

**U.S. District Court [LIVE AREA]  
Middle District of Georgia (Macon)  
CIVIL DOCKET FOR CASE #: 5:16-cv-00353-MTT**

COEN v. BRYSON et al  
Assigned to: US DISTRICT JUDGE MARC THOMAS  
TREADWELL  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 08/03/2016  
Date Terminated: 10/01/2018  
Jury Demand: None  
Nature of Suit: 555 Prisoner: Prison  
Condition  
Jurisdiction: Federal Question

**Plaintiff**

**JERRY THOMAS COEN**

represented by **ALEXANDRIA E G SWETTE**  
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V.

**Defendant**

**COMMISSIONER HOMER BRYSON**  
*GDOC*

represented by **ANGELA ELLEN CUSIMANO**  
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404-657-4355  
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**Defendant**

**Warden WALTER BERRY**  
*Central State Prison*

represented by **ANGELA ELLEN CUSIMANO**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**JOHN FAGAN**  
*Deputy Warden, Central State Prison*

represented by **ANGELA ELLEN CUSIMANO**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**MICHAEL THOMAS**  
*Deputy Warden, Central State Prison*

represented by **ANGELA ELLEN CUSIMANO**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**JUANITA THORPE**  
*Chief Counselor, Central State Prison*

represented by **ANGELA ELLEN CUSIMANO**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**WILLIAM CZARNESKI**  
*Deputy Warden of Administration,  
Georgia State Prison*

represented by **ANGELA ELLEN CUSIMANO**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**SHENECA KING**  
*Unit Manager, Central State Prison*

represented by **ANGELA ELLEN CUSIMANO**  
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*ATTORNEY TO BE NOTICED*

**Defendant****JONES***Case Counselor, Central State Prison*represented by **ANGELA ELLEN CUSIMANO**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Defendant****DEPUTY WARDEN MIZELL DAVIS**represented by **ANGELA ELLEN CUSIMANO**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Defendant****COUNSELOR RACHEAL  
MONCRIEF**represented by **ANGELA ELLEN CUSIMANO**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Defendant****LT BASELY**represented by **ANGELA ELLEN CUSIMANO**  
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*ATTORNEY TO BE NOTICED***Defendant****LT CHILDRESS**represented by **ANGELA ELLEN CUSIMANO**  
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*ATTORNEY TO BE NOTICED***Defendant****LT PHILLIP**represented by **ANGELA ELLEN CUSIMANO**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Defendant****CAPTAIN HALL**represented by **ANGELA ELLEN CUSIMANO**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Movant****TIMOTHY O'NEAL BELL**  
*TERMINATED: 04/13/2017*represented by **TIMOTHY O'NEAL BELL**  
GDC868431  
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MACON, GA 31208  
PRO SE**ANGELA ELLEN CUSIMANO**  
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*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
08/03/2016	<u>1</u>	COMPLAINT against All Defendants (Attachments: # <u>1</u> Envelope), filed by JERRY THOMAS COEN. (Attachments: # <u>1</u> Envelope)(ans) (Entered: 08/04/2016)
08/03/2016	<u>4</u>	MOTION for Leave to Proceed in forma pauperis Filed by JERRY THOMAS COEN.. Motion(s) referred to STEPHEN HYLES.(ans) (Entered: 08/04/2016)
08/04/2016	<u>2</u>	<b>ORDER</b> REFERRING CASE to Magistrate Judge issued at the direction of the Court. (ans) (Entered: 08/04/2016)

