

APPEAL, DEATHPENALTY, MHT-ClerkB

**U.S. District Court**  
**Alabama Middle District (Montgomery)**  
**CIVIL DOCKET FOR CASE #: 2:06-cv-00986-MHT-TFM**

Jones v. Allen et al (DEATH PENALTY)  
Assigned to: Honorable Myron H. Thompson  
Referred to: Honorable Terry F. Moorner  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 11/01/2006  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil  
Rights  
Jurisdiction: Federal Question

**Plaintiff****Aaron Lee Jones**

represented by **Heather K. Mcdevitt**  
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V.

**Defendant**

**Richard Allen**  
*Commissioner, Alabama Department of*

represented by **James Clayton Crenshaw**  
Office of the Attorney General

*Corrections, individually and in his official capacity*

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 11 South Union Street  
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**TERMINATED: 03/28/2007**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Grantt Culliver**  
*Warden, Holman Correctional Facility  
 in his individual and official capacity*

represented by **James Clayton Crenshaw**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**James William Davis**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**James Roy Houts**  
 (See above for address)  
**TERMINATED: 03/28/2007**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
11/01/2006	<a href="#">1</a>	Inmate 1983 COMPLAINT against all defendants ( Filing fee \$ 350.00

		receipt number 112054.), filed by Aaron Lee Jones.(cb, ) (Entered: 11/03/2006)
11/01/2006	<a href="#">2</a>	Motion to Appear Pro Hac Vice (Stephanie Cohen) ( Filing fee \$ 20.00 receipt number 112054.) by Aaron Lee Jones. (Attachments: # <a href="#">1</a> Certificate of Goodstanding and & Proposed Order)(cb, ) (Entered: 11/03/2006)
11/01/2006	<a href="#">3</a>	Motion to Appear Pro Hac Vice (Heather McDevitt) ( Filing fee \$ 20.00 receipt number 112054.) by Aaron Lee Jones. (Attachments: # <a href="#">1</a> Certificate of Goodstanding and Proposed Order)(cb, ) (Entered: 11/03/2006)
11/01/2006	<a href="#">4</a>	Motion to Appear Pro Hac Vice (Vincent FitzPatrick) ( Filing fee \$ 20.00 receipt number 112054.) by Aaron Lee Jones. (Attachments: # <a href="#">1</a> Certificate of Goodstanding and Proposed Order)(cb, ) (Entered: 11/03/2006)
11/06/2006	<a href="#">5</a>	ORDER granting <a href="#">2,3</a> , and <a href="#">4</a> Motion for Stephanie Cohen, Heather McDevitt, and Vincent FitzPatrick Leave to Appear Pro Hac Vice. Signed by Judge Myron H. Thompson on 11/6/06. (cb, ) (Entered: 11/06/2006)
11/09/2006	<a href="#">6</a>	Summons Issued: Summons and Complaint issued as to Richard Allen, Grantt Culliver mailed by cmrrr. (cb, ) (Entered: 11/09/2006)
11/16/2006	<a href="#">7</a>	Return Receipt Card showing service of Summons and Complaint signed by Heron Pete, CO I for Grantt Culliver served on 11/13/2006, answer due 12/4/2006. Date of Delivery verified through United States Postal Service. (cb, ) (Entered: 11/17/2006)
11/20/2006	<a href="#">8</a>	Return Receipt Card showing service of Summons and Complaint signed by Kay P. Hope for Richard Allen served on 11/13/2006, answer due 12/4/2006. Date of Delivery verified through United States Postal Service. (cb, ) (Entered: 11/22/2006)
12/04/2006	<a href="#">9</a>	Defendants' Answer to Plaintiff's Complaint by Richard Allen, Grantt Culliver.(Davis, James) (Entered: 12/04/2006)
12/04/2006		***Attorney James Clayton Crenshaw for Richard Allen and Grantt Culliver added pursuant to <a href="#">9</a> Answer. (cb, ) (Entered: 12/05/2006)
12/05/2006	<a href="#">10</a>	ORDER that the Rule 26(f) report containing the discovery plan shall be filed as soon as practicable but not later than December 22, 2006. Signed by Judge Myron H. Thompson on 12/5/2006. (cb, ) (Entered: 12/05/2006)
12/22/2006	<a href="#">11</a>	REPORT of Rule 26(f) Planning Meeting. (Attachments: # <a href="#">1</a> Proposed Agreed Confidentiality Order)(Mcdevitt, Heather) (Entered: 12/22/2006)
12/27/2006	<a href="#">12</a>	AGREED CONFIDENTIALITY ORDER as further set out. Signed by Judge Myron H. Thompson on 12/27/2006. (cb, ) (Entered: 12/27/2006)
01/05/2007		Due to the retirement of Judge Delores R. Boyd this case has been

