

87BD, CLOSED, _BG

U.S. District Court
Western District of Oklahoma[LIVE] (Oklahoma City)
CIVIL DOCKET FOR CASE #: 5:06-cv-00587-F

Boltz v. Jones et al
Assigned to: Honorable Stephen P. Friot
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/30/2006
Date Terminated: 06/02/2006
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

John Albert Boltz

represented by **James L Hankins**
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3rd Fl
Oklahoma City, OK 73102
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ATTORNEY TO BE NOTICED

V.

Defendant

Justin Jones
Director

represented by **Preston Saul Draper**
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Defendant

Warden Marty Sirmons

represented by **Preston Saul Draper**
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ATTORNEY TO BE NOTICED

Richard N Mann
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ATTORNEY TO BE NOTICED

Defendant

Ernest Godlove
Oklahoma Board of Corrections

represented by **Preston Saul Draper**
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ATTORNEY TO BE NOTICED

Richard N Mann
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ATTORNEY TO BE NOTICED

Defendant

David C Henneke
Oklahoma Board of Corrections

represented by **Preston Saul Draper**
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Richard N Mann
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ATTORNEY TO BE NOTICED

Defendant

Ted Logan
Oklahoma Board of Corrections

represented by **Preston Saul Draper**
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ATTORNEY TO BE NOTICED

Richard N Mann
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ATTORNEY TO BE NOTICED

Defendant

W Mark Luttrull
Oklahoma Board of Corrections

represented by **Preston Saul Draper**
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ATTORNEY TO BE NOTICED

Richard N Mann
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ATTORNEY TO BE NOTICED

Defendant

Robert L Rainey
Oklahoma Board of Corrections

represented by **Preston Saul Draper**
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ATTORNEY TO BE NOTICED

Richard N Mann

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****Earnest D Ware***Oklahoma Board of Corrections*represented by **Preston Saul Draper**

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*ATTORNEY TO BE NOTICED***Richard N Mann**

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*ATTORNEY TO BE NOTICED***Defendant****Beverly Young***Oklahoma Board of Corrections*represented by **Preston Saul Draper**

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*ATTORNEY TO BE NOTICED***Richard N Mann**

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*ATTORNEY TO BE NOTICED***Defendant****John Doe***1-50 Unknown Executioners as Employees
and/or Agents of DOC*represented by **Preston Saul Draper**

(See above for address)

*ATTORNEY TO BE NOTICED***Amicus****Glenn Anderson**represented by **Lisa S McCalmont**

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*ATTORNEY TO BE NOTICED***Amicus****Charles F Taylor**represented by **Lisa S McCalmont**

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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05/30/2006	1	COMPLAINT against Robert L Rainey, Earnest D Ware, Beverly Young, John Doe, Justin Jones, Marty Sirmons, Ernest Godlove, David C Henneke, Ted Logan, W Mark Luttrull, filed by John Albert Boltz. (Attachments: # 1 Civil Cover Sheet)(db,) (Entered: 05/30/2006)
05/30/2006	2	MOTION for Permanent Injunction, MOTION for Temporary Restraining Order by John Albert Boltz. (db,) (Entered: 05/30/2006)
05/30/2006		Docket Annotation: Case was inadvertantly opened with Judge Cauthron assigned. Case should have been assigned to Judge Leonard as the next judge in the draw. (kw,) (Entered: 05/30/2006)
05/30/2006	3	ENTER ORDER REASSIGNING CASE. Case reassigned to Judge Stephen P. Friot for all further proceedings. Judge Tim Leonard no longer assigned to case. Entered at the direction of Judge Tim Leonard on 5/30/06. (llg) (Entered: 05/30/2006)
05/30/2006	4	ORDER Setting Hearing on 2 MOTION for Temporary Restraining Order and/or Permanent Injunction: Motion Hearing set for 6/1/2006 11:30 AM in Courtroom #304 before Honorable Stephen P. Friot. Signed by Judge Stephen P. Friot on 5/30/06. (llg) (Entered: 05/30/2006)
05/31/2006	5	ENTRY of Appearance by Preston Saul Draper on behalf of all defendants (Draper, Preston) (Entered: 05/31/2006)
05/31/2006	6	ENTRY of Appearance by Richard N Mann on behalf of Robert L Rainey, Earnest D Ware, Beverly Young, Justin Jones, Marty Sirmons, Ernest Godlove, David C Henneke, Ted Logan, W Mark Luttrull (Mann, Richard) (Entered: 05/31/2006)
05/31/2006	7	MOTION to Supplement <i>Application for TRO</i> by John Albert Boltz. (Hankins, James) (Entered: 05/31/2006)
05/31/2006	8	RESPONSE to Motion re 2 MOTION for Permanent Injunction MOTION for Temporary Restraining Order filed by Robert L Rainey, Earnest D Ware, Beverly Young, Justin Jones, Marty Sirmons, Ernest Godlove, David C Henneke, Ted Logan, W Mark Luttrull. (Attachments: # 1 Exhibit 1 - Motion for Stay# 2 Exhibit 2 - Order# 3 Exhibit 3 - Order)(Mann, Richard) (Entered: 05/31/2006)
06/01/2006	9	SUPPLEMENT <i>Materials for TRO</i> by John Albert Boltz. (Attachments: # 1 Attachment Medical Examiner report# 2 Affidavit Mike Mullin Affidavit)(Hankins, James) (Entered: 06/01/2006)
06/01/2006	10	NOTICE OF APPEAL by Robert L Rainey, Earnest D Ware, Beverly Young, John Doe, Justin Jones, Marty Sirmons, Ernest Godlove, David C Henneke, Ted Logan, W Mark Luttrull. (Draper, Preston) (Entered: 06/01/2006)
06/01/2006	11	Minute Entry for proceedings held before Judge Stephen P. Friot: Motion Hearing held on 6/1/2006 re [2-1] MOTION for Temporary Restraining Order filed by John Albert Boltz. Upon oral mtn of plf's counsel, Glenn Anderson & Charles Taylor (plfs in CIV-05-825) are granted leave to appear in this action as amici. Lisa McCalmont appears on behalf of the amici. Dfts' Exs. 1 & 2 admitted. Amici's Ex. 1 admitted. [2-1] Plf's Mtn for TRO is GRANTED, for the reasons set forth in detail on the record. Dfts are temporarily restrained from executing plf pending

