

CLOSED,ERWIN,_MR

**U.S. District Court
Western District of Oklahoma[LIVE] (Oklahoma City)
CIVIL DOCKET FOR CASE #: 5:13-cv-01191-D**

Druley v. Jones et al
Assigned to: Honorable Timothy D. DeGiusti
Demand: \$1,000,000
Case in other court: Tenth Circuit Court of Appeals, 14-06114
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 11/07/2013
Date Terminated: 03/18/2015
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Jeanne Marie Druley

represented by **Jeanne Marie Druley**
#152158
LEXINGTON-JHCC
P O Box 548
Lexington, OK 73051
PRO SE

V.

Defendant

Justin Jones
in his individual capacity

Defendant

Justin Jones
in his official capacity

represented by **Kari Y Hawkins**
Attorney General's Ofc-NE
21STREET-OKC
313 NE 21st St
Oklahoma City, OK 73105
405-522-2976
Fax: 405-521-4518
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ATTORNEY TO BE NOTICED

Wilson D McGarry
US Attorney's Office-OKC
210 W Park Ave
Suite 400
Oklahoma City, OK 73102
405/553-8700
Fax: 405/553-8888
Email: wilson.mcgarry@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

Don Suttmiller
in his individual capacity

represented by **Kari Y Hawkins**
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ATTORNEY TO BE NOTICED

Wilson D McGarry
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Don Suttmiller
in his official capacity

represented by **Kari Y Hawkins**
(See above for address)
ATTORNEY TO BE NOTICED

Wilson D McGarry
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Michael Addison
in his individual capacity

represented by **Kari Y Hawkins**
(See above for address)
ATTORNEY TO BE NOTICED

Wilson D McGarry
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Michael Addison
in his official capacity

represented by **Kari Y Hawkins**
(See above for address)
ATTORNEY TO BE NOTICED

Wilson D McGarry
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Buddy Honaker
in his individual capacity

represented by **Kari Y Hawkins**
(See above for address)
ATTORNEY TO BE NOTICED

Wilson D McGarry
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Buddy Honaker
in his official capacity

represented by **Kari Y Hawkins**
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ATTORNEY TO BE NOTICED

Wilson D McGarry
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

James Keithley
in his individual capacity

represented by **Kari Y Hawkins**
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ATTORNEY TO BE NOTICED

Wilson D McGarry
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

James Keithley
in his official capacity

represented by **Kari Y Hawkins**
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ATTORNEY TO BE NOTICED

Wilson D McGarry
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Joel B McCurdy
in his individual capacity

represented by **Kari Y Hawkins**
 (See above for address)
ATTORNEY TO BE NOTICED

Wilson D McGarry
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Joel B McCurdy
in his official capacity

represented by **Kari Y Hawkins**
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ATTORNEY TO BE NOTICED

