

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:75-cv-00185-SRB**

Harris, et al v. Cardwell
Assigned to: Judge Susan R Bolton
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/26/1975
Date Terminated: 05/26/1982
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Muni Fred Harris

represented by **Daniel Joseph Pochoda**
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Plaintiff

Gilbert A Ingalls, Jr.

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Plaintiff

Michael P Tacho

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Plaintiff

Jesse Dominguez

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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V.

Defendant

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James Lee Hess

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Intervenor Plaintiff

Antonneo R Boyce

TERMINATED: 10/26/2005

represented by

Antonneo R Boyce

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Date Filed	#	Docket Text
05/18/1989	815	Gary St. Hilaire's Motion for enforcement of judgment, R.71 (former emp) (Entered: 05/18/1989)
05/18/1989	816	Notice by Gary St. Hilaire of change of address (to ASPC-Perryville) (former emp) (Entered: 05/18/1989)
05/18/1989		Letter from plaintiff Gary St. Hilaire to Hon CAM re mtn #815. (Placed in file) (former emp) (Entered: 05/18/1989)
05/18/1989		Letter from plaintiff Gary St. Hilaire dtd 5/8/89 to Hon. CAM. (Placed in file) (former emp) (Entered: 05/18/1989)
05/23/1989	817	ORDER (CAM): denying Gary St. Hilaire's motion for enforcement of judgment, R.71 [815-1] (cc: all counsel/Pltf Hilaire w/instructns for filing &form of complaint) (former emp) (Entered: 05/23/1989)
05/24/1989	818	Motion by Royce Sands for contempt sanctions/summons ; &for writ of certiorari to presnt evid in supprt wch officlly exists (former emp) (Entered: 05/31/1989)
06/12/1989	819	Motion by Royce Calvin Sands II for evidentiary hrg &to consolidate hrg w/bench trial in this crt (former emp) (Entered: 06/19/1989)
06/15/1989	820	Notice by Royce Calvin Sands of Contempt (former emp) (Entered: 06/19/1989)
06/20/1989	821	Motion by defendants to strike "Notice of Contempt" (former emp) (Entered: 06/22/1989)
06/20/1989	822	Motion by defendants to strike "Notice of Contempt" by Royce Sands (former emp) (Entered: 06/22/1989)
06/22/1989	823	ORDER (CAM): dfts' mtns to strike "Ntc of Contempt" vacated as moot [821-1] [822-1] (cc: all counsel) (former emp) (Entered: 06/22/1989)
06/22/1989	824	ORDER (CAM): Mr. Sands' mtn for evidentry hrg &to consolidte hrg w/bench trl [819-1] in this crt denied [818-1]; Mr. Sands' ntc of contempt dismissed [820-1]. cc: All counsel (former emp) (Entered: 06/22/1989)
06/22/1989	825	Filed by Royce Calvin Sands II an oppsn to motion to strike "Notice of Contempt" [822-1]; &MOTION to set (evidentiary hrg) (former emp) (Entered: 06/28/1989)
06/27/1989		Letter from Gary St. Hilaire re: being sent cpy of an Order by mistake. (Gary St. Hilaire is a pty to this case &should be on the mailing list). **left side of file**. (CDE) (Entered: 06/29/1989)
06/29/1989	826	ORDER by Judge C A. Muecke: denying w/o prej motion for contempt sanctions/summons 818 &P for writ of Certiorari... (cc: all counsel) (CDE) (Entered: 06/29/1989)
01/28/2003	897	NOTICE of First Status Inquiry re : Motion to enforce Amended Judgment by James Lee Hess ***STRICKEN per Order [900-1] dated 11/4/03*** (SAT) Modified on 11/04/2003 (Entered: 01/30/2003)
04/01/2003	898	NOTICE: Second Status Inquiry by movant James Lee Hess ***STRICKEN per Order [900-1] dated 11/4/03*** (SAT) Modified on 11/04/2003 (Entered: 04/01/2003)
10/20/2003	899	MOTION for Order to Show Cause as to why defendants should not be held in contempt for violating the amended judgment and decree filed 5/26/82 by intervenor-plaintiff Antonneo R Boyce [899-1] ***STRICKEN per Order [900-1] filed 11/4/03*** (SAT) Modified on 11/04/2003 (Entered: 10/21/2003)
11/04/2003	900	ORDER by Judge Stephen M. McNamee that the Clerk of Court shall STRIKE James Lee Hess's First Status Inquiry [897-1] and Second Status Inquiry [898-1] and Antonneo R Boyce's Motion for Order to Show Cause [899-1] from the record and return them to the prisoners who submitted them along with a copy of this

