

CLOSED,PRIS,STAYED

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Galveston)
CIVIL DOCKET FOR CASE #: 3:07-cv-00574**

Moussazadeh et al v. Texas Department of Criminal Justice et al Date Filed: 12/13/2007
Assigned to: Judge George C Hanks, Jr Date Terminated: 03/31/2017
Case in other court: Eastern District of Texas Lufkin Division, Jury Demand: Defendant
9:05-CV-197 Nature of Suit: 550 Prisoner: Civil Rights
Cause: 42:1983 Prisoner Civil Rights Jurisdiction: Federal Question

Plaintiff

Max Moussazadeh

represented by **Anne Wylde Robinson**
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V.

Consol Plaintiff

Gerald Yale David
TERMINATED: 10/16/2006

V.

Defendant

Texas Department of Criminal Justice

represented by **Celamaine Cunniff**
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ATTORNEY TO BE NOTICED

Defendant

Brad Livingston
*Solely in his official capacity as
Executive Director of TDCJ-CID*

represented by **Celamaine Cunniff**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

M Carol Gardner
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

George Baxter Ward , IV
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

David Sweeten
*Solely in his official capacity as Warden
of the Eastham Unit of the TDCJ-CID*

represented by **Celamaine Cunniff**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

M Carol Gardner
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George Baxter Ward , IV
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ATTORNEY TO BE NOTICED

V.

Consol Defendant

Vance Drum
TERMINATED: 10/16/2006

Consol Defendant

Tommy R Goodin
TERMINATED: 10/16/2006

Consol Defendant

David L Stacks
TERMINATED: 10/16/2006

Intervenor Plaintiff

United States Of America
TERMINATED: 10/16/2006

Movant

Ricky L Long
TERMINATED: 01/11/2006

V.

Amicus

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represented by **Nathaniel Q. Moran**
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Amicus

The Becket Fund for Religious Liberty

represented by **Eric Christopher Rassbach**
 (See above for address)
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Amicus

US Department Of Justice

represented by **Matthew J Donnelly**
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Lori E. Rifkin

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Interested Party

David Scott Helfond

| Date Filed | # | Docket Text |
|------------|----------|---|
| 10/12/2005 | <u>1</u> | Prisoner Civil Rights COMPLAINT against TDCJ-CID, Brad Livingston, David Sweeten (Filing fee \$ 250.00) filed by Max Moussazadeh.(ceaton,) (Entered: 12/17/2007) |
| 10/12/2005 | | *** Filing Fee \$250.00, receipt number 9-1-0189, filed. (ceaton,) (Entered: 12/17/2007) |
| 10/12/2005 | <u>2</u> | (APPROVED) MOTION for Dane Holbrook to Appear Pro Hac Vice by Max Moussazadeh, filed. (ceaton,) (Entered: 12/17/2007) |

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| 10/12/2005 | <u>3</u> | (APPROVED) MOTION for Derek L Gaubatz to Appear Pro Hac Vice by Max Moussazadeh, filed.. (ceaton,) (Entered: 12/17/2007) |
| 10/12/2005 | <u>4</u> | (APPROVED) MOTION for Joshua Chandler to Appear Pro Hac Vice by Max Moussazadeh, filed.(ceaton,) (Entered: 12/17/2007) |
| 10/12/2005 | <u>5</u> | (APPROVED) MOTION for Allen Gardner to Appear Pro Hac Vice by Max Moussazadeh, filed. (ceaton,) (Entered: 12/17/2007) |
| 10/12/2005 | <u>6</u> | (APPROVED) MOTION for Parker Douglas to Appear Pro Hac Vice by Max Moussazadeh, filed.. (ceaton,) (Entered: 12/17/2007) |
| 10/12/2005 | <u>7</u> | Magistrate Consent Form E–Mailed to Max Moussazadeh attorney's of record (ceaton,) (Entered: 12/17/2007) |
| 10/12/2005 | | *** ORDER REFERRING CASE to Magistrate Judge Judith K Guthrie per General Order 05–04. Signed by Judge Thad Heartfield on 10/12/05. (ceaton,) (Entered: 12/17/2007) |
| 10/12/2005 | | Summons Issued as to TDCJ–CID, Brad Livingston, David Sweeten and mailed back to attorney for service., filed.(ceaton,) (Entered: 12/17/2007) |
| 10/12/2005 | | ***Pro Hac Vice Filing fee paid by Derek Gaubatz; Fee \$25.00, receipt number 9–1–0191, filed. (ceaton,) (Entered: 12/17/2007) |
| 10/12/2005 | | *** Pro Hac Vice Filing fee paid by Joshua Chandler, Allen Gardner, Parker Douglas, Dane Holbrook; Fee \$100.00, receipt number 9–1–0190, filed. (ceaton,) (Entered: 12/17/2007) |
| 11/08/2005 | <u>8</u> | ANSWER to <u>1</u> Complaint with Jury Demand by TDCJ–CID, Brad Livingston, David Sweeten, filed.(ceaton,) (Entered: 12/17/2007) |
| 11/08/2005 | <u>9</u> | PARTIAL MOTION to Dismiss <u>1</u> Complaint by TDCJ–CID, Brad Livingston, David Sweeten, filed.. (Attachments: # <u>1</u> Proposed Order)(ceaton,) (Entered: 12/17/2007) |
| 11/09/2005 | | ***Magistrate Consent Form Mailed to David Sweeten, TDCJ–CID, Brad Livingston, filed. (ceaton,) (Entered: 12/17/2007) |
| 11/15/2005 | <u>10</u> | RETURN of Service Executed as to TDCJ–CID on 10/28/05, filed.(ceaton,) (Entered: 12/17/2007) |
| 11/15/2005 | <u>11</u> | RETURN of Service Executed as to Brad Livingston on 10/20/05, filed.(ceaton,) (Entered: 12/17/2007) |
| 11/15/2005 | <u>12</u> | RETURN of Service Executed as to Brad Livingston Executive Director of the Texas Dept of Criminal Justice by delivering to Tina Rodriguez authorized to accept was served on 10/20/05, filed.(ceaton,) (Entered: 12/17/2007) |
| 11/23/2005 | <u>13</u> | RESPONSE in Opposition to <u>9</u> MOTION to Dismiss <u>1</u> Complaint, filed by Max Moussazadeh. (Attachments: # <u>1</u> Proposed Order)(ceaton,) (Entered: 12/17/2007) |
| 11/30/2005 | <u>14</u> | MOTION for Leave to File Amicus Curiae Brief in Opposition to Defendants' Partial Motion to Dismiss by Liberty Legal Institute, filed. (Attachments: # <u>1</u> Brief)(ceaton,)***Document deficient (no certificate of conference or certificate of service. Please ignore.*** (Entered: 12/17/2007) |
| 12/01/2005 | <u>15</u> | REPORT of Rule 26(f)Planning Meeting by The Becket Fund for Religious Liberty, filed.(ceaton,) (Entered: 12/17/2007) |
| 12/02/2005 | <u>16</u> | NOTICE of Appearance by George Ward on behalf of TDCJ–CID, Brad Livingston, David Sweeten, filed. (ceaton,) (Entered: 12/17/2007) |
| 12/02/2005 | <u>17</u> | MOTION to Consolidate Cases by Max Moussazadeh, filed.. (ceaton,) (Entered: 12/17/2007) |
| 12/05/2005 | <u>18</u> | RESPONSE/ REPLY to Response to <u>9</u> MOTION to Dismiss <u>1</u> Complaint, filed by TDCJ–CID, Brad Livingston, David Sweeten. (ceaton,) (Entered: 12/17/2007) |
| 12/05/2005 | <u>19</u> | SCHEDULING ORDER setting cae specific deadlines. Signed by Judge Judith K Guthrie, filed.(ceaton,) (Entered: 12/17/2007) |

