

CLOSED,STAYED

**U.S. District Court [LIVE]
Western District of Texas (Austin)
CIVIL DOCKET FOR CASE #: 1:13-cv-00631-SS**

McNosky et al v. Perry et al
Assigned to: Judge Sam Sparks
Cause: 28:1983 Civil Rights

Date Filed: 07/29/2013
Date Terminated: 08/21/2015
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Christopher Daniel McNosky

represented by **Christopher Daniel McNosky**
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Plaintiff

Sven Stricker

represented by **Sven Stricker**
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V.

Defendant

The State of Texas
TERMINATED: 08/19/2013

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Defendant

Texas Governor Rick Perry

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Defendant

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Defendant

Mary Louise Garcia
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Movant

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Movant

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Movant**Victor Holmes**

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Movant**Mark Phariss**

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Date Filed	#	Docket Text
07/29/2013	<u>1</u>	COMPLAINT (Filing fee \$ 400 receipt number 100018262), filed by Christopher Daniel McNosky, Sven Stricker. (Attachments: # <u>1</u> Civil Cover Sheet and Receipt)(os) (Entered: 07/30/2013)
07/29/2013	<u>2</u>	Summons Issued as to The State of Texas. (os) (Entered: 07/30/2013)
08/19/2013	<u>3</u>	AMENDED COMPLAINT against Rick Perry amending <u>1</u> Complaint, filed by Christopher Daniel McNosky, Sven Stricker.(kkc) (Entered: 08/19/2013)
08/19/2013	<u>4</u>	Summons Issued as to Rick Perry. (kkc) (Entered: 08/19/2013)
09/11/2013	<u>5</u>	SUMMONS Returned Executed by Christopher Daniel McNosky, Sven Stricker. Rick Perry served on 8/23/2013, answer due 9/13/2013. (kkc) (Entered: 09/12/2013)
09/16/2013	<u>6</u>	MOTION to Dismiss by Rick Perry. (Deane, William) (Entered: 09/16/2013)
09/16/2013	<u>7</u>	ANSWER to <u>3</u> Amended Complaint by Rick Perry.(Deane, William) (Entered: 09/16/2013)
10/03/2013	<u>8</u>	MOTION to Amend Complaint by Christopher Daniel McNosky, Sven Stricker. (Attachments: # <u>1</u> Proposed Second Amended Complaint, # <u>2</u> Summons, # <u>3</u> Envelope) (kkc) (Entered: 10/03/2013)
10/09/2013	<u>9</u>	ORDER GRANTING <u>8</u> Motion for Leave to File Amended Complaint; DISMISSING WITHOUT PREJUDICE <u>6</u> Motion to Dismiss. Signed by Judge Sam Sparks. (kkc) (Entered: 10/09/2013)
10/09/2013	<u>10</u>	SECOND AMENDED COMPLAINT against Rick Perry, Greg Abbott, Mary Louise Garcia amending <u>3</u> Amended Complaint, filed by Christopher Daniel McNosky, Sven Stricker.(kkc) (Entered: 10/09/2013)
10/15/2013	<u>11</u>	Summons Issued as to Greg Abbott, Mary Louise Garcia, Rick Perry. (kkc) (Entered: 10/15/2013)