08/04/2016	<u>3</u>	Consent Form (28 USC 636(c)(1)) sent to JERRY THOMAS COEN (ans) (Entered: 08/04/2016)
09/07/2016	<u>5</u>	<b>ORDER</b> denying <u>4</u> Motion for Leave to Proceed in forma pauperis. Ordered by US MAGISTRATE JUDGE STEPHEN HYLES on 09/07/2016 (efw) (Entered: 09/07/2016)
09/19/2016		Filing fee Paid \$400.00 (ans) (Entered: 09/19/2016)
11/28/2016	<u>6</u>	MOTION for an Injunction Filed by TIMOTHY O'NEAL BELL. (Attachments: # <u>1</u> Envelope). Motion(s) referred to STEPHEN HYLES.(ans) (Entered: 11/28/2016)
11/30/2016	<u>7</u>	Letter from JERRY COEN regarding request for another consent form – <u>3</u> consent form sent to plaintiff re <u>3</u> Consent to Proceed Form Sent (ans) (Entered: 11/30/2016)
01/06/2017	<u>8</u>	AMENDED COMPLAINT re <u>1</u> Complaint against All Defendants by JERRY THOMAS COEN (Attachments: # <u>1</u> Attachments – Various prison documents not marked as exhibits, # <u>2</u> Cover Letter, # <u>3</u> Envelope)(ans) (Entered: 01/09/2017)
02/15/2017	<u>9</u>	<b>ORDER</b> directing Plaintiff to serve the individual Defendants. <b>REPORT AND RECOMMENDATION</b> recommending denial of <u>6</u> MOTION for an Injunction filed by TIMOTHY O'NEAL BELL. Ordered by US MAGISTRATE JUDGE STEPHEN HYLES on 2/15/2017. (efw) (Entered: 02/15/2017)
02/15/2017	<u>10</u>	NOTICE of Change of Address by JERRY THOMAS COEN. His Release date is 02/18/2017. (Attachments: # <u>1</u> Envelope)(cma) (Entered: 02/15/2017)
04/13/2017	<u>11</u>	<b>ORDER</b> ADOPTING <u>9</u> Report and Recommendations and DENYING <u>6</u> Motion for Injunction. The Clerk of Court is DIRECTED to forward Bell a copy of the Court's standard § 1983 forms and the necessary forms to permit him to move to proceed in forma pauperis. Ordered by US DISTRICT JUDGE MARC THOMAS TREADWELL on 4/13/2017. (tlh) (Entered: 04/13/2017)
07/17/2017	<u>12</u>	Letter from JERRY THOMAS COEN regarding update to Court regarding service (Attachments: # <u>1</u> Envelope)(ans) (Entered: 07/17/2017)
08/10/2017	<u>13</u>	WAIVER OF SERVICE Returned Executed as to WILLIAM CZARNESKI (ans) (Entered: 08/10/2017)
09/08/2017	<u>14</u>	MOTION to Dismiss Plaintiff's First Amended Complaint by WALTER BERRY, HOMER BRYSON, JOHN FAGAN, JONES, SHENECA KING, MICHAEL THOMAS, JUANITA THORPE filed by ANGELA ELLEN CUSIMANO. (Attachments: # <u>1</u> Memorandum in Support). Motion(s) referred to STEPHEN HYLES.(CUSIMANO, ANGELA) Modified to remove TIMOTHY O'NEAL BELL on 9/14/2017 (ans). (Entered: 09/08/2017)
09/08/2017	<u>15</u>	MOTION to Stay Discovery by WALTER BERRY, HOMER BRYSON, JOHN FAGAN, JONES, SHENECA KING, MICHAEL THOMAS, JUANITA THORPE filed by ANGELA ELLEN CUSIMANO. (Attachments: # <u>1</u> Memorandum in Support). Motion(s) referred to STEPHEN HYLES.(CUSIMANO, ANGELA) Modified on to remove TIMOTHY O'NEAL BELL as a filer 9/14/2017 (ans). (Entered: 09/08/2017)
09/13/2017	<u>16</u>	<b>ORDER</b> for Response to Motion re: <u>14</u> MOTION to Dismiss Plaintiff's First Amended Complaint filed by WALTER BERRY, SHENECA KING, JOHN FAGAN, HOMER BRYSON, JONES, MICHAEL THOMAS, JUANITA THORPE. Plaintiff is ordered to respond to Defendant's motion within twenty one (21) days. Ordered by US MAGISTRATE JUDGE STEPHEN HYLES on 9-13-17. (bdd) Modified to remove TIMOTHY O'NEAL BELL from docket text on 9/14/2017 (ans). TIMOTHY O'NEAL BELL was selected as a filer in error when <u>14</u> was docketed. (Entered: 09/13/2017)
09/13/2017	<u>17</u>	This is a text only entry; no document issued. <b>ORDER</b> granting <u>15</u> Motion to Stay discovery. Discovery is stayed pending response to, and consideration of, Defendant's motion to dismiss. Ordered by US MAGISTRATE JUDGE STEPHEN HYLES on 9-13-17. (bdd) (Entered: 09/13/2017)
09/18/2017	<u>18</u>	WAIVER OF SERVICE Returned Executed as to MICHAEL THOMAS (ans) (Entered: 09/18/2017)