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| 12/09/2005 | <u>20</u> | NOTICE of Disclosure by TDCJ-CID, Brad Livingston, David Sweeten, filed. (ceaton,) (Entered: 12/17/2007) |
| 12/09/2005 | <u>21</u> | NOTICE of Disclosure by Max Moussazadeh, filed. (ceaton,) (Entered: 12/17/2007) |
| 12/09/2005 | <u>22</u> | MOTION for Leave to File Amicus Curiae Brief in Opposition to Defendants' Partial Motion to Dismiss by Liberty Legal Institute, filed.. (Attachments: # <u>1</u> Brief# <u>2</u> Proposed Order)(ceaton,) (Entered: 12/17/2007) |
| 12/19/2005 | <u>23</u> | APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Max Moussazadeh, filed. (Attachments: # <u>1</u> # <u>2</u> Exhibit # <u>3</u> Exhibit)(ceaton,) (Entered: 12/17/2007) |
| 12/19/2005 | <u>24</u> | WITHDRAWN PER (62) ORDERORDER granting Motion to consolidate cases. It is Ordered that Moussazadeh vs TDCJ #9:05cv197 and David vs TDCJ #9:04cv5, are consolidated with the lead case being Civil Action No. 9:05cv197. The scheduling order previously entered in Civil Action 9:05cv197 remains in effect and will govern the consolidated cases.Signed by Judge Judith K. Guthrie on 12/19/05, filed.(ceaton,) (Entered: 12/17/2007) |
| 12/19/2005 | <u>25</u> | ORDER granting Motion for Leave to File amicus curiae brief of Liberty Legal Institute in opposition to dft's partial motion to dismiss. The Clerk shall file the amicus brief attached to the motion for leave. Signed by Judith K Guthrie.() Parties notified.(ceaton,) (Entered: 12/17/2007) |
| 12/19/2005 | <u>26</u> | AMICUS CURIAE BRIEF by Liberty Legal Institute, filed.(ceaton,) (Entered: 12/18/2007) |
| 12/22/2005 | <u>27</u> | NOTICE of Disclosure by Brad Livingston, David Sweeten, TDCJ-CID, filed. (ceaton,) (Entered: 12/18/2007) |
| 12/30/2005 | <u>28</u> | NOTICE by David Sweet, TDCJ-CID, Brad Livingston re: <u>23</u> Appeal of Magistrate Judge Decision to District Court, Defendants Response to Plaintiff's Objections to Magistrate Judges Scheduling Order by TDCJ-CID, Brad Livingston, David Sweeten, filed. (ceaton,) (Entered: 12/18/2007) |
| 01/04/2006 | <u>29</u> | OBJECTIONS to the Courts denial of (80) Motion to Intervene in 9:04-CV5, filed by Ricky Long. (ceaton,) (Entered: 12/18/2007) |
| 01/04/2006 | <u>30</u> | MOTION for Reconsideration of (80) Motion to Intervene filed in the consolidated case 9:04-CV-5 by Ricky Long, filed.. (ceaton,) (Entered: 12/18/2007) |
| 01/06/2006 | <u>31</u> | NOTICE By Max Moussazadeh re: <u>28</u> Notice Plaintiff's Reply in Support of Objections to Magistrate Judge's Scheduling Order, filed. (ceaton,) (Entered: 12/18/2007) |
| 01/09/2006 | <u>32</u> | REPORT AND RECOMMENDATIONS that (57) and (57) Motions for Summary Judgment (filed in Civil Action No. 9:04cv5) should be denied without prejudice. Signed by Judith K Guthrie on 1/8/06 Objections to R&R due by 1/24/2006. Parties notified.(ceaton,) (Entered: 12/18/2007) |
| 01/09/2006 | <u>33</u> | REPORT AND RECOMMENDATIONS that the (9)Motion to Dismiss filed by TDCJ-CID, Brad Livingston, David Sweeten be granted and that the TRFA claim be dismissed without prejudice to being pursued in state court. Signed by Judge Judith K Guthrie on 1/9/06. Objections to R&R due by 1/24/2006. Parties notified.(ceaton,) (Entered: 12/18/2007) |
| 01/10/2006 | <u>34</u> | NOTICE of Disclosure by TDCJ-CID, Brad Livingston, David Sweeten Notice of Second Supplemental Disclosure, filed. (ceaton,) (Entered: 12/18/2007) |
| 01/10/2006 | <u>35</u> | ACKNOWLEDGMENT OF SERVICE on 1/5/06 re: (24) Order on Motion to Consolidate Cases received on 1/5/06, filed.(ceaton,) (Entered: 12/18/2007) |
| 01/11/2006 | <u>36</u> | ORDER denying <u>23</u> objection to the scheduling order and denying <u>29</u> Objections and denying <u>30</u> MOTION for Reconsideration. Plaintiffs and defendants need to designate a lead attorney, and documents should be filed only by the designated lead attorney. Signed by Judge Thad Heartfield. Parties notified.(ceaton,) (Entered: 12/18/2007) |

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| 01/12/2006 | <u>37</u> | NOTICE of Appearance by Marjolyn Carol Gardner on behalf of TDCJ–CID, Brad Livingston, David Sweeten, filed. (ceaton,) (Entered: 12/18/2007) |
| 01/13/2006 | <u>38</u> | NOTICE of Appearance by Dane A Holbrook on behalf of Max Moussazadeh, filed. (ceaton,) (Entered: 12/18/2007) |
| 01/19/2006 | <u>39</u> | ACKNOWLEDGMENT OF SERVICE by Max Moussazadeh on 1/13/06 re: (32) Report and Recommendations, filed.(ceaton,) (Entered: 12/18/2007) |
| 01/19/2006 | <u>40</u> | ACKNOWLEDGMENT OF SERVICE by Max Moussazadeh on 1/13/06 re: (33) Report and Recommendations, filed.(ceaton,) (Entered: 12/18/2007) |
| 01/24/2006 | <u>41</u> | MOTION to Amend/Correct Unopposed Motion to Adopt Pleadings and Orders by by TDCJ–CID, Brad Livingston, David Sweeten, filed.. (ceaton,) (Entered: 12/18/2007) |
| 01/26/2006 | <u>42</u> | ORDER granting <u>41</u> MOTION to Amend /Adopt Pleadings and Orders. All pleadings and the Court's order regarding the constitutionality of the Religious Land Use and Institutionalized Persons Act of 2000 filed in Civil Action No. 9:04cv5 are incorporated in the consolidated cases. Signed by Judge Thad Heartfield. Parties notified.(ceaton,) (Entered: 12/18/2007) |
| 01/30/2006 | <u>43</u> | OBJECTIONS to <u>32</u> Report and Recommendations, filed by Gerald Yale David. (ceaton,) (Entered: 12/18/2007) |
| 02/03/2006 | <u>44</u> | NOTICE by Gerald Yale David regarding mail, filed. (ceaton,) (Entered: 12/18/2007) |
| 02/03/2006 | <u>45</u> | MOTION for Reconsideration of <u>36</u> Order, by Gerald Yale David, filed.. (ceaton,) (Entered: 12/18/2007) |
| 02/06/2006 | <u>46</u> | ORDER ADOPTING REPORT AND RECOMMENDATIONS re: <u>32</u> Report and Recommendations. and denying without prejudice the Motions for Summary Judgment (docket entry numbers 57 & 58 filed in Civil Action No.9:04cv5). Signed by Judge Thad Heartfield. Parties notified.(ceaton,) (Entered: 12/18/2007) |
| 02/06/2006 | <u>47</u> | ORDER ADOPTING REPORT AND RECOMMENDATIONS re: <u>33</u> Report and Recommendations, and granting (9) Motion to Dismiss plaintiff's TRFA claim. Plaintiff's TRFA claim is dismissed without prejudice to being pursued in state court. Signed by Judge Thad Heartfield. Parties notified.(ceaton,) (Entered: 12/18/2007) |
| 02/06/2006 | <u>48</u> | MOTION to Amend/Correct <u>19</u> Scheduling Order by TDCJ–CID, Brad Livingston, David Sweeten, filed.. (ceaton,) (Entered: 12/18/2007) |
| 02/08/2006 | <u>49</u> | ORDER denying <u>45</u> MOTION for Reconsideration of <u>36</u> Order.,The Clerk shall return unfiled any new motion filed by Long or any other party that seeks to permit Long to intervene in this lawsuit. Signed by Judge Thad Heartfield, Parties notified.(ceaton,) (Entered: 12/18/2007) |
| 02/08/2006 | <u>50</u> | ORDER granting <u>48</u> MOTION to Amend <u>19</u> Scheduling Order. The new deadlines in effect are as follows: 5/3/06–completion of discovery; 5/31/06–file dispositive motions; 6/16/06–file responses to dispositive motions. Signed by Judge Judith K Guthrie. Parties notified.(ceaton,) (Entered: 12/18/2007) |
| 02/24/2006 | <u>52</u> | ACKNOWLEDGMENT OF SERVICE by Max Moussazadeh on 2/22/06 re: (50) Order on Motion to Amend/Correct, filed.(ceaton,) (Entered: 12/18/2007) |
| 04/06/2006 | <u>53</u> | NOTICE by TDCJ–CID, Brad Livingston, David Sweeten of Vaction, filed. (ceaton,) (Entered: 12/18/2007) |
| 04/07/2006 | <u>54</u> | JOINT MOTION to Stay Litigation by TDCJ–CID, Brad Livingston, David Sweeten, Max Moussazadeh, filed.. (ceaton,) (Entered: 12/18/2007) |
| 04/12/2006 | <u>55</u> | ORDER granting <u>54</u> MOTION to Stay. All deadlines are tolled until further orders are issued by the Court. The Parties are to submit a joint status report at the beginning of each month, starting on 6/1/06, regarding the status of efforts to reach a settlementSigned by Judge Judith K Guthrie Parties notified.(ceaton,) (Entered: 12/18/2007) |
| 05/26/2006 | <u>56</u> | MOTION for Extension of Time to file Settlement Report by TDCJ–CID, Brad Livingston, David Sweeten, filed.. (ceaton,) (Entered: 12/18/2007) |