		reassigned to Judge Terry F. Moorer as referral judge. (cc, ) (Entered: 01/05/2007)
01/08/2007	<a href="#">13</a>	SCHEDULING ORDER: Final Pretrial Conference set for 8/27/2007 before Honorable Myron H. Thompson. Non-Jury Trial set for trial during the term of court commencing on 10/1/2007 before Honorable Myron H. Thompson. Amended Pleadings due by 3/28/2007. Discovery due by 7/27/2007. Motions due by 5/29/2007. Mediation Notice due by 6/19/2007. Signed by Judge Myron H. Thompson on 1/8/2007. (cb, ) (Entered: 01/08/2007)
02/28/2007	<a href="#">14</a>	NOTICE by Richard Allen <i>of Filing</i> (Attachments: # <a href="#">1</a> Appendix Corrected Order Setting Execution Date)(Crenshaw, James) (Entered: 02/28/2007)
03/01/2007	<a href="#">15</a>	ORDER directing that plf Jones file with this court, on or before 3/5/2007, at 9:00 am, notice indicating (1) whether he will seek a stay of execution and (2), if so, when he intends to file a motion for a stay with a supporting brief and evidentiary materials; further ORDERING that an on-the-record Status Conference is set for 3/6/2007 08:30 AM before Honorable Myron H. Thompson to discuss the notice; directing defendants to arrange for the conference to be conducted by telephone. Signed by Judge Myron H. Thompson on 3/1/07. Furnished to YG, HC, AG & SC.(djj, ) (Entered: 03/01/2007)
03/02/2007	<a href="#">16</a>	NOTICE by Aaron Lee Jones / <i>Notice of Intent to File Motion for Stay of Execution</i> (Mcdevitt, Heather) (Entered: 03/02/2007)
03/05/2007	<a href="#">17</a>	NOTICE of Appearance by James Roy Houts on behalf of all defendants (Houts, James) (Entered: 03/05/2007)
03/06/2007	<a href="#">18</a>	Minute Entry for Status Conference held before Judge Myron H. Thompson on 3/6/2007. (Court Reporter Mitchell Reisner.) (ag, ) (Entered: 03/06/2007)
03/06/2007	<a href="#">19</a>	Joint MOTION for Order <i>Permitting Defendants' Disclosure of Protected Health Information Under HIPAA</i> by Aaron Lee Jones. (Attachments: # <a href="#">1</a> Text of Proposed Order # (2) Exhibit A# (3) Exhibit B# (4) Exhibit C) (Mcdevitt, Heather) Additional attachment(s) added on 3/7/2007 (cb, ). (Entered: 03/06/2007)
03/06/2007	<a href="#">20</a>	TRANSCRIPT of In Chambers Telephone Status Conference Proceedings (PDF available for court use only) held on 3/6/07 before Judge Myron H. Thompson. Court Reporter: Mitchell Reisner. (cb, ) (Entered: 03/06/2007)
03/06/2007	<a href="#">21</a>	ORDERED as follows: (1) The defendants are to produce all outstanding discovery materials to plaintiff by 5:00 p.m. on 3/9/07; (2) Plaintiff is allowed until 3/14/07, to file his motion for a stay of execution; and (3) The defendants are allowed until 3/21/07 to file their response. Signed by Judge Myron H. Thompson on 3/6/07. (cb, ) Additional attachment(s) added on 3/6/2007 (cb, ). (Entered: 03/06/2007)