		further order of the ct. [2-2] Plf's Mtn for Preliminary Injunction is set for hrg on 6/28/06 9:00 AM. A written order will follow. Plf is granted until 6/14/06 to submit add'l briefing. Dfts may submit responsive briefing by 6/26/06. Dfts give oral notice of intent to appeal. (Court Reporter Tracy Washbourne.) (lfg) (Entered: 06/01/2006)
06/01/2006	12	TEMPORARY RESTRAINING ORDER. Dfts are restrained from executing John Albert Boltz until a date after 6/28/06, the date on which plf's mtn for a preliminary injunction will be heard at 9:00 AM. In open court, the court established a briefing schedule. Counsel are reminded that their yet-to-be filed brief should address the issue of whether there is any basis, in any event, for further delay of the execution (as distinguished from relief addressed to the method of execution). Signed by Judge Stephen P. Friot on 6/1/06. (lfg) (Entered: 06/01/2006)
06/01/2006	13	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 10 Notice of Appeal (dl,) (Entered: 06/01/2006)
06/01/2006	14	EXHIBITS Admitted During June 1, 2006 Hearing on Motion for Temporary Restraining Order. (Attachments: # 1 Amici Exhibit No. 1# 2 Defendant's Exhibit No. 1# 3 Defendant's Exhibit No. 2)(lb) (Entered: 06/01/2006)
06/01/2006		Set/Reset Deadlines as to 2 MOTION for Preliminary Injunction. Motion Hearing set for 6/28/2006 09:00 AM in Courtroom #305 before Honorable Stephen P. Friot. (lfg) (Entered: 06/01/2006)
06/01/2006	16	Receipt for Money Received from James L Hankins in the amount of \$350.00, receipt number 116618. (lb) (Entered: 06/02/2006)
06/02/2006	15	ADMINISTRATIVE CLOSING ORDER: It appearing that the issues in this case have become moot, this action is administratively terminated without prejudice to the rights of the parties to reopen for entry of any stipulation or order. If not reopened within 30 days, action is deemed dismissed. Neither this order nor the deemed dismissal referred to in the preceding sentence shall constitute an adjudication on the merits. The proceedings in this case have no res judicata or other preclusive effect vis-a-vis the amici. Signed by Judge Stephen P. Friot on 6/2/06. (lfg) (Entered: 06/02/2006)
06/02/2006	17	USCA Appeal Fee received in the amount of \$ 455, receipt number 116651, re 10 Notice of Appeal filed by John Doe,, Ernest Godlove,, Justin Jones,, Marty Sirmons,, Beverly Young,, David C Henneke,, Robert L Rainey,, Ted Logan,, Earnest D Ware,, W Mark Luttrull, (dl,) (Entered: 06/06/2006)
06/07/2006	18	MANDATE From USCA - The district court's ruling on the motion to stay execution is REVERSED and its temporary restraining order is VACATED - 10 Notice of Appeal filed by John Doe,, Ernest Godlove,, Justin Jones,, Marty Sirmons,, Beverly Young,, David C Henneke,, Robert L Rainey,, Ted Logan,, Earnest D Ware,, W Mark Luttrull, (dl,) (Entered: 06/07/2006)
06/07/2006	19	MANDATE From USCA - Amended Order and Judgment 10 Notice of Appeal filed by John Doe,, Ernest Godlove,, Justin Jones,, Marty Sirmons,, Beverly Young,, David C Henneke,, Robert L Rainey,, Ted Logan,, Earnest D Ware,, W Mark Luttrull, (dl,) (Entered: 06/07/2006)

06/12/2006		TRANSCRIPT of Proceedings held on June 1, 2006 before Judge Friot. Court Reporter: Tracy Washbourne. re 10 Notice of Appeal filed by John Doe,, Ernest Godlove,, Justin Jones,, Marty Sirmons,, Beverly Young,, David C Henneke,, Robert L Rainey,, Ted Logan,, Earnest D Ware,, W Mark Luttrull, Transcript of: Motion for Temporary Restraining Order (dl,) (Entered: 06/12/2006)
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