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| 05/30/2006 | <u>57</u> | ORDER granting <u>56</u> MOTION for Extension of Time to file Settlement Report. The first settlement report is now due by 7/1/06. Signed by Judge Judith K Guthrie Parties notified.(ceaton,) (Entered: 12/18/2007) |
| 06/30/2006 | <u>58</u> | STATUS REPORT by TDCJ–CID, Brad Livingston, David Sweeten, Max Moussazadeh, filed.(ceaton,) (Entered: 12/18/2007) |
| 07/24/2006 | <u>51</u> | ACKNOWLEDGMENT OF SERVICE by Max Moussazadeh on 2/22/06 re: (46) Order Adopting Report and Recommendations, (47) Order Adopting Report and Recommendations, filed.(ceaton,) (Entered: 12/18/2007) |
| 08/01/2006 | <u>59</u> | STATUS REPORT for July 2006 (Joint) by TDCJ–CID, Brad Livingston, David Sweeten, Max Moussazadeh, filed.(ceaton,) Modified on 12/18/2007 (ceaton,). (Entered: 12/18/2007) |
| 10/06/2006 | <u>60</u> | STATUS REPORT for August 2006 by TDCJ–CID, Brad Livingston, David Sweeten, Max Moussazadeh, filed.(ceaton,) Additional attachment(s) added on 12/18/2007 (ceaton,). (Entered: 12/18/2007) |
| 10/06/2006 | <u>61</u> | STATUS REPORT For September 2006, by TDCJ–CID, Brad Livingston, David Sweeten, filed.(ceaton,) (Entered: 12/18/2007) |
| 10/16/2006 | <u>62</u> | ORDER WITHDRAWING (24) Order on Motion to Consolidate Cases. Signed by Judge Judith K Guthrie.(Parties notified.(ceaton,) (Entered: 12/18/2007) |
| 10/16/2006 | | *** Parties Gerald Yale David; United States Of America; Vance Drum; Tommy R Goodin; David L Stacks terminated per order #62 withdrawing consolidation. (Itien,) (Entered: 12/20/2007) |
| 11/20/2006 | <u>63</u> | STATUS REPORT October 2006, by TDCJ–CID, Brad Livingston, David Sweeten, filed.(ceaton,) Modified on 12/20/2007 (Itien,). (Entered: 12/18/2007) |
| 12/04/2006 | <u>64</u> | STATUS REPORT for November 2006, by TDCJ–CID, Brad Livingston, David Sweeten, filed.(ceaton,) (Entered: 12/18/2007) |
| 01/26/2007 | <u>65</u> | STATUS REPORT for January and February 2007 by TDCJ–CID, Brad Livingston, David Sweeten, filed.(ceaton,) (Entered: 12/18/2007) |
| 02/26/2007 | <u>66</u> | NOTICE of Appearance by David Paul Palmer on behalf of Max Moussazadeh, filed.(ceaton,) (Entered: 12/18/2007) |
| 03/01/2007 | <u>67</u> | STATUS REPORT for March 2007, by TDCJ–CID, Brad Livingston, David Sweeten, filed.(ceaton,) (Entered: 12/18/2007) |
| 03/05/2007 | <u>68</u> | ORDER SETTING STATUS CONFERENCE, Status Conference set for 4/25/07 10:00 AM before Magistrate Judge Judith K Guthrie in Tyler. The State of Texas shall produce Max Moussazadeh at the US Marshal's office for this hearing. Signed by Judge Judith K Guthrie.() Parties notified.(ceaton,) (Entered: 12/18/2007) |
| 03/13/2007 | <u>69</u> | MOTION for Dane Holbrook, Joshua Chandler and Parker Douglas to Withdraw as Attorney by Max Moussazadeh, filed.. (ceaton,) (Entered: 12/18/2007) |
| 03/15/2007 | <u>70</u> | ORDER granting <u>69</u> MOTION for Dane Holbrook, Joshua Chandler and Parker Douglas to Withdraw as Attorney. Signed by Judge Judith K Guthrie, Parties notified.(ceaton,) Modified on 12/18/2007 (ceaton,). (Entered: 12/18/2007) |
| 03/27/2007 | <u>71</u> | (approved–fees paid) MOTION for William Scott Croft to Appear Pro Hac Vice by Max Moussazadeh, filed.. (ceaton,) (Entered: 12/18/2007) |
| 04/02/2007 | <u>72</u> | STATUS REPORT by TDCJ–CID, Brad Livingston, David Sweeten, filed.(ceaton,) (Entered: 12/18/2007) |
| 04/25/2007 | <u>73</u> | Minute Entry for proceedings held before Judge Judith K Guthrie: Status Conference held on 4/25/07. Court continues stay and requirement that monthly status report be filed. Court reporter Ron Mason(ceaton,) (Entered: 12/18/2007) |
| 04/25/2007 | <u>74</u> | EXHIBITSWitness List from Status Conference, filed.(ceaton,) (Entered: 12/18/2007) |
| 06/01/2007 | <u>75</u> | STATUS REPORT by TDCJ–CID, Brad Livingston, David Sweeten, filed.(ceaton,) (Entered: 12/18/2007) |

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| 07/02/2007 | <u>76</u> | STATUS REPORT by TDCJ-CID, Brad Livingston, David Sweeten, filed.(ceaton,) (Entered: 12/18/2007) |
| 08/09/2007 | <u>77</u> | STATUS REPORT by TDCJ-CID, Brad Livingston, David Sweeten, filed.(ceaton,) (Entered: 12/18/2007) |
| 09/05/2007 | <u>78</u> | STATUS REPORT by TDCJ-CID, Brad Livingston, David Sweeten, filed.(ceaton,) (Entered: 12/18/2007) |
| 10/03/2007 | <u>79</u> | STATUS REPORT by TDCJ-CID, Brad Livingston, David Sweeten, filed.(ceaton,) (Entered: 12/19/2007) |
| 10/05/2007 | <u>80</u> | TRANSCRIPT of Proceedings held on 4/25/07, before Judge Judith K Guthrie, Court Reporter: Ron Mason. (ceaton,) Additional attachment(s) added on 12/21/2007 (Itien,). (Entered: 12/19/2007) |
| 10/15/2007 | <u>81</u> | NOTICE by TDCJ-CID, Brad Livingston, David Sweeten(Vacation Notice/Letter), filed. (ceaton,) (Entered: 12/19/2007) |
| 11/09/2007 | <u>82</u> | STATUS REPORT by Max Moussazadeh, filed.(ceaton,) (Entered: 12/19/2007) |
| 11/19/2007 | <u>83</u> | NOTICE of Appearance by Ronald H Lee on behalf of Max Moussazadeh, filed. (ceaton,) (Entered: 12/19/2007) |
| 11/19/2007 | <u>84</u> | MOTION for David P Palmer to Withdraw as Attorney by Max Moussazadeh, filed.. (ceaton,) (Entered: 12/19/2007) |
| 11/19/2007 | <u>85</u> | MOTION to Lift Stay by Max Moussazadeh, filed.. (ceaton,) Modified on 2/12/2008 (Itrevino,). (Entered: 12/19/2007) |
| 11/20/2007 | <u>86</u> | ORDER transferring this case to the Southern District of Texas, Galveston Division, Signed by Judge Judith K Guthrie. Parties notified.(ceaton,) (Entered: 12/19/2007) |
| 11/20/2007 | <u>87</u> | STATUS REPORT for October 2007, by TDCJ-CID, Brad Livingston, David Sweeten, filed.(ceaton,) (Entered: 12/19/2007) |
| 11/27/2007 | <u>88</u> | Additional Attachments to Main Document (85) Motion to Lift Stay by Max Moussazadeh, filed.(ceaton,) (Entered: 12/19/2007) |
| 12/10/2007 | | *** Interdistrict transfer to the Southern District of Texas Galveston Division, filed. (ceaton,) (Entered: 12/19/2007) |
| 12/13/2007 | <u>89</u> | Case transferred in from Eastern District of Texas Lufkin Division. Case Number 9:05-CV-197 certified copy of transfer order, certified docket sheet, and transfer letter received.(ceaton,) (Entered: 12/19/2007) |
| 12/26/2007 | <u>90</u> | MOTION for Allen M Gardner to Appear Pro Hac Vice by Max Moussazadeh, filed. Motion Docket Date 1/15/2008. (ceaton,) (Entered: 12/27/2007) |
| 12/26/2007 | <u>91</u> | MOTION for Ronald H Lee to Appear Pro Hac Vice by Max Moussazadeh, filed. Motion Docket Date 1/15/2008. (ceaton,) (Entered: 12/27/2007) |
| 01/03/2008 | <u>92</u> | ORDER granting <u>90</u> Allen M Gardner's Motion to Appear Pro Hac Vice.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 01/03/2008) |
| 01/03/2008 | <u>93</u> | ORDER granting <u>91</u> Ronald H. Lee's Motion to Appear Pro Hac Vice.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 01/03/2008) |
| 01/10/2008 | <u>94</u> | MOTION for Eric C Rassbach to Appear Pro Hac Vice by Max Moussazadeh, filed. Motion Docket Date 1/30/2008. (ceaton,) (Entered: 01/11/2008) |
| 01/23/2008 | <u>95</u> | Mail Returned Undeliverable as to attorney William Scott Croft re: <u>92</u> Order on Motion to Appear Pro Hac Vice, filed. (ckrus,) (Entered: 01/24/2008) |
| 02/08/2008 | <u>97</u> | Mail Returned Undeliverable as to attorney David Paul Palmer re: <u>92</u> Order on Motion to Appear Pro Hac Vice, filed. (kosborne,) (Entered: 02/12/2008) |
| 02/11/2008 | <u>96</u> | Unopposed MOTION for William Scott Croft to Withdraw as Attorney by Max Moussazadeh, filed. Motion Docket Date 3/3/2008. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Certificate of Service)(Lee, Ronald) (Entered: 02/11/2008) |

