

CLOSED, LC02

**Eastern District of Washington**  
**U.S. District Court (Spokane)**  
**CIVIL DOCKET FOR CASE #: 2:97-cv-00281-FVS**

Stewart v. Walter, et al  
Assigned to: Judge Fred Van Sickle  
Demand: \$125,000  
Cause: 28:1983 Civil Rights

Date Filed: 07/18/1997  
Jury Demand: None  
Nature of Suit: 555 Habeas Corpus  
(Prison Condition)  
Jurisdiction: Federal Question

**Plaintiff****Tommie L Stewart**

represented by **Tommie L Stewart**  
242612  
Washington State Reformatory  
P O Box 777  
Monroe, WA 98272  
PRO SE

V.

**Defendant****Kay Walter**

represented by **Eric Andrew Mentzer**  
Attorney General of Washington - OLY  
  
Olympia Division  
P O Box 40100  
Olympia, WA 98504-0100  
360-753-6200  
Email: EricM@atg.wa.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant****Tom Rolfs**

represented by **Eric Andrew Mentzer**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Dept of Corrections**  
*TERMINATED: 08/29/1997*

**Defendant**

**State of Washington**  
*TERMINATED: 08/29/1997*

**Defendant****Ronald McKee**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/18/1997		COMPLAINT (Summons) Fee-status: ifp Receipt #: ifp (FmrEmp) (Entered: 07/18/1997)
08/29/1997	1	COMPLAINT (Summons(es) issued) Fee-status: ifp Receipt #: ifp (FmrEmp) (Entered: 08/29/1997)
08/29/1997		Text not available. (Entered: 08/29/1997)
08/29/1997	2	ORDER TO PROCEED IN FORMA PAUPERIS, DISMISSING COMPLAINT IN PART WITH PREJUDICE, AND DIRECTING SERVICE (by Judge Fred L. Van Sickle); USM directed to serve dft; response due 10/14/97; IT IS ORDERED Pltff's application to proceed in forma pauperis is GRANTED and the District Court Executive is DIRECTED to file the Complaint; IT IS ORDERED Pltff's claims against the State of Washington and the Department of Corrections are DISMISSED WITH PREJUDICE as they have not basis in law or fact; Defendants Department of Corrections and State of Washington are DISMISSED. The District Court Executive is DIRECTED to terminate these two Defendants from this action and remove their names from the caption of the complaint. (cc: counsel) (FmrEmp) (Entered: 08/29/1997)
09/15/1997	3	ATTORNEY APPEARANCE for defendant Kay Walter, defendant Tom Rolfs, defendant McKee ; Atty Eric Andrew Mentzer appearing (PW) (Entered: 09/15/1997)
09/17/1997		Law Clerk assigned to case is 02 (CR) (Entered: 09/17/1997)
09/25/1997	4	SUMMONS/RETURN OF SERVICE executed upon defendant Kay Walter, defendant Tom Rolfs, defendant Ronald N McKee (PW) (Entered: 09/26/1997)
10/20/1997	5	MOTION by plaintiff for appointment of counsel (PW) (Entered: 10/20/1997)
10/20/1997	6	Notice by plaintiff Tommie L Stewart of hearing setting motion for appointment of counsel [5-1] (w/o oral argument 11/28/97 ) (PW) (Entered: 10/20/1997)
10/20/1997	7	Proof of service by plaintiff of: #5 & 6 (PW) (Entered: 10/20/1997)
10/30/1997	8	Defendants' Written Status Report And ... (ECH) (Entered: 10/31/1997)
10/30/1997	8	...Discovery Plan pur. to FRCP 26(F) (ECH) (Entered: 10/31/1997)
10/31/1997	9	MOTION by defendants for summary judgment (LE) (Entered: 11/03/1997)
10/31/1997	10	Memorandum by defendants in support of motion for summary judgment

