall cooperate fully with the deposition process to the extent required by law. c. Shadle is reminded that failing to attend and fully cooperate in the deposition process will be deemed a violation of this court's order, which may result in civil or criminal contempt proceedings, and may also impact the calculation of earned and unearned good time credit. d. A copy of this order shall be attached to the notice of deposition served on Riley Shadle. If the notice is served on counsel for Shadle, the deponent's counsel shall forward the notice with this order to Shadle and shall file a certificate of service stating the date and manner of service. e. If Harold Wilson chooses to participate in the deposition of Shadle, he shall do so telephonically. f. Wilson's participation will be limited to the objection and cross–examination purposes provided under Fed. R. Civ. P. 30(c). Defendants may suspend the deposition and contact the Court if Wilson attempts to use the deposition for any other communicative purpose. g. Wilson is reminded that absent a showing of good cause, his failure to attend the deposition of Shadle as scheduled will be deemed a waiver of any right to attend, and to cross–examine or question Shadle prior to trial. h. Wilson is further reminded that any failure to fully cooperate in the deposition process, or any attempt to use this deposition for any purpose other than securing testimony relevant to this lawsuit, will be deemed a violation of this court's order, which may result in civil or criminal contempt proceedings, and may also impact the calculation of earned and unearned good time credit. Wilson's Motion to Depose Michael Gooch, his former court–appointed counsel, (Filing No. <u>132</u>), is denied. Ordered by Magistrate Judge Cheryl R. Zwart. (Copy mailed to pro se party)(TCL) (Entered: 07/10/2019)
07/16/2019	<u>134</u>	MOTION to Stay <i>Deadline to Submit Draft of Pretrial Conference Order to Plaintiff</i> by Attorney David A. Lopez on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Lopez, David) (Entered: 07/16/2019)
07/17/2019	<u>135</u>	MOTION for Copies and MOTION for Reconsideration on behalf of Plaintiff Harold Bryan Wilson. (ADB) (Entered: 07/17/2019)
07/18/2019	<u>136</u>	MOTION to Appoint Counsel on behalf of Plaintiff Riley Nicole Shadle. (ADB) (Entered: 07/18/2019)
07/18/2019	<u>137</u>	ORDER that Defendant's motion, (Filing No. 134), is granted, and the deadline for submitting a proposed pretrial conference order is extended to August 13, 2019. As to Wilson's request, (Filing No. 135), a. The request to reconsider the court's denial of appointed counsel is denied. b. Wilson's request for a copy of Shadle's affidavit, (Filing No. 130), is granted. A copy of the affidavit is attached. Ordered by Magistrate Judge Cheryl R. Zwart. (Copy mailed to pro se party)(ADB) (Entered: 07/18/2019)
07/18/2019	<u>138</u>	ORDER that the request for appointed counsel filed by former Plaintiff and now witness Riley Shadle, (Filing No. 136), is denied. In addition to providing copies to the parties, the clerk shall mail a copy of this order to Riley Shadle #82297, P.O. Box 22800, Lincoln, NE 68542. Ordered by Magistrate Judge Cheryl R. Zwart. (Copy mailed to pro se party and as directed)(ADB) (Entered: 07/18/2019)
07/19/2019	<u>139</u>	NOTICE of Appearance by Attorney Danielle L. Rowley on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes (Rowley, Danielle) (Entered: 07/19/2019)
07/25/2019	<u>140</u>	MOTION for Video Conference Call on behalf of Plaintiff Harold Bryan Wilson.(TCL) (Entered: 07/25/2019)
07/25/2019	<u>141</u>	ORDER – Plaintiff's motion for video conference deposition, (Filing No. <u>140</u>), is denied. Ordered by Magistrate Judge Cheryl R. Zwart. (Copy mailed to pro se party)(TCL) (Entered: 07/25/2019)

07/26/2019	<u>142</u>	Certificate of Service by Attorney Danielle L. Rowley on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Rowley, Danielle) (Entered: 07/26/2019)
07/30/2019	<u>143</u>	MOTION to Withdraw as Attorney by Attorney David A. Lopez on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Lopez, David) (Entered: 07/30/2019)
07/31/2019	<u>144</u>	ORDER granting <u>143</u> Motion to Withdraw Attorney David A. Lopez as counsel of record for Defendants. Ordered by Magistrate Judge Cheryl R. Zwart. (ADB) (Entered: 07/31/2019)
08/07/2019	<u>145</u>	Certificate of Service by Attorney Danielle L. Rowley on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Rowley, Danielle) (Entered: 08/07/2019)