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| 02/13/2008 | <u>98</u> | Mail Returned Undeliverable as to attorney William Scott Croft re: <u>93</u> Order on Motion to Appear Pro Hac Vice, filed. (jdav,) (Entered: 02/13/2008) |
| 02/15/2008 | <u>99</u> | Unopposed MOTION for Entry of Order re: Discovery Plan by Max Moussazadeh, filed. Motion Docket Date 3/6/2008. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Certificate of Service)(Lee, Ronald) (Entered: 02/15/2008) |
| 02/27/2008 | <u>100</u> | Mail Returned Undeliverable as to attorney David Paul Palmer re: <u>93</u> Order on Motion to Appear Pro Hac Vice, filed. (Address Updated & Order Re-Noticed) (bdaniel,) (Entered: 02/27/2008) |
| 02/27/2008 | <u>101</u> | DESIGNATION of Celamaine Cunniff as attorney in charge of Texas Department of Criminal Justice, Brad Livingston, David Sweeten, filed.(Cunniff, Celamaine) (Entered: 02/27/2008) |
| 03/12/2008 | <u>102</u> | ORDER granting <u>84</u> Motion to Withdraw as Attorney. Attorney William Scott Croft and David Paul Palmer terminated; granting <u>94</u> Motion to Appear Pro Hac Vice ; granting <u>96</u> Motion to Withdraw as Attorney. Attorney William Scott Croft and David Paul Palmer terminated.(Signed by Judge Melinda Harmon) Parties notified.(amaly,) (Entered: 03/13/2008) |
| 03/26/2008 | <u>103</u> | NOTICE By Attorney Nathaniel Moran to be removed from the notice list., filed. (ceaton,) (Entered: 03/27/2008) |
| 03/28/2008 | <u>104</u> | ADVISORY by Texas Department of Criminal Justice, Brad Livingston, David Sweeten, filed.(Cunniff, Celamaine) (Entered: 03/28/2008) |
| 04/15/2008 | <u>105</u> | MOTION for Anne W Robinson to Appear Pro Hac Vice by Max Moussazadeh, filed. Motion Docket Date 5/5/2008. (ceaton,) (Entered: 04/15/2008) |
| 04/15/2008 | <u>106</u> | NOTICE of <i>Motions Pending</i> by Max Moussazadeh, filed. (Attachments: # <u>1</u> Certificate of Service)(Gardner, Allen) (Entered: 04/15/2008) |
| 04/22/2008 | <u>107</u> | ORDER granting <u>105</u> Motion to Appear Pro Hac Vice.(Signed by Judge Melinda Harmon) Parties notified.(ceaton,) (Entered: 04/22/2008) |
| 07/17/2008 | <u>108</u> | ORDER granting <u>85</u> Motion to Stay; granting <u>99</u> Motion for Entry of New Scheduling Order and Discovery Plan.(Signed by Judge Melinda Harmon) Parties notified.(ceaton,) (Entered: 07/21/2008) |
| 07/25/2008 | <u>109</u> | Letter from plaintiff's counsel to defendant's counsel re: illegal retaliation against Max Moussazadeh, filed. (Itien,) (Entered: 07/29/2008) |
| 08/22/2008 | <u>110</u> | MOTION to Dismiss <i>or, In the Alternative, Motion for Summary Judgment</i> by Texas Department of Criminal Justice, Brad Livingston, David Sweeten, filed. Motion Docket Date 9/11/2008. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Proposed Order)(Cunniff, Celamaine) (Entered: 08/22/2008) |
| 08/22/2008 | <u>111</u> | NOTICE <i>Defendants TDCJ, Livingston, and Sweeten's Notice of Third Supplemental Disclosure</i> by Texas Department of Criminal Justice, Brad Livingston, David Sweeten, filed. (Cunniff, Celamaine) (Entered: 08/22/2008) |
| 08/29/2008 | <u>112</u> | NOTICE of <i>Fourth Supplemental Disclosure</i> by Texas Department of Criminal Justice, Brad Livingston, David Sweeten, filed. (Cunniff, Celamaine) (Entered: 08/29/2008) |
| 09/05/2008 | <u>113</u> | Opposed MOTION to Expedite Ruling on Their Motion to Stay the Court's July 17, 2008, Order by Texas Department of Criminal Justice, Brad Livingston, David Sweeten, filed. Motion Docket Date 9/25/2008. (Attachments: # <u>1</u> Proposed Order)(Cunniff, Celamaine) (Entered: 09/05/2008) |
| 09/05/2008 | <u>114</u> | Opposed MOTION to Stay <i>the Court's July 17, 2008, Order</i> by Texas Department of Criminal Justice, Brad Livingston, David Sweeten, filed. Motion Docket Date 9/25/2008. (Attachments: # <u>1</u> Proposed Order)(Cunniff, Celamaine) (Entered: 09/05/2008) |
| 09/10/2008 | <u>115</u> | MOTION for Luke W Goodrich to Appear Pro Hac Vice by Max Moussazadeh, filed. Motion Docket Date 9/30/2008. (ceaton,) (Entered: 09/10/2008) |

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| 09/10/2008 | <u>116</u> | ORDER granting <u>113</u> Opposed MOTION to Expedite Ruling on Their Motion to Stay the Court's July 17, 2008, Order, granting <u>114</u> Opposed MOTION to Stay <i>the Court's July 17, 2008, Order</i> , Plaintiff shall file a response to <u>110</u> Defendant's motion for summary judgment within 30 days. All outstanding discovery and depositions in the present cause are STAYED until further Order of this Court.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 09/10/2008) |
| 09/11/2008 | <u>117</u> | Opposed MOTION for Leave to File an Amended and Supplemental Complaint by Max Moussazadeh, filed. Motion Docket Date 10/1/2008. (Attachments: # <u>1</u> Amended and Supplemental Complaint, # <u>2</u> Proposed Order, # <u>3</u> Certificate of Service)(Robinson, Anne) (Entered: 09/11/2008) |
| 09/11/2008 | <u>118</u> | RESPONSE in Opposition to <u>110</u> MOTION to Dismiss <i>or, In the Alternative, Motion for Summary Judgment</i> , filed by Max Moussazadeh. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Proposed Order, # <u>5</u> Certificate of Service)(Robinson, Anne) (Entered: 09/11/2008) |
| 09/12/2008 | <u>119</u> | Opposed MOTION for Reconsideration of <u>116</u> Order., Set/Clear Flags, by Max Moussazadeh, filed. Motion Docket Date 10/2/2008. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Service)(Robinson, Anne) (Entered: 09/12/2008) |
| 09/22/2008 | <u>120</u> | RESPONSE to <u>118</u> Response in Opposition to Motion, <u>119</u> Opposed MOTION for Reconsideration of <u>116</u> Order., Set/Clear Flags, <i>Defendants' Response to Plaintiff's Opposed Motion for Reconsideration and Reply to Opposition to Defendants' Motion to Stay Discovery</i> , filed by Texas Department of Criminal Justice, Brad Livingston, David Sweeten. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Proposed Order)(Cunniff, Celamaine) (Entered: 09/22/2008) |
| 09/25/2008 | <u>121</u> | EXHIBITS re: <u>120</u> Response., by Texas Department of Criminal Justice, Brad Livingston, David Sweeten, filed.(Cunniff, Celamaine) (Entered: 09/25/2008) |
| 09/26/2008 | <u>122</u> | Supplemental MOTION to Dismiss <u>110</u> MOTION to Dismiss <i>or, In the Alternative, Motion for Summary Judgment</i> by Texas Department of Criminal Justice, Brad Livingston, David Sweeten, filed. Motion Docket Date 10/16/2008. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit D, # <u>3</u> Exhibit E, # <u>4</u> Exhibit F, # <u>5</u> Exhibit G, # <u>6</u> Exhibit H, # <u>7</u> Exhibit I, # <u>8</u> Exhibit J, # <u>9</u> Exhibit K, # <u>10</u> Exhibit L, # <u>11</u> Exhibit M, # <u>12</u> Exhibit N, # <u>13</u> Exhibit O, # <u>14</u> Exhibit P, # <u>15</u> Exhibit Q, # <u>16</u> Exhibit R)(Cunniff, Celamaine) (Entered: 09/26/2008) |
| 09/26/2008 | <u>123</u> | REPLY to <u>118</u> Response in Opposition to Motion., filed by Texas Department of Criminal Justice, Brad Livingston, David Sweeten. (Attachments: # <u>1</u> Proposed Order)(Cunniff, Celamaine) (Entered: 09/26/2008) |
| 09/26/2008 | <u>124</u> | RESPONSE to <u>117</u> Opposed MOTION for Leave to File an Amended and Supplemental Complaint, filed by Texas Department of Criminal Justice, Brad Livingston, David Sweeten. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B–Part 1, # <u>3</u> Exhibit B–Part 2, # <u>4</u> Proposed Order)(Cunniff, Celamaine) (Entered: 09/26/2008) |
| 09/26/2008 | <u>125</u> | REPLY in Support of <u>119</u> Opposed MOTION for Reconsideration of <u>116</u> Order., Set/Clear Flags., filed by Max Moussazadeh. (Attachments: # <u>1</u> Certificate of Service)(Robinson, Anne) (Entered: 09/26/2008) |
| 10/14/2008 | <u>126</u> | REPLY to Response to <u>117</u> Opposed MOTION for Leave to File an Amended and Supplemental Complaint, filed by Max Moussazadeh. (Robinson, Anne) (Entered: 10/14/2008) |
| 10/14/2008 | <u>127</u> | RESPONSE to <u>122</u> Supplemental MOTION to Dismiss <u>110</u> MOTION to Dismiss <i>or, In the Alternative, Motion for Summary Judgment</i> Supplemental MOTION to Dismiss <u>110</u> MOTION to Dismiss <i>or, In the Alternative, Motion for Summary Judgment</i> Supplemental MOTION to Dismiss <u>110</u> MOTION to Dismiss <i>or, In the Alternative, Motion for Summary Judgment</i> , filed by Max Moussazadeh. (Robinson, Anne) (Entered: 10/14/2008) |
| 10/14/2008 | <u>128</u> | MOTION for Summary Judgment by Max Moussazadeh, filed. Motion Docket Date 11/3/2008. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Proposed Order)(Robinson, Anne) (Entered: 10/14/2008) |

