

**U.S. District Court [LIVE]  
Western District of Texas (Waco)  
CIVIL DOCKET FOR CASE #: 6:15-cv-00190-RP**

Gibson v. Livingston et al  
Assigned to: Judge Robert Pitman  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/08/2015  
Date Terminated: 08/31/2016  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Scott Lynn Gibson**  
*also known as*  
Vanessa Lynn

represented by **Scott Lynn Gibson**  
699888  
A. Hughes Unit  
Rt. 2, Box 4400  
Gatesville, TX 76597  
PRO SE

V.

**Defendant**

**Brad Livingston**

represented by **Afton R. Trevino**  
City of Austin Law Department  
Litigation Division  
P.O. Box 1546  
Austin, TX 78701  
512-974-2282  
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Email: [afton.trevino@austintexas.gov](mailto:afton.trevino@austintexas.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Richard A. Huntpalmer**  
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Law Enforcement Defense Division  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Name Unknown**  
*UTMB Policy Maker*

**Defendant**

**Municipality of Gatesville, TX**  
**TERMINATED: 11/17/2015**

represented by **Roy Lee Barrett**  
Naman Howell Smith & Lee, LLP  
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**ATTORNEY TO BE NOTICED**

**Defendant****Dr. D. Greene****Amicus****Office of the Attorney General**

represented by **Afton R. Trevino**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/08/2015	<u>1</u>	COMPLAINT filed by Scott Lynn Gibson.(mc5) (Entered: 06/09/2015)
06/08/2015	<u>2</u>	MOTION For the Court to Follow the Court's Decisions in Kosilex v. Spancer and Field v. Smith For Lack of Precedent by Scott Lynn Gibson. (mc5) (Entered: 06/09/2015)
06/08/2015	<u>3</u>	MOTION for Preliminary Injunction by Scott Lynn Gibson. (mc5) (Entered: 06/09/2015)
06/08/2015	<u>4</u>	MOTION to Proceed in forma pauperis by Scott Lynn Gibson. (mc5) (Entered: 06/09/2015)
06/09/2015	<u>5</u>	Letter to Scott Lynn Gibson advising of case number, filing instructions and general case information. (mc5) (Entered: 06/09/2015)
06/11/2015	<u>6</u>	ORDER Directing Monthly Payments be made from Prison Account of Scott Lynn Gibson, aka Vanessa Lynn, TDCJ # 699888. Signed by Judge Walter S. Smith. (ad) (Entered: 06/11/2015)
06/22/2015	<u>7</u>	MOTION to Appoint Counsel by Scott Lynn Gibson. (tb) (Entered: 06/23/2015)
06/22/2015	<u>8</u>	MOTION For U.S. Marshal to Serve Complaint and Summons by Scott Lynn Gibson. (tb) (Entered: 06/23/2015)
06/22/2015	<u>9</u>	MOTION to Produce by Scott Lynn Gibson. (tb) (Entered: 06/23/2015)
07/02/2015	<u>10</u>	MOTION Requesting the Court to Compel the Defendant's to Adhere to Their Stated Reason for Denying Plaintiff Medial Care by Scott Lynn Gibson. (ad) (Entered: 07/02/2015)
07/07/2015	<u>11</u>	ORDER DENYING <u>3</u> Motion for Preliminary Injunction; DENYING <u>7</u> Motion to Appoint Counsel ; DENYING <u>9</u> Motion to Produce; DENYING <u>10</u> Motion to Compel and GRANTING <u>2</u> Motion to Follow Court's Decisions but only to the extent that the circuit court decisions in Kosilek and Fields are recognized as persuasive but not controlling authority. Signed by Judge Walter S. Smith. (ad) (Entered: 07/07/2015)
07/07/2015	<u>12</u>	ORDER GRANTING <u>8</u> Motion to Have the USMS serve Complaint and Summons. Signed by Judge Walter S. Smith. (ad) (Entered: 07/07/2015)
07/09/2015	<u>13</u>	Summons Issued as to Brad Livingston. (ad) (Entered: 07/09/2015)
07/09/2015	<u>14</u>	Summons Issued as to Unknown UTMB Policy Maker. (ad) (Entered: 07/09/2015)
07/17/2015	<u>15</u>	MOTION requesting the court to consider the court's legal reasoning in Fields v. Smith by Scott Lynn Gibson. (tb) (Entered: 07/17/2015)
07/20/2015	<u>16</u>	MOTION for Reconsideration by Scott Lynn Gibson. (tb) (Entered: 07/21/2015)

