

**U.S. District Court
Western District of Louisiana (Lake Charles)
CIVIL DOCKET FOR CASE #: 2:20-cv-00422-TAD-KK**

Livas et al v. Myers et al
Assigned to: Judge Terry A Doughty
Referred to: Magistrate Judge Kathleen Kay
Cause: 28:2241 Petition for Writ of Habeas Corpus (federa

Date Filed: 04/06/2020
Date Terminated: 04/22/2020
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Plaintiff

Brandon Livas

represented by **Bruce W Hamilton**
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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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V.

Defendant

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Defendant

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Katherine W Vincent
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/06/2020	<u>1</u>	COMPLAINT against Michael Carvajal, Rodney Myers (Filing fee \$400, receipt number ALAWDC-4227667) filed by Gaines Andrews, Johnny Smith, Brandon Livas, Dewayne Corbett, Richard Buswell, Carlos Martin. (Attachments: # <u>1</u> Civil cover sheet, # <u>2</u> Affidavit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Attorney Bruce W Hamilton added to party Richard Buswell(pty:pla), Attorney Bruce W Hamilton added to party Brandon Livas(pty:pla), Attorney Bruce W Hamilton added to party Carlos Martin(pty:pla), Attorney Bruce W Hamilton added to party Johnny Smith(pty:pla), Attorney Bruce W Hamilton added to party Gaines Andrews(pty:pla), Attorney Bruce W Hamilton added to party Dewayne Corbett(pty:pla))(aty,Hamilton, Bruce) (Entered: 04/06/2020)
04/06/2020		CASE Assigned to Judge Terry A Doughty and Magistrate Judge Kathleen Kay. (crt,Thigpen, M) (Entered: 04/06/2020)
04/06/2020		DIVISIONAL TRANSFER of Old Case Number 1:20-cv-0422 from Alexandria Division to Lake Charles Division. New Case Number 2:20-cv-0422. (crt,Thigpen, M) (Entered: 04/06/2020)
04/06/2020	1	MOTION for Preliminary Injunction, MOTION for Permanent Injunction (Motion Ripe Deadline set for 4/6/2020.) by Gaines Andrews, Richard Buswell, Dewayne Corbett, Brandon Livas, Carlos Martin, Johnny Smith. ADMINISTRATIVE ENTRY: (THE PDF IMAGE CAN BE FOUND IN ATTACHMENT #1 OF DOCUMENT 1 COMPLAINT (crt,Thigpen, M) (Entered: 04/14/2020)
04/07/2020	<u>2</u>	MOTION for Somil Trivedi to Appear Pro Hac Vice (Admission fee: \$105, receipt number ALAWDC-4229189) by Gaines Andrews, Richard Buswell, Dewayne Corbett, Brandon Livas, Carlos Martin, Johnny Smith. Motions referred to Kathleen Kay. Motion Ripe Deadline set for 4/7/2020. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Proposed order)(aty,Hamilton, Bruce) Modified on 4/7/2020. Please see Corrective Document <u>4</u>

