

CLOSED, INMATE

U.S. District Court
Alabama Middle District (Montgomery)
CIVIL DOCKET FOR CASE #: 2:03-cv-00390-MHT-SRW

Gaddis, et al v. Campbell
Assigned to: Judge Myron H. Thompson
Referred to: Mag. Judge Susan Russ Walker
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 04/09/2003
Jury Demand: None
Nature of Suit: 555 Habeas Corpus
(Prison Condition)
Jurisdiction: Federal Question

Plaintiff

Michael Gaddis
*individually and on behalf of all others
similarly situated*

represented by **Danielle Jeannine Lipow**
Southern Poverty Law Center
PO Box 2087
Montgomery, AL 36102-2087
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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LEAD ATTORNEY
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Plaintiff

Manson Fisher, Jr.
individually and on behalf of all others
similarly situated
also known as
Yusuf Abdur Rahim

represented by **Danielle Jeannine Lipow**
(See above for address)
LEAD ATTORNEY
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Grace Gabriel Graham
(See above for address)
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Kelley McNair Bruner
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Rhonda C. Brownstein
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LEAD ATTORNEY
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Plaintiff

Robert William Hamilton
individually and on behalf of all others
similarly situated

represented by **Danielle Jeannine Lipow**
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Grace Gabriel Graham
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Rhonda C. Brownstein
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LEAD ATTORNEY
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Plaintiff

Cedric McLain
individually and on behalf of all others

represented by **Danielle Jeannine Lipow**
(See above for address)

similarly situated

*LEAD ATTORNEY
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Grace Gabriel Graham
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Kelley McNair Bruner
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Rhonda C. Brownstein
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*LEAD ATTORNEY
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Plaintiff

Louis Jenkins
*individually and on behalf of all others
similarly situated*

represented by **Danielle Jeannine Lipow**
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Grace Gabriel Graham
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Kelley McNair Bruner
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Rhonda C. Brownstein
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*LEAD ATTORNEY
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Plaintiff

James Taylor
*individually and on behalf of all others
similarly situated*

represented by **Danielle Jeannine Lipow**
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*LEAD ATTORNEY
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Grace Gabriel Graham
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Rhonda C. Brownstein
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LEAD ATTORNEY
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V.

Defendant

Donal Campbell
Commissioner of the Alabama
Department of Corrections

represented by **Andrew Weldon Redd**
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Legal Division
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

Beverly Jo Jones
TERMINATED: 04/02/2004

represented by **Beverly Jo Jones**
420 First Avenue
Saraland, AL 36571

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Date Filed	#	Docket Text
04/09/2003	1	NATURE OF THE ACTION Filing Fee \$ 150.00 Receipt # 96830 (mfm) (Entered: 04/11/2003)
04/09/2003	2	SUMMONS issued for Donal Campbell and returned to counsel for plaintiffs for personal service (mfm) (Entered: 04/11/2003)
04/09/2003	3	SUMMONS Returned Executed as to Donal Campbell 4/9/03; Answer due on 4/29/03 for Donal Campbell (mfm) (Entered: 04/11/2003)
04/09/2003		Staff Attorney Assigned: Willoughby (cb) (Entered: 11/07/2003)
04/11/2003		Staff Attorney Assigned: Allen (cs) (Entered: 04/11/2003)
04/30/2003	4	ANSWER to Complaint by Donal Campbell (Attorney Andrew W. Redd, William F. Addison); referred to Judge Myron H. Thompson (mfm) (Entered: 04/30/2003)
04/30/2003		AO FORM 85 mailed to counsel for defendant. (mfm) (Entered: 04/30/2003)
05/07/2003	5	RULE 26(F) ORDER directing parties to file the Rule 26(f) report containing the discovery plan as soon as practicable; Planning Meeting report due on 5/30/03 (signed by Judge Myron H. Thompson) , copies provided to counsel. (mfm) (Entered: 05/07/2003)
05/28/2003	6	MOTION by Michael Gaddis, Manson Fisher Jr., Robert William Hamilton, Cedric McLain, Louis Jenkins, James Taylor for Class Certification (Exhibits 1-3 attached) referred to Mag. Judge Susan R. Walker (sl) (Entered: 05/29/2003)
05/30/2003	7	REPORT of Parties' Planning Meeting. Referred to Staff Attorney Allen. (sl) (Entered: 06/02/2003)
06/02/2003	8	ORDERED that the [6-1] motion for Class Certification by plaintiffs is set for submission on 6/25/03 with all briefs and evidentiary materials due by said date (signed by Judge Myron H. Thompson) , copies provided to counsel. (sl) (Entered: 06/02/2003)
06/03/2003	9	SCHEDULING ORDER setting Pretrial Conference for 10/16/03 before Judge Myron H. Thompson ; Motion Filing deadline on 7/18/03 ; Discovery cutoff 8/29/03 ; set amended pleading deadline for 7/11/03 ; Non-jury trial set for 12/8/03 before Judge Myron H. Thompson ; Mediation Notice deadline on 8/13/03 (signed by Judge Myron H. Thompson) , copies provided to counsel, yg, hc, sc. (ag) (Entered: 06/03/2003)
06/23/2003	10	MOTION by Michael Gaddis, Manson Fisher Jr., Robert William Hamilton, Cedric McLain, Louis Jenkins, James Taylor to Extend Deadlines to exchange expert reports (w/proposed order); referred to