10/17/2013	<u>12</u>	MOTION for Permission for Electronic Case Filing by Christopher Daniel McNosky, Sven Stricker. (kkc) (Entered: 10/17/2013)
10/23/2013	<u>13</u>	ANSWER to <u>10</u> Amended Complaint by Greg Abbott, Rick Perry.(Deane, William) (Entered: 10/23/2013)
10/31/2013	<u>14</u>	ORDER GRANTING <u>12</u> Motion for Electronic Filing. Signed by Judge Sam Sparks. (kkc) (Entered: 10/31/2013)
10/31/2013	<u>15</u>	CERTIFICATE OF SERVICE by Christopher Daniel McNosky, Sven Stricker <u>12</u> MOTION for Permission for Electronic Case Filing. (kkc) (Entered: 10/31/2013)
11/06/2013	<u>16</u>	Order for Proposed Scheduling Order. Proposed Scheduling Order due by 12/23/2013. Signed by Judge Sam Sparks. (kkc) (Entered: 11/06/2013)
11/12/2013	<u>17</u>	Opposed MOTION to Consolidate Cases by Greg Abbott, Rick Perry. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Proposed Order)(Deane, William) (Entered: 11/12/2013)
11/14/2013	<u>18</u>	MOTION for Preliminary Injunction , MOTION for Temporary Restraining Order by Christopher Daniel McNosky, Sven Stricker. (Attachments: # <u>1</u> Proposed Order)(McNosky, Christopher) (Entered: 11/14/2013)
11/15/2013	<u>19</u>	MOTION for Extension of Time to File Response/Reply as to <u>17</u> Opposed MOTION to Consolidate Cases by Christopher Daniel McNosky, Sven Stricker. (Attachments: # <u>1</u> Certificate of Conference, # <u>2</u> Certificate of Service, # <u>3</u> Proposed Order)(McNosky, Christopher) (Entered: 11/15/2013)
11/19/2013	<u>20</u>	Response in Opposition to Motion, filed by Christopher Daniel McNosky, Sven Stricker, re <u>17</u> Opposed MOTION to Consolidate Cases filed by Defendant Rick Perry, Defendant Greg Abbott (McNosky, Christopher) (Entered: 11/19/2013)
11/20/2013	<u>21</u>	MOTION to Intervene by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Proposed Order) (kkc) (Entered: 11/20/2013)
11/20/2013	<u>22</u>	ORDER GRANTING <u>19</u> Motion for Extension of Time to Respond to Defendants' Motion to Consolidate; Response due by 11/26/2013. Signed by Judge Sam Sparks. (kkc) (Entered: 11/20/2013)
11/21/2013	<u>23</u>	RESPONSE to Motion, filed by Greg Abbott, Rick Perry, re <u>18</u> MOTION for Preliminary Injunction MOTION for Temporary Restraining Order filed by Plaintiff Christopher Daniel McNosky, Plaintiff Sven Stricker (Attachments: # <u>1</u> Proposed Order)(Deane, William) (Entered: 11/21/2013)
11/23/2013	<u>24</u>	Amended MOTION for Preliminary Injunction , Amended MOTION for Temporary Restraining Order by Christopher Daniel McNosky, Sven Stricker. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit)(McNosky, Christopher) (Entered: 11/23/2013)
11/23/2013	<u>25</u>	ATTACHMENT <i>Proposed Order</i> to <u>24</u> Amended MOTION for Preliminary Injunction Amended MOTION for Temporary Restraining Order by Christopher Daniel McNosky, Sven Stricker. (McNosky, Christopher) Modified docket text on 11/25/2013 (kkc). (Entered: 11/23/2013)
11/25/2013	<u>26</u>	REPLY to Response to Motion, filed by Greg Abbott, Rick Perry, re <u>17</u> Opposed MOTION to Consolidate Cases filed by Defendant Rick Perry, Defendant Greg Abbott (Deane, William) (Entered: 11/25/2013)
11/26/2013	<u>27</u>	Opposed MOTION for Extension of Time to File Response/Reply as to <u>24</u> Amended MOTION for Preliminary Injunction Amended MOTION for Temporary Restraining Order by Greg Abbott, Rick Perry. (Attachments: # <u>1</u> Proposed Order)(Deane, William) (Entered: 11/26/2013)
11/27/2013	<u>28</u>	Response in Opposition to Motion, filed by Christopher Daniel McNosky, Sven Stricker, re <u>27</u> Opposed MOTION for Extension of Time to File Response/Reply as to <u>24</u> Amended MOTION for Preliminary Injunction Amended MOTION for Temporary Restraining Order filed by Defendant Rick Perry, Defendant Greg Abbott (Attachments: # <u>1</u> Proposed Order)(McNosky, Christopher) (Entered: 11/27/2013)

