

CLOSED, CONMAG

**U. S. District Court
Eastern District of Louisiana (New Orleans)
CIVIL DOCKET FOR CASE #: 2:99-cv-03167-MVL-JCW**

Robinson, et al v. Foti, et al
Assigned to: Judge Mary Ann Vial Lemmon
Referred to: Magistrate Judge Joseph C. Wilkinson, Jr
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 10/22/1999
Date Terminated: 10/12/2000
Jury Demand: None
Nature of Suit: 555 Habeas Corpus (Prison Condition)
Jurisdiction: Federal Question

Plaintiff**Dereck Robinson**

represented by **Dereck Robinson**
25952-034
FCI Beaumont
P.O. Box 26040
Beaumont, TX 77720
PRO SE

V.

Defendant

Charles C Foti, Jr
Criminal Sheriff for Orleans Parish

represented by **Freeman Rudolph Matthews**
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ATTORNEY TO BE NOTICED

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Defendant**Deputy Chaney**

*employed at Orleans Parish Prison or the
Orleans Parish Criminal Sheriff's Office*

Date Filed	#	Docket Text
10/22/1999	1	COMPLAINT (2 summons(es) issued) (ijg) (Entered: 10/27/1999)
10/22/1999		Automatic Referral (Utility Event) to Magistrate Joseph C. Wilkinson Jr. (ijg) (Entered: 10/27/1999)

10/22/1999	2	ORDER that pla is allowed to proceed in forma pauperis w/an initial partial payment of \$15.75; the remainder of the \$150.00 filing fee to be paid as set out in doc by Magistrate Joseph C. Wilkinson Jr. (ijg) (Entered: 10/27/1999)
10/25/1999	3	MINUTE ENTRY(10/25/99): Ordered that pla file statement of facts, and exhibit and witness lists by 11/15/99; FURTHER ORDERED that counsel for dfts must furnish a verified copy of the medical records of pla to the undersigned w/in 30 days of this M.E. &a copy should also be sent to pla by Magistrate Joseph C. Wilkinson Jr. (ijg) (Entered: 10/27/1999)
11/17/1999	4	ANSWER by defendant Charles C Foti Jr to complaint by plaintiff Dereck Robinson [1-1] (ijg) (Entered: 11/17/1999)
11/17/1999	5	ORDER: By order dated 10/25/99 pla was ordered to submit to the Court by 11/15/99 items listed herein; pla has not complied w/the Court's order; ORDERED that pla show cause by 12/9/99 why his suit should not be dismissed for failure to comply w/the Court's 10/25/99 order by Magistrate Joseph C. Wilkinson Jr. (ijg) (Entered: 11/18/1999)
11/19/1999	6	USM'S RETURN OF SERVICE of summons and complaint upon defendant Charles C Foti Jr, defendant Deputy Chaney on 11/17/99 (ijg) (Entered: 11/19/1999)
12/10/1999	7	Response by plaintiff Dereck Robinson to court order of 10/25/99 [5-1] (ijg) (Entered: 12/13/1999)
12/17/1999	8	MINUTE ENTRY(12/16/99): Preliminary Conf set bfr Mag Judge at 10:30 1/13/00 ; the Warden of the Fed Correctional Institute in Beaumont is to have pla available by phone for the conf by Magistrate Joseph C. Wilkinson Jr. (ijg) (Entered: 12/20/1999)
01/13/2000	9	MINUTE ENTRY(1/13/00): ORDERED that the prelim conf by phone previously set on 1/13/00 is RESET on 1/27/00 at 10:30 a.m.; the Warden is directed to have pla made available by phone for the conf by Magistrate Joseph C. Wilkinson Jr. (ijg) (Entered: 01/13/2000)
01/27/2000	10	MINUTE ENTRY(1/27/00): The Clerk is directed to file the attached medical records in the record by Magistrate Joseph C. Wilkinson Jr. (ijg) (Entered: 01/28/2000)
01/28/2000	11	MINUTE ENTRY(1/27/00): Preliminary Conference by phone held 10:30 1/27/00 by Magistrate Joseph C. Wilkinson Jr. (ijg) (Entered: 01/28/2000)
01/31/2000	12	MINUTE ENTRY(1/27/00): The Clerk of Courts' Court Reporter Section is directed to take possession of the cassette tape of the conf conducted by phone on 1/27/00 &hold same for further use by Magistrate Joseph C. Wilkinson Jr. (ijg) (Entered: 02/01/2000)
02/15/2000	13	Consent to trial and Order referring case to Magistrate Joseph C. Wilkinson Jr. pursuant to 28 USC 636(c) by Judge Mary Ann Vial Lemmon (ijg) (Entered: 02/15/2000)
02/23/2000	14	MINUTE ENTRY(2/23/00): ORDERED that CA 99-3167 will be set for trial &final PTC bfr the mag judge together w/CA 99-663; the PTC will be held on 4/27/00 at 2:00 p.m. &the non-jury trial will be held on 5/15/00 at 10:00; FURTHER ORDERED that counsel for plas &dfts in CA 99-663 must include references to the claims, witnesses &exhibits of pla Dereck Robinson in the pretrial order in connection w/the PTC to be held 4/27/00 by Mag Joseph C. Wilkinson Jr. (ijg) (Entered: 02/23/2000)
02/28/2000	15	Motion by defendant Charles C Foti Jr and ORDER that John Vito Quaglino is allowed to enroll as co-counsel of record by Magistrate Joseph C. Wilkinson Jr. (ijg) (Entered: 02/29/2000)
04/28/2000	16	MINUTE ENTRY(4/28/00): ORDERED that the Warden of the Fed Correctional Institute in Beaumont TX make inmate Dereck Robinson available by phone at 10:00 a.m. on 5/15/00 through 5/16/00 for pla's trial by Magistrate Joseph C. Wilkinson Jr. (ijg) (Entered: 04/28/2000)

