

MAHONEY, TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 2.4 (Rockford)
CIVIL DOCKET FOR CASE #: 3:01-cv-50027

Jarrett v. Roth, et al
Assigned to: Hon. Philip G. Reinhard
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 04/27/2001
Jury Demand: Both
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**Hewlett M Jarrett**

represented by **Hewlett M Jarrett**
B24778
Dixon - DIX
Dixon Correctional Center
P.O. Box 1200
Dixon, IL 61021
PRO SE

David H. Carter
Law Office of David H. Carter
One Court Place
Suite 401
Rockford, IL 61101
(815) 968-8900
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Notices to Prisoner Correspondence

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Email:
Prison1_ILND@ilnd.uscourts.gov
TERMINATED: 04/27/2001

V.

Defendant**Thomas P Roth**

represented by **Andrew William Lambertson**
Illinois Attorney General's Office
100 West Randolph Street
13th Floor
Chicago, IL 60601
(312)814-3313
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

June C. Acton

Attorney General's Office
100 West Randolph Street
Suite 4-600
Chicago, IL 60601
(312)814-7087

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

IDOC Chief of Legal Services

Illinois Department of Corrections
100 West Randolph Street
4-200
Chicago, IL 60601
(312) 793-3017

ATTORNEY TO BE NOTICED

Defendant

Jerry L Sternes

represented by **Andrew William Lambertson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

June C. Acton

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

IDOC Chief of Legal Services

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Terry Day

TERMINATED: 04/27/2001

represented by **IDOC Chief of Legal Services**
(See above for address)
TERMINATED: 04/27/2001
ATTORNEY TO BE NOTICED

Defendant

Ernestine Daniels

represented by **IDOC Chief of Legal Services**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Doug Hoyle

represented by **IDOC Chief of Legal Services**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Terri Anderson

represented by **IDOC Chief of Legal Services**

(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/26/2001	1	RECEIVED complaint with 1 copies. (clb) (Entered: 01/26/2001)
01/26/2001	2	CIVIL cover sheet. (clb) (Entered: 01/26/2001)
01/26/2001	3	MOTION by plaintiff to proceed in forma pauperis attachments; (clb) (Entered: 01/26/2001)
01/26/2001		THIS matter is referred to the Hon. P. Michael Mahoney pursuant to Internal Operating Procedure 11(d). (clb) (Entered: 01/26/2001)
01/26/2001		FORWARDED copy of case file to Prisoner Correspondence (clb) (Entered: 01/26/2001)
02/02/2001	4	MINUTE ORDER of 2/2/01 by Hon. Philip G. Reinhard: Ruling on plaintiff's application to proceed without prepayment of fees is held in abeyance until further order of court. Mailed notice (fce) (Entered: 02/02/2001)
03/13/2001	5	LETTER dated 3/11/01 from plaintiff to Judge Reinhard. (fce) (Entered: 03/13/2001)
03/20/2001	6	MOTION by plaintiff for appointment of counsel . (fce) (Entered: 03/20/2001)
03/20/2001	7	MOTION by plaintiff for leave to file an amended complaint (Attachment-amended comp.). (fce) (Entered: 03/20/2001)
03/20/2001	8	MEMORANDUM by plaintiff in support of his motion to file an amended complaint [7-1]. (fce) (Entered: 03/20/2001)
03/20/2001	9	EXHIBITS by plaintiff in support of amended complaint [8-1]. (fce) (Entered: 03/20/2001)
04/27/2001	10	MINUTE ORDER of 4/27/01 by Hon. Philip G. Reinhard: Enter Memorandum Opinion and Order. Plaintiff's motions for leave to proceed in forma pauperis [3-1], and to file an amended complaint are granted [7-1]. Claim 1 alone may proceed. All claims against defendants Daniels and Hoyle are dismissed under 28 U.S.C. section 1915 A. Defendant Day is dismissed as misjoined. Plaintiff's motion for appointment of counsel is granted [6-1]. David H. Carter, Law Office of David H. Carter, One Court Place, Suite 401 Rockford, IL 61101 (815) 986-8900, is appointed to represent plaintiff in this action. Statut/settlement conference set for 6/5/01 at 10:00 a.m. before Magistrate Judge Michael Mahoney. The trust fund officer at plaintiff's place of incarceration is directed to make deductions and payments as set forth in the attached order. The clerk is directed to send a copy of the attached order to the trust fund officer at Dixon Correctional Center. Entered Memorandum Opinion and Order. (For further detail see order.) Mailed notice (fce) (Entered: 04/27/2001)

