

APPEAL, CLOSED, DEATH_PENALTY, HABEAS

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CIVIL DOCKET FOR CASE #: 4:04-cv-01514**

Harris v. Johnson, et al
Assigned to: Judge Vanessa D Gilmore
Demand: \$0
Case in other court: 04-70020
Cause: 42:1983 Civil Rights Act

Date Filed: 04/15/2004
Date Terminated: 07/01/2004
Jury Demand: Plaintiff
Nature of Suit: 535 Death Penalty
- Habeas Corpus
Jurisdiction: Federal Question

Plaintiff

David Ray Harris

represented by **Thomas M Farrell**
Nickens Keeton et al
600 Travis
Ste 7500
Houston, TX 77002
713-571-9191
Fax: 713-571-9652 fax
Email:
tfarrell@nickenskeeton.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Gary Johnson
*Executive Director Texas
Department of Criminal Justice*

represented by **Gena Blount Bunn**
Texas Attorney General
PO Box 12548
Austin, TX 78711
512-936-1400
Fax: 512-320-8132
Email: gena.bunn@oag.state.tx.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Director-TDCJ-ID Doug Dretke represented by **Gena Blount Bunn**

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Warden Neill Hodges

represented by **Gena Blount Bunn**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Unknown Executioners

| Date Filed | # | Docket Text |
|-------------------|-------------------|---|
| 04/15/2004 | 1 | COMPLAINT by David Ray Harris filed; FILING FEE \$ 150.00 RECEIPT # 543380 (bchurchill) (Entered: 04/19/2004) |
| 04/15/2004 | 2 | MEMORANDUM of LAW by David Ray Harris in support of [1-1] complaint , filed (bchurchill) (Entered: 04/19/2004) |
| 04/15/2004 | 3 | Order setting Initial Pretrial and Scheduling Conference on 3:00 7/30/04 before Judge Sim Lake and Order to Disclose Interested Persons, filed. Parties notified. (bchurchill) (Entered: 04/19/2004) |
| 04/21/2004 | 4 | NOTICE OF TRANSFER (to Judge Vanessa D. Gilmore) Related to capital case, filed. Parties notified. (vhulsey) (Entered: 04/21/2004) |
| 04/21/2004 | | CASE reassigned to Judge Vanessa D. Gilmore (vhulsey) (Entered: 04/21/2004) |
| 04/29/2004 | 5 | ORDER, entered; Parties notified. This court DISMISSES Harris' complaint. As Harris' pleadings do not make a substantial showing of the denial of a constitutional right, no Certificate of Appealability will issue. (signed by Judge Vanessa D. Gilmore) (psmith) (Entered: 04/30/2004) |
| 04/29/2004 | 6 | FINAL JUDGMENT, entered. Parties ntfed. This case is DISMISSED. No certificate of appealability will issue. (signed by Judge Vanessa D. Gilmore) (psmith) (Entered: 04/30/2004) |

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| 04/29/2004 | | Case closed (psmith) (Entered: 04/30/2004) |
| 05/18/2004 | | APPEAL FILING FEE \$ 255.00 PAID IN FULL by Nickens & Keeton Atty's for David R. Harris; RECEIPT # 4-544514. (ejones) (Entered: 05/19/2004) |
| 05/18/2004 | 7 | NOTICE OF APPEAL of [6-1] order by David Ray Harris , filed. Fee Status: paid Receipt #: 544514 (jdavenport) (Entered: 05/20/2004) |
| 05/20/2004 | | Notice of appeal and Copy of docket transmitted to USCA: [7-1] appeal (jdavenport) (Entered: 05/20/2004) |
| 05/25/2004 | | Certified and transmitted record on appeal consisting of 1 volume of pleadings to U.S. Court of Appeals: [7-1] appeal . Parties ntf. (jdavenport) (Entered: 05/25/2004) |
| 06/03/2004 | 8 | RULE 60 MOTION AND REQUEST for expedited hearing by David Ray Harris, Motion Docket Date 6/23/04 [8-1] motion , filed. (khightower) (Entered: 06/04/2004) |
| 06/04/2004 | 9 | ORDER denying [8-1] motion for expedited hearing , entered; Parties notified. (signed by Judge Vanessa D. Gilmore) (khightower) (Entered: 06/07/2004) |
| 06/09/2004 | 10 | NOTICE of Hearing: set scheduling conference for 1:30 7/2/04 before Judge Vanessa D. Gilmore before Judge Vanessa D. Gilmore , filed. A Joint Case Management Plan must be filed 10 days before the conference. (khightower) (Entered: 06/15/2004) |
| 06/15/2004 | | NOTICE of Docketing NOA from USCA Re: [7-1] appeal USCA NUMBER: 04-70020 (mharrison) (Entered: 06/15/2004) |
| 06/17/2004 | 11 | NOTICE of CANCELLATION of Hearing , filed. The Scheduling Conference set for 07/02/04 at 1:30 is CANCELLED. (khightower) (Entered: 06/18/2004) |
| 06/23/2004 | 12 | ORDER that the State refile its brief in response to Petitioner's action and if petitioner seeks to file a reply brief addressing any new issues affected by the Supreme Court's opinion set brief due for 12pm 6/25/04 , and set party's reply brief due 12pm 6/25/04 , entered; Parties notified. (signed by Judge Vanessa D. Gilmore) (khightower) (Entered: 06/24/2004) |
| 06/24/2004 | 13 | REQUEST by David Ray Harris for Tro and Post-Remand Brief , filed. (khightower) (Entered: 06/25/2004) |
| 06/25/2004 | 14 | MOTION with brief in support to dismiss by Gary Johnson, Doug Dretke, Neill Hodges, Motion Docket Date 7/15/04 [14-1] motion , filed (khightower) (Entered: 06/28/2004) |

