

CLOSED

**U.S. District Court
Eastern District of Virginia (Norfolk)
CIVIL DOCKET FOR CASE #: 2:95-cv-00442-RBS**

Gholson, et al v. Murry, et al
Assigned to: Judge Rebecca Beach Smith
Demand: \$100,000
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/15/1995
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**Lonnie M. Gholson**

represented by **Lonnie M. Gholson**
#186066
Augusta Correctional Center
1821 Estaline Valley Rd
PO Box 1000
Craigsville, VA 24430-1027
PRO SE

Plaintiff**Robert Taylor**
TERMINATED: 07/26/1995

represented by **Robert Taylor**
#142623
Mecklenburg Correctional Center
PO Box 500
Hwy 386 S
Boyton, VA 23917-0500
PRO SE

Plaintiff**Nathaniel Scott**

represented by **Nathaniel Scott**
#198669
Red Onion State Prison
PO Box 970
Pound, VA 24279
PRO SE

Plaintiff**James Logan**
TERMINATED: 09/22/1995

represented by **James Logan**
#145726
Augusta Correctional Center
1821 Estaline Valley Rd
PO Box 1000
Craigsville, VA 24430-1027
PRO SE

Plaintiff

Ali Salaam
TERMINATED: 09/22/1995

represented by **Ali Salaam**
#146956/D. CHAN
Keen Mountain Correctional Center
PO Box 860
Oakwood, VA 24631
PRO SE

Plaintiff

T. Nguyen
TERMINATED: 07/26/1995

represented by **T. Nguyen**
#172123
Mecklenburg Correctional Center
PO Box 500
Hwy 386 S
Boyton, VA 23917-0500
PRO SE

Plaintiff

E. Forbes

represented by **E. Forbes**
#185931
Powhatan Correctional Center
State Farm, VA 23160
PRO SE

Defendant

Ed Murry
Former Head of Dept. of Corrections

represented by **Pamela Anne Sargent**
Office of the Attorney General
900 E Main St
Richmond, VA 23219
(804) 786-2071
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

C. E. Thompson
Warden
TERMINATED: 09/22/1995

Defendant

Ms. Dunn
Head of Food Service
TERMINATED: 09/22/1995

Defendant

Ron Angelone
Present Head of Dept. of Corrections

represented by **Pamela Anne Sargent**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Carl Hester
Assistant Warden of Programs

represented by **Pamela Anne Sargent**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Jim Bruce
Former Head of Treatment

represented by **Pamela Anne Sargent**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/15/1995	1	ORDER conditionally filing complaint; beginning processing of plaintiffs' request to proceed in forma pauperis; directing plaintiffs to complete the Court's questionnaire and answer the Court's interrogatories and return same to the Court within 30 days; set Prisoner response due 6/19/95 ; directing plaintiffs Taylor and Nguyen to sign a copy of the complaint and resubmit it within 20 days if they wish to be included as plaintiffs in this action; advising plaintiffs that each plaintiff must sign each submission to the Court; advising plaintiffs of certain procedural information; and advising plaintiffs that the Court will not accept any pleadings for filing or consideration (other than those directed by the court) until the assessed filing fee is paid or forma pauperis status is granted, entered and filed 5/15/95, (signed by Judge Rebecca B. Smith) Copies Mailed: 5/16/95 (ariv) (Entered: 05/17/1995)
05/15/1995	2	COMPLAINT with jury demand, conditionally filed. (ariv) (Entered: 05/17/1995)
07/25/1995	3	MEMORANDUM ORDER Dismissing plaintiffs Taylor and Nguyen as plaintiffs from this action without prejudice to their rights to file another lawsuit ; directing clerk to conditionally file questionnaire signed by plaintiffs Gholson, Forbes and Scott as amended complaint; advising that each plaintiff must sign each submission and court will not consider any submission not signed by all plaintiffs; directing plaintiffs Salaam and Logan to sign and submit copy of questionnaire or request copy of questionnaire within 20 days (set Prisoner response due 8/17/95) and advising they must submit copying cost payment to clerk after making copy request; advising court will dismiss claims of Salaam and Logan if they fail to comply with order ; construing plaintiff Gholson's statement that he will act on behalf of all plaintiffs as motion to certify suit as class action and denying motion; again advising that each plaintiff must sign each submission and any plaintiffs not signing will be dismissed from this action; entered and filed 7/25/95 (signed by Judge Rebecca B. Smith) Copies Mailed: 7/26/95 to all plaintiffs (also copy of 5/15/95 order and questionnaire w/copy of refused and returned envelope mailed to Salaam) (mwin) (Entered: 07/26/1995)
07/25/1995	4	AMENDED COMPLAINT on questionnaire, by Lonnie M. Gholson, E.

