

CASE-CLOSED,DEATH-PENALTY-CASE,KNOWLES
U.S. District Court
Middle District of Tennessee (Nashville)
CIVIL DOCKET FOR CASE #: 3:06-cv-00946

Johnson v. Little et al
Assigned to: District Judge Todd J. Campbell
Case in other court: 06-06452
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 10/04/2006
Date Terminated: 10/19/2006
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Don Johnson

represented by **Christopher M. Minton**
Federal Public Defender's Office (MDTN)
810 Broadway
Suite 200
Nashville, TN 37203
(615) 736-5047
Email: chris_minton@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gretchen L. Swift
Federal Public Defender's Office (MDTN)
810 Broadway
Suite 200
Nashville, TN 37203
(615) 736-5047
Email: gretchen_swift@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kelley J. Henry
Federal Public Defender's Office (MDTN)
810 Broadway
Suite 200
Nashville, TN 37203
(615) 736-5047
Email: kelley_henry@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul R. Bottei
Federal Public Defender's Office (MDTN)
810 Broadway
Suite 200
Nashville, TN 37203
(615) 736-5047
Email: paul_bottei@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

George Little
*in his official capacity as Tennessee's
Commissioner of Correction*

represented by **Mark Alexis Hudson**
Tennessee Attorney General's Office
P O Box 20207
Nashville, TN 37202
(615) 741-7401
Fax: (615) 532-2541
Email: Mark.Hudson@ag.tn.gov

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Martha A. Campbell
Tennessee Attorney General's Office
P O Box 20207
Nashville, TN 37202-0207
(615) 741-3491
Email: martha.campbell@ag.tn.gov
ATTORNEY TO BE NOTICED

Defendant

Ricky Bell
*in his official capacity as Warden,
Riverbend Maximum Security Institution*

represented by **Mark Alexis Hudson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Martha A. Campbell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John Doe Executioners 1-100

Interested Party

Sixth Circuit Court of Appeals

represented by **Sixth Circuit Court of Appeals**
Sixth Circuit Court of Appeals
Email: CA06-Team3@ca6.uscourts.gov
PRO SE

Date Filed	#	Docket Text
10/04/2006	<u>1</u>	COMPLAINT against Ricky Bell, John Doe Executioners 1-100, George Little , filed by Don Johnson.(rm) (Entered: 10/04/2006)
10/04/2006	<u>2</u>	APPLICATION to Proceed in forma pauperis by Don Johnson. Responses due by 10/23/2006 (rm) (Entered: 10/04/2006)
10/04/2006	<u>3</u>	ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis. Signed by Judge Todd J. Campbell on 10/4/06. (gi,) (Entered: 10/04/2006)
10/04/2006	<u>4</u>	ORDER: In light of the impending execution date of 10/25/06, defts are ordered to file a response to the complaint by 10/11/06. Pltf shall file any reply by 10/18/06. Signed by Judge Todd J. Campbell on 10/4/06. (gi,) (Entered: 10/04/2006)
10/05/2006	<u>5</u>	Summons issued as to defts Ricky Bell and George Little and forwarded to USM for service this date. (km,) (Entered: 10/05/2006)
10/10/2006	<u>6</u>	First MOTION to Dismiss by Ricky Bell, George Little. (Hudson, Mark) (Entered: 10/10/2006)
10/10/2006	<u>7</u>	MEMORANDUM in Support of <u>6</u> First MOTION to Dismiss filed by Ricky Bell, George Little. (Attachments: # <u>1</u> Exhibit A, Order Setting Execution, June 20, 2006 (Tenn.)# <u>2</u> Appendix Kincy v. Livingston (5th Cir. 2006) Unpublished Opinion# <u>3</u> Appendix Hughes v. Johnson, (5th Cir. 2006), Unpublished Opinion# <u>4</u> Appendix Alley v. Little, (6th Cir. 2006), Unpublished Opinion# <u>5</u> Appendix Cox v. Shelby State Community College (6th Cir. 2002) Unpublished Opinion# <u>6</u> Appendix Walker v. Johnson, (E.D. Va. 2006) Order and Memorandum Opinion)(Hudson, Mark) (Entered: 10/10/2006)
10/10/2006	<u>8</u>	MOTION to Disqualify Counsel by Ricky Bell, George Little. (Hudson, Mark) (Entered: 10/10/2006)