04/27/2001		COMPLAINT (fce) (Entered: 04/27/2001)
04/27/2001		MAILED COPY of minute order dated 4/27/01 to Trust Fund Officer at Dixon Correctional Center. (fce) (Entered: 04/27/2001)
04/27/2001	11	AMENDED COMPLAINT [0-1] by plaintiff; jury demand (fce) (Entered: 06/05/2001)
06/15/2001		AMENDED COMPLAINT [11-1] by plaintiff (fce) (Entered: 06/15/2001)
06/15/2001	12	AMENDED COMPLAINT [11-1] by plaintiff (fce) (Entered: 06/15/2001)
06/19/2001		SCHEDULE set on 6/19/01 by Hon. P. Michael Mahoney : Pursuant to request of course, Video Status hearing/Settlement conference reset for 10:00 7/17/01. Plaintiff's counsel is to effect service. Parties indicate that they are pursuing settlement. Mailed notice (glg) (Entered: 06/19/2001)
07/05/2001		SCHEDULE set on 7/5/01 by Hon. P. Michael Mahoney : Due to the court's schedule, the Video Status /Settlement conference is reset for 11:00 8/14/01 . Mailed notice (glg) (Entered: 07/05/2001)
07/19/2001	13	ATTORNEY APPEARANCE for defendant Jerry L Sternes by June C. Acton; Notice. (fce) (Entered: 07/19/2001)
07/19/2001	14	DEMAND for jury trial by defendant Jerry L Sternes. (fce) (Entered: 07/19/2001)
07/24/2001	15	WAIVER of service of summons as to defendant Thomas P Roth sent on 7/5/01 (fce) (Entered: 07/25/2001)
08/06/2001	16	ATTORNEY APPEARANCE for defendant Thomas P Roth by June C. Acton; Notice. (fce) (Entered: 08/06/2001)
08/06/2001	17	DEMAND for jury trial by defendant Thomas P Roth (fce) (Entered: 08/06/2001)
08/14/2001		SCHEDULE set on 8/14/01 by Hon. P. Michael Mahoney : Status hearing/settlement conference held. Defendant given to 9/14/01 to respond to complaint. Telephonic Settlement conference set for 9:30 9/11/01 . Mailed notice (glg) (Entered: 08/14/2001)
09/13/2001	18	MOTION by defendants Thomas P Roth, Jerry L Sternes for enlargement time to answer or otherwise plead ; Notice. (fce) (Entered: 09/13/2001)
09/20/2001	19	MINUTE ORDER of 9/20/01 by Hon. P. Michael Mahoney: Defendant's agreed motion for enlargement time to 12/13/01 to respond to complaint is granted [18-1]. Telephonic settlement conference set for 10/2/01 at 9:45 am. Defendant to place the call. Mailed notice (fce) (Entered: 09/21/2001)
10/02/2001		SCHEDULE set on 10/2/01 by Hon. P. Michael Mahoney : Telephonic discovery conference held. Telephonic discovery/Settlement conference set for 9:45 10/30/01 . Telephoned notice (glg) (Entered: 10/02/2001)

