

CLOSED

**U.S. District Court
District of Maryland (Greenbelt)
CIVIL DOCKET FOR CASE #: 8:04-cv-01830-PJM**

Oken v. Sizer et al
Assigned to: Judge Peter J. Messitte
Cause: 42:1983 Civil Rights Act

Date Filed: 06/14/2004
Date Terminated: 06/17/2004
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Steven Howard Oken

represented by **Fred Warren Bennett**
Bennett and Blair LLP
6301 Ivy Ln Ste 418
Greenbelt, MD 20770
13012201570
Fax: 13012201577
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David M Barron
Law Office of David M Barron
1502 Main St Ste 209
Columbia, SC 29201
16462796902
ATTORNEY TO BE NOTICED

Jerome Howard Nickerson, Jr
Law Office of Jerome H Nickerson
1104 William St
Baltimore, MD 24510
14105394729
ATTORNEY TO BE NOTICED

Michael Edward Lawlor
Lawlor and Englert LLC
6305 Ivy Ln Ste 704
Greenbelt, MD 20770
13014743404
Fax: 13014743406
Email: mlawlor@verizon.net
ATTORNEY TO BE NOTICED

V.

Defendant

Frank C. Sizer, Jr.

*Commissioner, Maryland Division of
Correction*

represented by **David P Kennedy**
Office of the Attorney General of
Maryland
200 Saint Paul Pl 19th Fl
Baltimore, MD 21202-2021
14105766424
Fax: 14105766880
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ann N Bosse

4101 Sal Dr
Mount Airy, MD 21771
14105497342
Email: anndpkennedy@adelphia.net
ATTORNEY TO BE NOTICED

Scott S Oakley

Office of the Attorney General of
Maryland
Dept of Public Safety and Correctional
Services
Plaza Office Cntr
6776 Reisterstown Rd Ste 313
Baltimore, MD 21215-2341
14105853070
Fax: 14107645366
Email: soakley@dpscs.state.md.us
ATTORNEY TO BE NOTICED

Defendant**William Williams**

*Warden, Maryland Correctional
Adjustment Center*

represented by **David P Kennedy**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ann N Bosse

(See above for address)
ATTORNEY TO BE NOTICED

Scott S Oakley

(See above for address)
ATTORNEY TO BE NOTICED

Defendant**Gary Hornbaker**

Warden, Metropolitan Transition Center

represented by **David P Kennedy**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ann N Bosse

(See above for address)

*ATTORNEY TO BE NOTICED***Scott S Oakley**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****Unknown Executioners**