		Order; striking notice [897-1], striking notice [898-1], striking Motion for Order to Show Cause as to why defendants should not be held in contempt for violating the amended judgment and decree filed 5/26/82 by intervenor-plaintiff Antonneo R Boyce [899-1] (cc: all counsel) (SAT) (Entered: 11/04/2003)
11/04/2003		REMARK as to James Lee Hess re order filed [900-1], original documents [897-1] and [898-1] returned along with copy of said order to James Lee Hess (SAT) (Entered: 11/04/2003)
11/04/2003		REMARK as to Antonneo R Boyce re order filed [900-1]; original document [899-1] returned to Antonneo R Boyce along with copy of said order (SAT) (Entered: 11/04/2003)
11/17/2003	901	RETURNED MAIL addressed to: Gary St Hilaire re order filed [900-1] "returned to sender - authorized time for forwarding has expired" (SAT) (Entered: 11/18/2003)
05/23/2005	902	MOTION for Order To Show Cause by intervenor-plaintiff Antonneo R Boyce [902-1] ***STRICKEN AND RETURNED TO BOYCE PER ORDER DATED 6/1/05, #903*** (KMG) Modified on 06/01/2005 (Entered: 05/24/2005)
06/01/2005	903	ORDER by Judge Stephen M. McNamee striking motion for Order To Show Cause by intervenor-plaintiff Antonneo R Boyce [902-1] and the clerk shall return the stricken motion to Boyce along with a copy of this order (cc: all counsel,orig mot returned to boyce) (CMM) (Entered: 06/01/2005)
06/09/2005	904	MOTION to clarify order [903-1] by intervenor-plaintiff Antonneo R Boyce [904-1] (LSP) Modified on 10/27/2005 (MAP,). DOCUMENT #904 STRICKEN AND RETURNED TO INTERVENOR BOYCE PURSUANT TO ORDER #906, FILED 10/27/05 (Entered: 06/10/2005)
06/10/2005	905	RETURNED MAIL addressed to: Gary St Hilaire re order filed re order filed [903-1] "returned to sender - not deliverable as addressed unable to forward" (LCF) (Entered: 06/13/2005)
10/27/2005	<u>906</u>	ORDER striking 904 Motion for Clarification, filed by Antonneo Boyce from the record and returning it to My Boyce with a copy of this Order FURTHER ORDERED that the Clk of Court shall strike the Motion to Enforce the Judgment, filed 10/17/96 872 from the record and return it to Mr Foley FURTHER ORDERED that the pending motions in this case, Dfts' Motion to terminate Consent Decree 868 and Pla's Motion to Re-Open and for Enforcement of Consetn Decree 869 are denied w/out prejudice. Signed by Judge Stephen M McNamee on 10/26/05. (MAP,) (Entered: 10/27/2005)
10/27/2005	<u>907</u>	ORDER TO SHOW CAUSE Show Cause Hearing set for 11/17/2005 10:00 AM before Judge Stephen M McNamee to show cause why this Court should not terminate the Consent Decree Order in this case 812 .. Signed by Judge Stephen M McNamee on 10/27/05. (MAP,) (Entered: 10/27/2005)
11/07/2005	908	Minute Order (text only entry) Due to a conflict on the Court's calendar, Show Cause Hearing is re-set for 11/22/2005 01:30 PM in Courtroom 605, 401 West Washington Street, Phoenix, AZ 85003 before Judge Stephen M McNamee. (TCA,) (Entered: 11/07/2005)
11/08/2005	<u>910</u>	Mail Returned as Undeliverable. Mail sent to Gary St Hilaire. Reason for return: Unable to Forward-No forwarding information available. Document number 906. (LSP) (Entered: 11/16/2005)
11/14/2005	<u>909</u>	Mail Returned as Undeliverable. Mail sent to Gary St Hilaire. Reason for return: Unable to Forward-No forwarding information is available. Document number 907. (LSP) (Entered: 11/16/2005)
11/21/2005	<u>911</u>	Mail Returned as Undeliverable. Mail sent to Gary St. Hilaire. Reason for return: Not deliverable as addressed. No forwarding information is available. Document number 908. (RDS) (Entered: 11/22/2005)
11/22/2005	912	Minute Entry (text only entry) for proceedings held before Judge Stephen M McNamee : Apr. Alice Bendheim for plas, Michael Johns for dft USA, James