Wilson D McGarry
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/07/2013	<u>1</u>	COMPLAINT against All Defendants filed by Jeanne Marie Druley. (Attachments: # <u>1</u> Exhibit 1 – Summary of Medical Info, # <u>2</u> Exhibit 2 – DOC Info, # <u>3</u> Civil Cover Sheet)(ap) (Entered: 11/08/2013)
11/07/2013	<u>2</u>	MOTION for Preliminary Injunction, MOTION for Temporary Restraining Order by Jeanne Marie Druley. (ap) (Entered: 11/08/2013)
11/07/2013	<u>3</u>	MEMORANDUM IN SUPPORT re <u>2</u> MOTION for Preliminary Injunction, MOTION for Temporary Restraining Order by Jeanne Marie Druley. (ap) (Entered: 11/08/2013)
11/07/2013	<u>4</u>	MOTION for Leave to Proceed in forma pauperis by Jeanne Marie Druley. (Attachments: # <u>1</u> Offender Statement Report)(ap) (Entered: 11/08/2013)
11/13/2013	<u>5</u>	ORDER REFERRING CASE to Magistrate Judge Shon T. Erwin.. Signed by Honorable Timothy D. DeGiusti on 11/13/2013. (mb) (Entered: 11/13/2013)
11/21/2013	<u>6</u>	REPORT AND RECOMMENDATION recommending that the <u>4</u> MOTION for Leave to Proceed in forma pauperis filed by Jeanne Marie Druley be denied and that she be ordered to prepay the full \$400.00 filing fee for this action to proceed. Objections to R&R due by 12/9/2013. This R&R terminates the referral to the Magistrate Judge in this matter. Signed by Magistrate Judge Shon T. Erwin on 11/21/13. (ch) (Entered: 11/21/2013)
11/21/2013		Magistrate Judge Shon T. Erwin no longer assigned to case pursuant to R&R of 11/21/13. (ch) (Entered: 11/21/2013)
12/10/2013	<u>7</u>	Receipt for Money Received from State of Oklahoma on behalf of Jeanne Marie Druley in the amount of \$400.00, receipt number OKW5000367963 regarding <u>1</u> Complaint. (cpp) (Entered: 12/10/2013)
12/13/2013	<u>8</u>	ORDER finding as moot <u>4</u> Motion for Leave to Proceed in forma pauperis; finding as moot <u>6</u> Report and Recommendation. Case referred to Magistrate Shon T. Erwin. Signed by Honorable Timothy D. DeGiusti on 12/13/2013. (mb) (Entered: 12/13/2013)
12/13/2013		CASE REFERRED to Magistrate Judge Shon T. Erwin. (mb) (Entered: 12/13/2013)
12/20/2013	<u>9</u>	ORDER FOR SPECIAL REPORT. Signed by Magistrate Judge Shon T. Erwin on 12/20/13. (ch) (Entered: 12/20/2013)
01/21/2014		MOTIONS REFERRED: <u>2</u> MOTION for Preliminary Injunction MOTION for Temporary Restraining Order Motions referred to Shon T. Erwin. (mb) (Entered: 01/21/2014)
03/14/2014	<u>10</u>	MOTION to Compel Service of Process by Jeanne Marie Druley. Motions referred to Shon T. Erwin. (Attachments: # <u>1</u> Exhibit 1 – Costs Summary and Envelope)(cpp) (Entered: 03/17/2014)