10/10/2006	<u>9</u>	MEMORANDUM in Support of <u>8</u> MOTION to Disqualify Counsel filed by Ricky Bell, George Little. (Hudson, Mark) (Entered: 10/10/2006)
10/11/2006	<u>10</u>	SUMMONS returned executed by USM for Don Johnson. Ricky Bell served on 10/6/2006. (km,) (Entered: 10/11/2006)
10/17/2006	<u>11</u>	RESPONSE in Opposition re <u>8</u> MOTION to Disqualify Counsel filed by Don Johnson. (Henry, Kelley) (Entered: 10/17/2006)
10/17/2006	<u>12</u>	ORDER denying <u>8</u> Motion to Disqualify Counsel. . Signed by Judge Todd J. Campbell on 10/17/06. (km,) (Entered: 10/17/2006)
10/18/2006	<u>13</u>	RESPONSE in Opposition re <u>6</u> First MOTION to Dismiss filed by Don Johnson. (Henry, Kelley) (Entered: 10/18/2006)
10/18/2006	<u>14</u>	AMENDED COMPLAINT against all defendants, filed by Don Johnson.(Henry, Kelley) (Entered: 10/18/2006)
10/18/2006	<u>15</u>	MOTION for Preliminary Injunction by Don Johnson. (Attachments: # <u>1</u> Exhibit List)(Henry, Kelley) Modified on 10/19/2006 (aef,). Modified on 10/19/06 (jb). (Entered: 10/18/2006)
10/18/2006	<u>16</u>	Additional Attachments (Exhibits Nos. 1–33; Exhibits Nos. 13–15 are Photographs provided to Court via hand delivery on CD) to Main Document re: <u>15</u> MOTION for Preliminary Injunction. (Attachments: # <u>1</u> Exhibit 1– CV Dr. Wikswo# <u>2</u> Exhibit 2– Declaration Dr. Wikswo# <u>3</u> Exhibit 2–Dr. John Wikswo part b# <u>4</u> Exhibit 3–Leuchter Equipment Certification# <u>5</u> Exhibit 4–Morse Letter# <u>6</u> Exhibit 5– Weichert Letter# <u>7</u> Exhibit 6– TDOC Electrocutation Manual part a# <u>8</u> Exhibit 6–TDOC Electrocutation Manual part b# <u>9</u> Exhibit 6–TDOC Electrocutation Manual part c# <u>10</u> Exhibit 7–Letter From JVM Industries# <u>11</u> Exhibit 8–TN Article 9–16–06# <u>12</u> Exhibit 9– Horace Dunkins Report# <u>13</u> Exhibit 10– Michael Lindsay Report# <u>14</u> Exhibit 11– Wayne Ritter Report# <u>15</u> Exhibit 12– Post–Furman Botched Executions Article# <u>16</u> Exhibit 16– Postmortem Jesse Tafero# <u>17</u> Exhibit 17– Postmortem Daniel M. Thomas# <u>18</u> Exhibit 18– Postmortem David Funchess# <u>19</u> Exhibit 19–Postmortem Ronald Straight# <u>20</u> Exhibit 20– Postmortem Beuford White# <u>21</u> Exhibit 21–Postmortem Willie Jasper Darden, Jr.# <u>22</u> Exhibit 22–Postmortem Jeffrey Daugherty# <u>23</u> Exhibit 23–Postmortem Theodore Bundy# <u>24</u> Exhibit 24– Postmortem Aubrey Adams# <u>25</u> Exhibit 25– John Lewis Evans Report# <u>26</u> Exhibit 26– Arthur Lee Jones# <u>27</u> Exhibit 27– Herbert Lee Richardson# <u>28</u> Exhibit 28–Wallace Norell Thomas# <u>29</u> Exhibit 29–Affidavit of Russell F. Canan# <u>30</u> Exhibit 30–Affidavit of Samuel Glasscock# <u>31</u> Exhibit 31–Affidavit of Jonathan Eig# <u>32</u> Exhibit 32– Affidavit Johnny Robinson# <u>33</u> Exhibit 33– Affidavit of Reverend J.D. Brown)(Henry, Kelley) Modified Text on 10/19/06 (jb). (Entered: 10/18/2006)
10/18/2006	<u>17</u>	NOTICE of Filing Compact Disc Containing Electronic Copies of Photographs Noted (Exhs. Nos. 13–15) in <u>15</u> Motion for Preliminary Injunction by Don Johnson. (Henry, Kelley) Modified Text on 10/19/06 (jb). (Entered: 10/18/2006)
10/18/2006	<u>18</u>	INTERROGATORIES and Request for Production of Documents Propounded to Defendants by Don Johnson.(Henry, Kelley) Modified Text on 10/19/06 (jb). (Entered: 10/18/2006)
10/18/2006	<u>23</u>	SUMMONS returned executed by USM for Don Johnson. George Little served on 10/6/2006. (km,) (Entered: 10/20/2006)
10/19/2006	<u>19</u>	NOTICE of Filing by Don Johnson <i>Exhibit to Plaintiff's Response in Opposition to Defendants' Motion to Dismiss</i> (Attachments: # <u>1</u> Exhibit Exhibit 1: Execution Form)(Henry, Kelley) (Entered: 10/19/2006)
10/19/2006		Note to Filer re DE #16: Declarations and affidavits should be filed as separate events, not as attachments to other documents. These documents do not need to be re–filed unless otherwise directed by the Court. (jb) (Entered: 10/19/2006)
10/19/2006	<u>20</u>	MEMORANDUM Signed by Judge Todd J. Campbell on 10/19/06. (gi,) (Entered: 10/19/2006)