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| 12/19/2008 | <u>129</u> | MOTION for Entry of Order re: Deeming Motion Unopposed(Motion Docket Date 1/8/2009.), MOTION for Summary Judgment by Max Moussazadeh, filed. (Attachments: # <u>1</u> Proposed Order)(Robinson, Anne) (Entered: 12/19/2008) |
| 01/12/2009 | <u>130</u> | ORDER granting <u>115</u> Luke Goodrich's Motion to Appear Pro Hac Vice.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 01/13/2009) |
| 02/11/2009 | <u>131</u> | RESPONSE in Opposition to <u>129</u> MOTION for Entry of Order re: Deeming Motion Unopposed MOTION for Summary Judgment, filed by Texas Department of Criminal Justice, Brad Livingston, David Sweeten. (Attachments: # <u>1</u> Proposed Order)(Cunniff, Celamaine) (Entered: 02/11/2009) |
| 02/17/2009 | <u>132</u> | MOTION to Strike <u>131</u> Response in Opposition to Motion, by Max Moussazadeh, filed. Motion Docket Date 3/9/2009. (Attachments: # <u>1</u> Proposed Order)(Robinson, Anne) (Entered: 02/17/2009) |
| 02/17/2009 | <u>133</u> | REPLY to Response to <u>129</u> MOTION for Entry of Order re: Deeming Motion Unopposed MOTION for Summary Judgment, filed by Max Moussazadeh. (Robinson, Anne) (Entered: 02/17/2009) |
| 02/24/2009 | <u>134</u> | NOTICE of Relevant Authority by Max Moussazadeh, filed. (Attachments: # <u>1</u> Exhibit A)(Robinson, Anne) (Entered: 02/24/2009) |
| 03/26/2009 | <u>135</u> | OPINION ON DISMISSAL granting <u>110</u> MOTION to Dismiss <i>or, In the Alternative, Motion for Summary Judgment</i> , <u>122</u> Supplemental MOTION to Dismiss. All other motions are denied. Case is DISMISSED WITH PREJUDICE for want of jurisdiction.(Signed by Judge Melinda Harmon) Parties notified.(kcarr,) Modified on 3/27/2009 (kcarr,). (Entered: 03/27/2009) |
| 03/26/2009 | <u>136</u> | FINAL JUDGMENT. Case terminated on 3/26/2009.(Signed by Judge Melinda Harmon) Parties notified.(kcarr,) (Entered: 03/27/2009) |
| 04/10/2009 | <u>137</u> | NOTICE OF APPEAL to US Court of Appeals for the Fifth Circuit re: <u>36</u> Order, <u>135</u> Memorandum on Dismissal, <u>136</u> Final Judgment, <u>116</u> Order., Set/Clear Flags, by Max Moussazadeh (Filing fee \$ 455, receipt number 0541000000004922461), filed.(Robinson, Anne) (Entered: 04/10/2009) |
| 04/13/2009 | <u>138</u> | Notice of the Filing of an Appeal. DKT13 transcript order form was not mailed to appellant. Fee status: Paid. The following Notice of Appeal and related motions are pending in the District Court: <u>137</u> Notice of Appeal,, filed.(mmar,) (Entered: 04/13/2009) |
| 04/20/2009 | <u>139</u> | Notice of Assignment of USCA No. 09-40040 re: <u>137</u> Notice of Appeal,, filed.(lfilmore,) (Entered: 04/20/2009) |
| 04/27/2009 | | Electronic record on appeal certified to the Fifth Circuit Court of Appeals re: <u>137</u> Notice of Appeal, <u>139</u> USCA Case Number USCA No. 09-40040, filed.(mmar,) (Entered: 04/27/2009) |
| 05/13/2009 | <u>140</u> | DKT-13 TRANSCRIPT ORDER FORM by Anne W. Robinson. Transcript is Already on File in Clerk's Office. This order form relates to the following: <u>137</u> Notice of Appeal,, filed.(jewilliams,) (Entered: 05/14/2009) |
| 05/14/2009 | <u>141</u> | Transmittal Letter on Appeal Certified re: <u>137</u> Notice of Appeal,. A paper copy of the electronic record is being transmitted to the Fifth Circuit Court of Appeals in 8 volumes. (USCA No. 09-40040), filed. Tracking # 1Z7262750345225190 (mmar,) (Entered: 05/14/2009) |
| 01/21/2010 | <u>142</u> | NOTICE of Change of Address by Luke W. Goodrich, counsel for Max Moussazadeh, filed. (Itrevino,) (Entered: 01/25/2010) |
| 03/03/2010 | <u>143</u> | MOTION to Reinstate the Scheduling Order by Max Moussazadeh, filed. Motion Docket Date 3/24/2010. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order)(Robinson, Anne) (Entered: 03/03/2010) |
| 03/03/2010 | <u>144</u> | MOTION to Expedite Ruling on Motion to Reinstate the Scheduling Order by Max Moussazadeh, filed. Motion Docket Date 3/24/2010. (Attachments: # <u>1</u> Proposed Order)(Robinson, Anne) (Entered: 03/03/2010) |

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| 03/04/2010 | <u>145</u> | PER CURIAM of USCA; issued as mandate March 1, 2010 re: <u>137</u> Notice of Appeal, USCA No. 09-40400. Case is REMANDED for additional proceedings to allow the parties and the district court to further develop the record. Case reopened on 3/4/2010, filed.(jdav,) (Additional attachment(s) added on 8/27/2010: # <u>1</u> percuriam) (jdav,). (Entered: 03/04/2010) |
| 03/04/2010 | <u>146</u> | JUDGMENT of USCA;issued as mandate 3/1/2010 re: <u>137</u> Notice of Appeal, ; USCA No. 09-40400. The appeal is REMANDED to the District Court for further proceedings in accordance with the opinion of this court., filed.(jdav,) (Entered: 03/04/2010) |
| 03/04/2010 | <u>147</u> | Court of Appeals LETTER advising the electronic copy of the record has been recycled (USCA No. 09-40400), filed.(jdav,) (Entered: 03/04/2010) |
| 03/16/2010 | <u>148</u> | RESPONSE in Opposition to <u>143</u> MOTION to Reinstate the Scheduling Order, filed by Brad Livingston, David Sweeten, Texas Department of Criminal Justice. (Attachments: # <u>1</u> Exhibit A – Offender Disciplinary Report No. 20100017196, # <u>2</u> Affidavit re: Grievances, # <u>3</u> Proposed Order)(Cunniff, Celamaine) (Entered: 03/16/2010) |
| 03/16/2010 | <u>149</u> | Amended PROPOSED ORDER **ORDER DENYING PLAINTIFF'S MOTION TO REINSTATE THE SCHEDULING ORDER ** re: <u>148</u> Response in Opposition to Motion,, filed.(Cunniff, Celamaine) (Entered: 03/16/2010) |
| 03/17/2010 | <u>151</u> | Letter from Celamaine Cunniff re: Attorney of Record, filed. (jewilliams,) (Entered: 03/18/2010) |
| 03/18/2010 | <u>150</u> | REPLY in Support of <u>143</u> MOTION to Reinstate the Scheduling Order, filed by Max Moussazadeh. (Attachments: # <u>1</u> Exhibit A)(Robinson, Anne) (Entered: 03/18/2010) |
| 05/27/2010 | <u>152</u> | ORDER: <u>143</u> Plaintiff's Motion to reinstate the scheduling order is DENIED. <u>144</u> Plaintiff's motion for an expedited hearing is DENIED, as moot. With respect to the remand, the Court orders the parties to adhere to the following deadlines. All fact discovery shall be completed within 8 weeks of entry of this order. The parties shall file all dispositive motions no later than 3 weeks after the end of the discovery period. (Signed by Judge Melinda Harmon) Parties notified.(jhancock) (Entered: 05/27/2010) |
| 06/15/2010 | <u>153</u> | ADVISORY by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed.(Cunniff, Celamaine) (Entered: 06/15/2010) |
| 06/21/2010 | <u>154</u> | Unopposed MOTION for Extension of Time to Extend Discovery & Dispositive Motions Deadlines by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. Motion Docket Date 7/12/2010. (Attachments: # <u>1</u> Proposed Order)(Cunniff, Celamaine) (Entered: 06/21/2010) |
| 06/29/2010 | <u>155</u> | ORDER granting <u>154</u> Motion for Extension of Time.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 06/29/2010) |
| 06/30/2010 | <u>156</u> | NOTICE <i>Notice of Defendants' Fifth Supplemental Disclosures</i> by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Cunniff, Celamaine) (Entered: 06/30/2010) |
| 07/07/2010 | <u>157</u> | <i>Privilege Log for Defendants' Supplemental Responses and Objections to Plaintiff's Fourth Set of Interrogatories</i> by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed.(Cunniff, Celamaine) (Entered: 07/07/2010) |
| 07/08/2010 | <u>158</u> | NOTICE <i>Defendants' Notice of Sixth Supplemental Disclosures</i> by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Cunniff, Celamaine) (Entered: 07/08/2010) |
| 07/08/2010 | | ***Set/Reset Deadlines/Hearings: Dispositive Motion Filing due by 7/12/2010 (bgoalsby,) (Entered: 07/08/2010) |
| 07/12/2010 | <u>159</u> | Unopposed MOTION for Clarification as to Set/Reset Deadlines/Hearings, <u>155</u> Order on Motion for Extension of Time by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. Motion Docket Date 8/2/2010. (Attachments: # <u>1</u> Proposed Order)(Cunniff, Celamaine) (Entered: 07/12/2010) |