		for original signature of applying attorney (Haik, K). (Entered: 04/07/2020)
04/07/2020	<u>3</u>	SUMMONS ISSUED as to U S Attorney, U S Attorney General, Rodney Myers, Michael Carvajal. (crt,Thigpen, M) (Entered: 04/07/2020)
04/07/2020	<u>4</u>	CORRECTIVE DOCUMENT entitled Signed Pro Hac Vice filed by Gaines Andrews, Richard Buswell, Dewayne Corbett, Brandon Livas, Carlos Martin, Johnny Smith regarding <u>2</u> MOTION for Somil Trivedi to Appear Pro Hac Vice (Admission fee: \$105, receipt number ALAWDC-4229189) . (aty,Hamilton, Bruce) (Entered: 04/07/2020)
04/07/2020	<u>5</u>	MINUTES for proceedings held before Judge Terry A Doughty: STATUS CONFERENCE held on 4/7/2020. Defendants' counsel agreed to provide the framework or guidance under which decisions are being made as to the release, removal, or furlough of prisoners by noon on Friday, April 10, 2020. Plaintiffs' counsel intends to review the information before making a decision to file a motion for injunctive relief. (crt,Crawford, A) (Main Document 5 replaced on 4/7/2020) (Crawford, A). (Entered: 04/07/2020)
04/07/2020		NOTICE of Corrective Action regarding <u>5</u> Status Conference. Action taken: Document Replaced to correct typographical error. (crt,Crawford, A) (Entered: 04/07/2020)
04/08/2020	<u>6</u>	ORDER granting <u>2</u> Motion to Appear Pro Hac Vice for appearance of Somil Trivedi for Gaines Andrews, Richard Buswell, Dewayne Corbett, Brandon Livas, Carlos Martin, Johnny Smith. Signed by Magistrate Judge Kathleen Kay on 4/8/2020. (crt,Williams, L) (Entered: 04/09/2020)
04/09/2020	<u>7</u>	SEALED DOCUMENT: BOP's Notice of Inmates Previously Identified for Removal from FCC Oakdale by Michael Carvajal, Rodney Myers re <u>5</u> Status Conference,. (Attachments: # <u>1</u> Exhibit A- Attorney General Memo to the BOP dated March 26, 2020)(aty,King, Karen) (Entered: 04/09/2020)
04/10/2020	<u>8</u>	NOTICE of BOP's COVID-19 INMATE REVIEW UPDATE by Michael Carvajal, Rodney Myers re <u>5</u> Status Conference, (Attachments: # <u>1</u> Exhibit 1-Declaration of Juan A. Segovia, # <u>2</u> Exhibit 2-AG Memo March 26, # <u>3</u> Exhibit 3-AG Memo April 3)(aty,King, Karen) (Entered: 04/10/2020)
04/13/2020	<u>9</u>	MOTION for Temporary Restraining Order by Gaines Andrews, Richard Buswell, Dewayne Corbett, Brandon Livas, Carlos Martin, Johnny Smith. Motion Ripe Deadline set for 4/13/2020. (Attachments: # <u>1</u> Memorandum / Brief, # <u>2</u> Affidavit, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10, # <u>13</u> Exhibit 11, # <u>14</u> Exhibit 12, # <u>15</u> Exhibit 13, # <u>16</u> Proposed order)(aty,Hamilton, Bruce) (Entered: 04/13/2020)
04/13/2020	<u>10</u>	MEMORANDUM ORDER denying <u>9</u> Motion for TRO as Moot; granting 1 Motion for Emergency or Expedited consideration of 1 Request for Preliminary Injunction. Defendant must file a response to 1 Plaintiffs' Request for Preliminary Injunction by 4/15/20. It Is Further Ordered that Defendants file an additional response providing an update to the information provided on April 9 and 10, 2020 by noon on 4/16/20. Finally, It Is Further Ordered that a telephone status conference is set for 4/16/20 at 3:00 p.m. Signed by Judge Terry A Doughty on 4/13/2020. (crt,Crawford, A) Modified on 4/14/2020 to create docket entry relationship (Crawford, A). (Entered: 04/13/2020)
04/13/2020		Set/Reset Hearings: Telephone Status Conference set for 4/16/2020 at 3:00 PM before Judge Terry A Doughty. Call in information previously provided. (crt,Crawford, A) (Entered: 04/13/2020)
04/15/2020	<u>11</u>	MOTION for Jennifer Wedekind to Appear Pro Hac Vice (Admission fee: \$105, receipt number ALAWDC-4236288) by Gaines Andrews, Richard Buswell, Dewayne Corbett, Brandon Livas, Carlos Martin, Johnny Smith. Motions referred to Kathleen Kay. Motion Ripe Deadline set for 4/15/2020. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Proposed order)(aty,Hamilton, Bruce) (Entered: 04/15/2020)
04/15/2020	<u>12</u>	MOTION to Dismiss for Lack of Jurisdiction , MOTION to Dismiss For Failure to State a Claim Petition for Writ of Habeas Corpus, Injunctive, and Declaratory Relief and Emergency Motion for Release of Vulnerable and Low-Risk Prisoners from Oakdale. by Michael Carvajal, Rodney Myers. Motions referred to Kathleen Kay.