03/06/2007	<a href="#">22</a>	NOTICE of Correction to attach the correct pdf to <a href="#">21</a> Order. The original entry had the incorrect pdf attached. The corrected pdf is attached to this entry. (Attachments: # <a href="#">1</a> Order)(cb, ) (Entered: 03/06/2007)
03/08/2007	<a href="#">23</a>	AGREED ORDER PERMITTING DEFENDANTS' DISCLOSURE OF PROTECTED HEALTH INFORMATION UNDER HIPPA as further set out. It is further ORDERED that <a href="#">19</a> Joint Motion for order is granted as set forth in order. Signed by Judge Myron H. Thompson on 3/8/07. (cb, ) (Entered: 03/08/2007)
03/13/2007	<a href="#">24</a>	MOTION for Judgment on the Pleadings <i>and Alternative Motion for Summary Judgment Regarding Statute of Limitations</i> by Richard Allen. (Crenshaw, James) (Entered: 03/13/2007)
03/13/2007	<a href="#">25</a>	ORDER that MOTION for Judgment on the Pleadings and Alternative Motion for Summary Judgment <a href="#">24</a> are set for submission, without oral argument on 3/27/2007, with any opposing brief and evidentiary materials due by said date. Signed by Judge Myron H. Thompson on 03/13/2007. (dph, ) Modified on 3/14/2007 to reflect as to <a href="#">24</a> (qc/djy, ). (Entered: 03/13/2007)
03/13/2007		MOTION for Summary Judgment by Richard Allen, Grantt Culliver. No pdf attached to this entry. See <a href="#">24</a> Motion for Judgment for pdf. (cb, ) (Entered: 04/17/2007)
03/14/2007	<a href="#">26</a>	MOTION to Stay of Execution by Aaron Lee Jones. (Fitzpatrick, Vincent) (Entered: 03/14/2007)
03/14/2007	<a href="#">27</a>	AFFIDAVIT re [26] MOTION to Stay of Execution / Declaration of Heather K. McDevitt in Support of Aaron Lee Jones' Motion for Stay of Execution by Aaron Lee Jones. (Attachments: # (1) Index of Documents# (2) Exhibit 1# (3) Exhibit 2# (4) Exhibit 3# (5) Exhibit 4# (6) Exhibit 5# (7) Exhibit 6# (8) Exhibit 7# (9) Exhibit 8# (10) Exhibit 9# (11) Exhibit 10# (12) Exhibit 11# (13) Exhibit 12# (14) Exhibit 13# (15) Exhibit 14# (16) Exhibit 15# (17) Exhibit 16# (18) Exhibit 17# (19) Exhibit 18# (20) Exhibit 19# (21) Exhibit 20# (22) Exhibit 21# (23) Exhibit 22# (24) Exhibit 23)(Fitzpatrick, Vincent) (Entered: 03/14/2007)
03/14/2007	<a href="#">28</a>	AFFIDAVIT re [26] MOTION to Stay of Execution / Declaration of Dr. Mark Heath by Aaron Lee Jones. (Attachments: # (1) Exhibit 1# (2) Exhibit 2# (3) Exhibit 3# (4) Exhibit 4# (5) Exhibit 5# (6) Exhibit 6# (7) Exhibit 7# (8) Exhibit 8# (9) Exhibit 9# (10) Exhibit 10# (11) Exhibit 11# (12) Exhibit 12# (13) Exhibit 13# (14) Exhibit 14# (15) Exhibit 15# (16) Exhibit 16# (17) Exhibit 17# (18) Exhibit 18# (19) Exhibit 19# (20) Exhibit 20# (21) Exhibit 21# (22) Exhibit 22# (23) Exhibit 23# (24) Exhibit 24# (25) Exhibit 25# (26) Exhibit 26# (27) Exhibit 27# (28) Exhibit 28# (29) Exhibit 29# (30) Exhibit 30# (31) Exhibit 31# (32) Exhibit 32)(Fitzpatrick, Vincent) (Entered: 03/14/2007)
03/15/2007	<a href="#">29</a>	Corrected TRANSCRIPT Proceedings of In Chambers Telephone Status Conference(PDF available for court use only) held on 3/6/07 before Judge Myron H. Thompson. Court Reporter: Mitchell Reisner. (cb, ) (Entered: 03/15/2007)

