

87BC, CLOSED, _BG

U.S. District Court
Western District of Oklahoma[LIVE] (Oklahoma City)
CIVIL DOCKET FOR CASE #: 5:06-cv-00591-F

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

Date Filed: 05/31/2006
Date Terminated: 08/30/2006
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Eric Allen Patton

represented by **Scott W Braden**
Federal Public Defender-OKC
215 Dean A McGee Ave
Suite 109
Oklahoma City, OK 73102
405-609-5930
Fax: 405-609-5932
Email: scott_braden@fd.org
TERMINATED: 07/25/2006

Susan M Otto
Federal Public Defender-OKC
215 Dean A McGee Ave
Suite 109
Oklahoma City, OK 73102
405-609-5930
Fax: 405-609-5932
Email: susan_otto@FD.ORG
ATTORNEY TO BE NOTICED

William P Earley
Federal Public Defender-OKC
215 Dean A McGee Ave
Suite 109
Oklahoma City, OK 73102
405-609-5930
Fax: 405-609-5932
Email: william.earley@fd.org
ATTORNEY TO BE NOTICED

V.

Defendant

Justin Jones
Director

represented by **Gregory T Metcalfe**
Attorney General's Ofc-LINCOLN-OKC
4545 N Lincoln Blvd
Suite 260
Oklahoma City, OK 73105-3498
405-521-4274
Fax: 405-528-1867
Email: greg_metcalfe@oag.state.ok.us
ATTORNEY TO BE NOTICED

Richard N Mann
Attorney General's Ofc-LINCOLN-OKC
4545 N Lincoln Blvd
Suite 260
Oklahoma City, OK 73105-3498
405-521-4274
Fax: 405-528-1867
Email: richard_mann@oag.state.ok.us
ATTORNEY TO BE NOTICED

Robert L Whittaker
Attorney General's Ofc-OKC
313 NE 21st St
Oklahoma City, OK 73105
405-521-3921
Fax: 405-522-4534
Email: fhc.docket@oag.state.ok.us
ATTORNEY TO BE NOTICED

Defendant

Warden Marty Sirmons

represented by **Gregory T Metcalfe**
(See above for address)
ATTORNEY TO BE NOTICED

Richard N Mann
(See above for address)
ATTORNEY TO BE NOTICED

Robert L Whittaker
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John Doe
*Unknown Executioners as
Employees/Agents of DOC*

Date Filed	#	Docket Text
05/31/2006	1	COMPLAINT against Justin Jones, Marty Sirmons, John Doe, filed by Eric Allen Patton. (Attachments: # 1 Affidavit Eric Allen Patton# 2 Civil Cover Sheet)(db,) (Entered: 05/31/2006)
05/31/2006	2	MOTION for Leave to Proceed in forma pauperis by Eric Allen Patton. (Attachments: # 1 Attachment IFP)(db,) (Entered: 05/31/2006)
06/05/2006	3	ORDER REASSIGNING CASE. Case reassigned to Judge Stephen P. Friot for all further proceedings. Judge Vicki Miles-LaGrange no longer assigned to case. Signed by Judge Vicki Miles-LaGrange on 6/5/2006. (ks) (Entered: 06/05/2006)
06/05/2006	4	AMENDED COMPLAINT against all defendants, filed by Eric Allen Patton. (Attachments: # 1 Attachment 1 - Grievance Denial)(Braden, Scott) (Entered: 06/05/2006)
06/20/2006	5	ORDER granting 2 Motion for Leave to Proceed in forma pauperis. By 7/24/06, plf shall pay an initial partial filing fee of \$19.18. Unless by the date specified plf has either (1) paid the initial partial filing fee, or (2) shown cause in writing for the failure to pay, this action will be subject to dismissal w/o prejudice to refiling & no fees or costs will be imposed or collected. After pymt of the initial partial filing fee, plf shall make monthly payments of 20 percent of the preceding month's income credited to his prison account(s) until he has paid the total filing fee of \$350. After pymt of the initial partial filing fee, the ct will enter an order directing the agency having custody of plf to collect & forward such monthly pymts to the clerk each time plf's institutional acct balance(s) exceed(s) \$10.00, until the filing fee is paid in full. Interference by plf in the submission of these funds to the ct shall result in dismissal of this action. Such monthly pymts will continue to be collected until full payment of the filing fee has been received by the ct, even after disposition of the case & regardless of whether relief is granted or denied. Signed by Judge Stephen P. Friot on 6/20/06. (llg) (Entered: 06/20/2006)
06/21/2006	6	PRAECIPE for two Summonses by Eric Allen Patton. (Braden, Scott) (Entered: 06/21/2006)
06/21/2006		Summons Issued as to Justin Jones, Marty Sirmons. Summons placed in FPD's box in court clerk's office. (kw,) (Entered: 06/21/2006)
06/21/2006	8	Receipt for Money Received from Eric Allen Patton in the amount of \$350.00, receipt number 116944. (lb) (Entered: 06/27/2006)
06/23/2006	7	SUMMONS Returned Executed by Eric Allen Patton. Justin Jones served on 6/23/2006. (Braden, Scott) (Entered: 06/23/2006)
06/28/2006	9	SUMMONS Returned Executed by Eric Allen Patton. Marty Sirmons served on 6/27/2006. (Braden, Scott) (Entered: 06/28/2006)
07/13/2006	10	ENTRY of Appearance by William P Earley on behalf of Eric Allen Patton (Earley, William) (Entered: 07/13/2006)
07/13/2006	11	ENTRY of Appearance by Susan M Otto on behalf of Eric Allen Patton (Otto, Susan) (Entered: 07/13/2006)