| Date Filed | # | Docket Text |
|-------------------|-------------------|---|
| 06/14/2004 | 1 | COMPLAINT against Gary Hornbaker, Frank C. Sizer Jr., Unknown Executioners, William Williams filed by Steven Howard Oken Attachments: (1) Memorandum in Support of Complaint (2) Civil Cover Sheet (3) Exhibit List Volume 1 (4) Exhibit 1 Volume 1 (5) Exhibit 2 Volume 1 (6) Exhibit 3 Volume 1 (7) Exhibit 4 Volume 1 (8) Exhibit 5 Volume 1 (9) Exhibit 6 Volume 1 (10) Exhibit 7 Volume 1 (11) Exhibit 8 Volume 1 (12) Exhibit 9 Volume 1 Notice of Lengthy Exhibit (13) Errata 10 Volume 1 (14) Exhibit 11 Volume 1 (15) Exhibit 12 Volume 1 Notice of Lengthy Exhibit (16) Exhibit 13 Volume 1 (17) Exhibit 14 Volume 1 (18) Exhibit 15 Volume 1 Notice of Lengthy Exhibit (19) Exhibit 16 Volume 1 Notice of Lengthy Exhibit (20) Exhibit 17 Volume 1 Notice of Lengthy Exhibit (21) Exhibit 18 Volume 1 (22) Exhibit 19 Volume 1 (23) Exhibit 20 Volume 1)(lad3, Deputy Clerk) (Entered: 06/14/2004) |
| 06/14/2004 | 2 | EXHIBITS (Volume 2) to Complaint by Steven Howard Oken(Attachments: (1) Exhibit 1 Volume 2 (2) Exhibit 2 Volume 2 (3) Exhibit 3 Volume 2 (4) Exhibit 4 Volume 2 (5) Exhibit 5 Volume 2 (6) Exhibit 6 Volume 2 (7) Exhibit 7 Volume 2 (8) Exhibit 8 Volume 2 (9) Exhibit 9 Volume 2 Notice of Lengthy Exhibit)(lad3, Deputy Clerk) (Entered: 06/14/2004) |
| 06/14/2004 | 3 | MOTION for Leave to Proceed in Forma Pauperis by Steven Howard Oken (Attachments: (1) Affidavit in Support of Motion for Leave to Proceed In Forma Pauperis)(lad3, Deputy Clerk) (Entered: 06/14/2004) |
| 06/14/2004 | 4 | Defendants' Opposition to Request for Stay of Execution, and MOTION to Dismiss or, in the Alternative, MOTION for Summary Judgment by Gary Hornbaker, Frank C. Sizer Jr., William Williams (Attachments: (1) Memorandum (2) Exhibit A (3) Exhibit B (4) Exhibit C (5) Exhibit D (6) Exhibit E (7) Exhibit F (8) Exhibit G)(lad3, Deputy Clerk) (Entered: 06/14/2004) |
| 06/14/2004 | 5 | RESPONSE to Defendant's Opposition to Request for Stay of Execution, and 4 MOTION to Dismiss or, in the Alternative MOTION for Summary Judgment filed by Steven Howard Oken (lad3, Deputy Clerk) (Entered: 06/14/2004) |
| 06/14/2004 | 6 | MOTION to Compel Defendants to Immediately Produce Documents and for Production of all Documents Pertaining to the Execution of Plaintiff by Steven Howard Oken(lad3, Deputy Clerk) (Entered: 06/14/2004) |

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| 06/14/2004 | 7 | MOTION for David M. Barron to Appear Pro Hac Vice by Steven Howard Oken. (lad3, Deputy Clerk) (Entered: 06/14/2004) |
| 06/14/2004 | | ORDER granting 7 Motion for David M. Barron to Appear Pro Hac Vice. Signed by Clerk of Court on 6/14/04. (lad3, Deputy Clerk) (Entered: 06/14/2004) |
| 06/14/2004 | | Hearing held on Motion by Plaintiff Steven Oken for Stay of Execution. (esp, Deputy Clerk) (Reporter: Marshall) Modified on 1/12/2006 (esp, Deputy Clerk). (Entered: 06/14/2004) |
| 06/14/2004 | | Argument of counsel. (esp, Deputy Clerk) (Entered: 06/14/2004) |
| 06/14/2004 | | Ruling taken under advisement. (esp, Deputy Clerk) (Entered: 06/14/2004) |
| 06/14/2004 | 11 | EXHIBIT List by Steven Howard Oken. (esp, Deputy Clerk) Additional attachment(s) added on 6/15/2004 (lad3, Deputy Clerk). (Entered: 06/15/2004) |
| 06/15/2004 | 8 | OPINION. Signed by Judge Peter J. Messitte on 6/14/2004. (lad3, Deputy Clerk) (Entered: 06/15/2004) |
| 06/15/2004 | 9 | ORDER "STAYING" the Warrant of Execution of the Circuit Court for Baltimore County pending further Order of this Court. Signed by Judge Peter J. Messitte on 6/14/2004. (lad3, Deputy Clerk) (Entered: 06/15/2004) |
| 06/15/2004 | 10 | NOTICE OF APPEAL by Gary Hornbaker, Frank C. Sizer Jr., William Williams. Filing fee \$ 255. Appeal Record due by 7/15/2004. (Kennedy, David) (Entered: 06/15/2004) |
| 06/16/2004 | 12 | ORDER of USCA "DENYING" The Commissioner of the Maryland Division of Correction and other state officials Motion to vacate the USDC Order staying the execution of Steven H. Oken; as to 10 Notice of Appeal filed by Gary Hornbaker, William Williams, Frank C. Sizer (mlb, Deputy Clerk) Additional attachment(s) added on 6/16/2004 (mlb, Deputy Clerk). (Entered: 06/16/2004) |
| 06/16/2004 | 13 | REVISED ORDER of USCA DENYING" The Commissioner of the Maryland Division of Correction and other state officials Motion to vacate the USDC Order staying the execution of Steven H. Oken; as to 10 Notice of Appeal filed by Gary Hornbaker, William Williams, Frank C. Sizer (Attachments: # 1 Letter To Counsel from USCA)(mlb, Deputy Clerk) (Entered: 06/16/2004) |
| 06/16/2004 | 14 | TRANSCRIPT of Proceedings held before Messitte, J. on 6/14/04 (ajh, Deputy Clerk) (Entered: 06/17/2004) |
| 06/16/2004 | 15 | ORDER Sealing Exhibit 9(A) of Volume 1 (Paper No. 1). Signed by Judge Peter J. Messitte on 6/16/04. (lad3, Deputy Clerk) (Entered: 06/17/2004) |
| 06/16/2004 | 16 | ORDER Sealing Exhibit 9 of Volume 2 (Paper No. 2). Signed by Judge Peter J. Messitte on 6/16/2004. (lad3, Deputy Clerk) (Entered: 06/17/2004) |
| 06/16/2004 | 17 | ORDER (copy) by Supreme Court of the United States "GRANTING" the Application to Vacate the Stay of Execution (lad3, Deputy Clerk) (Entered: 06/17/2004) |
| 06/16/2004 | 18 | ORDER (copy) by the Supreme Court of the United States "DENYING" the Application for Stay of Execution of Sentence of Death and "DENYING" the Petition for Writ of Certiorari(lad3, Deputy Clerk) (Entered: 06/17/2004) |