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| 07/16/2010 | <u>160</u> | NOTICE <i>Notice of Defendants' Seventh Supplemental Disclosures</i> by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Cunniff, Celamaine) (Entered: 07/16/2010) |
| 07/22/2010 | <u>161</u> | ORDER granting <u>159</u> Motion for Clarification. Discovery deadline is 08/06/10 and dispositive motions deadline is 08/27/10.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 07/22/2010) |
| 07/27/2010 | <u>162</u> | NOTICE <i>Notice of Defendants' Eighth Supplemental Disclosure</i> by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Cunniff, Celamaine) (Entered: 07/27/2010) |
| 07/28/2010 | <u>163</u> | Joint MOTION for Extension of Time to Extend Discovery and Dispositive Motions Deadlines by Brad Livingston, Max Moussazadeh, David Sweeten, Texas Department of Criminal Justice, filed. Motion Docket Date 8/18/2010. (Attachments: # <u>1</u> Proposed Order)(Robinson, Anne) (Entered: 07/28/2010) |
| 07/30/2010 | <u>164</u> | ORDER granting <u>163</u> Motion for Extension of Time Discovery due by 8/27/2010 Dispositive Motion Filing due by 9/24/2010.(Signed by Judge Melinda Harmon) Parties notified.(jegonzalez,) (Entered: 07/30/2010) |
| 08/02/2010 | <u>165</u> | MOTION for Matthew T. Murchison to Appear Pro Hac Vice by Max Moussazadeh, filed. Motion Docket Date 8/23/2010. (Robinson, Anne) (Entered: 08/02/2010) |
| 08/05/2010 | <u>166</u> | ORDER granting <u>165</u> MOTION for Matthew T. Murchison to Appear Pro Hac Vice, Attorney Matthew T. Murchison for Max Moussazadeh added.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 08/05/2010) |
| 08/09/2010 | <u>167</u> | NOTICE <i>Notice of Defendants' 9th Supplemental Disclosure</i> by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Cunniff, Celamaine) (Entered: 08/09/2010) |
| 08/17/2010 | <u>168</u> | NOTICE <i>Notice of Defendants' Tenth Supplemental Disclosure</i> by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Cunniff, Celamaine) (Entered: 08/17/2010) |
| 08/17/2010 | <u>169</u> | MOTION to Quash Deposition by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. Motion Docket Date 9/7/2010. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Proposed Order)(Cunniff, Celamaine) (Entered: 08/17/2010) |
| 08/17/2010 | <u>170</u> | MOTION to Expedite Ruling on Motion to Quash by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. Motion Docket Date 9/7/2010. (Attachments: # <u>1</u> Proposed Order)(Cunniff, Celamaine) (Entered: 08/17/2010) |
| 08/17/2010 | <u>171</u> | Joint MOTION for Extension of Time Discovery by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. Motion Docket Date 9/7/2010. (Attachments: # <u>1</u> Proposed Order)(Cunniff, Celamaine) (Entered: 08/17/2010) |
| 08/18/2010 | <u>172</u> | Corrected MOTION for Extension of Time Parties' Discovery and Dispositive Motions Deadlines by Brad Livingston, Max Moussazadeh, David Sweeten, Texas Department of Criminal Justice, filed. Motion Docket Date 9/8/2010. (Attachments: # <u>1</u> Proposed Order)(Cunniff, Celamaine) (Entered: 08/18/2010) |
| 08/20/2010 | <u>173</u> | RESPONSE in Opposition to <u>169</u> MOTION to Quash Deposition, filed by Max Moussazadeh. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Proposed Order)(Robinson, Anne) (Entered: 08/20/2010) |
| 08/20/2010 | <u>174</u> | MOTION to Compel Discovery by Max Moussazadeh, filed. Motion Docket Date 9/10/2010. (Attachments: # <u>1</u> Proposed Order)(Robinson, Anne) (Entered: 08/20/2010) |
| 08/25/2010 | <u>175</u> | ORDER denying as moot <u>171</u> Motion for Extension of Time; granting <u>172</u> Corrected Joint Motion for Extension of Time. Discovery due by 9/17/2010 Dispositive Motion Filing due by 10/15/2010.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 08/26/2010) |

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| 08/31/2010 | <u>176</u> | RESPONSE to <u>174</u> MOTION to Compel Discovery filed by Brad Livingston, David Sweeten, Texas Department of Criminal Justice. (Attachments: # <u>1</u> Proposed Order)(Cunniff, Celamaine) (Entered: 08/31/2010) |
| 09/03/2010 | <u>177</u> | ORDER denying <u>169</u> Motion to Quash; granting <u>170</u> Motion to Expedite; granting in part and denying in part <u>174</u> Motion to Compel.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 09/07/2010) |
| 09/09/2010 | <u>178</u> | NOTICE <i>Defendants' Notice of Eleventh Supplemental Disclosure</i> by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Cunniff, Celamaine) (Entered: 09/09/2010) |
| 09/14/2010 | <u>179</u> | Joint MOTION to Extend Discovery and Dispositive Motions Deadlines by Max Moussazadeh, filed. Motion Docket Date 10/5/2010. (Attachments: # <u>1</u> Proposed Order)(Robinson, Anne) (Entered: 09/14/2010) |
| 09/15/2010 | <u>180</u> | NOTICE <i>Defendants' Notice of Twelfth Supplemental Disclosure</i> by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Cunniff, Celamaine) (Entered: 09/15/2010) |
| 09/20/2010 | <u>181</u> | ORDER granting <u>179</u> Joint MOTION to Extend Discovery and Dispositive Motions Deadlines. Discovery due by 10/1/2010. Dispositive motions shall be filed no later than 4 weeks after the end of the discovery period.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 09/20/2010) |
| 09/29/2010 | <u>182</u> | Joint MOTION to Extend Discovery and Dispositive Motions Deadlines by Max Moussazadeh, filed. Motion Docket Date 10/20/2010. (Attachments: # <u>1</u> Proposed Order)(Robinson, Anne) (Entered: 09/29/2010) |
| 10/04/2010 | <u>183</u> | MOTION for Ronald H. Lee to Withdraw as Attorney by Max Moussazadeh, filed. Motion Docket Date 10/25/2010. (Attachments: # <u>1</u> Proposed Order)(Robinson, Anne) (Entered: 10/04/2010) |
| 10/13/2010 | <u>184</u> | MOTION for James C Knapp, Jr. to Appear Pro Hac Vice by Max Moussazadeh, filed. Motion Docket Date 11/3/2010. (Robinson, Anne) (Entered: 10/13/2010) |
| 10/14/2010 | <u>185</u> | ORDER granting <u>182</u> Joint Motion to Extend Discovery and Dispositive Motions Deadlines. Discovery shall be completed by 10/15/10 and dispositive motions shall be filed no later than 11/12/10; granting <u>183</u> Motion to Withdraw as Attorney. Attorney Ronald H Lee terminated.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 10/14/2010) |
| 10/15/2010 | <u>186</u> | NOTICE <i>Defendants' Notice of Thirteenth Supplemental Disclosure</i> by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Cunniff, Celamaine) (Entered: 10/15/2010) |
| 10/18/2010 | <u>187</u> | ORDER granting <u>184</u> MOTION for James C Knapp, Jr. to Appear Pro Hac Vice, Attorney James C Knapp, Jr for Max Moussazadeh added.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 10/18/2010) |
| 10/19/2010 | <u>188</u> | NOTICE <i>Defendants' Notice of 14th Supplemental Disclosures</i> by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Cunniff, Celamaine) (Entered: 10/19/2010) |
| 10/22/2010 | <u>189</u> | NOTICE (<i>Notice of Defendants Fifteenth Supplemental Disclosure</i>) by Brad Livingston, David Sweeten, filed. (Cunniff, Celamaine) (Entered: 10/22/2010) |
| 10/25/2010 | <u>190</u> | NOTICE <i>Defendants' Notice of Sixteenth Supplemental Disclosure</i> by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Cunniff, Celamaine) (Entered: 10/25/2010) |
| 10/29/2010 | <u>191</u> | NOTICE <i>NOTICE OF SEVENTEENTH SUPPLEMENTAL DISCLOSURE</i> by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Cunniff, Celamaine) (Entered: 10/29/2010) |
| 11/03/2010 | <u>192</u> | Joint MOTION for Extension of Time to file Dispositive Motions by Max Moussazadeh, filed. Motion Docket Date 11/24/2010. (Attachments: # <u>1</u> Proposed Order)(Robinson, Anne) (Entered: 11/03/2010) |

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| 11/05/2010 | <u>193</u> | NOTICE of 18th Supplemental Disclosure by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Cunniff, Celamaine) (Entered: 11/05/2010) |
| 11/08/2010 | <u>194</u> | ORDER granting <u>192</u> Motion for Extension of Time Dispositive Motion Filing due by 12/10/2010. Responses due by 1/18/2011 Replies due by 2/11/2011. The case is now more than five years old; discovery has ceased. Therefore the deadlines sought and entered are firm.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 11/08/2010) |
| 11/18/2010 | <u>195</u> | NOTICE of NINETEENTH SUPPLEMENTAL DISCLOSURE by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Cunniff, Celamaine) (Entered: 11/18/2010) |
| 11/30/2010 | <u>196</u> | NOTICE Defendants' Notice of Twentieth Supplemental Disclosure by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Cunniff, Celamaine) (Entered: 11/30/2010) |
| 12/06/2010 | <u>197</u> | NOTICE Defendants' Notice of Amended Twentieth Supplemental Disclosure by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Cunniff, Celamaine) (Entered: 12/06/2010) |
| 12/10/2010 | <u>198</u> | MOTION for Summary Judgment <i>Defendants' Motion for Summary Judgment with Brief in Support</i> by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. Motion Docket Date 1/3/2011. (Attachments: # <u>1</u> Exhibit A – TDCJ Laundry, Food and Supply Department – Jewish Dietary Policy and Procedures, # <u>2</u> Exhibit B – Relevant Portions of Chapter 3 of the TDCJ Chaplaincy Department Chaplaincy Manual, # <u>3</u> Exhibit C – Relevant Portions of Chapter 7 of the TDCJ Chaplaincy Department Chaplaincy Manual, # <u>4</u> Exhibit D – Affidavit of Rabbi Dovid Goldstein, # <u>5</u> Exhibit E – Affidavit of Vanessa Jones, # <u>6</u> Exhibit F – Affidavit of R. C. Thaler, # <u>7</u> Exhibit G – Correspondence dated December 7, 2010, to Opposing Counsel re: Plaintiff's Eligibility for Transfer to the Enhanced Jewish Designated Unit, # <u>8</u> Exhibit H – Affidavit of Kelly Enloe, # <u>9</u> Exhibit I – Affidavit of TDCJ Chaplaincy Director Billy Pierce dated October 21, 2004, # <u>10</u> Exhibit J – Affidavit of TDCJ Chaplaincy Director Billy Pierce dated September 1, 2010, # <u>11</u> Exhibit K – Plaintiff's Relevant TDCJ Grievances from October 2001 to March 23, 2010, # <u>12</u> Exhibit L – Plaintiff's Relevant TDCJ Grievances from March 2010 to October 22, 2010, # <u>13</u> Exhibit M – Plaintiff's Relevant TDCJ Grievances from January 2005 to November 9, 2005, # <u>14</u> Exhibit N – Affidavit of No Record of Plaintiff Filing a Grievance re: Religious Services or Kosher Meals while at Stiles Unit from October 13, 2009 to January 4, 2010, # <u>15</u> Exhibit O – Affidavit of Billy Pierce, TDCJ Director of Chaplaincy Operations, # <u>16</u> Exhibit P – List of Kosher Foods Sold in the Stiles Unit Commissary as of March 25, 2010, # <u>17</u> Exhibit Q – TDCJ Commissary Price Lists, # <u>18</u> Exhibit R – Affidavit of Suzanne Vaughn dated November 24, 2010, # <u>19</u> Exhibit S – Affidavit of Suzanne Vaughn dated November 8, 2010, # <u>20</u> Exhibit T – Relevant Portion of Plaintiff's Commissary Purchase Records, # <u>21</u> Exhibit U – Plaintiff's TDCJ Inmate Trust Fund Account Records, # <u>22</u> Exhibit V – TDCJ In Forma Pauperis Data Information for Plaintiff, # <u>23</u> Exhibit W – TDCJ Bank History Screens for Plaintiff, # <u>24</u> Exhibit X – Sample 2006 and 2007 Kosher Menus, # <u>25</u> Exhibit Y – Relevant Portions of TDCJ's Commissary Daily Operations Manual, # <u>26</u> Exhibit Z – Relevant Portions of TDCJ's Offender Orientation Handbook, # <u>27</u> Exhibit AA – Relevant Portions of the Status Conference Hearing April 25, 2007, # <u>28</u> Exhibit BB – Affidavit of Chaplain Billy Pierce dated October 15, 2010, # <u>29</u> Exhibit CC – Affidavit of Chaplain Billy Pierce dated October 15, 2010, # <u>30</u> Exhibit DD – Initial Equipment Purchase for Creation of Kosher Kitchen in May 2007, # <u>31</u> Exhibit EE – 2007 and 2008 Food Services Cost per day per Inmate for Select Units, # <u>32</u> Exhibit FF – 2009 Food Services Cost per day per Inmate for Select Units, # <u>33</u> Exhibit GG – Affidavit of Jerry McGinty, # <u>34</u> Exhibit HH – Document from My Own Meal – Glatt Kosher, # <u>35</u> Exhibit II – Defendants' Supplemental Responses to Interrogatory No. 5 of Defendants' Second Supplemental Objection and Answers to Plaintiff's Fourth Set of Interrogatories, # <u>36</u> Exhibit JJ – Estimate for the Construction of a Free-standing Building at the Stiles Unit to be used as a Kosher Kitchen Facility, # <u>37</u> Exhibit KK – Estimate for the Construction of a Free-standing Building at the Jester III and Wynne Units to be used as a Kosher Kitchen Facility, # <u>38</u> Exhibit LL – Affidavit of Dovid Goldstein, # <u>39</u> Exhibit MM – Relevant Records from the Commissary and Trust Fund Department Records of Kosher Food Products/Availability of Kosher Food to Offenders, # <u>40</u> Affidavit NN – Relevant Portions of the TDCJ Food Service |