		[9-1] (LE) (Entered: 11/03/1997)
10/31/1997	11	Statement of Material Fact by defendant in support of motion for summary judgment [9-1] (LE) (Entered: 11/03/1997)
10/31/1997	12	Notice by defendants setting hearing on motion for summary judgment [9-1] (w/o oral argument 12/22/97 ) (LE) (Entered: 11/03/1997)
10/31/1997		Proposed Order Granting Defendants' Motion for summary judgment [9-1] submitted by defendant (LE) (Entered: 11/03/1997)
10/31/1997	13	Proof of service by defendant of: #9-#12 & Proposed Order (LE) (Entered: 11/03/1997)
11/06/1997	14	Letter to court from plaintiff (LE) (Entered: 11/06/1997)
11/13/1997		TELEPHONIC SCHEDULING CONFERENCE HELD : S/FVS; no court reporter (PW) (Entered: 11/14/1997)
11/14/1997	15	ORDER by Judge Fred L. Van Sickle denying motion for appointment of counsel [5-1] striking hearing on [9-1] motion for summary judgment ; Telephone status conf set 8:45 12/17/97 Spokane, WA , deft to initiate the call (cc: all counsel) (PW) (Entered: 11/14/1997)
11/24/1997	16	MOTION by plaintiff for sanctions (PW) (Entered: 11/24/1997)
11/24/1997	17	Notice by plaintiff of hearing setting motion for sanctions [16-1] (w/o oral argument 12/23/97 ) (PW) (Entered: 11/24/1997)
11/24/1997		Proposed order re: motion for sanctions [16-1] (PW) (Entered: 11/24/1997)
11/24/1997	18	Proof of service by plaintiff of: #16 & 17 (PW) (Entered: 11/24/1997)
11/26/1997	19	Proof of service by plaintiff of: letter to Clerk (PW) (Entered: 11/26/1997)
11/28/1997	20	Response by defendants to motion for sanctions [16-1] (PW) (Entered: 12/01/1997)
12/05/1997	21	Proof of service by plaintiff of: letter re legal property (PW) (Entered: 12/08/1997)
12/17/1997		SCHEDULING CONFERENCE HELD : S/FVS; no court reporter (PW) (Entered: 12/17/1997)
12/18/1997	22	ORDER by Judge Fred L. Van Sickle denying motion for sanctions [16-1] Pltf's response to motion for SJ to be filed and served on or before 1/20/98; reply by 1/28/98 (cc: all counsel) (PW) (Entered: 12/18/1997)
12/29/1997	23	AMENDED CIVIL RIGHTS COMPLAINT (PW) (Entered: 12/29/1997)
12/29/1997	24	MOTION by plaintiff to file amended complaint and notice of motion (PW) (Entered: 12/29/1997)
12/29/1997	25	Proof of service by plaintiff of: #23 & 24 (PW) (Entered: 12/29/1997)