03/25/2014	<u>11</u>	ORDER denying Plf's <u>10</u> Motion to Compel Service of Process. Signed by Magistrate Judge Shon T. Erwin on 3/25/14. (ch) (Entered: 03/25/2014)
03/28/2014	<u>12</u>	REPORT AND RECOMMENDATION recommending that the Plf's <u>2</u> MOTION for Preliminary Injunction MOTION for Temporary Restraining Order filed by Jeanne Marie Druley be denied. Objections to R&R due by 4/14/2014. This R&R does not dispose of all issues referred to the Magistrate Judge in this matter. Signed by Magistrate Judge Shon T. Erwin on 3/28/14. (ch) (Entered: 03/28/2014)
04/01/2014	<u>13</u>	WAIVER OF SERVICE Returned Executed by Defendant Don Suttmillier. Don Suttmillier(in his official capacity) waiver sent on 3/25/2014, answer due 5/27/2014. (LS-USMS,) (Entered: 04/01/2014)
04/07/2014	<u>14</u>	ENTRY of Appearance by Kari Y Hawkins on behalf of Michael Addison(in his individual capacity), Michael Addison(in his official capacity), Buddy Honaker(in his official capacity), Buddy Honaker(in his individual capacity), Don Suttmillier(in his individual capacity), Don Suttmillier(in his official capacity) (Hawkins, Kari) (Entered: 04/07/2014)
04/07/2014	<u>15</u>	ENTRY of Appearance by Wilson D McGarry on behalf of Michael Addison(in his individual capacity), Michael Addison(in his official capacity), Buddy Honaker(in his official capacity), Buddy Honaker(in his individual capacity), Don Suttmillier(in his individual capacity), Don Suttmillier(in his official capacity) (McGarry, Wilson) (Entered: 04/07/2014)
04/08/2014	<u>16</u>	ENTRY of Appearance by Wilson D McGarry on behalf of James Keithley(in his official capacity), James Keithley(in his individual capacity), Joel B McCurdy(in his individual capacity), Joel B McCurdy(in his official capacity) (McGarry, Wilson) (Entered: 04/08/2014)
04/08/2014	<u>17</u>	ENTRY of Appearance by Kari Y Hawkins on behalf of James Keithley(in his official capacity), James Keithley(in his individual capacity), Joel B McCurdy(in his individual capacity), Joel B McCurdy(in his official capacity) (Hawkins, Kari) (Entered: 04/08/2014)
04/09/2014	<u>22</u>	MOTION for Extension of Time by Jeanne Marie Druley. Motions referred to Shon T. Erwin. (cpp) (Entered: 04/10/2014)
04/10/2014	<u>18</u>	WAIVER OF SERVICE Returned Executed by Defendant Michael Addison. Michael Addison(in his official capacity) waiver sent on 3/25/2014, answer due 5/27/2014. (LS-USMS,) (Entered: 04/10/2014)
04/10/2014	<u>19</u>	WAIVER OF SERVICE Returned Executed by Defendant Buddy Honaker. Buddy Honaker(in his official capacity) waiver sent on 3/25/2014, answer due 5/27/2014. (LS-USMS,) (Entered: 04/10/2014)
04/10/2014	<u>20</u>	WAIVER OF SERVICE Returned Executed by Defendant Joel B McCurdy. Joel B McCurdy(in his individual capacity) waiver sent on 3/25/2014, answer due 5/27/2014. (LS-USMS,) (Entered: 04/10/2014)
04/10/2014	<u>21</u>	WAIVER OF SERVICE Returned Executed by Defendant James Keithley. James Keithley(in his official capacity) waiver sent on 3/25/2014, answer due 5/27/2014. (LS-USMS,) (Entered: 04/10/2014)
04/14/2014	<u>23</u>	ORDER granting <u>22</u> Motion for Extension of Time to File Objection to R&R. Objections due 5/14/2014. Signed by Honorable Timothy D. DeGiusti on 4/14/2014. (mb) (Entered: 04/14/2014)
05/02/2014	<u>24</u>	OBJECTION TO REPORT AND RECOMMENDATION <u>12</u> filed by Jeanne Marie Druley. (Attachments: # <u>1</u> Letter, # <u>2</u> Envelope)(cla) (Entered: 05/05/2014)
05/08/2014	<u>25</u>	SUMMONS RETURNED EXECUTED as to Non-Party for Summons/Complaint served on Robert Patton on 05/02/2014. (LS-USMS,) (Entered: 05/08/2014)
05/09/2014	<u>26</u>	ORDER denying <u>2</u> Motion for Preliminary Injunction; denying <u>2</u> Motion for TRO; adopting Report and Recommendations re <u>12</u> Report and Recommendation.. Signed by Honorable Timothy D. DeGiusti on 5/9/2014. (mb) (Entered: 05/09/2014)