09/18/2017	<u>19</u>	WAIVER OF SERVICE Returned Executed as to JUANITA THORPE (ans) (Entered: 09/18/2017)
09/18/2017	<u>20</u>	WAIVER OF SERVICE Returned Executed as to RACHEAL MONCRIEF (ans) (Entered: 09/18/2017)
09/18/2017	<u>21</u>	WAIVER OF SERVICE Returned Executed as to SHENECA KING (ans) (Entered: 09/18/2017)
09/18/2017	<u>22</u>	WAIVER OF SERVICE Returned Executed as to HALL (ans) (Entered: 09/18/2017)
09/18/2017	<u>23</u>	WAIVER OF SERVICE Returned Executed as to HOMER BRYSON (ans) (Entered: 09/18/2017)
09/18/2017	<u>24</u>	WAIVER OF SERVICE Returned Executed as to WILLIAM CZARNESKI (ans) (Entered: 09/18/2017)
09/18/2017	<u>25</u>	WAIVER OF SERVICE Returned Executed as to WALTER BERRY (ans) (Entered: 09/18/2017)
04/17/2018	<u>26</u>	MOTION for Leave to File Second Amended Complaint Filed by JERRY THOMAS COEN. (Attachments: # <u>1</u> Envelope). Motion(s) referred to STEPHEN HYLES.(ans) (Entered: 04/17/2018)
06/07/2018	<u>27</u>	NOTICE of Attorney Appearance by SEAN JENGWEI YOUNG on behalf of All Plaintiffs Attorney SEAN JENGWEI YOUNG added to party JERRY THOMAS COEN(pty:pla) (YOUNG, SEAN) (Entered: 06/07/2018)
06/07/2018	<u>28</u>	NOTICE of Attorney Appearance by KOSHA S TUCKER on behalf of All Plaintiffs Attorney KOSHA S TUCKER added to party JERRY THOMAS COEN(pty:pla) (TUCKER, KOSHA) (Entered: 06/07/2018)
06/08/2018		US MAGISTRATE JUDGE STEPHEN HYLES no longer assigned to case. (ans) (Entered: 06/08/2018)
06/12/2018	<u>29</u>	<b>ORDER</b> for Response. Plaintiff has fourteen days from the date on this Order to respond to Defendants' motion to dismiss. Defendants have fourteen days from the date on this Order to respond to Plaintiff's pro se motion for leave to file a second amended complaint. In accordance with M.D. Ga. L.R. 7.3, each party has fourteen days after service of these responses to file a reply. Ordered by US DISTRICT JUDGE MARC THOMAS TREADWELL on 6/12/2018. (tlh) (Entered: 06/12/2018)
06/15/2018	<u>30</u>	STIPULATION re <u>26</u> MOTION for Leave to File Second Amended Complaint by JERRY THOMAS COEN (CENTER, CLAUDIA) (Entered: 06/15/2018)
06/15/2018		Notice of Deficiency (related document(s): <u>30</u> Stipulation re <u>26</u> MOTION for Leave to File Second Amended Complaint filed by JERRY THOMAS COEN ); Other. The parties may not stipulate to extend response and reply deadlines for motions. Leave of Court is required. A motion to extend the response and reply deadlines must be filed. (ggs) Modified spelling of motion on 6/18/2018 (ans). (Entered: 06/15/2018)
06/19/2018	<u>31</u>	Order granting Petition for Admission Pro Hac Vice (Petition Attached); Attorney Admission Fee Met by RALPH I MILLER (nop) (Entered: 06/19/2018)
06/20/2018	<u>32</u>	Order granting Petition for Admission Pro Hac Vice (Petition Attached); Attorney Admission Fee Met by AUDREY E STANO (nop) (Entered: 06/20/2018)
06/20/2018	<u>33</u>	MOTION to Amend/Correct <u>8</u> Amended Complaint by JERRY THOMAS COEN filed by CLAUDIA CENTER. (Attachments: # <u>1</u> Exhibit A – Proposed Second Amended Complaint, # <u>2</u> Proposed Order)(CENTER, CLAUDIA) (Entered: 06/20/2018)
06/20/2018	34	This is a text only entry; no document issued. <b>ORDER</b> re <u>30</u> Stipulation filed by JERRY THOMAS COEN: Defendants have through and including July 11, 2018 to respond to <u>33</u> Motion to Amend/Correct Amended Complaint. Ordered by US DISTRICT JUDGE MARC THOMAS TREADWELL on 6/20/18. (lnb) (Entered: 06/20/2018)