		Mag. Judge Susan R. Walker (mfm) Modified on 06/23/2003 (Entered: 06/23/2003)
07/09/2003	11	ORDER terminating [10-1] motion to Extend Deadlines to exchange expert reports; extending plaintiffs' and defendant's deadline to identify experts and provide expert reports to 08/11/03 and 09/08/03 (signed by Judge Myron H. Thompson) , copies provided to counsel & plaintiff. (mfm) (Entered: 07/09/2003)
07/11/2003	12	ORDER granting [6-1] motion for Class Certification; certifying a plaintiff class as consisting of all present and future inmates with diabetes who are or will be incarcerated in an Alabama Department of Corrections facility; advising that said class is represented by plaintiffs Michael Gaddis, Manson Fisher Jr., Robert William Hamilton, Cedric McLain, Louis Jenkins and James Taylor (signed by Judge Myron H. Thompson) , copies provided to counsel. (mfm) (Entered: 07/11/2003)
08/19/2003	13	Notice Concerning Settlement Conference and Mediation filed by Michael Gaddis, Manson Fisher Jr., Robert William Hamilton, Cedric McLain, Louis Jenkins, James Taylor, Donal Campbell; referred to Mag. Judge Susan R. Walker (mfm) (Entered: 08/20/2003)
09/02/2003	14	ORDER resetting Scheduling Order Deadlines: Pretrial Conference for 11:15 10/16/03 in Chambers 300E in Montgomery before Judge Myron H. Thompson ; Proposed Pretrial Order due 10/14/03 ; Non-jury trial set for 12/8/03 trial term in Montgomery before Judge Myron H. Thompson signed by Judge Myron H. Thompson) , copies provided to counsel; furnished to YG, HC, SC. (mfm) (Entered: 09/02/2003)
09/04/2003		Tele-conference held before Judge Myron H. Thompson on 9/4/03 (ag) (Entered: 09/05/2003)
09/04/2003	15	Courtroom Deputy's MINUTES of proceedings: Telephone Conference held re: status of litigation Court Reporter Mitchell Reisner (ag) (Entered: 09/05/2003)
09/15/2003		Tele-conference held before Judge Myron H. Thompson on 09/15/03 (mfm) (Entered: 09/16/2003)
09/15/2003	16	Courtroom Deputy's MINUTES of proceedings: regarding telephone conference regarding status of litigation on 09/15/03 before Judge Myron H. Thompson; Mitchell Reisner Court Reporter (mfm) (Entered: 09/16/2003)
09/29/2003		Tele-conference held before Judge Myron H. Thompson on 09/29/03 (mfm) (Entered: 09/30/2003)
09/29/2003	17	Courtroom Deputy's MINUTES of proceedings: regarding telephone conference of settlement proceedings on 09/29/03 before Judge Thompson; Mitchell Reisner Court Reporter (mfm) (Entered: 09/30/2003)
10/02/2003	18	NOTICE of Attorney Appearance for Donal Campbell by Jane LeCroy Brannan (mfm) (Entered: 10/03/2003)