		Forbes, Nathaniel Scott amending [2-1] complaint; received 5/31/95; conditionally filed as directed by 7/25/95 order (mwin) Modified on 07/26/1995 (Entered: 07/26/1995)
07/25/1995	4	MOTION by Lonnie M. Gholson to Certify Class (mwin) (Entered: 07/26/1995)
07/25/1995		Deadline updated; denying [4-1] motion by Lonnie M. Gholson to Certify Class (mwin) (Entered: 07/26/1995)
07/26/1995	5	JUDGMENT dismissing Robert Taylor, T. Nguyen as plaintiffs without prejudice; entered by clerk 7/25/95; filed 7/26/95. Copies Mailed: 7/26/95. O.B. (mwin) (Entered: 07/26/1995)
07/31/1995		Copy of 7/25/95 order and 7/26/95 judgment to James Logan at Mecklenburg Correctional Center returned UNDELIVERED, marked "Forwarding Time Expired. Return to Sender" (mwin) (Entered: 08/01/1995)
08/02/1995		Copy of 7/25/95 order and 7/26/95 judgment re-mailed to plaintiff James Logan c/o Augusta Correctional Ctr. (mwin) (Entered: 08/02/1995)
08/28/1995		Inmate account forms for plaintiffs Scott, Gholson, & Forbes to Mecklenburg Correctional (mwin) (Entered: 08/30/1995)
09/05/1995	6	Inmate account report form filed from Mecklenburg Correctional Ctr. as to E. FORBES (mwin) (Entered: 09/18/1995)
09/05/1995	7	Inmate account report form filed from Mecklenburg Correctional Ctr. as to Lonnie M. GHOLSON (mwin) (Entered: 09/18/1995)
09/05/1995	8	Inmate account report form filed from Mecklenburg Correctional Ctr. as to Nathaniel SCOTT (mwin) (Entered: 09/18/1995)
09/22/1995	9	ORDER Dismissing plaintiffs Logan and Salaam for failure to comply with previous order without prejudice to their rights to file another lawsuit ; Dismissing defendants omitted from plaintiffs' amended complaint: Dunn and Thompson ; adding to this action defendants newly named in amended complaint: Ron Angelone, Head of the Department of Corrections; Carl Hester, Assistant Warden of Programs, and Jim Bruce, Head of Treatment; directing plaintiffs to submit within 30 days \$30.92 assessed partial filing fee (as a group) or objections to fee or requests to proceed separately (set Prisoner response due 10/25/95) ; advising plaintiffs must determine among themselves how to apportion fee; court will recalculate fee(s) if plaintiffs decide to proceed separately; upon payment, plaintiffs shall be deemed to be proceeding IFP for all other purposes; failure to comply will result in dismissal; entered and filed 9/22/95 (signed by Judge Rebecca B. Smith) Copies Mailed: 9/22/95 to plaintiffs Gholson, Forbes, Scott, & dismissed plaintiffs Logan and Salaam (mwin) (Entered: 09/27/1995)
09/22/1995	10	JUDGMENT dismissing plaintiffs James Logan and Ali Salaam from this action without prejudice; dismissing defendants C. E. Thompson and Ms. Dunn from this action; entered by clerk and filed 9/22/95. Copies