03/16/2007	<a href="#">30</a>	NOTICE by Richard Allen <i>of Filing</i> (Attachments: # <a href="#">1</a> Exhibit A - Alabama Supreme Court Order dated March 15, 2007)(Crenshaw, James) (Entered: 03/16/2007)
03/19/2007	<a href="#">31</a>	MOTION for Extension of Time to File Response/Reply as to [26] MOTION to Stay <i>of Execution</i> by Richard Allen. (Crenshaw, James) (Entered: 03/19/2007)
03/19/2007	<a href="#">32</a>	Plaintiff's Motion for Order to Show Cause by Aaron Lee Jones. (Attachments: # (1) Proposed Order)(cb, ) (Entered: 03/19/2007)
03/19/2007	<a href="#">33</a>	Certification of Heather K. McDevitt in Support of Plaintiff's [32] MOTION for Order to Show Cause by Aaron Lee Jones. (Attachments: # (1) Exhibit 1# (2) Exhibit 2# (3) Exhibit 3# (4) Exhibit 4# (5) Exhibit 5# (6) Exhibit 6)(cb, ) (Entered: 03/19/2007)
03/19/2007	<a href="#">34</a>	ORDERED that the defendants' <a href="#">31</a> MOTION for Enlargement of Time to Respond is set for on-the-record argument on 3/20/2007, at 2:00 p.m. Counsel for defendants are to arrange for the argument to be conducted by telephone before Honorable Myron H. Thompson. It is further ORDERED that plaintiff Aaron Lee Jone is to file a response to the motion by 10:00 a.m. on 3/20/2007. Signed by Judge Myron H. Thompson on 3/19/2007. (cb, ) (Entered: 03/19/2007)
03/19/2007	<a href="#">35</a>	ORDER as follows: (1) The Defendants show cause in writing no later than 4:30 p.m. on Friday, 3/23/07, why certain documents listed on Defendants' privilege log should not be produced to the Plaintiff on an expedited basis; and (2) The Plaintiff's reply, if any, be filed no later than 4:30 p.m. on 3/26/07. Signed by Judge Terry F. Moorer on 3/19/2007. (cb, ) (Entered: 03/19/2007)
03/20/2007	<a href="#">36</a>	RESPONSE in Opposition <a href="#">31</a> MOTION for Extension of Time to File Response as to [26] MOTION to Stay by Aaron Lee Jones. (Attachments: # (1) Exhibit 1)(cb, ) (Entered: 03/20/2007)
03/20/2007		CROSS MOTION for Discovery Deadline of April 4, 2007 by Aaron Lee Jones. No pdf. attached to this entry. See [36] Response for pdf. (cb, ) (Entered: 03/20/2007)
03/20/2007		MOTION to Compel by Aaron Lee Jones. No pdf attached to this entry. See [36] Response for pdf. (cb, ) (Entered: 03/20/2007)
03/20/2007	<a href="#">37</a>	ORDERED as follows: (1) The defendants' <a href="#">31</a> Motion for Enlargement of Time to Respond is denied; and (2) Plaintiff's [36] Motion for a Discovery Deadline is GRANTED to the extent that the final deadline for discovery on all matters relating to the 5/3/2007 execution date (including Plf's [26] M/Stay & Dfts' <a href="#">24</a> M/Judgment) is 3/27/07. All matters relating to what discovery material must be produced are referred to the magistrate judge. Signed by Judge Myron H. Thompson on 3/20/2007. (cb, ) (Entered: 03/20/2007)
03/20/2007	<a href="#">38</a>	AMENDED AGREED CONFIDENTIALITY ORDER as further set out. Signed by Judge Myron H. Thompson on 3/20/2007. (cb, ) (Entered: 03/20/2007)



		03/20/2007)
03/20/2007	<a href="#">39</a>	MOTION to Compel by Aaron Lee Jones. (Attachments: # (1) Exhibit 1- Opposition to M/Enlargement of Time# (2) Exhibit 2-Motion to Stay# (3) Exhibit 3-Copy of Fax to Heather McDevitt)(cb, ) (Entered: 03/20/2007)
03/20/2007	<a href="#">40</a>	Minute Entry for ORAL ARGUMENT held 3/20/2007 before Judge Myron H. Thompson re <a href="#">31</a> motion for enlargment of time and motion for discovery and motion to compel (embedded in [36] response in opposition to motion for enlargement of time)(PDF available for court use only). (Court Reporter Mitchell Reisner.) (snc) (Entered: 03/20/2007)
03/21/2007	<a href="#">41</a>	ORDERED that Defendants show cause in writing no later than 4:30 p.m. on Wednesday, 3/21/07, why certain documents listed on Defendants' privilege log should not be produced to the Plaintiff on an expedited basis; (2) The Plaintiff's reply be filed no later than 4:30 p.m. on Thursday, 3/22/07; and (3) The Defendants' reply, if any, be filed no later than 4:30 p.m. on Friday. Show Cause Response due by 3/21/2007.Signed by Judge Terry F. Moorer on 3/21/2007. (cb, ) (Entered: 03/21/2007)
03/21/2007	<a href="#">42</a>	DEFENDANTS' RESPONSE TO PLAINTIFF'S [32] MOTION TO SHOW CAUSE AND CROSS MOTION FOR DISCOVERY re <a href="#">41</a> ORDER TO SHOW CAUSE (Attachments: # (1) Exhibit A-Privilege Log# (2) Exhibit B-Declaration of Clay Crenshaw)(cb, ) Modified on 3/23/2007 to correct the link to the Motion to Show Cause(cb, ). (Entered: 03/21/2007)
03/21/2007	<a href="#">43</a>	Opposition to [26] MOTION for a Stay of Execution by Richard Allen. (Attachments: # (1) Affidavit Anne Adams# (2) Affidavit Grant Culliver# (3) Affidavit James Houts# (4) Exhibit 1# (5) Exhibit 2# (6) Exhibit 3# (7) Exhibit 4# (8) Exhibit 5# (9) Exhibit 6# (10) Exhibit 7# (11) Exhibit 8)(cc, ) (Entered: 03/21/2007)
03/22/2007	<a href="#">44</a>	TRANSCRIPT of Proceedings of In-Chambers Telephone Status Conference (PDF available for court use only) held on 3/20/2007 before Judge Myron H. Thompson. Court Reporter: Mitchell Reisner. (cb, ) (Entered: 03/22/2007)
03/22/2007	<a href="#">45</a>	Plaintiff's Reply to Defendants' [42] Response to Plaintiff's Motion to Show Cause and Cross Motion for Discovery (Attachments: # (1) Exhibit A# (2) Exhibit B# (3) Exhibit C# (4) Exhibit D# (5) Exhibit E# (6) Exhibit F)(cb, ) (Entered: 03/22/2007)
03/23/2007	<a href="#">46</a>	Defendants' Final RESPONSE to Plaintiff's [32] Motion to Show Cause and Cross Motion for Discovery filed by Richard Allen, Grantt Culliver. (cb, ) (Entered: 03/23/2007)
03/23/2007	<a href="#">49</a>	Minute Entry for proceedings held before Judge Terry F. Moorer : Oral Argument held on 3/23/2007 (Recording Time FTR: 11:08 - 11:44 am.) (sql, ) Additional attachment(s) added on 3/26/2007 (snc, ) (PDF available for court use only) (Entered: 03/23/2007)