05/13/2014	<u>27</u>	ENTRY of Appearance by Wilson D McGarry on behalf of Justin Jones(in his official capacity) (McGarry, Wilson) (Entered: 05/13/2014)
05/13/2014	<u>28</u>	ENTRY of Appearance by Kari Y Hawkins on behalf of Justin Jones(in his official capacity) (Hawkins, Kari) (Entered: 05/13/2014)
05/27/2014	<u>29</u>	SPECIAL REPORT. (Attachments: # <u>1</u> Attachment CRC Card, # <u>2</u> Attachment Facility Assignment Form, # <u>3</u> Attachment Affidavit of Joel McCurdy with Attachments, # <u>4</u> Attachment Medication List, # <u>5</u> Attachment Court Minute in Case #C-88-50 dated 10/20/88, # <u>6</u> Attachment Birth Certificates, # <u>7</u> Attachment Physical Identification Form, # <u>8</u> Attachment Grievance Dated 5/21/13 with Responses, # <u>9</u> Attachment OP-090124 Effective 1/29/13)(McGarry, Wilson) (Entered: 05/27/2014)
05/27/2014	<u>30</u>	MOTION to Dismiss <i>or, in the Alternative,</i> , MOTION for Summary Judgment <i>and Brief in Support</i> by Michael Addison(in his individual capacity), Michael Addison(in his official capacity), Buddy Honaker(in his official capacity), Buddy Honaker(in his individual capacity), Justin Jones(in his official capacity), James Keithley(in his official capacity), James Keithley(in his individual capacity), Joel B McCurdy(in his individual capacity), Joel B McCurdy(in his official capacity), Don Suttmillier(in his individual capacity), Don Suttmillier(in his official capacity). Motions referred to Shon T. Erwin. (Attachments: # <u>1</u> Attachment Brewer v Mullin (unpublished), # <u>2</u> Attachment Qz'Etax v Ortiz (unpublished))(McGarry, Wilson) (Entered: 05/27/2014)
05/29/2014	<u>31</u>	ORDER — Plaintiff shall have until June 17, 2014 to file a response to Defendants Addison, Honaker, Jones, Keithley, McCurdy and Suttmillers Motion to Dismiss, ECF No. 30. Signed by Magistrate Judge Shon T. Erwin on 5/29/2014. (mc) (Entered: 05/29/2014)
05/30/2014	<u>32</u>	NOTICE OF APPEAL as to <u>26</u> Order on Motion for Preliminary Injunction, Order on Motion for TRO, Order on Report and Recommendation by Jeanne Marie Druley. (Attachments: # <u>1</u> Envelope)(cla) (Entered: 05/30/2014)
05/30/2014	<u>33</u>	MOTION for Leave to Proceed in forma pauperis by Jeanne Marie Druley. Motions referred to Shon T. Erwin. (Attachments: # <u>1</u> Envelope)(cla) (Entered: 05/30/2014)
05/30/2014	<u>34</u>	PRELIMINARY RECORD LETTER – Electronic Transmission of Notice of Appeal with Preliminary Record sent to Tenth Circuit Court of Appeals re <u>32</u> Notice of Appeal (cla) (Entered: 05/30/2014)
05/30/2014	<u>35</u>	Tenth Circuit Court of Appeals USCA Case Number 14-6114 for <u>32</u> Notice of Appeal filed by Jeanne Marie Druley. (cla) (Entered: 06/02/2014)
06/03/2014	<u>36</u>	ORDER denying <u>33</u> Motion for Leave to Proceed in forma pauperis. Signed by Honorable Timothy D. DeGiusti on 6/3/2014. (mb) (Entered: 06/03/2014)
06/19/2014	<u>37</u>	MOTION for Extension of Time to File Response/Reply as to <u>30</u> MOTION to Dismiss <i>or, in the Alternative,</i> MOTION for Summary Judgment <i>and Brief in Support</i> by Jeanne Marie Druley. Motions referred to Shon T. Erwin. (Attachments: # <u>1</u> Envelope)(cla) (Entered: 06/19/2014)
06/20/2014	<u>38</u>	ORDER of USCA assessing costs and fees in the amount of \$505 as to <u>32</u> Notice of Appeal filed by Jeanne Marie Druley. Appellant's custodian shall forward payments from appellant's account equal to 20 percent of the preceding month's income each time the account exceeds \$10.00 until the filing fees are paid in full. The first payment shall be deducted and forwarded within 30 days of the date of this order. (cla) (Entered: 06/20/2014)
06/23/2014	<u>39</u>	ORDER granting <u>37</u> Motion for Extension of Time to File Response/Reply Responses due by 7/17/2014; Plaintiff shall have until July 17, 2014 to file a response to Defendants Motion of Dismiss/Summary Judgment ECF No. 30. Signed by Magistrate Judge Shon T. Erwin on 6/23/14. (mc) (Entered: 06/23/2014)
07/01/2014	<u>40</u>	LETTER – Record Sent Electronically to USCA Volume(s) 1 re <u>32</u> Notice of Appeal (cla) (Entered: 07/01/2014)
07/18/2014	<u>41</u>	MOTION for Extension of Time to file objection to defendants Motion for Summary Judgment by Jeanne Marie Druley. Motions referred to Shon T. Erwin. (Attachments: # <u>1</u> Envelope)(pw) (Entered: 07/21/2014)