		Mailed: 9/22/95 to Logan, Salaam, Gholson, Scott, & Forbes. O.B. (mwin) (Entered: 09/27/1995)
10/25/1995	11	PRISONER RESPONSE to order; objection to assessed fee, by Lonnie M. Gholson, Nathaniel Scott, E. Forbes (mwin) (Entered: 10/25/1995)
10/27/1995	12	ORDER overruling plaintiffs' objections; granting plaintiffs additional 30 days to raise fee (set Prisoner response due 11/29/95) ; advising court will recalculate fee should any plaintiff(s) wish to proceed independently; admonishing plaintiffs failure to comply will result in dismissal; entered 10/26/95; filed 10/27/95 (signed by Judge Rebecca B. Smith) Copies Mailed: 10/27/95 to plaintiffs (mwin) (Entered: 10/27/1995)
11/24/1995	13	PRISONER RESPONSE to order by Lonnie M. Gholson, Nathaniel Scott, E. Forbes requesting to proceed individually (mwin) (Entered: 12/01/1995)
12/22/1995	14	ORDER upon Reconsideration of plaintiffs' proof of poverty, plaintiffs having sought leave to proceed independently, and procedural posture of complaint , GRANTING plaintiffs' applications to Proceed in Forma Pauperis ; filing complaint; Continuing proceedings 90 days for plaintiffs to exhaust administrative remedies ; directing plaintiffs to file proof of exhaustion within 100 days (set Prisoner response due 4/1/96) ; advising failure to comply may result in dismissal; entered and filed 12/22/95 (signed by Judge Rebecca B. Smith) Copies Mailed: 12/22/95 to plaintiffs Gholson, Forbes, Scott (mwin) (Entered: 01/03/1996)
02/23/1996	15	PRISONER RESPONSE to order by Lonnie M. Gholson re grievance exhaustion (mwin) (Entered: 02/28/1996)
03/01/1996	16	ORDER advising plaintiffs Forbes and Scott that they must file individual documentation that they have pursued their own grievance procedures within time allowed by 12/22/95 order; entered 2/29/96; filed 3/1/96 (signed by Judge Rebecca B. Smith) Copies Mailed: 3/1/96 (mwin) (Entered: 03/04/1996)
03/13/1996	17	MOTION by Nathaniel Scott to Extend Time to exhaust grievance procedures (mwin) (Entered: 03/14/1996)
03/21/1996	18	ORDER granting [17-1] motion by Nathaniel Scott to Extend Time to exhaust grievance procedures; directing plaintiffs Scott and Forbes to file proof of individual grievances within 60 days (reset Prisoner response due 5/20/96) ; advising plaintiffs that failure to comply may result in their dismissal as plaintiffs in this action; entered and filed 3/21/96 (signed by Judge Rebecca B. Smith) Copies Mailed: 3/29/96 to plaintiffs Forbes, Scott, and Gholson (mwin) (Entered: 03/29/1996)
05/16/1996	19	PRISONER RESPONSE to order by Nathaniel Scott (grievance forms); filed subject to defect (mwin) (Entered: 06/14/1996)
06/13/1996	20	ORDER Dismissing Forbes as a plaintiff to this action for failure to comply with previous order ; directing defendants to file responses to complaint within 60 days from date on enclosed notice if defendants

		return enclosed waiver within 30 days (set Waiver of Service deadline to 7/15/96 for Jim Bruce, for Carl Hester, for Ron Angelone, for Ed Murry) ; entered and filed 6/13/96 (signed by Judge Rebecca B. Smith) Copies Mailed: 6/14/96 to plaintiffs Scott, Forbes, and Gholson; copy to Va. Attorney General w/notice, 2 waivers, complaint copy, amended complaint/questionnaire copy (mwin) Modified on 06/14/1996 (Entered: 06/14/1996)
06/27/1996		Copy of 6/13/96 order re-mailed to plaintiff E. Forbes c/o Powhatan Correctional Center; original mailing c/o Mecklenberg Correctional returned undelivered (mwin) (Entered: 06/27/1996)
07/17/1996	21	WAIVER OF SERVICE Returned Executed as to Ed Murry, Ron Angelone, Carl Hester, Jim Bruce (mwin) (Entered: 07/24/1996)
07/17/1996		Deadline updated; set Answer deadline to 8/12/96 for Jim Bruce, for Carl Hester, for Ron Angelone, for Ed Murry (mwin) (Entered: 07/24/1996)
08/09/1996	22	MOTION by Jim Bruce, Carl Hester, Ron Angelone, Ed Murry to Extend Time to file responsive pleadings (mwin) (Entered: 08/16/1996)
09/03/1996	23	ORDER granting [22-1] motion by Jim Bruce, Carl Hester, Ron Angelone, Ed Murry to Extend Time to file responsive pleadings; directing defendants to file responsive pleadings within 30 days (set Answer deadline to 10/3/96 for Jim Bruce, for Carl Hester, for Ron Angelone, for Ed Murry) ; entered and filed 9/3/96 (signed by Judge Rebecca B. Smith) Copies Mailed: 9/3/96 (mwin) (Entered: 09/10/1996)
10/04/1996	24	MOTION with Memorandum in Support by Jim Bruce, Carl Hester, Ron Angelone, Ed Murry for Summary Judgment ; filed in Richmond Division 10/3/96; filed in Norfolk Division 10/4/96 (mwin) (Entered: 10/11/1996)
10/04/1996	24	AFFIDAVIT by Carl Hester attached to and in support of [24-1] motion by Jim Bruce, Carl Hester, Ron Angelone, Ed Murry for Summary Judgment (mwin) (Entered: 10/11/1996)
10/04/1996	25	NOTICE of motion pursuant to Local Rule 10(K) by Ed Murry, Ron Angelone, Carl Hester, Jim Bruce (mwin) (Entered: 10/11/1996)
10/04/1996		Deadline updated; Response to Motion reset to 10/28/96 for [24-1] motion by Jim Bruce, Carl Hester, Ron Angelone, Ed Murry for Summary Judgment (mwin) (Entered: 10/11/1996)
01/07/1997	26	OPINION AND FINAL ORDER granting [24-1] motion by Jim Bruce, Carl Hester, Ron Angelone, Ed Murry for Summary Judgment; outlining appeal procedures; entered 1/6/97; filed 1/7/97 (signed by Judge Rebecca B. Smith) Copies Mailed: 1/7/97 (mwin) (Entered: 01/09/1997)
01/07/1997	27	JUDGMENT granting defendants' motion for summary judgment; entered by clerk 1/6/97 and filed 1/7/97. Copies Mailed: 1/7/97. ob (mwin) (Entered: 01/09/1997)
01/07/1997		Case closed (mwin) (Entered: 01/09/1997)