07/30/2015	<u>17</u>	ORDER DENYING <u>15</u> Motion ; DENYING <u>16</u> Motion for Reconsideration. Signed by Judge Walter S. Smith. (tb) (Entered: 07/30/2015)
08/06/2015	<u>18</u>	MOTION Requesting the Court to Follow the Court's Decision from the States for Lack of Precedent by Scott Lynn Gibson. (tb) (Entered: 08/06/2015)
08/06/2015	<u>19</u>	ADVISORY TO THE COURT by Scott Lynn Gibson. (tb) (Entered: 08/06/2015)
08/06/2015	<u>20</u>	MOTION Requesting the Clerk's Office to Place the Address on Plaintiff's Summons by Scott Lynn Gibson. (tb) (Entered: 08/06/2015)
08/10/2015	<u>21</u>	ORDER GRANTING <u>20</u> Motion Requesting the Clerk's Office to Place the Address on Plaintiff's Summons. Signed by Judge Walter S. Smith. (tb) (Entered: 08/10/2015)
08/10/2015	<u>22</u>	ORDER DENYING <u>18</u> Motion Requesting the Court to Follow the Court's Decision from the States for Lack of Precedent. Signed by Judge Walter S. Smith. (tb) (Entered: 08/10/2015)
08/18/2015	<u>23</u>	ADVISORY TO THE COURT by Office of the Attorney General. (Trevino, Afton) (Entered: 08/18/2015)
08/19/2015	<u>24</u>	ORDERED that, pursuant to Rule 4(c)(3) of the Federal Rules of Civil Procedure, the United States Marshal shall serve a copy of the Complaint (Doc. 1 ), summons, and this Order upon Defendant Livingston at the following address: P.O. Box. 99, Huntsville, Texas 77342. Signed by Judge Walter S. Smith. (tb) (Entered: 08/19/2015)
08/20/2015	<u>25</u>	Clerk's Copy of <u>13</u> Summons Issued (tb) (Entered: 08/20/2015)
08/24/2015	<u>26</u>	ADVISORY TO THE COURT by Scott Lynn Gibson. (tb) (Entered: 08/25/2015)
09/16/2015	<u>27</u>	Clerk's Copy (tb) (Entered: 09/16/2015)
09/16/2015	<u>28</u>	Certified mail acknowledgment receipt of order to answer 1983 actions as to Brad Livingston. (tb) (Entered: 09/16/2015)
10/07/2015	<u>29</u>	<i>Defendant Brad Livingston's Original ANSWER to <u>1</u> Complaint and Jury Demand.</i> Attorney Afton R. Trevino added to party Brad Livingston(pty:dft) by Brad Livingston.(Trevino, Afton) (Entered: 10/07/2015)
10/19/2015	<u>30</u>	MOTION Pursuant to Rule B (b), FED. R. CIV. P. by Scott Lynn Gibson. (tb) (Entered: 10/19/2015)
10/19/2015	<u>31</u>	MOTION to Produce Documents by Scott Lynn Gibson. (tb) (Entered: 10/19/2015)
10/19/2015	<u>32</u>	MOTION for Interrogatories and to Produce Documents by Scott Lynn Gibson. (tb) (Entered: 10/19/2015)
10/19/2015	<u>33</u>	MOTION TO FOLLOW THE COURT'S DECISION IN FIELD V. SMITH, 655 F.3d 550,556 7th cir. 2001 FOR LACK OF PRECEDENT by Scott Lynn Gibson. (tb) (Entered: 10/19/2015)
10/20/2015	<u>34</u>	MOTION to Dismiss by Municipality of Gatesville, TX. (Attachments: # <u>1</u> Proposed Order)(Barrett, Roy) (Entered: 10/20/2015)
10/22/2015	<u>35</u>	Miscellaneous Objection to <u>29</u> Answer to Complaint by Scott Lynn Gibson. (tb) (Entered: 10/22/2015)
10/23/2015	<u>36</u>	ORDERED that Plaintiff shall have 14 days to respond to Gatesville's <u>34</u> MOTION to Dismiss filed by Municipality of Gatesville, TX. Signed by Judge Walter S. Smith. (tb) (Entered: 10/23/2015)
10/27/2015	<u>37</u>	Acknowledgment of Service returned by Scott Lynn Gibson. Municipality of Gatesville, TX served on 10/23/2015, answer due 11/23/2015. (tb) (Entered: 10/27/2015)
10/30/2015	<u>38</u>	Response in Opposition to Motion, filed by Scott Lynn Gibson, re <u>34</u> MOTION to Dismiss filed by Defendant Municipality of Gatesville, TX. (jgb) (Entered: 11/02/2015)
11/03/2015	<u>39</u>	RESPONSE to Motion, filed by Municipality of Gatesville, TX, re <u>34</u> MOTION to Dismiss filed by Defendant Municipality of Gatesville, TX (Barrett, Roy) (Entered: 11/03/2015)