03/23/2007	<a href="#">47</a>	ORDERED that Plaintiff's [32] Motion for An Order To Show Cause Why Defendants Should Not be Compelled to Produce Communications Listed on Defendants' Privilege Log On An Expedited Basis is denied in part, and granted in part. It is ORDERED that (1) The State release Documents 6-10 to Plaintiff by 9:00 a.m., 3/26/07; and (2) Documents 1-5 and 11-27 are protected from discovery under the attorney work-product doctrine. Signed by Judge Terry F. Moorer on 3/23/07. (cb, ) (Entered: 03/23/2007)
03/23/2007	<a href="#">48</a>	ORDERED as follows : (1) Plaintiff's [39] Motion to Compel is denied in part and granted in part; Defendants' [42] Response to Plaintiff's Motion to Show Cause and Cross Motion for Discovery is denied in part and granted in part; and Plaintiff's [45] Reply to Defendants' Response to Plaintiff's Motion to Show Cause and Cross Motion for Discovery is denied in part and granted in part. Accordingly, it is ORDERED that (1) Defendants are to produce the documents requested by Plaintiff, as modified by this Order, no later than 3/27/07; (2) Defendants are to arrange for telephonic depositions of the execution team, which shall be completed no later than 3/27/07; and (3) Counsel for Plaintiff, or their designees, shall be permitted to inspect the execution chamber on 3/26/07, between the hours of 8:00 and 10:00 a.m.. Signed by Judge Terry F. Moorer on 3/23/2007. (cb, ) (Entered: 03/23/2007)
03/26/2007	<a href="#">50</a>	NOTICE by Richard Allen ( <i>Notice of Withdrawal</i> ) (Houts, James) (Entered: 03/26/2007)
03/26/2007		Notice CONSTRUED AS MOTION to Withdraw James R. Houts as Attorney by Richard Allen, Grantt Culliver. No pdf attached to this entry. See <a href="#">50</a> Notice for pdf. (cb, ) (Entered: 03/27/2007)
03/27/2007	<a href="#">51</a>	Defendants' Supplement in Opposition to Jones' [26] MOTION to Stay of Execution by Richard Allen, Grantt Culliver. (Attachments: # (1) Exhibit A-D)(cb, ) (Entered: 03/27/2007)
03/27/2007	<a href="#">52</a>	MOTION for Leave to File Reply Memorandum of Law in Support of [26] Motion for Stay of Execution by Aaron Lee Jones. (Attachments: # (1) Proposed Reply Memorandum in Support)(cb, ) (Entered: 03/27/2007)
03/27/2007	<a href="#">53</a>	MEMORANDUM of Law in Opposition to Defendants' <a href="#">24</a> MOTION for Judgment on the Pleadings and Alternative Motion for Summary Judgment Regarding Statute of Limitations filed by Aaron Lee Jones. (cb, ) (Entered: 03/27/2007)
03/27/2007	<a href="#">54</a>	Declaration of Heather K. McDevitt in Support of Aaron Lee Jones [53] Memorandum of Law in Opposition to Defendants' <a href="#">24</a> Motion for Judgment on The Pleadings and Alternative Motion for Summary Judgment Regarding Statute of Limitations by Aaron Lee Jones. (Attachments: # (1) Exhibit 1# (2) Exhibit 2# (3) Exhibit 3# (4) Exhibit 4# (5) Exhibit 5# (6) Exhibit 6# (7) Exhibit 7# (8) Exhibit 8# (9) Exhibit 9# (10) Exhibit 10)(cb, ) (Entered: 03/27/2007)
03/27/2007		MOTION for Leave to File Defendants' Supplement in Oppositon to