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| 06/17/2004 | 19 | AMENDED COMPLAINT against Gary Hornbaker, Frank C. Sizer Jr., Unknown Executioners, William Williams , filed by Steven Howard Oken.(lad3, Deputy Clerk) (Entered: 06/17/2004) |
| 06/17/2004 | | Motion Hearing held in Chambers re: 19 Amended Complaint before Messitte, J. (Court Reporter: Tracy Dunlap) (lad3, Deputy Clerk) (Entered: 06/17/2004) |
| 06/17/2004 | 20 | Final ORDER of Judgment "Denying" the relief sought under the Amended Complaint, "Dismissing" the case, and "Denying" the Motion to Stay. Signed by Judge Peter J. Messitte on 6/17/2004. (lad3, Deputy Clerk) (Entered: 06/17/2004) |
| 06/17/2004 | 21 | Request for Declaratory Judgment, Temporary Injunction and Citation of Correct Standard of Proof by Steven Howard Oken (lad3, Deputy Clerk) (Entered: 06/17/2004) |
| 06/17/2004 | 22 | ORDER denying 21 Motion for Declaratory Judgment, denying 21 Motion for Preliminary Injunction. Signed by Judge Peter J. Messitte on 6/17/2004. (lad3, Deputy Clerk) (Entered: 06/17/2004) |
| 06/17/2004 | 23 | NOTICE OF APPEAL as to 22 Order on Motion for Declaratory Judgment, Order on Motion for Preliminary Injunction by Steven Howard Oken. (lad3, Deputy Clerk) (Entered: 06/17/2004) |
| 06/17/2004 | 24 | ORDER "Sealing" the transcript of the telephone conference held 6/17/04. Signed by Judge Peter J. Messitte on 6/17/2004. (lad3, Deputy Clerk) (Entered: 06/17/2004) |
| 06/17/2004 | 25 | TRANSCRIPT of Proceedings held on June 17, 2004 before Judge Messitte. Court Reporter: Tracy Dunlap. (Filed under Seal) (lad3, Deputy Clerk) (Entered: 06/17/2004) |
| 06/17/2004 | 26 | ORDER of USCA "DENYING" Motion for Temporary Injunction to Preserve Appellate Jurisdiction as to 23 Notice of Appeal filed by Steven Howard Oken (lad3, Deputy Clerk) (Entered: 06/23/2004) |
| 06/17/2004 | 27 | ORDER (copy) by the Supreme Court of the United States "DENYING" the Application for Stay of Execution and "DENYING" the Petition for a Writ of Certiorari on 6/17/2004. (lad3, Deputy Clerk) (Entered: 06/23/2004) |

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