10/30/2001		SCHEDULE set on 10/30/01 by Hon. P. Michael Mahoney : Telephonic discovery/ Settlement conference held and continued to 9:45 11/19/01 . Telephoned notice (glg) (Entered: 10/30/2001)
11/19/2001		SCHEDULE set on 11/19/01 by Hon. P. Michael Mahoney : Telephonic Discovery/ Settlement conference held. Fact Discovery ordered closed on 1/16/02. Dispositive motions due 2/15/02 . Telephonic discovery conference set for 9:45 2/21/02 . Telephoned notice (glg) (Entered: 11/19/2001)
12/11/2001	20	ANSWER by defendants' Thomas P Roth, Jerry L Sternes to first amended complaint [12-1]; jury demand (fce) (Entered: 12/11/2001)
02/12/2002	21	AGREED MOTION by defendants' Thomas P Roth, Jerry L Sternes for enlargement order time to file dispositive motions . (fce) (Entered: 02/12/2002)
02/15/2002	22	MINUTE ORDER of 2/15/02 by Hon. P. Michael Mahoney: Defendant's agreed motion for enlargement of time to file dispositive motions to 3/22/02 is granted [21-1]. Telephonic discovery conference reset for 3/26/02 at 10:00 a.m. Mailed notice (fce) (Entered: 02/19/2002)
03/21/2002	23	AGREED motion by defendants' Thomas P Roth, Jerry L Sternes for enlargement of time to file dispositive motions ; Notice. (fce) (Entered: 03/21/2002)
03/26/2002	24	MINUTE ORDER of 3/26/02 by Hon. P. Michael Mahoney: Discovery conference held. Defendant's motion for enlargement of time to 5/22/02 to file dispositive motions is granted [23-1]. Telephonic discovery conference continued to 4/17/02 at 10:00 a.m. Telephoned notice (fce) (Entered: 03/27/2002)
04/16/2002		SCHEDULE set on 4/16/02 by Hon. P. Michael Mahoney : Pursuant to request of counsel, telephonic discovery conference reset for 11:30 4/26/02 . Telephoned notice (glg) (Entered: 04/16/2002)
04/26/2002		SCHEDULE set on 4/26/02 by Hon. P. Michael Mahoney : Telephonic discovery conference held. Telephonic Settlement conference to set dispositive motion due date set for 11:30 5/31/02 . Telephoned notice (glg) (Entered: 04/26/2002)
05/31/2002		SCHEDULE set on 5/31/02 by Hon. P. Michael Mahoney : Telephonic Settlement conference held and continued to set dispositive motion due date to 11:30 7/1/02 . Telephoned notice (glg) (Entered: 05/31/2002)
07/01/2002		SCHEDULE set on 7/1/02 by Hon. P. Michael Mahoney : Telephonic discovery conference held. Telephonic Discovery/Settlement conference set for 11:30 7/29/02 . Telephoned notice (glg) (Entered: 07/01/2002)
07/29/2002		SCHEDULE set on 7/29/02 by Hon. P. Michael Mahoney : Telephonic discovery/ Settlement conference set for 9:30 8/26/02 . Telephoned notice (glg) (Entered: 07/29/2002)
08/26/2002		SCHEDULE set on 8/26/02 by Hon. P. Michael Mahoney : Telephonic

		discovery/ Settlement conference held and continued to 9:30 9/17/02 . Telephoned notice (glg) (Entered: 08/26/2002)
08/30/2002	25	NOTICE by plaintiff of change of address (fce) (Entered: 09/04/2002)
09/17/2002		SCHEDULE set on 9/17/02 by Hon. P. Michael Mahoney : Telephonic discovery/ Settlement conference held and continued to 9:30 10/1/02 . Telephoned notice (glg) (Entered: 09/17/2002)
10/01/2002		SCHEDULE set on 10/1/02 by Hon. P. Michael Mahoney : Plaintiff's counsel not available. Telephonic discovery/ Settlement conference reset for 9:30 10/7/02 . Mailed notice (glg) (Entered: 10/01/2002)
10/07/2002		SCHEDULE set on 10/7/02 by Hon. P. Michael Mahoney : Telephonic Discovery/ Settlement conference held. Dispositive motions due 11/4/02. Telephonic discovery conference set for 9:30 11/8/02 . Telephoned notice (glg) (Entered: 10/07/2002)
10/23/2002	26	NOTICE by plaintiff of change of address (fce) (Entered: 10/23/2002)
11/06/2002	27	JOINT MOTION by plaintiff, defendant for enlargement of time to file motions . (fce) (Entered: 11/07/2002)
11/07/2002		SCHEDULE set on 11/7/02 by Hon. P. Michael Mahoney : Pursuant to request of counsel, discovery conference reset for 9:45 11/15/02 . Telephoned notice (glg) (Entered: 11/07/2002)
11/15/2002	28	MINUTE ORDER of 11/15/02 by Hon. P. Michael Mahoney: Telephonic discovery conference held. Parties' joint motion for enlargement of time to 12/16/02 to file motions is granted [27-1]. Telephonic discovery conference continued to 12/18/02 at 9:45 a.m. Telephoned notice (fce) (Entered: 11/15/2002)
12/13/2002	29	MOTION by plaintiff for enlargement of time to file motions . (fce) (Entered: 12/16/2002)
12/18/2002	30	MINUTE ORDER of 12/18/02 by Hon. P. Michael Mahoney : Parties' joint motion for enlargement of time to 1/21/03 to file dispositive motions is granted [29-1]. Telephonic discovery conference reset for 9:45 a.m. on 1/23/03. Mailed notice (fce) (Entered: 12/19/2002)
01/09/2003	31	MINUTE ORDER of 1/9/03 by Hon. P. Michael Mahoney: Plaintiff's letters to the court are placed in the court file a copy is sent to attorneys of record. Plaintiff's appointed counsel to mail copies of all documents in court file to the plaintiff. Mailed notice (fce) (Entered: 01/09/2003)
01/09/2003	32	LETTER dated 12/20/02 from plaintiff to the court. (fce) (Entered: 01/09/2003)
01/09/2003	33	LETTER dated 12/25/02 from plaintiff to the court. (fce) (Entered: 01/09/2003)
01/10/2003		SCHEDULE set on 1/10/03 by Hon. P. Michael Mahoney : Pursuant to request of counsel, Settlement conference set for 10:00 1/23/03. Plaintiff to be available by phone. Telephoned notice (glg) (Entered: 01/10/2003)

