

CLOSED, PROSE, PRSLC

U.S. District Court
United States District Court for the Middle District of Pennsylvania (Williamsport)
CIVIL DOCKET FOR CASE #: 4:05-cv-01415-JFM-JVW

Yarzue v. Hogan et al
Assigned to: Honorable James F. McClure, Jr
Referred to: Pro Se Law Clerk JV
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 07/14/2005
Date Terminated: 09/01/2006
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**Benedictus Yarzue**

represented by **Angus R. Love**
PA Institutional Law Project
924 Cherry Street
Suite 523
Philadelphia, PA 19107
215-925-2966
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael J. Cooke
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Thomas Hogan
Warden, York County Prison

represented by **Donald L. Reihart**
Law Offices of Donald L. Reihart
3015 Eastern Boulevard
York, PA 17402
717-755-2799
Fax: 17177552530
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**John Doe**

Supervisor, Department of Homeland Security, York County Prison
TERMINATED: 11/09/2005

Defendant

Beata
Complaint Supervisor, York County Prison
TERMINATED: 05/22/2006

Defendant

Roger Thomas
Deputy Warden, York County Prison
TERMINATED: 05/22/2006

Defendant

Dennis Bowen
Deputy Warden, York County Prison
TERMINATED: 05/22/2006

Defendant

Secretary Michael Chertoff
TERMINATED: 01/10/2006

Defendant

Division of Immigration Health Services

Defendant

Department of Homeland Security

represented by **Michael J. Butler**
United States Attorney's Office-MDPA
228 Walnut Street, Ste 220
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717-221-4482
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

York County
Pennsylvania

represented by **Donald L. Reihart**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Berks County
Pennsylvania

represented by **Thomas Edward Brenner**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Dr. Timothy Shack

*Medical Director, Division of
Immigration Health Services, sued in
his individual capacity*

Defendant

John Doe

*Division of Immigration Health
Services, sued in his/her individual
capacity*

Defendant

Jane Doe

*Division of Immigration Health
Services, sued in her individual
capacity*

Defendant

Dr. Charles Norris

*Medical Director, York County Prison,
sued in his individual capacity*

represented by **Charles T. Roessing**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Dr. John Roe**

Physician, Berks County Prison, sued in his/her individual and official capacity

Defendant**Dr. Jane Roe**

Physician, Berks County Prison, sued in his/her individual and official capacity

Defendant**Prison Health Services, Inc.**

represented by **Charles T. Roessing**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David R. Zaslow
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**PrimeCare Medical Inc.**

represented by **Thomas Edward Brenner**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant**Thomas Hogan**

Warden, York County Prison

represented by **Donald L. Reihart**
(See above for address)
ATTORNEY TO BE NOTICED

Cross Claimant**Beata**

Complaint Supervisor, York County Prison

represented by **Donald L. Reihart**
(See above for address)
ATTORNEY TO BE NOTICED

Cross Claimant**Roger Thomas**

Deputy Warden, York County Prison

represented by **Donald L. Reihart**
(See above for address)
ATTORNEY TO BE NOTICED

Cross Claimant**Dennis Bowen**

Deputy Warden, York County Prison

represented by **Donald L. Reihart**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Cross Defendant**United States of America Department
of Homeland Security**represented by **Michael J. Butler**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Cross Defendant****John Doe***Supervisor, Department of Homeland
Security, York County Prison***Third Party Plaintiff****Thomas Hogan***Warden, York County Prison*represented by **Donald L. Reihart**
(See above for address)
*ATTORNEY TO BE NOTICED***Third Party Plaintiff****Beata***Complaint Supervisor, York County
Prison*represented by **Donald L. Reihart**
(See above for address)
*ATTORNEY TO BE NOTICED***Third Party Plaintiff****Roger Thomas***Deputy Warden, York County Prison*represented by **Donald L. Reihart**
(See above for address)
*ATTORNEY TO BE NOTICED***Third Party Plaintiff****Dennis Bowen***Deputy Warden, York County Prison*represented by **Donald L. Reihart**
(See above for address)
*ATTORNEY TO BE NOTICED***Third Party Defendant****United States of America Department
of Homeland Security, United States
Immigration and Customs
Enforcement, Office of Detention and
Removal of Operations, Division of
Immigration Health Services**represented by **Michael J. Butler**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Cross Claimant****York County***Pennsylvania*represented by **Donald L. Reihart**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Cross Claimant****Thomas Hogan***Warden, York County Prison*

V.