		Jones's [26] Motion for Stay of Execution by Richard Allen, Grantt Culliver. No pdf attached to this entry. See [51] for pdf. ( (cb, ) (Entered: 03/28/2007)
03/27/2007	<a href="#">63</a>	USCA ORDER re 07-11287-P, IN RE: RICHARD F. ALLEN ON PETITION FOR WRIT OF MANDAMUS TO THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA; through a petition for writ of mandamus filed with the Court this date, Petitioner asks this Court to compel the District Court to vacate in part its March 23, 2007, order, in which the District Court directed Petitioner to arrange for the telephonic depositions of the members of the execution team. Said depositions are to be completed no later than March 27, 2007. Petitioner also asks this Court to stay that portion of the District Court's Order pending resolution of this petition. Petitioner's request is GRANTED to the extent that the depositions are hereby STAYED pending further order of this Court. Respondent is directed to file a response to this petition by 5:00 p.m. E.S.T. on March 28, 2007. The District Court is invited to file a response to this petition within the same time period. (ydw, ) Modified on 4/3/2007 TO VACATED PER <a href="#">64</a> ORDER OF 4/3/07(ydw, ). (Entered: 03/30/2007)
03/28/2007	<a href="#">55</a>	ORDER granting [52] Motion for Leave to File a Reply Memorandum in Support of his [26] Motion for a Stay of Execution. Signed by Judge Myron H. Thompson on 3/28/2007. (cb, ) (Entered: 03/28/2007)
03/28/2007	<a href="#">56</a>	REPLY MEMORANDUM OF LAW in Support of [26] MOTION to Stay of Execution filed by Aaron Lee Jones. (cb, ) Modified on 3/28/2007 to reflect this PDF document was previously attached as Exhibit A proposed to Docket Entry [52] and docketed on the record pursuant to <a href="#">55</a> order (dgy, ). Additional attachment(s) added on 3/28/2007 (dgy, ). (Entered: 03/28/2007)
03/28/2007	<a href="#">57</a>	ORDERED that the Defendants' Supplement in Opposition to Jones's [26] Motion for a Stay of Execution is treated as also a Motion for Leave to file such, and Motion for Leave is GRANTED. Signed by Judge Myron H. Thompson on 3/28/2007. (cb, ) (Entered: 03/28/2007)
03/28/2007	<a href="#">58</a>	ORDER granting <a href="#">50</a> Motion to Withdraw James R. Housts as Attorney. Signed by Judge Myron H. Thompson on 3/28/2007. (cb, ) (Entered: 03/28/2007)
03/28/2007		*** Attorney James Roy Houts terminated pursuant to <a href="#">58</a> Order. (cb, ) (Entered: 03/28/2007)
03/29/2007	<a href="#">59</a>	Objection to Part of [48] Magistrate Judge's Order Requiring Depositions of Five Execution Team Members filed by Richard Allen, Grantt Culliver. (cb, ) (Entered: 03/29/2007)
03/29/2007	<a href="#">60</a>	ORDERED that plaintiff Aaron Lee Jones show cause, if any there be, in writing by 3/30/07 at 12:00 noon CST, as to why said objection should not be sustained. Signed by Judge Myron H. Thompson on 3/29/2007. (cb, ) (Entered: 03/29/2007)