08/07/2019	<u>146</u>	ORDER – A telephone conference is scheduled for 4:00 p.m. on August 9, 2019, before the undersigned magistrate judge. The parties shall use the case conference instructions assigned to this case to participate in the call. (Filing No. <u>85</u>). The clerk shall mail a copy of this order and a copy of Filing <u>85</u> to Plaintiff's address of record. Ordered by Magistrate Judge Cheryl R. Zwart. (Copy mailed as directed to pro se party)(TCL) (Entered: 08/07/2019)
08/08/2019	<u>147</u>	Objection to Deposition and MOTION to Appoint Counsel on behalf of Plaintiff Harold Bryan Wilson.(TCL) (Entered: 08/09/2019)
08/09/2019	<u>148</u>	ORDER denying <u>147</u> Motion to Appoint Counsel. 1) Wilson's renewed motion for appointment of counsel is denied; and 2) Wilson's objection to completing Shadle's deposition following a recess to accommodate his medical needs is overruled. 3) Defense counsel shall read this order to Wilson, on the record, at the start of the reconvened deposition today. 4) The clerk shall mail a copy of this order to Wilson at his address of record. Ordered by Magistrate Judge Cheryl R. Zwart. (Copy mailed to pro se party)(JAB) (Entered: 08/09/2019)
08/09/2019	<u>149</u>	TEXT MINUTE ENTRY for proceedings held before Magistrate Judge Cheryl R. Zwart in Lincoln on 8/9/2019. Telephone Conference held. Defendant's to file a second motion for summary judgment by August 23, 2019. Plaintiff may file a response in accordance with the Local Rules. Pretrial and Trial dates are set aside. Order forthcoming. Appearance for Plaintiff: Harold Bryan Wilson, pro se; For Defendants: Danielle L. Rowley and Benjamin M. Goins, retained. Courtroom Deputy: Jeri A. Bierbower. Reporter: Digital Recorder. Time Start: 3:57 PM; Time Stop: 4:06 PM; Time in Court: 9 Minutes. (JAB) (Entered: 08/09/2019)
08/09/2019	<u>150</u>	🔊 AUDIO FILE. Court Date & Time [08/09/2019 3:57:31 PM]. File Size [1834 KB]. Run Time [00:07:38]. (Telephone Conference). (auto-docket). (Entered: 08/09/2019)
08/09/2019	<u>151</u>	ORDER – IT IS ORDERED: The trial and pretrial conference setting are set aside. The deadline for filing motions for summary judgment is now August23, 2019. The clerk shall set an internal case management deadline for October 9, 2019. The clerk shall mail a copy of this order to Wilson at his address of record. Ordered by Magistrate Judge Cheryl R. Zwart. (Copy mailed to pro se party)(TCL) (Entered: 08/09/2019)
08/14/2019	<u>152</u>	MOTION to Exclude and request for discover on behalf of Plaintiff Harold Bryan Wilson.(TCL) (Entered: 08/14/2019)
08/23/2019	<u>153</u>	MOTION to Extend by Attorney Danielle L. Rowley on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Rowley, Danielle) (Entered: 08/23/2019)
08/23/2019	<u>154</u>	TEXT ORDER granting <u>153</u> Motion to Extend. The summary judgment deadline is extended to August 26, 2019. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 08/23/2019)

08/26/2019	<u>155</u>	MOTION for Summary Judgment by Attorney Danielle L. Rowley on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Rowley, Danielle) (Entered: 08/26/2019)
08/26/2019	<u>156</u>	INDEX in support of MOTION for Summary Judgment <u>155</u> by Attorney Danielle L. Rowley on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes. (Attachments: # <u>1</u> Affidavit Mickie Baum–Dietz, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Affidavit Ben Goins, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10, # <u>13</u> Exhibit 11, # <u>14</u> Exhibit 12, # <u>15</u> Exhibit 13)(Rowley, Danielle) (Entered: 08/26/2019)
08/27/2019	<u>157</u>	BRIEF in support of MOTION for Summary Judgment <u>155</u> by Attorney Danielle L. Rowley on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Rowley, Danielle) (Entered: 08/27/2019)
09/09/2019	<u>158</u>	MOTION to Extend time to respond to defendants' summary judgment motion and MOTION to Appoint Counsel on behalf of Plaintiff Harold Bryan Wilson. (ADB) (Entered: 09/09/2019)
09/11/2019	<u>159</u>	ORDER granting <u>158</u> Motion to Appoint Counsel. Elizabeth A. Govaerts is appointed as counsel for Mr. Wilson. Regarding <u>158</u> Motion to Extend, the deadline for responding to Defendants' motion for summary judgment is stayed pending further order of the court. As to Plaintiff's <u>152</u> Motion to Exclude, Ms. Govaerts shall confer with Plaintiff's former counsel, Michael Gooch, regarding receiving copies of Plaintiff's discovery gathered prior to Mr. Gooch's withdrawal. In all other respects, that motion is denied. A telephonic conference with the undersigned magistrate judge will be held on October 2, 2019 at 4:00 p.m. to discuss further case progression. Counsel shall use the conferencing instructions which will be filed after this order is entered to participate in the call. Ordered by Magistrate Judge Cheryl R. Zwart. (E–mailed to Mr. Gooch, Ms. Govaerts, and Finance (Pat Williamson, Jeremy Reece, Marissa Ortiz) Copy mailed to Mr. Wilson as directed) (ADB) (Entered: 09/11/2019)