07/21/2014	<u>42</u>	ORDER granting <u>41</u> Motion for Extension of Time to File; Plaintiff shall have until August 1, 2014 to file a response to Defendants Motion to Dismiss/Summary Judgment ECF No. <u>30</u> . Signed by Magistrate Judge Shon T. Erwin on 7/21/14. (mc) (Entered: 07/21/2014)
07/31/2014	<u>43</u>	RESPONSE in Opposition (Declaration in Opposition) re <u>30</u> MOTION to Dismiss <i>or, in the Alternative</i> , MOTION for Summary Judgment <i>and Brief in Support</i> filed by Jeanne Marie Druley. (Attachments: # <u>1</u> Envelope)(cla) (Entered: 07/31/2014)
07/31/2014	<u>44</u>	NOTICE (other) Statement of Disputed Factual Issues by Jeanne Marie Druley (Attachments: # <u>1</u> Envelope)(cla) (Entered: 07/31/2014)
07/31/2014	<u>45</u>	MOTION for Entry of Default of James Keithley by Jeanne Marie Druley. Motions referred to Shon T. Erwin. (cla) (Additional attachment(s) added on 8/1/2014: # <u>1</u> Envelope) (cla). (Entered: 08/01/2014)
07/31/2014	<u>46</u>	DECLARATION in Suppport by Jeanne Marie Druley re <u>45</u> MOTION for Entry of Default. (cla) (Additional attachment(s) added on 8/1/2014: # <u>1</u> Envelope) (cla). (Entered: 08/01/2014)
07/31/2014	<u>47</u>	MOTION for Entry of Default of Michael Addison by Jeanne Marie Druley. Motions referred to Shon T. Erwin. (Attachments: # <u>1</u> Envelope)(cla) (Entered: 08/01/2014)
07/31/2014	<u>48</u>	DECLARATION in Support by Jeanne Marie Druley re <u>47</u> MOTION for Entry of Default. (Attachments: # <u>1</u> Envelope)(cla) (Entered: 08/01/2014)
07/31/2014	<u>49</u>	MOTION for Entry of Default of Robert Patton by Jeanne Marie Druley. Motions referred to Shon T. Erwin. (Attachments: # <u>1</u> Envelope)(cla) (Entered: 08/01/2014)
07/31/2014	<u>50</u>	DECLARATION in Support by Jeanne Marie Druley re <u>49</u> MOTION for Entry of Default. (Attachments: # <u>1</u> Envelope)(cla) (Entered: 08/01/2014)
08/21/2014	<u>51</u>	RESPONSE in Opposition re <u>47</u> MOTION for Entry of Default, <u>45</u> MOTION for Entry of Default, <u>49</u> MOTION for Entry of Default filed by Michael Addison(in his individual capacity), Michael Addison(in his official capacity), Justin Jones(in his official capacity), Justin Jones(in his individual capacity), James Keithley(in his official capacity), James Keithley(in his individual capacity). (Hawkins, Kari) (Entered: 08/21/2014)
12/12/2014	<u>52</u>	MOTION to Withdraw as Attorney by Michael Addison(in his individual capacity), Michael Addison(in his official capacity), Buddy Honaker(in his official capacity), Buddy Honaker(in his individual capacity), James Keithley(in his official capacity), James Keithley(in his individual capacity), Joel B McCurdy(in his individual capacity), Joel B McCurdy(in his official capacity), Don Suttmilller(in his individual capacity), Don Suttmilller(in his official capacity). Motions referred to Shon T. Erwin. (McGarry, Wilson) (Entered: 12/12/2014)
01/21/2015	<u>53</u>	REPORT AND RECOMMENDATION -- recommending that Defendants Motion to Dismiss/Motion for Summary Judgment, <u>30</u> be GRANTED. It is further recommended that Plaintiffs Motions for Entry of Default Judgment, <u>45</u> , <u>47</u> , and <u>49</u> , be DENIED. Finally, it is recommended that Wilson D. McGarrys unopposed Motion to Withdraw as Counsel <u>52</u>) be GRANTED. This Report and Recommendation disposes of all issues referred to the undersigned magistrate judge in the captioned matter. Objections to R&R due by 2/9/2015. Signed by Magistrate Judge Shon T. Erwin on 1/21/15. (mc) (Entered: 01/21/2015)
01/21/2015		Magistrate Judge Shon T. Erwin no longer assigned to case. (mc) (Entered: 01/21/2015)
02/03/2015	<u>54</u>	ORDER AND JUDGMENT of USCA as to <u>32</u> Notice of Appeal filed by Jeanne Marie Druley. Affirmed. Terminated on the merits after submissions without oral hearing. Written, signed, and unpublished. Mandate to issue. (cla) (Entered: 02/04/2015)
02/11/2015	<u>55</u>	MOTION for Extension of Time to File Response/Reply as to <u>53</u> REPORT AND RECOMMENDATION re <u>47</u> MOTION for Entry of Default filed by Jeanne Marie Druley, <u>45</u> MOTION for Entry of Default filed by Jeanne Marie Druley, <u>52</u> MOTION to Withdraw as Attorney filed by Joel B McCurdy, James Keithley, Budd by Jeanne Marie Druley. (Attachments: # <u>1</u> Envelope)(cla) (Entered: 02/11/2015)