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| 06/25/2004 | 17 | RESPONSE by David Ray Harris in opposition to [14-1] motion to dismiss , filed (kheightower) (Entered: 06/28/2004) |
| 06/28/2004 | 15 | JUDGMENT OF USCA (certified copy) Jun 23, 2004 issued as mandate on June 23, 2004 REVERSING & REMANDING the Judgment of the District Court Re: [7-1] appeal, filed. CCA No. 04-70020 (bdaniel) (Entered: 06/28/2004) |
| 06/28/2004 | 16 | Certified copy of PER CURIAM by USCA, filed. CCA No. 04-70020 (bdaniel) (Entered: 06/28/2004) |
| 06/28/2004 | | Record on appeal, consisting of 1 Vol - Record, returned from U.S. Court of Appeals, reassembled and forwarded to case manager: [7-1] appeal . CCA No. 04-70020. (bdaniel) (Entered: 06/28/2004) |
| 06/28/2004 | | Case reopened (bdaniel) (Entered: 06/28/2004) |
| 06/29/2004 | 18 | ORDER granting pltf's [13-1] request for TRO; denying deft's [14-1] motion to dismiss , entered; Parties (signed by Judge Vanessa D. Gilmore) (sfedele) Modified on 06/30/2004 (Entered: 06/29/2004) |
| 06/29/2004 | 19 | NOTICE OF APPEAL (faxed copy) of [18-1] order by Gary Johnson, Doug Dretke, Neill Hodges, Unknown Executioners, filed. Fee Status: Not Pd (bdaniel) (Entered: 06/29/2004) |
| 06/29/2004 | | Notice of appeal and Copy of docket transmitted (faxed and mailed) to USCA: [19-1] appeal (bdaniel) (Entered: 06/29/2004) |
| 06/29/2004 | 20 | Minute entry: Temporary Restraining Hearing held. Apps: T Farrell f/Solice Southwick, David Dow; G Bunn f/deft. Ct Reporter: C Barron Tape Number: none . Court to issue order by noon (sfedele) (Entered: 06/30/2004) |
| 06/29/2004 | | Completed Case Manager Checklist for processing stays of execution. (EM) (amaly) (Entered: 07/01/2004) |
| 06/29/2004 | 22 | RESPONSE by Gary Johnson, Doug Dretke, Neill Hodges in opposition to pltf's request for TRO, filed (amaly) (Entered: 07/01/2004) |
| 06/30/2004 | 21 | NOTICE OF APPEAL of [18-1] order by Gary Johnson, Doug Dretke, Neill Hodges , filed. Fee Status: Paid Receipt #: 545853 (mharrison) (Entered: 07/01/2004) |
| 07/01/2004 | | Notice of appeal and Copy of docket transmitted to USCA: [21-1] appeal (mharrison) (Entered: 07/01/2004) |
| 07/01/2004 | | Case closed (amaly) (Entered: 07/01/2004) |

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| 07/06/2004 | 23 | Certified copy of PER CURIAM by USCA, filed. CCA No. 04-70028 (jdavenport) (Entered: 07/07/2004) |
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