12/02/2013	<u>29</u>	ORDER GRANTING <u>27</u> Motion for Extension of Time to File Response and Objections to Plaintiffs' Amended Motion for Temporary Restraining Order and Preliminary Injunction; Response/Objections due by 12/27/2013. Signed by Judge Sam Sparks. (kkc) (Entered: 12/02/2013)
12/04/2013	<u>30</u>	CERTIFICATE OF SERVICE by Christopher Daniel McNosky, Sven Stricker re: <u>10</u> Amended Complaint. Mary Louise Garcia served on 11/19/2013, answer due 12/10/2013. (McNosky, Christopher) Modified docket text on 12/4/2013 (kkc). (Entered: 12/04/2013)
12/09/2013	<u>31</u>	Scheduling Recommendations – <i>Joint Discovery Plan</i> by Greg Abbott, Christopher Daniel McNosky, Rick Perry, Sven Stricker. (Deane, William) (Entered: 12/09/2013)
12/10/2013	<u>32</u>	MOTION to Dismiss / <i>Brief AND Resp to Amended TRO & Injunction</i> by Mary Louise Garcia. (Friemel, Russell) (Entered: 12/10/2013)
12/11/2013	<u>33</u>	ORDER (All Pending Matters set for 1/9/2014 at 2:00 PM before Judge Sam Sparks). Signed by Judge Sam Sparks. (kkc) (Entered: 12/11/2013)
12/17/2013	<u>34</u>	RESPONSE to <u>31</u> Scheduling Recommendations/Proposed Scheduling Order by Mary Louise Garcia. (Friemel, Russell) (Entered: 12/17/2013)
12/18/2013	<u>35</u>	Proposed Scheduling Order – <i>Joint</i> by Greg Abbott, Rick Perry. (Deane, William) (Entered: 12/18/2013)
12/23/2013	<u>36</u>	NOTICE of Attorney Appearance by Michael P. Murphy on behalf of Greg Abbott, Rick Perry. Attorney Michael P. Murphy added to party Greg Abbott(pty:dft), Attorney Michael P. Murphy added to party Rick Perry(pty:dft) (Attachments: # <u>1</u> Supplement Certificate of Service)(Murphy, Michael) (Entered: 12/23/2013)
12/23/2013	<u>37</u>	MOTION for Summary Judgment by Christopher Daniel McNosky, Sven Stricker. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit)(McNosky, Christopher) (Entered: 12/23/2013)
12/23/2013	<u>38</u>	NON-CONSENT to Trial by US Magistrate Judge by Mary Louise Garcia (Friemel, Russell) Modified docket text on 12/23/2013 (kkc). (Entered: 12/23/2013)
12/23/2013	<u>39</u>	Response in Opposition to Motion, filed by Greg Abbott, Rick Perry, re <u>24</u> Amended MOTION for Preliminary Injunction Amended MOTION for Temporary Restraining Order filed by Plaintiff Christopher Daniel McNosky, Plaintiff Sven Stricker (Attachments: # <u>1</u> Appendix Exhibit1, # <u>2</u> Proposed Order Proposed Order)(Murphy, Michael) (Entered: 12/23/2013)
12/23/2013	<u>40</u>	NON-CONSENT to Trial by US Magistrate Judge by Christopher Daniel McNosky. (McNosky, Christopher) (Entered: 12/23/2013)
12/23/2013	<u>41</u>	NON-CONSENT to Trial by US Magistrate Judge by Sven Stricker. (McNosky, Christopher) (Entered: 12/23/2013)
12/30/2013	<u>42</u>	Opposed MOTION for Extension of Time to File Response/Reply as to <u>37</u> MOTION for Summary Judgment by Greg Abbott, Rick Perry. (Attachments: # <u>1</u> Appendix A, # <u>2</u> Proposed Order)(Deane, William) (Entered: 12/30/2013)
01/06/2014	<u>43</u>	Opposed MOTION for Extension of Time to File Response/Reply as to <u>37</u> MOTION for Summary Judgment by Mary Louise Garcia. (Attachments: # <u>1</u> Proposed Order)(Friemel, Russell) (Entered: 01/06/2014)
01/06/2014	<u>44</u>	SUPPLEMENTAL MEMORANDUM to <u>32</u> MOTION to Dismiss / <i>Brief AND Resp to Amended TRO & Injunction</i> by Mary Louise Garcia. (Friemel, Russell) (Entered: 01/06/2014)
01/07/2014	<u>45</u>	NON-CONSENT to Trial by US Magistrate Judge by Greg Abbott, Rick Perry. (Deane, William) (Entered: 01/07/2014)
01/08/2014	<u>46</u>	ADVISORY TO THE COURT by Greg Abbott, Rick Perry. (Attachments: # <u>1</u> Exhibit Order in pending case)(Murphy, Michael) (Entered: 01/08/2014)
01/09/2014	<u>47</u>	Minute Entry for proceedings held before Judge Sam Sparks: Hearing held on All Pending Matters on 1/9/2014 (Minute entry documents are not available electronically.). (Court Reporter Lily Reznik.)(td) (Entered: 01/10/2014)