07/13/2006	12	ENTRY of Appearance by Richard N Mann on behalf of Justin Jones, Marty Sirmons (Mann, Richard) (Entered: 07/13/2006)
07/13/2006	13	ENTRY of Appearance by Gregory T Metcalfe on behalf of Justin Jones, Marty Sirmons (Metcalfe, Gregory) (Entered: 07/13/2006)
07/13/2006	14	MOTION to Dismiss <i>and Brief in Support</i> by Justin Jones, Marty Sirmons. (Attachments: # 1 Exhibit 1 - Order Denying Request for Stay of Execution# 2 Exhibit 2 Part A - Objection to Setting of an Execution Date# 3 Exhibit 2B Ojection to Setting of an Execution Date# 4 Exhibit 3 - Reply to State's Response to Objection# 5 Exhibit 4 - OSCN Document)(Metcalfe, Gregory) (Entered: 07/13/2006)
07/25/2006	15	MOTION to Withdraw as Attorney by Eric Allen Patton. (Braden, Scott) (Entered: 07/25/2006)
07/25/2006	16	ORDER granting 15 Motion to Withdraw as Attorney. Attorney Scott W Braden terminated. Signed by Judge Stephen P. Friot on 7/25/06. (llg) (Entered: 07/25/2006)
07/28/2006	17	MOTION for Preliminary Injunction by Eric Allen Patton. (Attachments: # 1 Attachment 1 - Boltz Transcript# 2 Attachment 2 - Declaration of Danny Hooks# 3 Attachment 3 - Affidavit of Janet Chesley# 4 Attachment 4 - Affidavit of Mary Burden# 5 Attachment 5 - Declaration of Thomas Henthorn# 6 Attachment 6 - Declaration of Mark Heath# 7 Attachment 6 - Exhibits 1-8# 8 Attachment 6 - Exhibits 9-11# 9 Attachment 6 - Exhibit 12 part 1# 10 Attachment 6 - Exhibit 12 part 2# 11 Attachment 6 - Exhibits 13-18)(Otto, Susan) (Entered: 07/28/2006)
07/28/2006	18	MEMORANDUM in Opposition to <i>Defendants' Motion to Dismiss for Failure to State a Claim</i> filed by Eric Allen Patton. (Earley, William) (Entered: 07/28/2006)
08/01/2006	19	ORDER Setting Hearing on 17 MOTION for Preliminary Injunction: Motion Hearing set for 8/8/2006 09:00 AM in Courtroom #305 before Honorable Stephen P. Friot. Signed by Judge Stephen P. Friot on 8/1/06. (llg) (Entered: 08/01/2006)
08/03/2006	20	ENTRY of Appearance by Robert L Whittaker on behalf of Justin Jones, Marty Sirmons (Whittaker, Robert) (Entered: 08/03/2006)
08/04/2006	21	ORDER denying 14 Defendants' Motion to Dismiss. Signed by Judge Stephen P. Friot on 8/4/06. (llg) (Entered: 08/04/2006)
08/07/2006	22	MOTION for Protective Order <i>and Brief in Support</i> by Justin Jones, Marty Sirmons. (Mann, Richard) (Entered: 08/07/2006)
08/07/2006	23	OBJECTIONS To <i>Plaintiff's Motion for Preliminary Injunction</i> filed by Justin Jones, Marty Sirmons. (Mann, Richard) (Entered: 08/07/2006)
08/07/2006	24	ORDER Resetting Hearing on 17 MOTION for Preliminary Injunction: Motion Hearing reset for 8/8/2006 10:00 AM in Courtroom #305 before Honorable Stephen P. Friot. Signed by Judge Stephen P. Friot on 8/7/06. (llg) (Entered: 08/07/2006)
08/08/2006	25	Minute Entry for proceedings held before Judge Stephen P. Friot: Motion Hearing held on 8/8/2006 re 17 MOTION for Preliminary Injunction filed by Eric Allen Patton. Plf does not appear. Plf-Dft make opening stmts. Plf presents case