Cross Defendant**Division of Immigration Health
Services****Cross Defendant****Department of Homeland Security****Cross Defendant****United States of America Department
of Homeland Security, United States
Immigration and Customs
Enforcement, Office of Detention and
Removal of Operations, Division of
Immigration Health Services**represented by **Michael J. Butler**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/14/2005	1	COMPLAINT against all defendants filed by Plaintiff Benedictus Yarzue, w/request for counsel on his behalf at paragraph 8, Section V. (Entered: 07/15/2005)
07/14/2005	2	MOTION and affidavit for Leave to Proceed in forma pauperis by Benedictus Yarzue.(bp) (Entered: 07/15/2005)
07/15/2005	3	STANDING PRACTICE ORDER signed by M.D.PA judges issued on 7/15/05.(bp) (Entered: 07/15/2005)
07/15/2005		PRISONER LETTER ISSUED w/ Notice & Consent Form and U.S. Marshal Forms to Plf Yarzue from Wmpt. (bp) (Entered: 07/15/2005)
07/19/2005	4	ORDER granting 2 Motion for Leave to Proceed in forma pauperis, which is construed as a motion to proceed without full prepayment of fees and costs. U.S.Marshall directed to serve Plf complaint on Dfts named therein. Signed by Judge James F. McClure Jr. on 7/19/05 (bp) (Entered: 07/19/2005)
07/27/2005	5	Mail Returned as Undeliverable. Mail sent to Benedictus Yarzue at Berks County Prison. Telephoned Records Department, Berks County Prison, and was told inmate Yarzue left there 7/15/05 in the custody of Immigration, and Berks County did not know where he was taken. (bp) (Entered: 07/27/2005)
08/01/2005	6	NOTICE of Change of Address by Benedictus Yarzue (ga,) (Entered: 08/01/2005)
08/29/2005	7	MOTION for Leave to File AMENDED COMPLAINT by Benedictus Yarzue.(kw) (Entered: 08/29/2005)
09/27/2005	8	NOTICE of Change of Address by Benedictus Yarzue (lg,) (Entered: 09/27/2005)