		Morrow and Michael Brodsky for dfts Show Cause Hearing held on 11/22/2005. The Court will recuse itself from any further involvement in this action. Court order to follow. (Court Reporter Gary Moll.) (TCA,) (Entered: 11/23/2005)
11/23/2005	<u>913</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Susan R Bolton for all further proceedings. Judge Stephen M McNamee no longer assigned to case.. Signed by Judge Stephen M McNamee on 11/22/05. (TLJ,) (Entered: 11/23/2005)
12/02/2005	<u>914</u>	Mail Returned as Undeliverable. Mail sent to Gary St. Hilaire. Reason for return: Not deliverable as addressed. No forwarding information is available. Document number 913. (RDS) (Entered: 12/06/2005)
05/08/2006	<u>915</u>	DOCUMENT STRICKEN PER ORDER <u>918</u> FILED 12/7/06 – MOTION to Enforce judgment by Muni Fred Harris. (Attachments: #(1) Exhibits I; #(2) Exhibits II; #(3) Affidavit; #(4) Letter to Secretary General)(KCS) Modified on 12/7/2006 (REW,). (Entered: 05/09/2006)
07/28/2006	<u>916</u>	NOTICE of Attorney Substitution by Michael L Brodsky, Michael L Brodsky adding Michael Brodsky and Michael L Brodsky for Harold J Cardwell (Brodsky, Michael) (Entered: 07/28/2006)
11/29/2006	<u>917</u>	NOTICE of Attorney Substitution by Darrin J DeLange (DeLange, Darrin) (Entered: 11/29/2006)
12/07/2006	<u>918</u>	ORDER striking Mr Abdullah's <u>915</u> Order to Show Cause and/or Motion to Enforce Judgment from the record. Clerk directed to mail a copy of this order to Mr Abdullah. Signed by Judge Susan R Bolton on 12/6/06.(REW,) (Entered: 12/07/2006)
12/07/2006	<u>919</u>	ORDER. All counsel shall file status reports within 45 days of the date of this order. Signed by Judge Susan R Bolton on 12/6/06. (REW,) (Entered: 12/07/2006)
01/18/2007	<u>920</u>	STATUS REPORT by United States of America. (Johns, Michael) (Entered: 01/18/2007)
01/22/2007	<u>921</u>	STATUS REPORT by Harold J Cardwell. (DeLange, Darrin) (Entered: 01/22/2007)
01/22/2007	<u>922</u>	MOTION to Set Aside re Motion to Terminate Prospective Relief of Amended Judgment of 1982 by Harold J Cardwell. (DeLange, Darrin) (Entered: 01/22/2007)
01/26/2007	<u>923</u>	MOTION to Stay re Case for Thirty Days to Find Substitute Counsel by Gary St Hilaire, Muni Fred Harris, Gilbert A Ingalls, Jr, Michael P Tacho, Jesse Dominguez, Daniel Verdugo, Nich Romo, Eddy Owens Fountain. (Attachments: # <u>1</u> Text of Proposed Order)(Bendheim, Alice) (Entered: 01/26/2007)
01/26/2007	<u>924</u>	MOTION to Expedite Consideration of Plaintiffs' Motion to Stay Case for Thirty Days to Find Substitute Counsel by Gary St Hilaire, Muni Fred Harris, Gilbert A Ingalls, Jr, Michael P Tacho, Jesse Dominguez, Daniel Verdugo, Nich Romo, Eddy Owens Fountain. (Attachments: # <u>1</u> Text of Proposed Order)(Bendheim, Alice) (Entered: 01/26/2007)
01/29/2007	<u>925</u>	RESPONSE to Motion re <u>923</u> MOTION to Stay re Case for Thirty Days to Find Substitute Counsel filed by Harold J Cardwell. (DeLange, Darrin) (Entered: 01/29/2007)
01/29/2007	<u>926</u>	RESPONSE to Motion re <u>924</u> MOTION to Expedite Consideration of Plaintiffs' Motion to Stay Case for Thirty Days to Find Substitute Counsel filed by Harold J Cardwell. (DeLange, Darrin) (Entered: 01/29/2007)
02/05/2007	<u>927</u>	NOTICE of Attorney Substitution by Nicholas Simon Hentoff, Nicholas Hentoff adding Nicholas Hentoff and Nicholas Simon Hentoff for Muni Fred Harris (Hentoff, Nicholas) (Entered: 02/05/2007)
02/05/2007	<u>928</u>	NOTICE of Attorney Substitution by Nicholas Simon Hentoff, Daniel Joseph Pochoda adding Daniel Joseph Pochoda and Nicholas Simon Hentoff for Muni Fred Harris (Hentoff, Nicholas) (Entered: 02/05/2007)