02/13/2015	<u>56</u>	ORDER granting <u>55</u> Motion for Extension of Time to File Response re <u>53</u> REPORT AND RECOMMENDATION re <u>47</u> MOTION for Entry of Default filed by Jeanne Marie Druley, <u>45</u> MOTION for Entry of Default filed by Jeanne Marie Druley, <u>52</u> MOTION to Withdraw as Attorney filed by Joel B McCurdy, James Keithley, Budd Response due by 3/11/2015. Signed by Honorable Timothy D. DeGiusti on 2/13/2015. (mb) (Entered: 02/13/2015)
02/25/2015	<u>57</u>	USCA MANDATE Issued re <u>32</u> Notice of Appeal filed by Jeanne Marie Druley. (cla) (Entered: 02/25/2015)
03/18/2015	<u>58</u>	ORDER granting <u>30</u> Motion to Dismiss; granting <u>30</u> Motion for Summary Judgment; denying <u>45</u> Motion for Entry of Default; denying <u>47</u> Motion for Entry of Default; denying <u>49</u> Motion for Entry of Default; granting <u>52</u> Motion to Withdraw as Attorney. Adopting <u>53</u> Report and Recommendation. Signed by Honorable Timothy D. DeGiusti on 3/17/15. (cla) (Entered: 03/18/2015)
03/18/2015	<u>59</u>	JUDGMENT in favor of Joel B McCurdy against Jeanne Marie Druley. Signed by Honorable Timothy D. DeGiusti on 3/17/15. (cla) (Entered: 03/18/2015)
03/30/2015	<u>60</u>	MOTION for Order (Titled Motion for Independent Action for Relief from Judgment and/or Rehearing of the Court's Order) by Jeanne Marie Druley. (Attachments: # <u>1</u> Envelope)(cla) (Entered: 03/31/2015)
03/30/2015	<u>61</u>	OBJECTION TO REPORT AND RECOMMENDATION <u>53</u> filed by Jeanne Marie Druley. (Attachments: # <u>1</u> Envelope)(cla) (Entered: 03/31/2015)
04/13/2015	<u>62</u>	ORDER denying <u>60</u> Motion for Independent Action for Relief from Judgment and/or Rehearing of the Court's Order. Signed by Honorable Timothy D. DeGiusti on 4/13/2015. (mb) (Entered: 04/13/2015)