		09/27/2005)
10/07/2005	9	WAIVER OF SERVICE Returned by Benedictus Yarzue. Dennis Bowen waiver sent on 9/15/2005, answer due 11/14/2005. (ep,) (Entered: 10/07/2005)
10/17/2005	10	NOTICE of Change of Address by Benedictus Yarzue. Docket Sheet has been updated to reflect current address per filing. (kw,) (Entered: 10/17/2005)
10/21/2005	11	EXHIBITS by Benedictus Yarzue re 1 Complaint. (Attachments: # 1 Exhibit(s) A# 2 B# 3 C# 4 D# 5 E# 6 F# 7 G# 8 H)(kw,) (Entered: 10/21/2005)
10/21/2005	12	NOTICE by Benedictus Yarzue of change of address and asking to be let out of quarantine (lg,) (Entered: 10/21/2005)
11/08/2005	13	<i>Defendants'</i> ANSWER to Complaint <i>with Affirmative Defenses</i> , CROSSCLAIM against United States of America Department of Homeland Security, John Doe by Thomas Hogan, Beata, Roger Thomas, Dennis Bowen.(Reihart, Donald) (Entered: 11/08/2005)
11/08/2005	14	THIRD PARTY COMPLAINT against United States of America Department of Homeland Security, United States Immigration and Customs Enforcement, Office of Detention and Removal of Operations, Division of Immigration Health Services, THIRD PARTY COMPLAINT against United States of America Department of Homeland Security, United States Immigration and Customs Enforcement, Office of Detention and Removal of Operations, Division of Immigration Health Services, filed by Thomas Hogan, Beata, Roger Thomas, Dennis Bowen. (Attachments: # 1 Exhibit(s) # 2 Criminal Cover Sheet # 3 Summons) (Reihart, Donald) (Entered: 11/08/2005)
11/09/2005	15	ORDER granting 7 Motion for Leave to File amended complaint; secretary Chertoff substituted for Jone Doe; US Marshal shall serve, Signed by Judge James F. McClure Jr. on 11/9/05 (lg,) (Entered: 11/09/2005)
11/09/2005		Summons Issued as to Michael Chertoff and USA and provided to USM for service. (lg,) (Entered: 11/09/2005)
11/09/2005	16	ORDER: Appointing Angus R. Love, Esquire, and Michael J. Cooke, Esquire, counsel for plaintiff through final disposition of the case in the district court; the appointment is pro bono except to the extent that attorneys fees may be awarded pursuant to statute if plaintiff is the prevailing party. Signed by Judge James F. McClure Jr. on 11/9/05. (km,) (Entered: 11/09/2005)
11/16/2005		THIRD Party Summons Issued as to United States of America Department of Homeland Security, United States Immigration and Customs Enforcement, Office of Detention and Removal of Operations, Division of Immigration Health Services. (lg,) (Entered: 11/16/2005)
11/18/2005	17	SUMMONS Returned Executed by Thomas Hogan, Beata, Roger

		Thomas, Dennis Bowen. United States of America Department of Homeland Security, United States Immigration and Customs Enforcement, Office of Detention and Removal of Operations, Division of Immigration Health Services served on 11/15/2005, answer due 1/17/2006. (Reihart, Donald) (Entered: 11/18/2005)
11/30/2005	18	SUMMONS Returned Executed by Thomas Hogan, Beata, Roger Thomas, Dennis Bowen. United States of America Department of Homeland Security, United States Immigration and Customs Enforcement, Office of Detention and Removal of Operations, Division of Immigration Health Services served on 11/28/2005, answer due 1/17/2006. (Reihart, Donald) (Entered: 11/30/2005)
12/21/2005	19	Unopposed MOTION for Leave to File <i>Amended Complaint</i> by Benedictus Yarzue. (Attachments: # 1 Proposed Amended Complaint) (Cooke, Michael) (Entered: 12/21/2005)
01/06/2006	20	ORDER Signed by Judge James F. McClure Jr. on 1/6/05: within 10 days of the date of this order, plaintiff shall serve additional defendant Chertoff with a copy of his motion to file a second amended complaint; within 10 days of the date of this order, plaintiff shall file a brief in support of his pending motion to amend; failure of the plaintiff to timely comply with this Order will result in his motion being deemed withdrawn. (lg,) (Entered: 01/06/2006)
01/06/2006	21	CERTIFICATE OF SERVICE by Benedictus Yarzue re 19 Unopposed MOTION for Leave to File <i>Amended Complaint</i> , 20 Order, (Cooke, Michael) (Entered: 01/06/2006)
01/10/2006	22	NOTICE of Voluntary Dismissal by Benedictus Yarzue of <i>Michael Chertoff</i> (Attachments: # 1 Certificate of Service)(Cooke, Michael) (Entered: 01/10/2006)
01/17/2006	23	BRIEF IN SUPPORT re 19 Unopposed MOTION for Leave to File <i>Amended Complaint</i> filed by Benedictus Yarzue. (Attachments: # 1 Appendix)(Cooke, Michael) (Entered: 01/17/2006)
01/23/2006	24	MOTION for Extension of Time to File Answer re 14 Third Party Complaint,,,,, by United States of America Department of Homeland Security, United States of America Department of Homeland Security, United States Immigration and Customs Enforcement, Office of Detention and Removal of Operations, Division of Immigration Health Services. (Attachments: # 1 Exhibit(s) A# 2 Certificate of Concurrence# 3 Proposed Order)(Butler, Michael) (Entered: 01/23/2006)
01/24/2006	25	ORDER: GRANTING the federal defendants' unopposed 24 motion requesting an enlargement of time; the federal defendants may file a response to the third party complaint on or before 3/24/2006. Signed by Judge James F. McClure Jr. on 1/24/2006. (km,) (Entered: 01/24/2006)
01/31/2006	26	Unopposed MOTION for Extension of Time to Respond to Motion for Leave to File Amended Complaint by United States of America Department of Homeland Security, United States of America Department