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| | | Procedures Manual, # <u>41</u> Exhibit OO – Affidavit of Beryl Bailey dated November 30, 2010, # <u>42</u> Exhibit PP – Affidavit of Paul Morales dated December 2, 2010, # <u>43</u> Exhibit QQ – Letter from Brad Livingston, TDCJ Executive Director, to the Governor's Office of Budget, Planning and Policy, # <u>44</u> Exhibit RR – "Budget Cuts to State Prison System Could Mean 3,100 Jobs Lost" Austin American Statesman, # <u>45</u> Exhibit SS – Agency News: A Budget Update for TDCJ Employees dated May/June 2010, # <u>46</u> Exhibit TT – Affidavit of Karen Hall dated October 29, 2010, # <u>47</u> Exhibit UU – Affidavit of Karen Hall dated December 8, 2010, # <u>48</u> Exhibit VV – Affidavit of Jerry McGinty dated July 14, 2010, # <u>49</u> Exhibit WW – Relevant Excerpts from the Deposition of Beryl Bailey, # <u>50</u> Exhibit XX – Relevant Excerpts from the Deposition of Allison Dunbar, # <u>51</u> Exhibit YY – Relevant Excerpts from the Deposition of Nathaniel Quarterman, # <u>52</u> Proposed Order)(Cunniff, Celamaine) (Entered: 12/10/2010) |
| 12/10/2010 | <u>199</u> | MOTION for Summary Judgment by Max Moussazadeh, filed. Motion Docket Date 1/3/2011. (Attachments: # <u>1</u> Affidavit of Matthew T. Murchison, # <u>2</u> Exhibits 1 – 32, # <u>3</u> Proposed Order)(Murchison, Matthew) (Entered: 12/10/2010) |
| 01/18/2011 | <u>200</u> | RESPONSE in Opposition to <u>199</u> MOTION for Summary Judgment, filed by Brad Livingston, David Sweeten, Texas Department of Criminal Justice. (Attachments: # <u>1</u> Supplemental Exhibit WW – Relevant Excerpts from the Rule 30(b)(6) Deposition of Beryl Bailey, # <u>2</u> Supplemental Exhibit XX – Relevant Excerpts from the Rule 30(b)(6) Deposition of Allison Dunbar)(Cunniff, Celamaine) (Entered: 01/18/2011) |
| 01/18/2011 | <u>201</u> | RESPONSE in Opposition to <u>198</u> MOTION for Summary Judgment <i>Defendants' Motion for Summary Judgment with Brief in Support</i> , filed by Max Moussazadeh. (Attachments: # <u>1</u> Affidavit Matthew T. Murchison, # <u>2</u> Exhibit 33–37)(Murchison, Matthew) (Entered: 01/18/2011) |
| 01/19/2011 | <u>202</u> | SUPPLEMENT to <u>201</u> Response in Opposition to Motion, by Max Moussazadeh, filed.(Murchison, Matthew) (Entered: 01/19/2011) |
| 02/01/2011 | <u>203</u> | MOTION to Strike <u>200</u> Response in Opposition to Motion, by Max Moussazadeh, filed. Motion Docket Date 2/22/2011. (Attachments: # <u>1</u> Exhibits A – G, # <u>2</u> Proposed Order)(Murchison, Matthew) (Entered: 02/01/2011) |
| 02/11/2011 | <u>204</u> | REPLY in Support of <u>199</u> MOTION for Summary Judgment, filed by Max Moussazadeh. (Attachments: # <u>1</u> Affidavit of Matthew T. Murchison, # <u>2</u> Exhibit 38)(Murchison, Matthew) (Entered: 02/11/2011) |
| 02/11/2011 | <u>205</u> | REPLY to <u>201</u> Response in Opposition to Motion, <i>198 Motion for Summary Judgment</i> , filed by Brad Livingston, David Sweeten, Texas Department of Criminal Justice. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Order)(Cunniff, Celamaine) (Entered: 02/11/2011) |
| 02/11/2011 | <u>206</u> | MOTION to Strike <u>201</u> Response in Opposition to Motion, by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. Motion Docket Date 3/4/2011. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Order)(Cunniff, Celamaine) (Entered: 02/11/2011) |
| 02/22/2011 | <u>207</u> | RESPONSE in Opposition to <u>203</u> MOTION to Strike <u>200</u> Response in Opposition to Motion,, filed by Brad Livingston, David Sweeten, Texas Department of Criminal Justice. (Attachments: # <u>1</u> Exhibit XX to Defendants' Motion for Summary Judgment and Response to Plaintiff's Motion for Summary Judgment – Errata Sheet to Deposition of Allison Dunbar signed November 19, 2010, # <u>2</u> Proposed Order)(Cunniff, Celamaine) (Entered: 02/22/2011) |
| 02/22/2011 | <u>208</u> | RESPONSE in Opposition to <u>206</u> MOTION to Strike <u>201</u> Response in Opposition to Motion,, filed by Max Moussazadeh. (Attachments: # <u>1</u> Proposed Order)(Murchison, Matthew) (Entered: 02/22/2011) |
| 03/04/2011 | <u>209</u> | REPLY to Response to <u>203</u> MOTION to Strike <u>200</u> Response in Opposition to Motion,, filed by Max Moussazadeh. (Murchison, Matthew) (Entered: 03/04/2011) |
| 04/08/2011 | <u>210</u> | MOTION for Matthew J Donnelly to Appear Pro Hac Vice by US Department Of Justice, filed. Motion Docket Date 4/29/2011. (Iusmith,) (Entered: 04/08/2011) |

