

**U.S. District Court  
District of Colorado (Denver)  
CIVIL DOCKET FOR CASE #: 1:81-cv-01754-JLK**

Floyd et al, vs. Ricketts, et al  
Assigned to: Judge John L. Kane  
Case in other court: USCA, 10-01106  
Cause: 42:1983 Civil Rights Act

Date Filed: 10/05/1981  
Date Terminated: 02/05/1982  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Kenneth Floyd**

represented by **Steven Bruce Katzman**  
Steven Katzman, Attorney at Law  
1901 West Littleton Boulevard  
Littleton, CO 80120  
303-795-0662  
Email: [katzmanlaw@aol.com](mailto:katzmanlaw@aol.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Ernest L. Walker**

represented by **Steven Bruce Katzman**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Harold Turman**

represented by **Steven Bruce Katzman**  
(See above for address)  
**LEAD ATTORNEY**  
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**Plaintiff**

**Leroy Martinez**

represented by **Steven Bruce Katzman**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Donald G. Emig**

represented by **Steven Bruce Katzman**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**James Montoya**

represented by **Steven Bruce Katzman**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**John Potter**

represented by **Steven Bruce Katzman**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Eugene Velarde**

represented by

**Steven Bruce Katzman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Richard Velarde**

represented by **Steven Bruce Katzman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Johnny H. Clay**

represented by **Steven Bruce Katzman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**James G. Ricketts**  
*Executive Director of the Department of  
Corrections*

represented by **John Daniel Dailey**  
Attorney General's Office—CO Criminal  
Enforcement—Appel  
Criminal Enforcement – Appellate  
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*LEAD ATTORNEY*  
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**Nicole S. Gellar**  
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Fax: 720-508-6032  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Colorado Department of Corrections**  
*(Actually named as: The Department of  
Corrections of the State of Colorado)*

represented by **John Daniel Dailey**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Nicole S. Gellar**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Interested Party**

**Justin Rueb**

represented by **Justin Rueb**  
#94567  
Sterling Correctional Facility (SCF)  
P.O. Box 6000  
Sterling, CO 80751  
PRO SE

Date Filed	#	Docket Text
05/13/2009	<u>1</u>	MOTION to Enforce Consent Decree, Pursuant to Fed.R.Civ.P., Rule 71 by Interested Party Justin Rueb. (wjc, ) (Entered: 05/14/2009)
06/11/2009	<u>2</u>	LETTER by Interested Party Justin Rueb. (wjc, ) (Entered: 06/11/2009)
06/16/2009	<u>3</u>	STATEMENT re <u>1</u> MOTION to Enforce Consent Decree, Pursuant to Fed.R.Civ.P., Rule 71 by Interested Party Justin Rueb. (Document actually entitled Status and Update Request Regarding: MOTION to Enforce Consent Decree, Pursuant to Fed.R.Civ.P., Rule 71. (wjc, ) (Entered: 06/16/2009)
12/11/2009	<u>4</u>	MOTION for Ruling on the Pending <u>3</u> Fed.R.Civ.P., Rule 71 Motion, and Combined Motion for Replacement of Class Counsel, by Interested Party Justin Rueb. (wjc, ) Modified on 12/14/2009 to correct grammar (wjc, ). (Entered: 12/11/2009)
12/17/2009	<u>5</u>	ORDER: Mr. Katzman is ORDERED to review Docs. 1–4 filed by Mr. Rueb and to confer with counsel of record or an appropriate designee Colorado Attorney Generals Office in an effort to resolve any DOC noncompliance with the Agreement. The Clerk shall efile this Order to Mr. Katzmans address of record and also send a courtesy copy to the address obtained from the 2009 Colorado Legal Directory. Counsel shall confer for the overarching purpose of REEXAMINING the Complaint in this case, together with the 1982 Agreements on which Judgment entered, as amended, with an eye to further amendment up to and including a formal closure/dismissal this action in its entirety. Joint Status Report due 01/15/2010, by Judge John L. Kane on 12/17/2009. (wjc, ) (Added on 12/18/2009: # <u>1</u> Correct Main Document) (lam, ). Modified on 12/18/2009 to add correct pdf(lam, ). (Entered: 12/17/2009)
12/17/2009	<u>6</u>	CERTIFICATE of Mailing by Clerk of Court re <u>5</u> Order. (wjc, ) (Entered: 12/17/2009)
12/18/2009	7	Docket Annotation re: <u>5</u> Order. This entry was modified to add the correct pdf. Text only entry – no document attached (lam, ) (Entered: 12/18/2009)
01/15/2010	<u>8</u>	Class – Plaintiff Rueb's REPLY to the District Court's 12/17/09 <u>5</u> Order by Interested Party Justin Rueb. (wjc, ) (Entered: 01/15/2010)
01/15/2010	<u>9</u>	MOTION for Extension of Time to <i>file Joint Status Report</i> by Plaintiffs James Montoya, John Potter, Eugene Velarde, Richard Velarde, Johnny H. Clay, Kenneth Floyd, Ernest L. Walker, Harold Turman, Leroy Martinez, Donald G. Emig, Defendants James G. Ricketts, Colorado Department of Corrections. (Gellar, Nicole) (Entered: 01/15/2010)
01/15/2010	<u>10</u>	MINUTE ORDER granting <u>9</u> Joint Motion for an Extension of Time to Prepare Joint Status Report. Status Report due by 2/16/2010, by Judge John L. Kane on 01/15/2010.(wjc, ) (Entered: 01/15/2010)
02/01/2010	<u>11</u>	Plaintiff Rueb's Additional (SUPPLEMENT/AMENDMENT) Evidentiary Submission, in Support of His <u>1</u> Rule 71 Consent Decree Enforcement MOTION by Interested Party Justin Rueb. (wjc, ) (Entered: 02/01/2010)
02/16/2010	<u>12</u>	Second MOTION for Extension of Time to <i>File Joint Status Report</i> by Plaintiffs James Montoya, John Potter, Eugene Velarde, Richard Velarde, Johnny H. Clay, Kenneth Floyd, Ernest L. Walker, Harold Turman, Leroy Martinez, Donald G. Emig, Defendants James G. Ricketts, Colorado Department of Corrections, Interested Party Justin Rueb. (Gellar, Nicole) (Entered: 02/16/2010)
02/17/2010	<u>13</u>	MINUTE ORDER granting <u>12</u> Second Joint Motion for Extension of Time to Prepare Joint Status Report. Status Report due by 3/2/2010, by Judge John L. Kane on 02/17/2010.(wjc, ) (Entered: 02/17/2010)
03/01/2010	<u>14</u>	Class–Plaintiff Rueb's STATUS Update (REPORT), in Reply to a Recent Letter He Received from Class Counsel, by Interested Party Justin Rueb. (ebs, ) (Entered: 03/02/2010)