		11/03/2015)
11/09/2015	<u>40</u>	NOTICE OF COMPLIANCE WITH DUTY TO DISCLOSE by Brad Livingston (Trevino, Afton) (Entered: 11/09/2015)
11/17/2015	<u>41</u>	ORDER DENYING <u>30</u> Motion ; DENYING <u>31</u> Motion to Produce; DENYING <u>32</u> Motion to Produce; DENYING <u>33</u> Motion ; GRANTING <u>34</u> Motion to Dismiss. Terminated party Municipality of Gatesville, TX. Signed by Judge Walter S. Smith. (sm3) (Entered: 11/17/2015)
11/19/2015	<u>42</u>	MOTION for Preliminary Injunction by Scott Lynn Gibson. (tb) (Entered: 11/20/2015)
11/23/2015	<u>43</u>	MOTION for Discovery by Scott Lynn Gibson. (tb) (Entered: 11/23/2015)
11/24/2015	<u>44</u>	MOTION for Protective Order by Brad Livingston. (Attachments: # <u>1</u> Proposed Order)(Trevino, Afton) (Entered: 11/24/2015)
12/04/2015	<u>45</u>	Response in Opposition to Motion, filed by Scott Lynn Gibson, re <u>44</u> MOTION for Protective Order filed by Defendant Brad Livingston (tb) (Entered: 12/04/2015)
12/08/2015	<u>46</u>	ORDER DENYING <u>42</u> Motion for Preliminary Injunction; DENYING <u>43</u> Motion for Discovery; DENYING <u>44</u> Motion for Protective Order. Signed by Judge Walter S. Smith. (tb) (Entered: 12/08/2015)
12/18/2015	<u>47</u>	MOTION for Reconsideration re <u>46</u> Order on Motion for Preliminary Injunction, by Scott Lynn Gibson. (tb) (Entered: 12/18/2015)
12/21/2015	<u>48</u>	MOTION to Amend Complaint by Scott Lynn Gibson. (Attachments: # <u>1</u> Amended Complaint)(tb) (Entered: 12/21/2015)
01/14/2016	<u>49</u>	MOTION for Entry of Judgment under Rule 54(b) by Municipality of Gatesville, TX. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Order Proposed Final Judgment)(Barrett, Roy) (Entered: 01/14/2016)
02/19/2016	<u>50</u>	MOTION for Summary Judgment <i>with Brief in Support</i> by Brad Livingston. (Attachments: # <u>1</u> Exhibit C, # <u>2</u> Proposed Order)(Trevino, Afton) (Entered: 02/19/2016)
02/19/2016	<u>51</u>	MOTION <i>to Seal Exhibit A and Exhibit B of Defendant Livingston's Motion for Summary Judgment with Brief in Support</i> by Brad Livingston. (Attachments: # <u>1</u> Proposed Order)(Trevino, Afton) (Entered: 02/19/2016)
02/19/2016	<u>52</u>	Motion for leave to File Sealed Document (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Proposed Order) (Trevino, Afton) (Entered: 02/19/2016)
02/26/2016		Text Order GRANTING <u>51</u> Motion entered by Judge Walter S. Smith. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ss) (Entered: 02/26/2016)
02/26/2016		Text Order GRANTING <u>52</u> Motion for Leave to File Sealed Document entered by Judge Walter S. Smith. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ss) (Entered: 02/26/2016)
02/26/2016	<u>53</u>	Sealed Document filed. (Attachments: # <u>1</u> Exhibit) (mc5) (Entered: 02/26/2016)
03/01/2016	<u>54</u>	ORDER DENYING <u>47</u> Motion for Reconsideration ; GRANTING <u>48</u> Motion to Amend Complaint; GRANTING <u>49</u> Motion for Entry of Judgment under Rule 54(b). ORDERED that the Clerk's Office is directed to provide Plaintiff with the appropriate number of marshal forms and summonses. ORDERED that, pursuant to Rule 4(c)(3) of the Federal Rules of Civil Procedure, the United States Marshal shall serve a copy of Plaintiff's Complaint, summons, and this Order upon each defendant as directed by the Plaintiff. Signed by Judge Walter S. Smith. (tb) (Entered: 03/01/2016)
03/01/2016	<u>55</u>	SUPPLEMENT to <u>1</u> Complaint by Scott Lynn Gibson. (tb) (Entered: 03/01/2016)
03/01/2016	<u>56</u>	ORDERED, ADJUDGED, and DECREED as follows: Final judgment should and is hereby RENDERED in favor of the City of Gatesville and it is hereby ORDERED, ADJUDGED and DECREED that all Plaintiffs claims and causes of action herein against the city are dismissed with prejudice. Signed by Judge Walter S. Smith. (tb) (Entered: 03/01/2016)