01/10/2014	<u>49</u>	ORDER DISMISSING WITHOUT PREJUDICE <u>17</u> Motion to Consolidate; GRANTING <u>21</u> Motion to Intervene, for the limited purpose of opposing the Motion to Consolidate, but these plaintiffs are not parties to the McNosky case at this time; GRANTING <u>42</u> Motion for Extension of Time to File Response to Plaintiffs' Motion for Summary Judgment; GRANTING <u>43</u> Motion for Extension of Time to File Response to Plaintiffs' Motion for Summary Judgment; Responses due 20 days from entry of this order. Signed by Judge Sam Sparks. (kkc) (Entered: 01/13/2014)
01/12/2014	<u>48</u>	Amended MOTION for Summary Judgment by Christopher Daniel McNosky. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit)(McNosky, Christopher) (Entered: 01/12/2014)
01/23/2014	<u>50</u>	Transcript filed of Proceedings held on January 9, 2014, Proceedings Transcribed: All Pending Matters. Court Reporter/Transcriber: Lily I. Reznik, Telephone number: 512-391-8792. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed Redaction Request due 2/13/2014, Redacted Transcript Deadline set for 2/24/2014, Release of Transcript Restriction set for 4/23/2014, (Reznik, Lily) (Entered: 01/23/2014)
01/28/2014	<u>51</u>	ADVISORY TO THE COURT by Greg Abbott, Mary Louise Garcia, Rick Perry. (Murphy, Michael) Modified on 1/28/2014 to remove filers (kkc). (Entered: 01/28/2014)
01/28/2014	<u>52</u>	Unopposed MOTION for Extension of Time to File Response/Reply to Plaintiffs' Motion for Summary Judgment by Greg Abbott, Mary Louise Garcia, Rick Perry. (Attachments: # <u>1</u> Proposed Order)(Murphy, Michael) (Entered: 01/28/2014)
02/03/2014	<u>53</u>	ORDER GRANTING <u>52</u> Motion for Extension of Time to File Response to Plaintiffs' Motion for Summary Judgment; this case will be on the same schedule as established by agreement in cause no. 13cv631 and 13cv955. Signed by Judge Sam Sparks. (kkc) (Entered: 02/03/2014)
03/12/2014	<u>54</u>	MOTION to Stay Case by Greg Abbott, Rick Perry. (Attachments: # <u>1</u> Proposed Order Granting Stay Proceedings)(Murphy, Michael) (Entered: 03/12/2014)
03/22/2014	<u>55</u>	Response in Opposition to Motion, filed by Christopher Daniel McNosky, re <u>54</u> MOTION to Stay Case filed by Defendant Rick Perry, Defendant Greg Abbott (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Proposed Order)(McNosky, Christopher) (Entered: 03/22/2014)
09/10/2014	<u>56</u>	ORDER GRANTING <u>54</u> Motion to Stay Proceedings; all pending motions (<u>18</u> , <u>24</u> , <u>32</u> , <u>37</u> , <u>48</u>) are DISMISSED without prejudice to refile after the United States Court of Appeals for the Fifth Circuit renders its opinion in the related case. Signed by Judge Sam Sparks. (kkc) (Entered: 09/10/2014)
06/29/2015	<u>57</u>	ADVISORY TO THE COURT by Mary Louise Garcia. (Friemel, Russell) (Entered: 06/29/2015)
07/16/2015	<u>58</u>	ORDER that within fifteen (15) days of this date any party herein must file a pleading to show cause why this case should remain open and specify any factual or legal issue surviving in this cause. Signed by Judge Sam Sparks. (klw) (Entered: 07/16/2015)
07/22/2015	<u>59</u>	RESPONSE to <u>58</u> Order to Show Cause by Greg Abbott, Rick Perry, The State of Texas. (Attachments: # <u>1</u> Proposed Order)(Deane, William) Modified on 7/22/2015 to create link and add text (klw). (Entered: 07/22/2015)
07/22/2015	<u>60</u>	DEFICIENCY NOTICE to William T. Deane: re <u>59</u> Response to Order to Show Cause. Pursuant to the Administrative Policies and Procedures Section 3g, with the exception of multiple motion types,...each filing must consist of only one pleading. Multiple pleadings...must be filed as separate documents. Your document contains a RESPONSE and a MOTION. Your RESPONSE has been filed. Please re-file you MOTION separately. (klw) (Entered: 07/22/2015)

07/23/2015	<u>61</u>	MOTION to Dismiss <i>as Moot</i> by Greg Abbott, Rick Perry. (Attachments: # <u>1</u> Proposed Order)(Deane, William) (Entered: 07/23/2015)
07/30/2015	<u>62</u>	RESPONSE to Show Cause Order <u>58</u> by Mary Louise Garcia. (Friemel, Russell) Modified on 7/30/2015 to add text and create link (td). (Entered: 07/30/2015)
08/10/2015	<u>63</u>	ORDER Setting All Pending Matters. Hearing set for 8/21/2015 02:00 PM before Judge Sam Sparks. Signed by Judge Sam Sparks. (os) (Entered: 08/11/2015)
08/19/2015	<u>64</u>	NOTICE of Voluntary Dismissal by Christopher Daniel McNosky (McNosky, Christopher) (Entered: 08/19/2015)
08/20/2015	<u>65</u>	ORDER re <u>64</u> Notice of Voluntary Dismissal filed by Christopher Daniel McNosky. IT IS HEREBY ORDERED that the hearing for ALL PENDING MATTERS on Friday, August 21, 2015 at 02:00 PM is hereby CANCELLED until further order of the court. Signed by Judge Sam Sparks. (os) (Entered: 08/20/2015)
08/21/2015	<u>66</u>	ORDER DISMISSING CASE. Signed by Judge Sam Sparks. (os) (Entered: 08/21/2015)