04/28/2000	<u>17</u>	MINUTE ENTRY(4/27/00): A PTC was held this date in CA 99-663, 99-3257, &99-3167; ORDERED that plas James Miller &Dereck Robinson will participate in the trial by phone; FURTHER ORDERED that counsel for plas &dfts must send to plas Miller &Robinson copies of all trial exhibits by 5/8/00; FURTHER ORDERED that parties may submit proposed findings of fact &conclusions of law no later than 4:00 p.m. on 5/12/00; FURTHER ORDERED that the Court will conduct an inspection of OPP at 9:00 a.m. on 5/16/00 by Magistrate Joseph C. Wilkinson Jr. (ijg) (Entered: 04/28/2000)
04/28/2000	22	PRE-TRIAL ORDER: by Magistrate Joseph C. Wilkinson Jr. Date Signed: 4/27/00 (bb) (Entered: 06/01/2000)
05/10/2000	18	Transcript of phone conf bfr Mag Judge Wilkinson held 1/27/00 Recorded by Mag Judge Wilkinson (ijg) (Entered: 05/12/2000)
05/15/2000	<u>19</u>	NON-JURY TRIAL: Reported/Recorded by Rhonda Hardin; pla's oral mtn for sequestration of wit, SO ORDERED; wit called; stip read &filed into the record; exh offered &admitted; Court will conduct an inspection of the tier on 5/16/00 at 9:00 a.m.; trial cont until 5/16/00 at 10:00 a.m.; Court adjourned by Mag Joseph C. Wilkinson Jr. (ijg) (Entered: 05/17/2000)
05/16/2000	<u>20</u>	PROCEEDING: non-jury trial; Reported/Recorded by Rhonda Hardin; wits sworn &questioned; pla's obj to letter offered, ruling reserved; exh offered &received; Mag Judge received the actual items into evidence, they will correspond w/the photos of these items, marked as P-7, which have been received; pla exh P-11, letter, deferred ruling; pla Derek Robinson moves to have med records entered into evidence - granted; dft mtn to dismiss damage claims - deferred dft mtn to dismiss 1983 claims agst Sheriff Foti - deferred; Court stands in recess to resume at 9am on 5/17/00 by Magistrate Joseph C. Wilkinson Jr. (pck) Modified on 06/02/2000 (Entered: 05/18/2000)
05/17/2000	<u>21</u>	PROCEEDING: non-jury trial cont; Reported/Recorded by Rhonda Hardin; wits sworn &testified; exh offered &admitted; stip entered into record; dft reurge their mtn for dismissal of 1983 &legal access claims agst Sheriff Charles C. Foti, Jr. in personal &official capacity - deferred; dfts waive closing argument, opting instead to submit post trial brief, which must be submitted by 5/31/00; all matters are submitted at this time; Court adjourned by Magistrate Joseph C. Wilkinson Jr. (pck) Modified on 06/02/2000 (Entered: 05/18/2000)
08/07/2000	<u>23</u>	MINUTE ENTRY(8/1/00) Settlement conference set by phone on 8/23/00 at 10:30 a.m. by Magistrate Sally Shushan (ijg) (Entered: 08/07/2000)
08/25/2000	<u>24</u>	MINUTE ENTRY (8/25/00) A phone settlement conf was held 8/23/00 by Magistrate Sally Shushan (ijg) (Entered: 08/25/2000)
10/11/2000	<u>25</u>	ORDER to custodian in re deduction from pla's prisoner account toward payment of filing fee by Magistrate Joseph C. Wilkinson Jr. (gw) (Entered: 10/12/2000)
10/11/2000	<u>28</u>	MINUTE ENTRY (10/11/00) Clerk is directed to take custody of the depositions &exhibits submitted during the trial conducted in the captioned cases on 5/15/00 to 5/17/00 before the undersigned Mag Judge &hold them for further proceedings, if any, in these matters by Magistrate Joseph C. Wilkinson Jr. (gw) (Entered: 10/12/2000)
10/12/2000	<u>26</u>	Findings of fact and conclusions of law by Magistrate Joseph C. Wilkinson Jr. Date signed: 10/10/00 (gw) (Entered: 10/12/2000)
10/12/2000	<u>27</u>	JUDGMENT: in favor of dfts Charles C Foti Jr &Gerald Chaney &agst pla Dereck Robinson, dismissing pla's claims under 42 USC 1983 w/prejudgment; FURTHER ORDERED that jgm in favor of pla Dereck Robinson &agst dfts Charles C Foti Jr &Gerald Chaney, in their official capacities, in the amount of \$200.00 together with prejudgment interest from the date of judicial demand, 9/20/99, until paid at the rate provided under LA law; All ptys must bear their own costs by Clerk of Court; Approved as to form by Magistrate Joseph C. Wilkinson Jr. Date signed: 10/11/00 (CLOSED CASE) (gw) Modified on 10/12/2000 (Entered: 10/12/2000)