09/11/2019	<u>160</u>	NOTICE of Appearance by <i>Elizabeth A. Govaerts</i> by Attorney Vincent M. Powers on behalf of Plaintiff Harold Bryan Wilson (Powers, Vincent) (Entered: 09/11/2019)
10/08/2019	161	TEXT ORDER: After conferring with counsel, Plaintiff's deadline for responding to Defendants' summary judgment motion, <u>155</u> , is extended to November 4, 2019. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 10/08/2019)
10/22/2019	<u>162</u>	MOTION for Leave to <i>File Supplement to Brief in Support of Motion for Summary Judgment</i> by Attorney Danielle L. Rowley on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes. (Attachments: # <u>1</u> Supplement Index, # <u>2</u> Affidavit Sean Banks, # <u>3</u> Exhibit 14, # <u>4</u> Supplement Brief)(Rowley, Danielle) (Entered: 10/22/2019)
10/22/2019	163	TEXT ORDER granting <u>162</u> Motion for Leave. Defendants' supplemental brief and evidence in support of their summary judgment motion, a copy of which is attached to their motion, shall be filed on or before October 25, 2019. Plaintiff's deadline for responding to the summary judgment motion is extended to November 25, 2019, with any reply due on or before December 9, 2019. Ordered by Magistrate Judge Cheryl R. Zwart. (Zwart, Cheryl) (Entered: 10/22/2019)

10/23/2019	<u>164</u>	SUPPLEMENT regarding MOTION for Summary Judgment <u>155</u> by Attorney Danielle L. Rowley on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes. (Attachments: # <u>1</u> Affidavit Sean Banks, # <u>2</u> Exhibit 14)(Rowley, Danielle) (Entered: 10/23/2019)
10/23/2019	<u>165</u>	SUPPLEMENT regarding MOTION for Summary Judgment <u>155</u> by Attorney Danielle L. Rowley on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Rowley, Danielle) (Entered: 10/23/2019)
11/20/2019	<u>166</u>	MOTION for Extension of Time to File a Responsive Pleading by Attorney Vincent M. Powers on behalf of Plaintiff Harold Bryan Wilson.(Powers, Vincent) Modified to correct event type on 11/20/2019 (CEW). (Entered: 11/20/2019)
11/20/2019	<u>167</u>	TEXT ORDER granting <u>166</u> Plaintiff's Unopposed Motion to Extend the deadline to file a response to Defendants' MOTION for Summary Judgment <u>155</u> . Plaintiff shall file his response on or before December 16, 2019. Ordered by Magistrate Judge Cheryl R. Zwart. (CEW) (Entered: 11/20/2019)
12/16/2019	<u>168</u>	INDEX in opposition to MOTION for Summary Judgment <u>155</u> Filed by <i>Elizabeth Govaerts</i> by Attorney Vincent M. Powers on behalf of Plaintiffs Riley Nicole Shadle, Harold Bryan Wilson. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit 15, # <u>3</u> Exhibit 16)(Powers, Vincent) (Entered: 12/16/2019)
12/16/2019	<u>169</u>	BRIEF in opposition to MOTION for Summary Judgment <u>155</u> Filed by <i>Elizabeth Govaerts</i> by Attorney Vincent M. Powers on behalf of Plaintiffs Riley Nicole Shadle, Harold Bryan Wilson.(Powers, Vincent) (Entered: 12/16/2019)
12/30/2019	<u>170</u>	UNOPPOSED MOTION to Extend MOTION for Summary Judgment <u>155</u> by Attorney Danielle L. Rowley on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Rowley, Danielle) (Entered: 12/30/2019)
12/30/2019	<u>171</u>	TEXT ORDER granting <u>170</u> Defendants Unopposed Motion to Extend. Defendant shall file a response to Filing No. <u>169</u> on or before January 6, 2020. Ordered by Magistrate Judge Cheryl R. Zwart. (ALW) (Entered: 12/30/2019)
01/06/2020	<u>172</u>	REPLY BRIEF in support of MOTION for Summary Judgment <u>155</u> by Attorney Danielle L. Rowley on behalf of Defendants Taggart Boyd, Michele Capps, Scott Frakes, Jason Geerdes.(Rowley, Danielle) (Entered: 01/06/2020)
04/10/2020	<u>173</u>	MEMORANDUM AND ORDER that defendants Jason Geerdes, Scott Frakes, Taggart Boyd, and Michele Capps's Motion for Summary Judgment (Filing No. <u>155</u>) is granted as it relates to the issue of exhaustion. This case is dismissed without prejudice for failure to exhaust administrative remedies. A separate judgment will issue. Ordered by Judge Robert F. Rossiter, Jr. (JSF) (Entered: 04/10/2020)
04/10/2020	<u>174</u>	JUDGMENT – In accordance with the Memorandum and Order (Filing No. <u>173</u>) entered today, this case is dismissed without prejudice for failure to exhaust administrative remedies prior to filing suit. See 42 U.S.C. §1997e(a). Ordered by Judge Robert F. Rossiter, Jr. (JSF) (Entered: 04/10/2020)