10/07/2003		Tele-conference held before Judge Myron H. Thompson on 10/07/03 (mfm) (Entered: 10/07/2003)
10/07/2003	19	Courtroom Deputy's MINUTES of proceedings: Telephone conference regarding status of litigation before Judge Thompson on 10/07/03; Mitchell Reisner Court Reporter (mfm) (Entered: 10/07/2003)
10/16/2003		Conference held before Judge Myron H. Thompson on 10/16/03 (mfm) (Entered: 10/17/2003)
10/17/2003	20	ORDER setting Status Conference 8:30 10/21/03 by telephone before Judge Myron H. Thompson (signed by Judge Myron H. Thompson) , copies provided to counsel; furnished to YG, HC, SC. (mfm) (Entered: 10/17/2003)
10/21/2003		Tele-conference held before Judge Myron H. Thompson on 10/21/03 (mfm) (Entered: 10/22/2003)
10/21/2003	21	Courtroom Deputy's MINUTES of proceedings: Telephone conference regarding status of litigation held before Judge Thompson on 10/21/03; Mitchell Reisner Court Reporter (mfm) (Entered: 10/22/2003)
11/14/2003	22	JOINT MOTION by Michael Gaddis, Manson Fisher Jr., Robert William Hamilton, Cedric McLain, Louis Jenkins, James Taylor, Donal Campbell for preliminary approval of proposed settlement agreement , and for approval of notice to the class (w/proposed settlement & notice to class); referred to Mag. Judge Susan R. Walker (mfm) (Entered: 11/17/2003)
11/17/2003		Motion(s) referred to Judge Myron H. Thompson : [22-1] joint motion for preliminary approval of proposed settlement agreement referred to Judge Myron H. Thompson, [22-2] joint motion for approval of notice to the class referred to Judge Myron H. Thompson (mfm) (Entered: 11/17/2003)
11/18/2003	23	ORDER granting [22-1] joint motion for preliminary approval of proposed settlement agreement, and [22-2] joint motion for approval of notice to the class; directing that notice to the class members be given by the Commissioner of the Alabama DOC by (1) posting the notice on community bulletin boards in every dormitory, law library and dining area in every prison; and (2) serving an individual copy on every inmate in segregation; directing that all notices be delivered and placed in areas described by 11/21/03; setting In-Chambers Status Conference 8:30 12/30/03 before Judge Myron H. Thompson to discuss how to proceed on the proposed settlement in light of the objections signed by Judge Myron H. Thompson) , copies provided to counsel. (mfm) (Entered: 11/18/2003)
11/24/2003	24	OBJECTION by Mike Gagliardi to Proposed Diabetes Settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 11/25/2003)
11/25/2003	25	OBJECTION by Marvin McMillian to proposed diabetes settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 11/25/2003)
11/25/2003	26	OBJECTION by Joan C. Block to proposed diabetes settlement

		(w/attachment); referred to Judge Myron H. Thompson (mfm) (Entered: 11/25/2003)
11/25/2003	27	OBJECTION by Joe H. Bandy, Jr. to proposed diabetes settlement (w/attachment); referred to Judge Myron H. Thompson (mfm) (Entered: 11/25/2003)
11/26/2003	28	OBJECTION by Dewitt Searight and Erie Tate to Proposed Diabetes Settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 12/02/2003)
12/01/2003	29	OBJECTION by Martin Taylor, Wilson Conner, Eddie Lee Geter, Ivan F. Matthew, Fernando McAdory, Oliver Cook, Richard Jacob Golden, Tommy Bass, LeRoy Smith, Raymond Hill, Michael W. Loggins, and Melvin Thomas to Proposed Diabetes Settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 12/02/2003)
12/02/2003	30	OBJECTION by Beverly Oliver, Alvin Daniels, Chris Shehee, Albert Jefferson, Kerri Watts to Proposed Diabetes Settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 12/03/2003)
12/03/2003	31	OBJECTION by William Calvin to Proposed Diabetes Settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 12/04/2003)
12/04/2003	32	OBJECTION by Tracy Collier to Proposed Diabetes Settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 12/05/2003)
12/05/2003	33	OBJECTION by James Edwards to Proposed Diabetes Settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 12/08/2003)
12/08/2003	34	OBJECTION by Gary L. Kirby, Martin Taylor, Arthur E. Thompson, Anthony Greathouse, Carlos Moore, Sidney Stiltner, and George Smith to Proposed Diabetes Settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 12/09/2003)
12/09/2003	35	OBJECTION by Joseph B. Dudley, Boykin Jones, Jonathan Edwards and Preston Ashley to Proposed Diabetes Settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 12/10/2003)
12/11/2003	36	OBJECTION by Martin Taylor and Melvin Thomas to Proposed Diabetes Settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 12/12/2003)
12/12/2003	37	OBJECTION by Carlos J. Subel and Paul Thomas to Proposed Diabetes Settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 12/15/2003)
12/15/2003	38	OBJECTION by Tommy Bass, David Lucas, Clarence Rudolph, James Harris, Donald Spradlin, Anthony Daughtry, Greg Hilliard, Cleo Mallory, Allen Williams, Mark Davis, Robert Scott, David Henderson, Willie B. Davis, Carlos Beasley, Greg Humphrey, James L. King, Philemon Coleman, Louis Jenkins, Ollie Webster, Mark Mannings, Cedric L McLain, Larry Loveless, James Hatfield, Greg Bryant, Clarence Buchannon, George Sherer, Richard Pritchett, Johnny Williams, Johnny