		of Homeland Security, United States Immigration and Customs Enforcement, Office of Detention and Removal of Operations, Division of Immigration Health Services. (Attachments: # 1 Certificate of Concurrence# 2 Proposed Order)(Butler, Michael) (Entered: 01/31/2006)
02/06/2006	27	ORDER: GRANTING the federal defendants' unopposed 26 Motion requesting an enlargement of time; federal defendants' response to the plaintiff's motion to file a 2nd amended complaint due by 2/14/2006. Signed by Judge James F. McClure Jr. on 2/6/06. (km,) (Entered: 02/06/2006)
02/14/2006	28	RESPONSE by United States of America Department of Homeland Security, United States of America Department of Homeland Security, United States Immigration and Customs Enforcement, Office of Detention and Removal of Operations, Division of Immigration Health Services to 19 Unopposed MOTION for Leave to File <i>Amended Complaint</i> . (Butler, Michael) (Entered: 02/14/2006)
02/23/2006	29	Letter from Plf to the Court, w/attachment. (bp) (Entered: 02/23/2006)
03/21/2006	30	Letter from Pro Se Writ Clerk to Benedictus Yarzue advising that the Court cannot give legal advice and he must file a motion rather than a letter. (prose,) (Entered: 03/21/2006)
03/24/2006	31	MOTION to Dismiss <i>Third-Party Complaint</i> by United States of America Department of Homeland Security, United States of America Department of Homeland Security, United States Immigration and Customs Enforcement, Office of Detention and Removal of Operations, Division of Immigration Health Services. (Attachments: # 1 Certificate of Non Concurrence# 2 Proposed Order)(Butler, Michael) (Entered: 03/24/2006)
03/24/2006	32	BRIEF IN SUPPORT re 31 MOTION to Dismiss <i>Third-Party Complaint</i> filed by United States of America Department of Homeland Security, United States of America Department of Homeland Security, United States Immigration and Customs Enforcement, Office of Detention and Removal of Operations, Division of Immigration Health Services. (Attachments: # 1 Exhibit(s) A - C)(Butler, Michael) (Entered: 03/24/2006)
04/07/2006	33	BRIEF IN OPPOSITION re 31 MOTION to Dismiss <i>Third-Party Complaint</i> filed by Thomas Hogan, Beata, Roger Thomas, Dennis Bowen. (Attachments: # 1 Exhibit(s) 1# 2 Exhibit(s) 2# 3 Cert of Service of Exhibits# 4 Proposed Order)(Reihart, Donald) (Entered: 04/07/2006)
04/21/2006	34	REPLY BRIEF re 31 MOTION to Dismiss <i>Third-Party Complaint</i> filed by United States of America Department of Homeland Security, United States of America Department of Homeland Security, United States Immigration and Customs Enforcement, Office of Detention and Removal of Operations, Division of Immigration Health Services. (Attachments: # 1 Exhibit(s) A - D)(Butler, Michael) (Entered: 04/21/2006)