03/29/2007	<a href="#">61</a>	DEFENDANTS' NOTICE OF FILING by Richard Allen, Grantt Culliver (Attachments: # (1) Exhibit 1# (2) Exhibit 2# (3) Exhibit 3)(cb, ) (Entered: 03/29/2007)
04/03/2007	<a href="#">64</a>	USCA ORDER IN RE: RICHARD F. ALLEN On Petition for Writ of Mandamus to the United States District Court for the Middle District of Alabama; we hereby vacate our previous order staying the order of the magistrate judge in this case. This court was under the misapprehension that the order which is the subject of this petition for mandamus relief was that of the district court. It appears that the discovery order entered by the magistrate judge was never subject to a motion for reconsideration pursuant to 28 U.S.C. 636 (b)(1)(A) and Fed.R.Civ.P. 72(a). In sum, the petitioner is asking us to direct the district court to vacate an order when the petitioner, although required by law, has not himself applied to the district court for relief in the first instance. Thus, the 23 March 2007 order is not a final, reviewable order of the district court, Accordingly, the petition for mandamus relief is dismissed. It is So Ordered. BEFORE: TJOFLAT, BIRCH and BLACK, Circuit Judges. BY THE COURT: (ydw, ) (Entered: 04/03/2007)
04/04/2007	<a href="#">66</a>	ORDER TO SHOW CAUSE as to why [65] Motion for Leave to File A Response to Defendants' Supplement in Opposition to Jones's Motion to Stay of Execution, should not be granted. Show Cause Response due by 4/5/2007 at 9:00 a.m. Central Daylight Time. Signed by Judge Myron H. Thompson on 4/4/2007. (cb, ) (Entered: 04/04/2007)
04/04/2007	<a href="#">67</a>	ORDERED as to preserve for appeal certain documents claimed as privileged by the defendants, and viewed by this court and the magistrate judge in camera, the clerk of the court is DIRECTED to scan such documents and place the scannedcopies under seal to be viewed only by this court or the court of appeals, unless either court orders otherwise. The documents now in the possession of the court are being returned to defense counsel. Signed by Judge Myron H. Thompson on 4/4/2007. (cb, ) (Entered: 04/04/2007)
04/05/2007	<a href="#">69</a>	ORDERED setting an on-the-record oral argument on 4/10/2007, at 10:00 A.M. as further set out. Counsel for plaintiff is to arrange for the argument to be conducted by telephone. Signed by Judge Myron H. Thompson on 4/5/2007. (cb, ) (Entered: 04/05/2007)
04/05/2007	<a href="#">70</a>	ORDER granting [65] Motion for Leave to File Response. Signed by Judge Myron H. Thompson on 4/5/2007. (cb, ) (Entered: 04/05/2007)
04/06/2007	<a href="#">73</a>	SEALED MOTION/REQUEST for an In Camera Inspection and Alternative Motion for an Order Precluding Disclosure of Plaintiff's Planned Questions of Certain Witnesses by Aaron Lee Jones. (cc, ) (Entered: 04/06/2007)
04/09/2007	<a href="#">76</a>	ORDERED that [73] Motion for In Camera Inspection and Alternative Motion for an Order are set for 4/10/2007 at 10:00 AM by telephone before Honorable Myron H. Thompson. Counsel for plaintiff Jones are to arrange for the argument to be conducted by telephone. Signed by Judge

		Myron H. Thompson on 4/9/2007. (cb, ) (Entered: 04/09/2007)
04/10/2007	<a href="#">78</a>	NOTICE of Correction entered to attached the corrected pdf to [77] Response to <a href="#">69</a> Order in Regard to Possible Questions Upon Deposition Testimony. (cb, ) (Entered: 04/10/2007)
04/10/2007	<a href="#">79</a>	TRANSCRIPT of Proceedings of In-Chambers Telephone status conference (PDF available for court use only) held on March 23, 2007 before Judge Thompson. Court Reporter: Reisner. (dgy, ) (Entered: 04/10/2007)
04/10/2007	<a href="#">80</a>	Minute Entry for Oral Argument re <a href="#">24</a> Motion for Judgment, [26] Motion to Stay, [59] Defendant's Objection to Mag. Judge's Order and [73] Motion for In-Camera Inspection held before Judge Myron H. Thompson on 4/10/2007 (PDF available for court use only). (Court Reporter Mitchell Reisner.) (ag, ) (Entered: 04/10/2007)
04/11/2007	<a href="#">81</a>	ORDER by the court giving NOTICE to the parties that it hopes to have a decision in this case by Tuesday 4/17/2007, unless the parties are otherwise notified. Signed by Judge Myron H. Thompson on 4/11/07. (dgy, ) (Entered: 04/11/2007)
04/12/2007	<a href="#">82</a>	TRANSCRIPT of Proceedings of In-Chambers Telephone Conference (PDF available for court use only) held on 4/10/2007 before Judge Myron H. Thompson. Court Reporter: Mitchell Reisner. (cb, ) (Entered: 04/12/2007)
04/16/2007	<a href="#">83</a>	MOTION for Leave to File / <i>Plaintiff's Motion for Leave to File Supplemental Authority in Support of Plaintiff's Motion for Stay of Execution and in Opposition to Defendants' Motion for Judgment on the Pleadings and Alternative Motion for Summary Judgment Regarding Statute of Limitations</i> by Aaron Lee Jones. (Attachments: # <a href="#">1</a> Exhibit A) (Fitzpatrick, Vincent) (Entered: 04/16/2007)
04/17/2007	<a href="#">84</a>	ORDER granting <a href="#">83</a> Motion for Leave to File a Supplemental Authority. Signed by Judge Myron H. Thompson on 4/17/2007. (cb, ) (Entered: 04/17/2007)
04/17/2007	<a href="#">85</a>	ORDERED that the defendants' Motion for Judgment on the Pleadings is denied, with the result that the court will consider their alternative Motion for Summary Judgment on the merits. Signed by Judge Myron H. Thompson on 4/17/2007. (cb, ) (Entered: 04/17/2007)
04/17/2007	<a href="#">86</a>	OPINION that the defendants' <a href="#">24</a> Motion for Summary Judgment and Jones's [26] Motion for Stay of Execution are both denied. An appropriate judgment will be entered. Signed by Judge Myron H. Thompson on 4/17/2007. (cb, ) (Entered: 04/17/2007)
04/17/2007	<a href="#">87</a>	FINAL JUDGMENT as follows: (1) Defendants Richard Allen and Grantt Culliver's <a href="#">24</a> Motion for Summary Judgment is denied; and (2) Plaintiff Aaron Lee Jone's [26] Motion for Stay of Execution is denied. The clerk of the court is directed to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the FRCP. Signed by