		(Attachments: # <u>1</u> Memorandum / Brief)(aty,King, Karen) (Entered: 04/15/2020)
04/15/2020	<u>13</u>	MEMORANDUM in Opposition re <u>1</u> MOTION for Preliminary Injunction MOTION for Permanent Injunction filed by Michael Carvajal, Rodney Myers. (Attachments: # <u>1</u> Exhibit 1–Objections to Exhibits, # <u>2</u> Exhibit 2–Declaraton of Dr. Richard Griffin, M.D.)(aty,King, Karen) (Entered: 04/16/2020)
04/16/2020	<u>14</u>	NOTICE of BOP's Second COVID–19 Inmate Review Update by Michael Carvajal, Rodney Myers re <u>10</u> Order on Motion for TRO., (Attachments: # <u>1</u> Exhibit 1–Declaration of Juan A. Segovia)(aty,King, Karen) (Entered: 04/16/2020)
04/16/2020	<u>15</u>	MINUTES for proceedings held before Judge Terry A Doughty: STATUS CONFERENCE held on 4/16/2020. Petitioner's must respond to <u>12</u> MOTION to Dismiss for Lack of Jurisdiction by 4/20/2020. Respondents must file a reply memorandum by 4/21/2020. If the Court finds that it has subject–matter jurisdiction, oral argument will be held on 4/23/20 at 10:00 a.m., via video conference. (crt,Crawford, A) (Entered: 04/16/2020)
04/16/2020		Set Deadlines as to <u>1</u> MOTION for Preliminary Injunction. Oral Argument set for 4/23/2020 at 10:00 AM by video conference before Judge Terry A Doughty. (crt,Crawford, A) (Entered: 04/16/2020)
04/16/2020	<u>16</u>	ORDER granting <u>11</u> Motion to Appear Pro Hac Vice for appearance of Jennifer Wedekind for Gaines Andrews, Richard Buswell, Dewayne Corbett,Brandon Livas, Carlos Martin, Johnny Smith. Signed by Magistrate Judge Kathleen Kay on 4/16/2020. (crt,Williams, L) (Entered: 04/17/2020)
04/17/2020	<u>17</u>	MOTION to Stay <i>Consideration of Class Certification Pending Adjudication of Motion to Dismiss Petition and Emergency Motion</i> by Michael Carvajal, Rodney Myers. Motions referred to Kathleen Kay. Motion Ripe Deadline set for 4/17/2020. (Attachments: # <u>1</u> Memorandum / Brief, # <u>2</u> Proposed order)(aty,King, Karen) (Entered: 04/17/2020)
04/17/2020		Motions Transferred regarding <u>17</u> MOTION to Stay <i>Consideration of Class Certification Pending Adjudication of Motion to Dismiss Petition and Emergency Motion</i> . Motions referred to Judge Terry A Doughty. (crt,Haik, K) (Entered: 04/20/2020)
04/20/2020	<u>18</u>	MINUTE ENTRY: Petitioner's response to <u>17</u> MOTION to Stay <i>Consideration of Class Certification Pending Adjudication of Motion to Dismiss Petition and Emergency Motion</i> is due by 4/21/2020. Signed by Judge Terry A Doughty on 4/20/2020. (crt,Crawford, A) (Entered: 04/20/2020)
04/20/2020	<u>19</u>	MEMORANDUM in Opposition re <u>12</u> MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss For Failure to State a Claim Petition for Writ of Habeas Corpus, Injunctive, and Declaratory Relief and Emergency Motion for Release of Vulnerable and Low–Risk Prisoners from Oakdale. filed by Gaines Andrews, Richard Buswell, Dewayne Corbett, Brandon Livas, Carlos Martin, Johnny Smith. (aty,Hamilton, Bruce) (Entered: 04/20/2020)
04/20/2020	<u>20</u>	MOTION for David Luger to Appear Pro Hac Vice (Admission fee: \$105, receipt number ALAWDC–4240882) by Gaines Andrews, Richard Buswell, Dewayne Corbett, Brandon Livas, Carlos Martin, Johnny Smith. Motions referred to Kathleen Kay. Motion Ripe Deadline set for 4/20/2020. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Proposed order)(aty,Hamilton, Bruce) (Entered: 04/20/2020)
04/21/2020	<u>21</u>	ORDER granting <u>20</u> Motion to Appear Pro Hac Vice for appearance of David Luger for Gaines Andrews, David Luger for Richard Buswell, David Luger for Dewayne Corbett, David Luger for Brandon Livas, David Luger for Carlos Martin, David Luger for Johnny Smith. Signed by Magistrate Judge Kathleen Kay on 4/21/2020. (crt,Haik, K) (Entered: 04/21/2020)
04/21/2020	<u>22</u>	(FILED IN ERROR) MEMORANDUM in Opposition re <u>17</u> MOTION to Stay <i>Consideration of Class Certification Pending Adjudication of Motion to Dismiss Petition and Emergency Motion</i> filed by Gaines Andrews, Richard Buswell, Dewayne Corbett, Brandon Livas, Carlos Martin, Johnny Smith. (aty,Hamilton, Bruce) Modified on 4/22/2020 to reflect Filed in Error. Please see doc. <u>23</u> for correct pdf document (Haik, K). (Entered: 04/21/2020)