02/12/2007	<u>929</u>	ORDER. Plaintiffs may have until February 28, 2007 to respond to Defendants' Motion to Terminate Prospective Relief as Outlined in This Court's Amended Judgment; denying as moot Plaintiffs' <u>924</u> Motion for Expedited Consideration of Plaintiffs' Motion to Stay and denying as moot Plaintiffs' <u>923</u> Motion to Stay Case for Thirty Days to Find Substitute Counsel. Signed by Judge Susan R Bolton on 2/12/07.(REW,) (Entered: 02/12/2007)
02/28/2007	<u>930</u>	MOTION for Extension of Time To File Response by Muni Fred Harris. (Hentoff, Nicholas) (Entered: 02/28/2007)
03/02/2007	<u>931</u>	ORDER the <u>930</u> Stipulated MOTION for Extension of Time To File Response will be denied within 3 days of the date of this order if counsel does not comply with the ECF Administrative Policies and Procedures Manual, Page 11, Section G, specifically, subparagraph 1b. Signed by Judge Susan R Bolton on 3/2/07. (REW,) (Entered: 03/02/2007)
03/05/2007	<u>932</u>	RESPONSE in Opposition re <u>922</u> MOTION to Set Aside re Motion to Terminate Prospective Relief of Amended Judgment of 1982 filed by Muni Fred Harris. (Hentoff, Nicholas) (Entered: 03/05/2007)
03/06/2007	<u>933</u>	ORDER granting <u>930</u> Motion for Extension of Time to file a Response to Defendants Motion to Terminate up to and including 03/05/07. Signed by Judge Susan R Bolton on 03/06/07.(ESL) (Entered: 03/06/2007)
03/06/2007	<u>934</u>	Exhibit List <i>in Support of Response</i> <u>932</u> by Muni Fred Harris.. (Attachments: # <u>1</u> Exhibit September 1, 1977 Order# <u>2</u> Exhibit October 6, 1977 Order# <u>3</u> Exhibit December, 1978 Order# <u>4</u> Exhibit March 8, 1979 Order# <u>5</u> Exhibit May 23, 1979 Order# <u>6</u> Exhibit Second Amended Complaint# <u>7</u> Exhibit Class Certification Order# <u>8</u> Exhibit Amended Judgment)(Hentoff, Nicholas) Modified on 3/12/2007 INCORRECT DOCUMENT TYPE SELECTED; LINKAGE ADDED (REW,). (Entered: 03/06/2007)
03/12/2007	<u>935</u>	NOTICE TO FILER OF DEFICIENCY re <u>934</u> Exhibit List, filed by Muni Fred Harris. Description of deficiency: Incorrect document type selected. (REW,) (Entered: 03/12/2007)
03/12/2007	<u>936</u>	Consent MOTION for Extension of Time To File Reply in Support of Defendant's Motion to Terminate Consent Decree by Harold J Cardwell. (Attachments: # <u>1</u> Text of Proposed Order)(DeLange, Darrin) (Entered: 03/12/2007)
03/14/2007	<u>937</u>	ORDER. The <u>936</u> Consent MOTION for Extension of Time To File Reply will be denied within 3 days of the date of this order if counsel does not comply with the ECF Administrative Policies and Procedures Manual, Page 11, Section G, specifically, subparagraph 1b. Signed by Judge Susan R Bolton on 3/13/07. (REW,) (Entered: 03/14/2007)
03/15/2007	<u>938</u>	ORDER granting dft's <u>936</u> Consent Motion, and extending the deadline for dft's reply to and including 4/20/07. Signed by Judge Susan R Bolton on 3/15/2007.(LAD,) (Entered: 03/15/2007)
04/20/2007	<u>939</u>	REPLY in Support re <u>922</u> MOTION to Set Aside re Motion to Terminate Prospective Relief of Amended Judgment of 1982 filed by Harold J Cardwell. (DeLange, Darrin) (Entered: 04/20/2007)
04/25/2007	940	Minute Order: Oral argument set on 6/4/07 at 10:00 AM before Judge Bolton re: <u>922</u> MOTION to Set Aside re Motion to Terminate Prospective Relief of Amended Judgment of 1982. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAW) (Entered: 04/25/2007)
05/30/2007	941	Minute Order: Due to scheduling conflict, IT IS ORDERED resetting Motion Hearing re: <u>922</u> MOTION to Set Aside re Motion to Terminate Prospective Relief of Amended Judgment of 1982 from 6/4/07 to 6/5/07 at 02:00 PM in Courtroom 502, 401 West Washington Street, Phoenix, AZ 85003 before Judge Susan R Bolton. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAW) (Entered: 05/30/2007)
06/05/2007	<u>942</u>	Minute Entry. Motion Hearing held before Judge Susan R Bolton on 6/5/07: This is the time set for Hearing re: Defendants' Motion to Terminate Prospective Relief.