		Judge Myron H. Thompson on 4/17/2007. (Attachments: # <a href="#">1</a> Civil Appeals Checklist)(cb, ) (Entered: 04/17/2007)
04/17/2007	<a href="#">88</a>	ORDERED that the defendants' [59] Objection to the part of the Magistrate Judge's March 23 order requiring certain depositions is overruled as moot. Signed by Judge Myron H. Thompson on 4/17/2007. (cb, ) (Entered: 04/17/2007)
04/18/2007	<a href="#">89</a>	RESPONSE in Support re [26] MOTION to Stay of Execution / Plaintiff's Supplemental Authority in Support of Plaintiff's Motion for Stay of Execution and in Opposition to Defendants' Motion for Judgment on the Pleadings and Alternative Motion for Summary Judgment Regarding Statute of Limitations by Aaron Lee Jones. (Attachments: # <a href="#">1</a> Exhibit A)(Fitzpatrick, Vincent) (Entered: 04/18/2007)
04/18/2007		RESPONSE in Opposition to Defendants' <a href="#">24</a> MOTION for Judgment on the Pleadings and Alternative Motion for Summary Judgment Regarding Statute of Limitations filed by Aaron Lee Jones. No pdf attached to this entry. See <a href="#">89</a> Response in Support for pdf. (cb, ) (Entered: 04/19/2007)
04/19/2007	<a href="#">90</a>	MOTION to Alter Judgment <a href="#">87</a> Judgment, / Plaintiff's Motion to Alter or Amend Judgment by Aaron Lee Jones. (Fitzpatrick, Vincent) (Entered: 04/19/2007)
04/19/2007	<a href="#">91</a>	ORDERED that the defendant show cause, if any there be, in writing by 4/20/07, at 2:00 p.m. as to why said motion should not be granted. Signed by Judge Myron H. Thompson on 4/19/2007. (cb, ) (Entered: 04/19/2007)
04/20/2007	<a href="#">92</a>	Objection to re <a href="#">90</a> MOTION to Alter Judgment <a href="#">87</a> Judgment, / Plaintiff's Motion to Alter or Amend Judgment filed by Richard Allen. (Crenshaw, James) (Entered: 04/20/2007)
04/20/2007	<a href="#">93</a>	ORDERED that <a href="#">90</a> Motion to Alter or Amend Judgment is granted to the extent that clarification is made and is denied in all other respects as further set out. Signed by Judge Myron H. Thompson on 4/20/2007. (cb, ) (Entered: 04/20/2007)
04/23/2007	<a href="#">94</a>	NOTICE OF APPEAL by Aaron Lee Jones to the United States Court of Appeal for the Eleventh Circuit from the <a href="#">86</a> Memorandum Opinion and Order, <a href="#">87</a> Judgment, entered on 4/17/07. Copies mailed (ydw, ) (Entered: 04/23/2007)
04/23/2007		USCA Appeal Fees received \$ 455 receipt number 113808 re <a href="#">94</a> Notice of Appeal filed by Aaron Lee Jones (ydw, ) (Entered: 04/23/2007)
04/23/2007		Transmission of Notice of Appeal and Certified copy of Docket Sheet and Order to US Court of Appeals re <a href="#">94</a> Notice of Appeal (ydw, ) (Entered: 04/23/2007)
05/22/2007	<a href="#">95</a>	ORDER denying [73] Request for an In Camera Inspection and Alternative Motion for Order precluding disclosure are denied as moot. Signed by Judge Myron H. Thompson on 5/22/2007. (cb, ) (Entered: 05/22/2007)

05/22/2007	<a href="#">96</a>	ORDERED that the parties show cause, if any there be, in writing by June 1, 2007, as to why this cause should not be dismissed. Signed by Judge Myron H. Thompson on 5/22/2007. (cb, ) (Entered: 05/22/2007)
06/05/2007	<a href="#">97</a>	FINAL JUDGMENT that this case is dismissed. The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. Signed by Judge Myron H. Thompson on 6/5/2007. (Attachments: # <a href="#">1</a> Civil Appeals Checklist)(cb, ) (Entered: 06/05/2007)

<b>PACER Service Center</b>			
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<b>Billable Pages:</b>	8	<b>Cost:</b>	0.64