		w/testimony of witnesses & rests. Plf Exs. 1-12 admitted (Plf Ex. 9 is received under seal). Dft Ex. 6 admitted. Dft's mtn that Plf's Mtn for Preliminary Injunction be denied is GRANTED. 17 Plf's Mtn for Preliminary Injunction is DENIED, for the reasons set forth in detail on the record.(Court Reporter Tracy Washbourne.) (llg) (Entered: 08/08/2006)
08/10/2006	26	TRANSCRIPT Order Form by Eric Allen Patton that transcripts are necessary. See order form for dates and proceedings. Estimated completion date August 14, 2006. (dl,) (Entered: 08/11/2006)
08/14/2006	27	MOTION for Leave to Appeal in forma pauperis / <i>Without Full Prepayment of the Filing Fee</i> by Eric Allen Patton. (Attachments: # 1 Attachment 1 - Application to Proceed In Forma Pauperis, Supporting Documentation and Order)(Earley, William) (Entered: 08/14/2006)
08/14/2006	28	NOTICE OF APPEAL by Eric Allen Patton. (Otto, Susan) (Entered: 08/14/2006)
08/14/2006	29	TRANSCRIPT of Proceedings held on 8/8/06 before Judge Stephen P Friot. Court Reporter: Tracy Washbourne. Transcript of: Preliminary Injunction. Volume: 1 of 1. (lb) (Entered: 08/14/2006)
08/14/2006	30	EXHIBITS Admitted into Evidence at Preliminary Injunction Hearing Held on 8/8/06. (Attachments: # 1 Plaintiff's Ex 1# 2 Plaintiff's Ex 2# 3 Plaintiff's Ex 3# 4 Plaintiff's Ex 4# 5 Plaintiff's Ex 5# 6 Plaintiff's Ex 6# 7 Plaintiff's Ex 7# 8 Plaintiff's Ex 8# 9 Plaintiff's Ex 9 (SEALED)# 10 Plaintiff's Ex 10# 11 Plaintiff's Ex 11# 12 Plaintiff's Ex 12# 13 Defendant's Ex 6)(lb) (Entered: 08/14/2006)
08/14/2006	31	SEALED DOCUMENT - Plaintiff's Ex 9 Admitted into Evidence at Preliminary Injunction Hearing held on 8/8/06. (lb) (Entered: 08/14/2006)
08/14/2006	32	ORDER granting 27 Motion to Proceed on Appeal Without Full Prepayment of the Filing Fee. Signed by Judge Stephen P. Friot on 8/14/06. (llg) (Entered: 08/14/2006)
08/15/2006	33	ENTER ORDER striking as moot 22 Defendants' Motion for Protective Order. Entered at the direction of Judge Stephen P. Friot on 8/15/06. (llg) (Entered: 08/15/2006)
08/15/2006	34	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 28 Notice of Appeal. (lb) (Entered: 08/15/2006)
08/15/2006	35	DESIGNATION of Record on Appeal by Eric Allen Patton re 28 Notice of Appeal (Earley, William) (Entered: 08/15/2006)
08/16/2006		Docket Annotation: Record on Appeal complete and transmitted to the 10th Circuit Court of Appeals. (lb) (Entered: 08/16/2006)
08/18/2006	36	ANSWER to Amended Complaint <i>Affirmative Defenses</i> by Justin Jones, Marty Sirmons.(Metcalf, Gregory) (Entered: 08/18/2006)
08/22/2006	39	USCA Appeal Fees received in the amount of \$ 19.18 receipt number 117856 remaining balance is \$ 435.82; re 28 Notice of Appeal filed by Eric Allen Patton, (dl,) (Entered: 08/23/2006)

08/23/2006	37	USCA Case Number 06-6258 for 28 Notice of Appeal filed by Eric Allen Patton,. (dl,) (Entered: 08/23/2006)
08/23/2006		Docket Annotation: Document 37 will be refiled due to an clerical error (dl,) (Entered: 08/23/2006)
08/23/2006	38	USCA Case Number 06-6258 for 28 Notice of Appeal filed by Eric Allen Patton,. (dl,) (Entered: 08/23/2006)
08/30/2006	40	MANDATE From USCA - Patton's motion to preliminarily enjoin his scheduled exection is AFFIRMED 28 Notice of Appeal filed by Eric Allen Patton, (dl,) (Entered: 08/30/2006)
08/30/2006	41	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. Signed by Judge Stephen P. Friot on 8/30/06. (llg) (Entered: 08/30/2006)
08/30/2006	42	Docket Annotation: Due to an clerical error the docket text for Document 40 is incorrect and will be refiled (dl,) (Entered: 08/30/2006)
08/30/2006	43	MANDATE From USCA - The order of the district court denying Patton's motion to preliminarily enjoin his scheduled exection is AFFIRMED 28 Notice of Appeal filed by Eric Allen Patton, (dl,) (Entered: 08/30/2006)

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