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| 04/08/2011 | <u>211</u> | STATEMENT OF INTEREST OF THE UNITED STATES re: <u>198</u> MOTION for Summary Judgment <i>Defendants' Motion for Summary Judgment with Brief in Support</i> by US Department Of Justice, filed.(lusmith,) (Entered: 04/08/2011) |
| 04/12/2011 | <u>212</u> | ADVISORY by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. (Attachments: # <u>1</u> Attachment)(Cunniff, Celamaine) (Entered: 04/12/2011) |
| 04/14/2011 | <u>213</u> | Unopposed MOTION for Extension of Time to Respond to the Department of Justice's Statement of Interest by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed. Motion Docket Date 5/5/2011. (Attachments: # <u>1</u> Proposed Order)(Cunniff, Celamaine) (Entered: 04/14/2011) |
| 04/14/2011 | <u>216</u> | ORDER granting <u>210</u> MOTION for Matthew J Donnelly to Appear Pro Hac Vice,.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 04/18/2011) |
| 04/15/2011 | <u>214</u> | RESPONSE to <u>212</u> Advisory, filed by Max Moussazadeh. (Murchison, Matthew) (Entered: 04/15/2011) |
| 04/18/2011 | <u>215</u> | MOTION for Lori E. Rifkin to Appear Pro Hac Vice by United States Of America, filed. Motion Docket Date 5/9/2011. (mfoley) (Entered: 04/18/2011) |
| 04/21/2011 | <u>217</u> | ORDER granting <u>215</u> MOTION for Lori E. Rifkin to Appear Pro Hac Vice, Attorney Lori E. Rifkin for US Department Of Justice added.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 04/25/2011) |
| 04/27/2011 | <u>218</u> | ORDER granting <u>213</u> Motion for Extension of Time Responses due by 5/19/2011.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 04/27/2011) |
| 05/09/2011 | <u>219</u> | Mail Returned Undeliverable as to attorney Derek L Gaubatz re: <u>218</u> Order on Motion for Extension of Time, filed. Updated address not found. (lcampbell) (Entered: 05/09/2011) |
| 05/12/2011 | <u>220</u> | ADVISORY by Max Moussazadeh, re <u>199</u> filed. (Attachments: # <u>1</u> Exhibit A)(Murchison, Matthew) Modified on 5/12/2011 (jdav,). (Entered: 05/12/2011) |
| 05/19/2011 | <u>221</u> | RESPONSE to <u>211</u> Statement <i>Defendants' Response in Opposition to the Department of Justice's Statement of Interest</i> , filed by Brad Livingston, David Sweeten, Texas Department of Criminal Justice. (Cunniff, Celamaine) (Entered: 05/19/2011) |
| 06/22/2011 | <u>222</u> | ADVISORY by Max Moussazadeh, filed. (Attachments: # <u>1</u> Exhibit A)(Murchison, Matthew) (Entered: 06/22/2011) |
| 09/20/2011 | <u>223</u> | OPINION ON REMAND granting <u>206</u> MOTION to Strike <u>201</u> Response in Opposition to Motion, denying <u>203</u> MOTION to Strike <u>200</u> Response in Opposition to Motion, denying <u>199</u> MOTION for Summary Judgment, granting <u>198</u> MOTION for Summary Judgment <i>Defendants' Motion for Summary Judgment with Brief in Support</i> . All other pending motions, if any, are DENIED. This case is DISMISSED WITH PREJUDICE. Case terminated on September 20, 2011.(Signed by Judge Melinda Harmon) Parties notified.(htippen,) (Entered: 09/20/2011) |
| 10/12/2011 | <u>224</u> | Mail Returned Undeliverable as to attorney Derek L Gaubatz as to Max Moussazadeh re: <u>223</u> Order of Dismissal, [Updated address info not available], filed. (bdaniel,) (Entered: 10/13/2011) |
| 10/14/2011 | <u>225</u> | Amended NOTICE OF APPEAL to US Court of Appeals for the Fifth Circuit re: <u>223</u> Order of Dismissal,, by Max Moussazadeh, filed.(Robinson, Anne) (Entered: 10/14/2011) |
| 10/19/2011 | | Electronic Supplemental Record #1 on appeal certified to the Fifth Circuit Court of Appeals re: <u>137</u> Notice of Appeal, <u>225</u> Notice of Appeal – Amended USCA No. 09-40400, filed.(ltrevino,) Modified on 10/20/2011 (lusmith,). (Entered: 10/19/2011) |
| 10/19/2011 | <u>226</u> | Original Record on Appeal consisting of 8 volumes of record with certified docket sheet transmitted to US Court of Appeals for the Fifth Circuit re: <u>137</u> Appeal, Supplemental#1 Notice of Appeal; consisting of 9 volumes of record (USCA No. 09-40400), filed.(ltrevino,) (Main Document 226 replaced on 10/19/2011) (ltrevino, |

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| 10/24/2011 | <u>227</u> | CD Request: re Certified Record on Appeal re: <u>137</u> Notice of Appeal, filed by Max Moussazadeh, <u>225</u> Notice of Appeal – Amended filed by Max Moussazadeh, filed. (Itrevino,) (Entered: 10/24/2011) |
| 10/25/2011 | <u>228</u> | Court of Appeals Memorandum to Counsel (USCA No. 09–40400), filed.(sbyrum,) (Entered: 10/27/2011) |
| 10/31/2011 | <u>229</u> | NOTICE of Receipt of Record on Appeal from US Court of Appeals for the Fifth Circuit re: <u>225</u> Notice of Appeal – Amended (USCA No. 10–40400), rec'd at the 5USCA 10/25/2011 filed.(jday,) (Entered: 11/02/2011) |
| 11/03/2011 | <u>230</u> | Mail Returned Undeliverable as to attorney Derek L Gaubatz as to Max Moussazadeh re: <u>226</u> Supplemental ROA Sent to USCA,, filed. (lfilmore,) (Entered: 11/07/2011) |
| 01/12/2012 | <u>231</u> | ADVISORY by Brad Livingston, David Sweeten, Texas Department of Criminal Justice, filed.(Cunniff, Celamaine) (Entered: 01/12/2012) |
| 02/25/2013 | <u>232</u> | PER CURIAM of USCA for the Fifth Circuit re: <u>225</u> Notice of Appeal – Amended ; USCA No. 09–40400. Rehearing en banc is DENIED., filed.(jday,) (Additional attachment(s) added on 2/25/2013: # <u>1</u> cover letter) (jday,). (Entered: 02/25/2013) |
| 03/05/2013 | <u>233</u> | Court of Appeals LETTER advising Approved bill of costs (USCA No. 09–40400), filed. (Bill of Costs was not included in envelope)(cfelchak) (Entered: 03/05/2013) |
| 03/05/2013 | <u>234</u> | Order of USCA; judgment issued as mandate 2/28/2013 re: <u>137</u> Notice of Appeal, <u>225</u> Notice of Appeal – Amended ; USCA No. 09–40400. Judgment of the District Court is REVERSED and REMANDED to the District Court. Case reopened on 3/5/2013.(dwilkerson,) (Entered: 03/05/2013) |
| 03/05/2013 | <u>235</u> | Copy of Bill of Costs by USCA in the amount of \$723.00 against Texas Dept of Criminal Justice et al (USCA No. 09–40400), filed.(Itrevino,) (Entered: 03/05/2013) |
| 03/05/2013 | <u>236</u> | Order of USCA; USCA No. 09–40400, filed.(Itrevino,) (Entered: 03/05/2013) |
| 03/05/2013 | <u>237</u> | Order of USCA; USCA No. 09–40400, filed.(Itrevino,) (Entered: 03/05/2013) |
| 04/05/2013 | <u>238</u> | Court of Appeals LETTER advising electronic copy of the record has been recycled (USCA No. 09–40400).(dwilkerson,) (Entered: 04/05/2013) |
| 07/24/2013 | <u>239</u> | MOTION to Intervene filed by David Scott Helfond, pro se. Motion Docket Date 8/14/2013. (dwilkerson,) (Entered: 07/24/2013) |
| 08/13/2013 | <u>240</u> | RESPONSE to <u>239</u> MOTION to Intervene filed by Brad Livingston, David Sweeten, Texas Department of Criminal Justice. (Attachments: # <u>1</u> Exhibit A: Affidavit of Frankie Reescano, # <u>2</u> Proposed Order)(Cunniff, Celamaine) (Entered: 08/13/2013) |
| 09/05/2013 | <u>241</u> | REPLY to Response to <u>239</u> MOTION to Intervene, filed by David Scott Helfond. (lusmith, 3) (Entered: 09/05/2013) |
| 03/06/2014 | <u>242</u> | ORDER denying <u>239</u> Motion to Intervene.(Signed by Judge Melinda Harmon) Parties notified.(rvazquez) (Entered: 03/06/2014) |
| 04/04/2014 | <u>243</u> | STATUS REPORT by Max Moussazadeh, filed.(Murchison, Matthew) (Entered: 04/04/2014) |
| 04/04/2014 | <u>244</u> | Joint MOTION to Stay <i>Litigation</i> by Max Moussazadeh, filed. Motion Docket Date 4/25/2014. (Attachments: # <u>1</u> Proposed Order)(Murchison, Matthew) (Entered: 04/04/2014) |
| 04/09/2014 | <u>245</u> | ORDER granting <u>244</u> Motion to Stay <i>Litigation</i> .(Signed by Magistrate Judge Frances H Stacy) Parties notified.(glyons, 4) (Entered: 04/09/2014) |
| 05/21/2015 | <u>246</u> | NOTICE of Reassignment to Judge Kenneth M. Hoyt, pursuant to General Order No. 2015–5. Deadlines in scheduling orders remain in effect. All court settings are vacated. Judge Melinda Harmon no longer assigned to the case. Parties notified, filed. (dkellyadi, 4) (Entered: 05/21/2015) |

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| 06/03/2015 | <u>247</u> | Mail Returned Undeliverable as to Derek L Gaubatz re: <u>246</u> Notice of Reassignment (FORM),, filed. (mxperez, 5) (Entered: 06/03/2015) |
| 08/19/2015 | <u>248</u> | NOTICE of Reassignment to Judge George C. Hanks, Jr, pursuant to General Order No. 2015-10. Deadlines in scheduling orders remain in effect. All court settings are vacated. Judge Kenneth M. Hoyt no longer assigned to the case. Parties notified, filed. (dkellyadi, 4) (Entered: 08/19/2015) |
| 10/13/2015 | <u>249</u> | Letter from Troy Lee Perkins, filed. (lusmith, 3) (Entered: 10/13/2015) |
| 01/08/2016 | <u>250</u> | STIPULATION of Dismissal (<i>Joint</i>) by Max Moussazadeh, filed.(Robinson, Anne) (Entered: 01/08/2016) |
| 03/31/2017 | <u>251</u> | ORDER granting <u>250</u> Stipulation of Dismissal. This case is Dismissed without prejudice(Signed by Judge George C Hanks, Jr) Parties notified.(Itrevino, 3) (Entered: 03/31/2017) |
| 04/10/2017 | <u>252</u> | Mail Returned Undeliverable as to attorney Derek L Gaubatz re: <u>251</u> Order, filed. (mperez, 1) (Entered: 04/10/2017) |
| 04/10/2017 | <u>253</u> | Mail Returned Undeliverable as to David Paul Palmer re: <u>251</u> Order, filed. (mperez, 1) (Entered: 04/10/2017) |