01/23/1998	26	Memorandum by plaintiff in opposition to motion for summary judgment (PW) (Entered: 01/23/1998)
04/07/1998	27	ORDER by Judge Fred L. Van Sickle Ruling on motion for summary judgment [9-1] is reserved denying motion to file amended complaint [24-1] (cc: all counsel) (PW) (Entered: 04/07/1998)
05/05/1998	28	ORDER by Judge Fred L. Van Sickle denying defendant's motion for summary judgment with leave to renew [9-1] (cc: all counsel) (PW) (Entered: 05/06/1998)
05/06/1998	29	Reply by defendants re motion for summary judgment [9-1] (PW) (Entered: 05/06/1998)
05/13/1998	30	Renoted motion for summary judgment by defendants [9-1] (PW) (Entered: 05/13/1998)
05/13/1998	31	ReNotice by defendant of hearing setting motion for summary judgment [9-1] (w/o oral argument 7/6/98 ) (PW) (Entered: 05/13/1998)
05/13/1998	32	Proof of service by defendants of: #30,31 (PW) (Entered: 05/13/1998)
05/22/1998	33	Reply by plaintiff to defendants' renote of hearing [31-1] (PW) (Entered: 05/22/1998)
06/30/1998	34	ORDER by Judge Fred L. Van Sickle granting defendant's motion for summary judgment [9-1] terminating case COB: 159-87 (cc: all counsel) (PW) (Entered: 06/30/1998)
06/30/1998	35	JUDGMENT:, (cc: all counsel) COB: 159-88 (PW) (Entered: 06/30/1998)
07/10/1998	36	MOTION by defendants to publish (PW) (Entered: 07/10/1998)
07/10/1998	37	Memorandum by defendant in support of motion to publish [36-1] (PW) (Entered: 07/10/1998)
07/10/1998	38	Notice by defendant of hearing setting motion to publish [36-1] (w/o oral argument 8/11/98 ) (PW) (Entered: 07/10/1998)
07/10/1998	39	Proof of service by defendants of: #36-38 (PW) (Entered: 07/10/1998)
07/10/1998		Proposed order re: motion to publish [36-1] submitted by defendants (PW) (Entered: 07/10/1998)
07/23/1998	40	ORDER by Judge Fred L. Van Sickle denying motion to publish [36-1] (cc: pro se plaintiff & all counsel) (LE) (Entered: 07/23/1998)
07/27/1998	43	Notice of appeal by plaintiff from Dist. Court decision Final Judgment dated 6/30/98 [34-2] (cc: all counsel and 9CCA) (KH) (Entered: 08/21/1998)
07/29/1998	41	Memorandum by plaintiff in opposition to defendant's motion to publish (PW) Modified on 08/02/1998 (Entered: 07/30/1998)
08/21/1998	44	Copy 9CCA Docket Fee Payment Notification form. Original Fee

		Payment form, case information sheet and copy of docket entries forwarded to 9CCA. (KH) (Entered: 08/21/1998)
08/21/1998	45	Copy 9CCA certificate of record, no reported recorded hearings - Original forwarded to 9CCA (KH) (Entered: 08/21/1998)
08/26/1998	46	PETITION FOR ISSUANCE OF CERTIFICATE OF PROBABLE CAUSE IN APPEAL by plaintiff Tommie L Stewart Certificate of Appealibility. (KH) (Entered: 08/27/1998)
08/31/1998	47	Notification by Circuit Court of Appellate Docket Number [43-1] 9CCA Number: 98-35804 Date appeal filed: 7/27/98 (KH) (Entered: 08/31/1998)
08/31/1998	48	ORDER by Judge Fred L. Van Sickle, Plaintiff's petition for a certificate of probable cause is denied as moot. DCE shall enter this order and furnish copies to Pltf and to counsel for the defense (cc: all counsel) (KH) (Entered: 08/31/1998)
10/06/1998	49	ORDER by Judge Fred L. Van Sickle (This appeal has been taken in good faith) (cc: all counsel) (KH) (Entered: 10/06/1998)
12/07/1998	50	COPY of 9CCA Order. (IFP has been granted, The appropriate agency or prison authority shall calculate, collect and forward the appeal payments to the District Court) 9CCA: 98-35804 (KH) (Entered: 12/07/1998)
09/15/1999		Appeal record returned from 9CCA. 9CCA: 98-35804 (KH) (Entered: 09/15/1999)
09/23/1999	<a href="#">51</a>	Mandate from 9CCA. 9CCA: 98-35804 reversing in part, affirmed in part and remanded - defs are entitled to qualified immunity from Stewart's claim for damages; Stewart is entitled on remand to injunctive relief; Each side will bear its own costs [Appeal [43-1] (cc: all counsel) (VR) (Entered: 09/27/1999)
10/13/1999	<a href="#">52</a>	ORDER of injunction by Judge Fred L. Van Sickle (cc: all counsel) (VR) (Entered: 10/14/1999)

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11/01/2005 14:58:35			
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<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:97-cv-00281-FVS
<b>Billable Pages:</b>	3	<b>Cost:</b>	0.24