		M. Young, Daniel Leslie, Preston Kenner, Robert Bailey, Herman Shaw, Glen Davis, Yusuf A. Rahin, and Larry Young to Proposed Diabetes Settlement (w/attachment); referred to Judge Myron H. Thompson (mfm) (Entered: 12/16/2003)
12/16/2003	39	OBJECTION by Steven Eady, Mark Jones, and Woodie Riddlespurge to Proposed Diabetes; referred to Judge Myron H. Thompson (mfm) (Entered: 12/17/2003)
12/18/2003	40	OBJECTION by Michael Harrison, Martin Taylor, and Bruce L. Forehand to Proposed Diabetes Settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 12/19/2003)
12/19/2003	41	OBJECTION by Ontourus Porter, Jesse Wedgeworth and Donald Grubb, Jr. to Proposed Diabetes Settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 12/22/2003)
12/19/2003	43	OBJECTION by Alvin H. Daniels to proposed diabetes settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 12/22/2003)
12/22/2003		Tele-conference held before Judge Myron H. Thompson on 12/22/03 (mfm) (Entered: 12/22/2003)
12/22/2003	42	Courtroom Deputy's MINUTES of proceedings: Procedural telephone conference regarding nature of settlement before Judge Thompson on 12/22/03; Mitchell Reisner Court Reporter (mfm) (Entered: 12/22/2003)
12/22/2003	44	ORDER setting Fairness Hearing for 10:00 1/15/04 in Courtroom 2E before Judge Myron H. Thompson ; cancelling the 12/30/03 status conference; terminated deadlines (signed by Judge Myron H. Thompson) , copies provided to counsel; furnished to YG, HC, SC (mfm) Modified on 12/22/2003 (Entered: 12/22/2003)
12/22/2003	45	OBJECTION by Phillip Sisson, James L. Johnson, John Houston, Andrew J. Smith, Demon V. Slater, Garon Jackson, Johnny Childers, Bobby Grundy, Jacob Dansby, and Billy R. Howell to proposed diabetes settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 12/23/2003)
12/23/2003	46	OBJECTION by James Hudnall to proposed diabetes settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 12/23/2003)
12/24/2003	47	OBJECTION by Terry Little, Jesse Maner, and Charles Crawfrd to proposed diabetes settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 01/05/2004)
01/07/2004	48	OBJECTION by Wayne A. Caple to proposed diabetes settlement; referred to Judge Myron H. Thompson (mfm) (Entered: 01/08/2004)
01/14/2004	49	Summary of Class Members' Objections to Proposed Settlement Agreement by Michael Gaddis, Manson Fisher Jr., Robert William Hamilton, Cedric McLain, Louis Jenkins, James Taylor in response to [23-2] order; referred to Judge Myron H. Thompson (mfm) (Entered: 01/15/2004)