01/13/1997	28	ORDER correcting specified clerical errors in [26-1] Opinion and Final Order which remains as originally entered in all other respects ; entered 1/13/97 nun pro tunc 1/6/97; filed 1/13/97 (signed by Judge Rebecca B. Smith) Copies Mailed: 1/14/97 (mwin) (Entered: 01/16/1997)
02/14/1997	29	NOTICE OF APPEAL by Lonnie M. Gholson . (mgra) (Entered: 02/18/1997)
02/18/1997		Copy of Notice of Appeal, Judgment, Order filed January 13, 1997, Opinion and Final Order filed January 7, 1997 and docket sheet to USCA; copy of notice of appeal, PLRA notice, and docketing statement to Lonnie M. Gholson, copy of notice of appeal to counsel of record, [29-1] appeal by Lonnie M. Gholson. (mgra) (Entered: 02/18/1997)
02/18/1997	30	NOTICE OF APPEAL by Nathaniel Scott . (mgra) (Entered: 02/21/1997)
02/21/1997		Copy of Notice of Appeal, and docket sheet to USCA; copy of notice of appeal, PLRA notice, and docketing statement to Nathaniel Scott, plaintiff, copy of notice of appeal to all parties and counsel of record, [30-1] appeal by Nathaniel Scott. (mgra) (Entered: 02/21/1997)
02/28/1997		Opinion of USCA re: [30-1] appeal by Nathaniel Scott, [29-1] appeal by Lonnie M. Gholson (mgra) (Entered: 03/03/1997)
02/28/1997	31	Order from USCA consolidating appeal number 97-6242 (Lonnie Mcdonovan Gholson) and appeal number 97-6251 (Nathaniel Scott) for further appellate action. (mgra) (Entered: 03/03/1997)
03/24/1997	32	Copy of order of USCA granting appellant Nathaniel Scott leave to proceed on appeal without full prepayment of fees on the terms imposed by PLRA; directing that an initial partial fee be withheld from appellant's trust account and paid to USDC, with further payments to be made on a continuing monthly basis pursuant to the court's order. (mgra) Modified on 03/27/1997 (Entered: 03/27/1997)
05/27/1997	33	USCA Order dismissing appeal of Lonnie McDonovan Gholson (USCA No. 97-6242) for want of prosecution pursuant to Local Rule 45 (mwin) (Entered: 06/03/1997)
06/04/1997	34	USCA Order dismissing appeal of Nathaniel Scott (USCA 97-6251) pursuant to Rule 42(b) of FRAP, plaintiff Nathaniel Scott having filed motion for voluntary dismissal of appeal. ob (mwin) Modified on 06/05/1997 (Entered: 06/04/1997)
03/18/1999		Partial USCA appeal fees received from Nathaniel Scott \$ 2.52 Receipt # 200 20325 (clerk) (Entered: 03/18/1999)
10/01/1999		Payment on account of appeal filing fee by NATHANIEL SCOTT \$1.20; RECEIPT #200-22780 (mwin) (Entered: 10/04/1999)

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