04/21/2020	<u>23</u>	MEMORANDUM in Opposition re <u>17</u> MOTION to Stay <i>Consideration of Class Certification Pending Adjudication of Motion to Dismiss Petition and Emergency Motion</i> filed by Gaines Andrews, Richard Buswell, Dewayne Corbett, Brandon Livas, Carlos Martin, Johnny Smith. (aty,Hamilton, Bruce) (Entered: 04/21/2020)
04/21/2020	<u>24</u>	REPLY to Response to Motion re <u>12</u> MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss For Failure to State a Claim Petition for Writ of Habeas Corpus, Injunctive, and Declaratory Relief and Emergency Motion for Release of Vulnerable and Low-Risk Prisoners from Oakdale. filed by Michael Carvajal, Rodney Myers. (aty,King, Karen) (Entered: 04/21/2020)
04/21/2020		NOTICE of Corrective Action to Gaines Andrews, Richard Buswell, Dewayne Corbett, Brandon Livas, Carlos Martin, Johnny Smith regarding <u>22</u> Memorandum in Opposition to Motion. Action taken: Edited entry to reflect Filed in Error. Pleading was refiled in its entirety with correct pdf document as <u>23</u> MEMORANDUM in Opposition. (crt,Haik, K) (Entered: 04/22/2020)
04/22/2020	<u>25</u>	MOTION for Leave to File Supplemental Authority with consent by Gaines Andrews, Richard Buswell, Dewayne Corbett, Brandon Livas, Carlos Martin, Johnny Smith. Motions referred to Kathleen Kay. Motion Ripe Deadline set for 4/22/2020. (Attachments: # <u>1</u> Exhibit Supplemental Authority, # <u>2</u> Proposed order)(aty,Hamilton, Bruce) (Entered: 04/22/2020)
04/22/2020	<u>26</u>	NOTICE of Supplemental Evidence by Gaines Andrews, Richard Buswell, Dewayne Corbett, Brandon Livas, Carlos Martin, Johnny Smith re 1 MOTION for Preliminary Injunction MOTION for Permanent Injunction (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10)(aty,Hamilton, Bruce) (Entered: 04/22/2020)
04/22/2020	<u>27</u>	ELECTRONIC ORDER granting <u>25</u> Motion for Leave to File Supplemental Authority. Signed by Judge Terry A Doughty on 4/22/2020. (crt,Crawford, A) (Entered: 04/22/2020)
04/22/2020	<u>28</u>	Supplemental Authority re <u>19</u> Memorandum in Opposition to Motion to Dismiss, by Gaines Andrews, Richard Buswell, Dewayne Corbett, Brandon Livas, Carlos Martin, Johnny Smith. (crt,Crawford, A) (Entered: 04/22/2020)
04/22/2020	<u>29</u>	SEALED DOCUMENT: Respondents' Notice of Supplemental Evidence in Opposition to Petitioners' Motion for Preliminary Injunction by Michael Carvajal, Rodney Myers re <u>15</u> Status Conference,, Set Motion and R&R Deadlines/Hearings,. (Attachments: # <u>1</u> Exhibit A-Declaration of Dr. Richard Griffin, M.D., # <u>2</u> Exhibit B-Declaration of Todd Chapman)(aty,King, Karen) (Entered: 04/22/2020)
04/22/2020	<u>30</u>	MEMORANDUM RULING re <u>12</u> MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss For Failure to State a Claim, filed by Rodney Myers, Michael Carvajal. Signed by Judge Terry A Doughty on 4/22/2020. (crt,Crawford, A) (Entered: 04/22/2020)
04/22/2020	<u>31</u>	JUDGMENT granting <u>12</u> Motion to Dismiss for Lack of Jurisdiction; denying as moot <u>12</u> Motion to Dismiss for Failure to State a Claim. Signed by Judge Terry A Doughty on 4/22/2020. (crt,Crawford, A) (Entered: 04/22/2020)