		Argument presented. IT IS ORDERED taking under advisement <u>922</u> Defendants' Motion to Terminate Prospective Relief. IT IS FURTHER ORDERED counsel may file by 7/20/07 simultaneous supplemental memoranda (no responses or replies to be filed) not to exceed 10 pages on the legal issues raised in open court this date but were not fully briefed. (Court Reporter Kim Moll)(MAW) (Entered: 06/06/2007)
07/19/2007	<u>943</u>	NOTICE of Attorney Substitution by Michael L Brodsky (Brodsky, Michael) (Entered: 07/19/2007)
07/19/2007	<u>944</u>	SUPPLEMENT of Defendants' Memorandum in Support of Motion to Terminate Prospective Relief re <u>922</u> MOTION to Set Aside re Motion to Terminate Prospective Relief of Amended Judgment of 1982 by Defendant Harold J Cardwell. (Brodsky, Michael) (Entered: 07/19/2007)
08/31/2007	<u>945</u>	ORDER granting Defendants' <u>922</u> Motion to Terminate Prospective Relief as Outlined in This Court's "Amended Judgment" Dated May 25, 1982, Pursuant to Rule 60(b) and 18 U.S.C. 3626, et seq. <u>922</u> . Signed by Judge Susan R Bolton on 8/30/07.(REW,) (Entered: 08/31/2007)