06/21/2018	<u>35</u>	Order granting Petition for Admission Pro Hac Vice (Petition Attached); Attorney Admission Fee Met by ALEXANDRIA E G SWETTE (nop) (Entered: 06/21/2018)
06/26/2018	<u>36</u>	RESPONSE filed by JERRY THOMAS COEN re <u>14</u> MOTION to Dismiss Plaintiff's First Amended Complaint (CENTER, CLAUDIA) (Entered: 06/26/2018)
06/26/2018	<u>37</u>	AFFIDAVIT re <u>36</u> Response to Motion to Dismiss by JERRY THOMAS COEN (CENTER, CLAUDIA) (Entered: 06/26/2018)
07/09/2018	<u>38</u>	Order granting Petition for Admission Pro Hac Vice (Petition Attached); Attorney Admission Fee Met by ANNA BITENCOURT EMILIO (nop) (Entered: 07/09/2018)
07/11/2018	<u>39</u>	RESPONSE filed by BASELY, TIMOTHY O'NEAL BELL, WALTER BERRY, HOMER BRYSON, CHILDRESS, WILLIAM CZARNESKI, MIZELL DAVIS re <u>33</u> MOTION to Amend/Correct <u>8</u> Amended Complaint (CUSIMANO, ANGELA) (Entered: 07/11/2018)
07/13/2018	<u>40</u>	REPLY to Response filed by BASELY, TIMOTHY O'NEAL BELL, WALTER BERRY, HOMER BRYSON, CHILDRESS, WILLIAM CZARNESKI, MIZELL DAVIS re <u>33</u> MOTION to Amend/Correct <u>8</u> Amended Complaint (CUSIMANO, ANGELA) (Entered: 07/13/2018)
07/18/2018	<u>41</u>	Order granting Petition for Admission Pro Hac Vice (Petition Attached); Attorney Admission Fee Met by SUSAN MIZNER, CLAUDIA CENTER (Attachments: # <u>1</u> Pro Hac Vice Admission) (nop) (Entered: 07/18/2018)
07/25/2018	<u>42</u>	REPLY to Response filed by JERRY THOMAS COEN re <u>33</u> MOTION to Amend/Correct <u>8</u> Amended Complaint (CENTER, CLAUDIA) (Entered: 07/25/2018)
07/26/2018		Notice of Deficiency (related document(s): <u>42</u> Reply to Response to Motion filed by JERRY THOMAS COEN ); Certificate of Service not attached. Do NOT refile document – file only the Certificate of Service and link to document. (mdm) (Entered: 07/26/2018)
07/27/2018	<u>43</u>	CERTIFICATE OF SERVICE by JERRY THOMAS COEN re <u>42</u> Reply to Response to Motion (CENTER, CLAUDIA) (Entered: 07/27/2018)
08/13/2018	<u>44</u>	MOTION to Vacate by JERRY THOMAS COEN filed by CLAUDIA CENTER. (Attachments: # <u>1</u> Memorandum in Support of Motion to Lift Stay of Discovery, # <u>2</u> Proposed Order Granting Motion to Lift Stay)(CENTER, CLAUDIA) (Entered: 08/13/2018)
08/21/2018	<u>45</u>	Order granting Petition for Admission Pro Hac Vice (Petition Attached); Attorney Admission Fee Met by ZOE BRENNAN-KROHN (nop) (Entered: 08/21/2018)
09/04/2018	<u>46</u>	RESPONSE filed by BASELY, WALTER BERRY, HOMER BRYSON, CHILDRESS, WILLIAM CZARNESKI, MIZELL DAVIS, JOHN FAGAN, HALL, JONES, SHENECA KING, RACHEAL MONCRIEF, PHILLIP, MICHAEL THOMAS, JUANITA THORPE re <u>44</u> MOTION to Vacate (CUSIMANO, ANGELA) (Entered: 09/04/2018)
09/13/2018	<u>47</u>	<b>ORDER</b> DENYING as moot <u>14</u> Motion to Dismiss; DENYING as moot <u>26</u> Motion for Leave to File a Second Amended Complaint; GRANTING in part and DENYING in part <u>33</u> Motion to Amend/Correct <u>8</u> Amended Complaint; and GRANTING <u>44</u> Motion to Lift Stay. The parties have 90 days from the date of this order to complete discovery. Ordered by US DISTRICT JUDGE MARC THOMAS TREADWELL on 9/13/2018. (tlh) (Entered: 09/13/2018)
09/13/2018	<u>48</u>	<b>ORDER</b> TO SHOW CAUSE. The parties are ORDERED, on or before <b>September 27, 2018</b> , to show cause why the instant action should not be consolidated with Civil Action No. 5:16-CV-467-MTT pursuant to Fed. R. Civ. P. 42(a). Ordered by US DISTRICT JUDGE MARC THOMAS TREADWELL on 9/13/2018. (tlh) (Entered: 09/13/2018)
09/27/2018	<u>49</u>	NOTICE of Voluntary Dismissal by JERRY THOMAS COEN (CENTER, CLAUDIA) (Entered: 09/27/2018)

09/28/2018		Notice of Deficiency (related document(s): <u>49</u> Notice of Voluntary Dismissal filed by JERRY THOMAS COEN ); Dismissal must be signed by all parties who have appeared or by leave of court. (ans) (Entered: 09/28/2018)
09/28/2018	<u>50</u>	STIPULATION of Dismissal by JERRY THOMAS COEN (CENTER, CLAUDIA) (Entered: 09/28/2018)