01/16/2003		SCHEDULE set on 1/16/03 by Hon. P. Michael Mahoney : Pursuant to request of counsel, Settlement conference reset for 10:00 1/30/03 . Telephoned notice (glg) (Entered: 01/16/2003)
01/30/2003	34	MINUTE ORDER of 1/30/03 by Hon. P. Michael Mahoney: Settlement conference held. Parties report cause settled. Parties given to 3/3/03 to file stipulation to dismiss. Court retains jurisdiction to enforce settlement. Mailed notice (fce) (Entered: 01/30/2003)
01/31/2003	35	MINUTE ORDER of 1/31/03 by Hon. Philip G. Reinhard: Pursuant to Magistrate Mahoney's order of 1/30/03, this case is dismissed. Parties given to 3/3/03, to file stipulation to dismiss. Court retains jurisdiction to enforce settlement. Any pending motions are now moot. terminating case Mailed notice (fce) (Entered: 01/31/2003)
02/20/2003	36	MOTION by plaintiff to vacate judgment entered 1/30/03 . (fce) (Entered: 02/20/2003)
02/24/2003	37	LETTER dated 2/17/03 from plaintiff to the court. (fce) (Entered: 02/24/2003)
03/10/2003	38	LETTER dated 2/17/03 to the court from plaintiff (fce) (Entered: 03/10/2003)
04/14/2003	39	NOTICE by plaintiff of change of address (fce) (Entered: 04/14/2003)
04/18/2003		SCHEDULE set on 4/18/03 by Hon. Patrick M. Mahoney : Status hearing set to 1:30 pm on 5/9/03. Lead counsel are directed to appear on 5/9/03 at 1:30 pm . Mailed notice (jms) Modified on 04/18/2003 (Entered: 04/18/2003)
05/07/2003	40	MOTION by defendants to enforce settlement agreement (Attachment); Notice. (fce) (Entered: 05/07/2003)
05/13/2003	41	MINUTE ORDER of 5/13/03 by Hon. P. Michael Mahoney: It is the Report and Recommendation that, as to the 027 case, Plaintiff's motion to vacate be denied and Defendants' motion for enforce settlement be granted and the Settlement Agreement, attached as Exhibit A to this opinion, be entered as a judgment of this court. As to the 354 case, it is the Report and Recommendation of the Magistrate Judge that Plaintiff's motion to vacate be denied because the court does not have jurisdiction. However, if the district court finds there is jurisdiction, it is the Report and Recommendation of the Magistrate Judge that Plaintiff's motion to vacate be denied and defendants' motion to enforce settlement be granted. The parties are given ten days from service of this Order, as calculated under Rule 6, to appeal to Judge Philip G. Reinhard, pursuant to Rule 72 of the Federal Rules of Civil Procedure. Entered Report and Recommendation regarding [40-1], regarding [36-1] (For further detail see order.) Mailed notice (fce) (Entered: 05/13/2003)
05/20/2003	42	Appeal from Magistrate's Report and Recommendation by plaintiff. (fce) (Entered: 05/20/2003)
05/27/2003	43	MINUTE ORDER of 5/27/03 by Hon. Philip G. Reinhard: For the