01/15/2004	50	Revised Settlement Agreement (w/attachment) (mfm) (Entered: 01/16/2004)
01/15/2004		Fairness Hearing held before Judge Myron H. Thompson on 01/15/04 (mfm) (Entered: 01/16/2004)
01/15/2004	51	Courtroom Deputy's MINUTES of proceedings: regarding Fairness Hearing before Judge Thompson on 01/15/04 (w/witness list); Sherry Mack Court Reporter (Dunn, King - morning); Mitchell Reisner Court Reporter (afternoon) (mfm) (Entered: 01/16/2004)
02/04/2004	52	OPINION (signed by Judge Myron H. Thompson), copies provided to counsel (mfm) (Entered: 02/04/2004)
02/04/2004	53	JUDGMENT overruling objections to proposed settlement: [48-1], [47-1], [46-1], [45-1], [43-1], [41-1], [40-1], [39-1], [38-1], [37-1], [36-1], [35-1], [34-1], [33-1], [32-1], [31-1], [30-1], [29-1], [28-1], [27-1], [26-1], [25-1], [24-1]; granting [22-1] joint motion for approval of proposed settlement agreement; approving [50-1] revised settlement agreement; dismissing this lawsuit without prejudice; directing the Commissioner of ALDOC that within 14 days from this order shall cause to be provided to plaintiff class members notice of the final disposition of this lawsuit; directing the Commissioner of ALDOC within 28 days of the date of this order to file with the court a copy of the agreed-upon notice of final disposition, along with a sworn affidavit detailing how said notice was provided to plaintiff class members; advising that the court retains jurisdiction for 35 days from the date of this order for the limited and only purpose of supervision the provision of the final disposition notice to plaintiff class members, with court's jurisdiction to terminate after the 35 day period; advising that the parties are to bear their own costs and attorney's fees; directing the clerk to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the F.R.C.P. (signed by Judge Myron H. Thompson), copies provided to counsel. (mfm) (Entered: 02/04/2004)
02/04/2004		Case closed (mfm) (Entered: 02/04/2004)
03/03/2004	54	Notice of Final Disposition by Donal Campbell in response to [53-1] judgment order (w/exhibits 1-4); referred to Judge Myron H. Thompson (mfm) (Entered: 03/04/2004)
03/11/2004	55	ORDER that the jurisdiction of this court is terminated as further set out in order (signed by Judge Myron H. Thompson), copies provided. (sl) (Entered: 03/11/2004)
03/30/2004	56	MOTION by Beverly Jo Jones for Leave to File Amicus Brief ; referred to Mag. Judge Susan R. Walker (mfm) (Entered: 03/31/2004)
04/02/2004	57	ORDER striking and returning [56-1] motion for Leave to File Amicus Brief (signed by Mag. Judge Susan R. Walker), copies provided to plaintiff & counsel. (mfm) (Entered: 04/02/2004)
03/15/2005	58	MOTION to Reconsider re 53 Judgment by Beverly Jo Jones

		(w/attachments). (sl,) (Entered: 03/15/2005)
03/16/2005	59	ORDER denying 58 Motion for Reconsideration . Signed by Judge Myron H. Thompson on 3/16/2005. (cc,) (Entered: 03/16/2005)
04/04/2005	60	NOTICE OF APPEAL by Beverly Jo Jones to the United States Court of Appeals for the eleventh Circuit from the 59 Order on Motion for Reconsideration entered in the action on March 16, 2005. Copy to USCA (ydw,) Modified on 4/6/2005 to show corrected filer to this Notice of Appeal is by Beverly Jo Jones not Michael Gaddis(ydw,). (Entered: 04/05/2005)
04/04/2005		NOTICE of Docket Text Correction Modified on 4/6/2005 to show the correct filer to this 60 Notice of Appeal, is by Beverly Jo Jones not Michael Gaddis. No PDF with this entry (ydw,) (Entered: 04/06/2005)
04/05/2005		Transmission of Notice of Appeal and Certified Copy of Docket Sheet and Order to US Court of Appeals re 60 Notice of Appeal (ydw,) (Entered: 04/05/2005)
04/11/2005		USCA Case Number 05-11891-F for 60 Notice of Appeal. (ydw,) (Entered: 04/14/2005)
04/15/2005	61	NOTICE OF Jurisdictional Question By USCA Eleventh Circuit re 05-11891-F, 60 Notice of Appeal. Whether appellant who appears to be a nonnamed class member may appeal from the March 16, 2005, denial of her motion for reconsideration of the order denying her motion for leave to file an amicus brief following the district court's acceptance of a class settlement agreement? See Devlin v. Scardelletti, 536U.S. 1, 122 S.Ct.2005,153L.Ed.2d27(2002); In re Southeast Banking Corp.,Securities Litigation, 51F.3d1003,1004(11thCir.1995);Guthrie v.Evans,815F.2d.626,627-29(11thCir.1987). (ydw,) (Entered: 04/19/2005)
04/29/2005	62	Entry of Dismissal of USCA issued as the MANDATE as to 05-11891-F, 60 Notice of Appeal; Pursuant to 11th Cir.R. 42-1(b0, this appeal is hereby dismissed for want of prosecution because the appellant has failed to pay the \$250 docketing and \$5 filing fees (\$255) to the district court clerk and file a Transcript Order form within the time fixed by the rules, effective this 28th day of April, 2005. FOR THE COURT - BY DIRECTION (ydw,) (Entered: 05/02/2005)

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