10/19/2006	<u>21</u>	ORDER granting <u>6</u> Motion to Dismiss and denying <u>15</u> Motion for Preliminary Injunction for reasons set forth in the accompanying memorandum. This order shall constitute the judgment in this case pursuant to FRCP 58. Signed by Judge Todd J. Campbell on 10/19/06. (gi,) (Entered: 10/19/2006)
10/19/2006	22	Docket Entry Numbers 20 & 21 are hereby entered on the docket in compliance with Rule 58 and/or Rule 79(a) of the Federal Rules of Civil Procedure on 10/19/06 by gi. (gi,) (Entered: 10/19/2006)
11/14/2006	<u>24</u>	NOTICE OF APPEAL as to <u>20</u> Memorandum & Opinion, <u>21</u> Order on Motion to Dismiss,, Order on Motion for Preliminary Injunction, by Don Johnson. (Henry, Kelley) (Entered: 11/14/2006)
11/17/2006		USCA Case Number 06-6452 for <u>24</u> Notice of Appeal filed by Don Johnson and assignment of Audrey Crockett (mk,) (Entered: 11/17/2006)
10/16/2007	<u>25</u>	MOTION Motion For Relief From Judgment by Don Johnson. (Attachments: # <u>1</u> Exhibit 1- Harbison Memorandum Part 1# <u>2</u> Exhibit 1- Harbison Memorandum Part 2# <u>3</u> Exhibit 1- Harbison Transcript Vol. 1# <u>4</u> Exhibit 3- Harbison Transcript Volume 2# <u>5</u> Exhibit 4- Transcript Volume 3# <u>6</u> Exhibit 5- Harbison Transcript Vol. 4)(Henry, Kelley) (Entered: 10/16/2007)
10/23/2007	<u>26</u>	RESPONSE in Opposition re <u>25</u> MOTION Motion For Relief From Judgment filed by Ricky Bell, George Little. (Hudson, Mark) (Entered: 10/23/2007)
10/25/2007	<u>27</u>	ORDER: This case is currently on appeal to the Sixth Circuit Court of Appeals (Court of Appeals Docket No. 06-6452). See Docket No. <u>24</u> in this case. Therefore, this Court is without jurisdiction to decide Pltf's Motion for relief from judgment <u>25</u> . Signed by Judge Todd J. Campbell on 10/25/07. (km) (Entered: 10/25/2007)
11/26/2007	<u>28</u>	NOTICE OF APPEAL as to <u>27</u> Order on Motion for Miscellaneous Relief, by Don Johnson. (Henry, Kelley) (Entered: 11/26/2007)
12/03/2013	<u>29</u>	ORDER of USCA as to <u>24</u> Notice of Appeal filed by Don Johnson, <u>28</u> Notice of Appeal filed by Don Johnson. It is ORDERED that the motion is GRANTED and the appeals are dismissed. (NO MANDATE TO ISSUE) (tmw) (Entered: 12/03/2013)