03/11/2016	<u>58</u>	Response in Opposition to Motion, filed by Scott Lynn Gibson, re <u>50</u> MOTION for Summary Judgment <i>with Brief in Support</i> filed by Defendant Brad Livingston (Attachments: # <u>1</u> Exhibit)(jch) (Entered: 03/14/2016)
03/14/2016	<u>57</u>	Summons Issued as to D. Greene. (jch) (Entered: 03/14/2016)
03/14/2016	<u>59</u>	AMENDED AFFIDAVIT in Support of <u>1</u> Complaint by Scott Lynn Gibson. (tb) (Entered: 03/14/2016)
03/14/2016	<u>60</u>	MOTION REQUESTING THE COURT TO CONSIDER THE COURT'S HOLDING IN PRAYLOR V. TDCJ by Scott Lynn Gibson. (tb) (Entered: 03/14/2016)
03/15/2016	<u>61</u>	Clerk's Copy of <u>57</u> Summons Issued (jch) (Entered: 03/15/2016)
04/04/2016	<u>62</u>	MOTION for Temporary Restraining Order, MOTION for Preliminary Injunction by Scott Lynn Gibson. (tb) (Entered: 04/05/2016)
04/04/2016	<u>63</u>	DECLARATION in Support of <u>62</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction by Scott Lynn Gibson. (tb) (Entered: 04/05/2016)
04/04/2016	<u>64</u>	Letter/Correspondence from Scott Lynn Gibson. (tb) (Entered: 04/05/2016)
04/04/2016	<u>65</u>	Acknowledgment of Service returned by Scott Lynn Gibson. D. Greene served on 3/21/2016, answer due 5/2/2016. (tb) (Entered: 04/05/2016)
05/02/2016	<u>66</u>	MOTION to Compel Dr. Greene to respond to Plaintiff's 1983 Complaint by Scott Lynn Gibson. (tb) (Entered: 05/02/2016)
06/23/2016	<u>67</u>	MOTION TO ALLOW PLAINTIFF TO USE TDCJ'S SPOKESMAN JASON CLARK' STATEMENT AS PROOF TO SUPPORT HER LAWSUIT by Scott Lynn Gibson. (tb) (Entered: 06/23/2016)
08/26/2016	<u>68</u>	MOTION for the Court to Lift the Ban on Gender Reassignment Surgery by Scott Lynn Gibson. (tb) (Entered: 08/26/2016)
08/31/2016	<u>69</u>	ORDER GRANTING <u>50</u> Motion for Summary Judgment; DENYING <u>60</u> Motion ; DENYING <u>62</u> Motion for TRO; DENYING <u>62</u> Motion for Preliminary Injunction; DENYING <u>66</u> Motion to Compel; DENYING <u>67</u> Motion ; DENYING <u>68</u> Motion. ORDERED that the Clerk of the Court is directed to e-mail copies of this Order and the Judgment to the TDCJ-Office of the General Counsel and the ProSe Clerk for the United States District Court for the Eastern District of Texas. Signed by Judge Walter S. Smith. (tb) (Entered: 08/31/2016)