03/02/2010	<u>15</u>	Joint STATUS REPORT by Plaintiffs James Montoya, John Potter, Eugene Velarde, Richard Velarde, Johnny H. Clay, Kenneth Floyd, Ernest L. Walker, Harold Turman, Leroy Martinez, Donald G. Emig, Defendants James G. Ricketts, Colorado Department of Corrections, Interested Party Justin Rueb. (Gellar, Nicole) (Entered: 03/02/2010)
03/02/2010	<u>16</u>	Unopposed MOTION to Dismiss <i>Terminate Prospective Relief Pursuant to 18 U.S.C. § 3626(b)</i> by Defendants James G. Ricketts, Colorado Department of Corrections. (Gellar, Nicole) (Entered: 03/02/2010)
03/04/2010	<u>17</u>	ORDER. Unopposed Motion to Terminate Prospective Relief Under 18 U.S.C. §3626 (b) is GRANTED. The prospective relief afforded the named inmates under the terms of the 1982 settlement agreement, as amended in 1984, is TERMINATED and this case is DEEMED CLOSED. No further pro se filings will be accepted in this case, and any filings received in contravention of this order may be STRICKEN. By Judge John L. Kane on 03/04/2010.(sah, ) (Entered: 03/04/2010)
03/22/2010	<u>18</u>	MOTION to Reconsider and Vacate the <u>17</u> Court's 03/04/2010 Order Granting Termination of the Consent Decree in this Case, by Interested Party Justin Rueb. (wjc, ) (Entered: 03/22/2010)
03/22/2010	<u>20</u>	NOTICE OF APPEAL as to <u>17</u> Order on Motion to Enforce, Order on Motion for Ruling, Order on Motion to Dismiss, by Interested Party Justin Rueb. Fee Status: Fee not paid; 1915 motion not filed. Notice mailed to all counsel on 03/23/10. (Attachments: # <u>1</u> Envelope)(bjrsl, ) (Entered: 03/23/2010)
03/23/2010	<u>19</u>	ORDER denying <u>18</u> Nonparty Justin Rueb's Motion for Reconsideration. Any further pro se filings in this closed case by Mr. Rueb will be STRICKEN, by Judge John L. Kane on 03/23/2010.(wjc, ) (Entered: 03/23/2010)
03/23/2010	<u>21</u>	LETTER Transmitting Notice of Appeal to all counsel advising of the transmittal of the <u>20</u> Notice of Appeal, filed by Justin Rueb to the U.S. Court of Appeals. (Pro se; Fee not paid; 1915 motion not filed.) (Attachments: # <u>1</u> Docket Sheet, # <u>2</u> Preliminary Record including Notice of Appeal)(bjrsl, ) (Entered: 03/23/2010)
03/24/2010	<u>22</u>	USCA Case Number 10-1106 for <u>20</u> Notice of Appeal filed by Justin Rueb. Filing fee or 1915 motion due in district court within 30 days.(bjrsl, ) (Entered: 03/25/2010)
03/29/2010	<u>23</u>	ORDER to Cure Deficiency re <u>20</u> Notice of Appeal by Justin Rueb, by Judge John L. Kane on 03/29/10. Appellant has 30 days to either pay the filing fee or file a proper 1915 motion with district court.(bjrsl, ) (Entered: 03/29/2010)
05/10/2010	<u>24</u>	LETTER to U.S. Court of Appeals advising that the filing fee has not been paid and a 1915 motion has not been filed as to <u>20</u> Notice of Appeal, filed by Justin Rueb. (USCA Case No. 10-1106) (bjrsl, ) (Entered: 05/10/2010)
05/11/2010	<u>25</u>	USCA LETTER as to <u>20</u> Notice of Appeal by Justin Rueb. Appellant has 40 days to either pay the filing fee to district court or apply to the Court of Appeals for leave to proceed without prepayment of fees. Briefing schedule issued. USCA case no. 10-1106. (bjrsl, ) (Entered: 05/12/2010)
05/17/2010	<u>26</u>	Transmitted Record on Appeal to US Court of Appeals re <u>20</u> Notice of Appeal by Justin Rueb. Volume Number: 1. USCA case no. 10-1106. (Attachments: # <u>1</u> Docket Sheet)(bjrsl, ) (Entered: 05/17/2010)
09/14/2010	<u>27</u>	MANDATE of USCA as to <u>20</u> Notice of Appeal filed by Justin Rueb : This appeal is dismissed for lack of prosecution pursuant to 10th Cir. R. 42.1. and 3.3.(B). (USCA Case No. 10-1106) (Attachments: # <u>1</u> USCA Order)(bjrsl, ) (Entered: 09/14/2010)