		reasons stated on the reverse Memorandum Opinion and Order, the court adopts the Report and Recommendation of the Magistrate Judge in cases 01 C 50027 and 01 C 50354 which denies plaintiff's motion to vacate judgment [42-1] and grants defendants' motion to enforce settlement in the 027 case and finds the court has no jurisdiction in the 354 case, and alternatively in that case denies plaintiff's motion to vacate judgment and grants defendants' motion to enforce settlement. Entered Memorandum Opinion and Order. (For further detail see order.) Mailed notice (fce) (Entered: 05/27/2003)
06/25/2003	44	NOTICE OF APPEAL by plaintiff from minute order [43-2] (not paid) (fce) (Entered: 06/25/2003)
06/27/2003		TRANSMITTED to the 7th Circuit the short record on appeal appeal [44-1] . Mailed notice to all counsel. Mailed via certified mail 7002 0510 0000 6469 0314. (clb) (Entered: 06/27/2003)
06/27/2003	45	LETTER regarding docketing statement . (fce) (Entered: 06/27/2003)
07/07/2003	46	RETURN of U.S. Post Office receipt # 7002 0510 0000 6469 0314 (short record). (fce) (Entered: 07/07/2003)
07/07/2003	47	ACKNOWLEDGEMENT of receipt of short record on appeal [44-1] USCA 03-2750 (fce) (Entered: 07/07/2003)
07/16/2003	48	MOTION by plaintiff for an extension of time to file docketing statement and motion for permission to appeal in forma pauperis . (fce) (Entered: 07/21/2003)
07/24/2003	49	MINUTE ORDER of 7/24/03 by Hon. Philip G. Reinhard: Plaintiff's motion for an extension of time to file docketing statement is granted [48-1]. Docketing statement to be filed within 10 days from the date of this order. The court certifies that the appeal is not taken in good faith for the reasons stated in the order of 5/27/03. Plaintiff's motion for permission to appeal in forma pauperis is denied [48-1]. Mailed notice (fce) (Entered: 07/24/2003)
09/05/2003	50	CERTIFIED COPY of order from the 7th Circuit: It is ordered that this appeal is dismissed for failure to pay the required docketing fee pursuant to the Circuit Rule 3(b) [44-1]. (03-2750) (For further detail see order.) (fce) (Entered: 09/05/2003)
04/19/2005	51	MINUTE entry before Judge P. Michael Mahoney : Plaintiff's letter to the Court to Enforce Settlement Agreement is filed by the court. Defendants given until 4/27/05 to comment on Plaintiff's letter. Notices mailed by judge's staff. (jmm-r,) (Entered: 04/20/2005)
04/19/2005	52	LETTER from Hewlett Jarrett dated 3/8/2005 (jmm-r,) (Entered: 04/20/2005)
05/06/2005	53	ATTORNEY Appearance for Defendants Thomas P Roth, Jerry L Sternes by Andrew William Lambertson (jat,) (Entered: 05/06/2005)
05/06/2005	54	RESPONSE by Defendants Thomas P Roth, Jerry L Sternes, Ernestine

		Daniels, Doug Hoyle, Terri Anderson to plaintiff's correspondence regarding settlement 52 ; notice of filing (jat,) (Entered: 05/06/2005)
05/16/2005	55	MINUTE entry before Judge P. Michael Mahoney : Based on defendants' representations filed with the court on 5/6/05, even if the court did find jurisdiction over the settlement agreement, there is no need for a hearing. Accordingly, plaintiff's 4/19/05 request for a hearing is denied. judge's staff mailed notice (jat,) (Entered: 05/17/2005)

PACER Service Center			
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07/21/2005 16:22:32			
PACER Login:	hs0328	Client Code:	
Description:	Docket Report	Search Criteria:	3:01-cv-50027
Billable Pages:	5	Cost:	0.40