08/31/2016	<u>70</u>	CLERK'S JUDGMENT (tb) (Entered: 08/31/2016)
09/12/2016	<u>71</u>	NOTICE OF APPEAL by Scott Lynn Gibson. Per 5th Circuit rules, the appellant has 14 days, from the filing of the Notice of Appeal, to order the transcript. To order a transcript, the appellant should fill out <u>Form DKT-13</u> (Transcript Order) and follow the instructions set out on the form. This form is available in the Clerk's Office or by clicking the hyperlink above. (jch) (Entered: 09/12/2016)
09/12/2016	<u>72</u>	MOTION to proceed In Forma Pauperis on appeal <u>71</u> by Scott Lynn Gibson. (jch) (Entered: 09/12/2016)
09/14/2016	<u>73</u>	NOTICE of New Attorney-In-Charge by Brad Livingston (Huntpalmer, Richard) (Entered: 09/14/2016)
09/15/2016	<u>74</u>	MOTION for Reconsideration re <u>69</u> Order on Motion for Summary Judgment, by Scott Lynn Gibson. (tb) (Entered: 09/15/2016)
09/19/2016	<u>75</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Robert Pitman for all proceedings. Judge Walter S. Smith no longer assigned to case. Signed by Chief Judge Orlando L. Garcia. (mc5) (Entered: 09/22/2016)
09/27/2016	<u>76</u>	ORDER DENYING <u>74</u> Motion for Reconsideration. Signed by Judge Robert Pitman. (tb) (Entered: 09/27/2016)
09/27/2016	<u>77</u>	ORDER Directing Monthly Payments be made from Prison Account of SCOTT LYNN GIBSON. Signed by Judge Robert Pitman. (tb) (Entered: 09/27/2016)

10/12/2016		Certification of the Electronic Record on Appeal has been accepted by the 5th Circuit re <u>71</u> Notice of Appeal. Attorneys are advised that they may now download the EROA from the Fifth Circuit CM/ECF site by following these instructions <a href="#">here</a> (tb) (Entered: 10/12/2016)
02/09/2018	<u>78</u>	Initial Partial Filing fee received in the amount of \$1.00, receipt number 600022379. (jch) (Entered: 02/09/2018)
04/22/2019	<u>79</u>	Certified copy of USCA MANDATE Affirming District Court's decision re <u>71</u> Notice of Appeal, filed by Scott Lynn Gibson. (lad) (Entered: 04/23/2019)
12/09/2019	<u>80</u>	WRIT OF CERTIORARI re <u>71</u> Notice of Appeal, DENIED by US Supreme Court (lad) (Entered: 12/11/2019)