05/22/2006	35	ORDER: Granting plaintiff's unopposed 19 motion to file a second amended complaint; accepting plaintiff's proposed amended complaint; defendants shall file a response to the second amended complaint within the time frame authorized by the Federal Rules of Civil Procedure. Signed by Judge James F. McClure Jr. on 5/22/2006. (km,) (Entered: 05/22/2006)
05/22/2006		DOCKET ANNOTATION: document 36 deleted; to be re-docketed correctly as second amended complaint against all named parties. (lg,) (Entered: 05/22/2006)
05/22/2006	36	AMENDED COMPLAINT against Division of Immigration Health Services, Department of Homeland Security, York County, Berks County, Timothy Shack, John Doe, Jane Doe, Charles Norris, John Roe, Jane Roe, Prison Health Services, Inc., PrimeCare Medical Inc., Thomas Hogan, filed by Benedictus Yarzue.(lg,) (Entered: 05/23/2006)
05/23/2006		DOCKET ANNOTATION: summons entry deleted; to be re-entered properly as to federal defendants and state defendants. (lg,) (Entered: 05/23/2006)
05/23/2006		Summons Issued as to Division of Immigration Health Services, Department of Homeland Security, Timothy Shack, John Doe, Jane Doe and mailed to attorney Cooke for service. (lg,) (Entered: 05/23/2006)
05/23/2006		Summons Issued as to York County, Berks County, Charles Norris, John Roe, Jane Roe, Prison Health Services, Inc., PrimeCare Medical Inc. and mailed to Attorney Cooke for service on Defendant(s). (lg,) (Entered: 05/23/2006)
06/05/2006	37	ANSWER to Amended Complaint by <i>Def's Thomas Hogan and York County</i> , CROSSCLAIM against Division of Immigration Health Services, Department of Homeland Security, United States of America Department of Homeland Security, United States Immigration and Customs Enforcement, Office of Detention and Removal of Operations, Division of Immigration Health Services by York County, Thomas Hogan.(Reihart, Donald) (Entered: 06/05/2006)
06/26/2006	38	NOTICE of Appearance by Thomas Edward Brenner on behalf of PrimeCare Medical Inc. (Brenner, Thomas) (Entered: 06/26/2006)
07/19/2006	39	Letter from Yarzue (lg,) (Entered: 07/19/2006)
07/24/2006	40	Letter from Pro Se Writ Clerk to Benedictus Yarzue informing him that no action will be taken on the basis of a letter and any requests for relief must be in the form of a motion. (prose,) (Entered: 07/24/2006)
08/11/2006	41	NOTICE of Appearance by David R. Zaslow on behalf of Charles Norris, Prison Health Services, Inc. (Zaslow, David) (Entered: 08/11/2006)
08/11/2006	42	NOTICE of Appearance by Thomas Edward Brenner on behalf of Berks County (Brenner, Thomas) (Entered: 08/11/2006)
08/11/2006	43	MOTION for Extension of Time to TO FILE RESPONSIVE

		PLEADING by Berks County, PrimeCare Medical Inc..(Brenner, Thomas) (Entered: 08/11/2006)
08/11/2006	44	Eighth MOTION for Extension of Time to Respond to Plaintiff's Second Amended Complaint by Department of Homeland Security, United States of America Department of Homeland Security, United States Immigration and Customs Enforcement, Office of Detention and Removal of Operations, Division of Immigration Health Services, United States of America Department of Homeland Security, United States of America Department of Homeland Security, United States Immigration and Customs Enforcement, Office of Detention and Removal of Operations, Division of Immigration Health Services. (Attachments: # 1 Certificate of Service# 2 Certificate of Concurrence# 3 Proposed Order) (Butler, Michael) (Entered: 08/11/2006)
08/15/2006	45	ORDER: GRANTING defendants PrimeCare Medical, Inc. and Berks' County unopposed 43 Motion requesting an enlargement of time; the moving defendants may file a response to plaintiff's 2nd amd complaint on or before 9/29/2006. Signed by Judge James F. McClure Jr. on 8/15/2006. (km,) (Entered: 08/15/2006)
09/01/2006	46	STIPULATION of Dismissal by Benedictus Yarzue. (Attachments: # 1 Certificate of Service)(Cooke, Michael) (Entered: 09/01/2006)
09/07/2006	47	NOTICE of Voluntary Dismissal by Thomas Hogan, Beata, Roger Thomas, Dennis Bowen of <i>Third-Party Complaint</i> (Attachments: # 1 Cert of Service)(Reihart, Donald) (Entered: 09/07/2006)

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