

**U.S. District Court [LIVE AREA]
Middle District of Georgia (Macon)
CIVIL DOCKET FOR CASE #: 5:15-cv-00050-MTT**

DIAMOND v. OWENS et al
Assigned to: US DISTRICT JUDGE MARC THOMAS
TREADWELL
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 02/19/2015
Date Terminated: 02/12/2016
Jury Demand: Defendant
Nature of Suit: 555 Prisoner: Prison
Condition
Jurisdiction: Federal Question

Plaintiff

ASHLEY A DIAMOND

represented by **A CHINYERE EZIE**
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V.

Defendant

Commissioner BRIAN OWENS
*Georgia Department of Corrections, in
his official capacity*

represented by **DEBORAH NOLAN GORE**
STATE OF GEORGIA
DEPARTMENT OF LAW
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Defendant

SHARON LEWIS
*Medical Director, Georgia Department of
Corrections, in her individual and official
capacities*

represented by **DEBORAH NOLAN GORE**
(See above for address)
ATTORNEY TO BE NOTICED

ELIZABETH MCRARY CROWDER
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Warden SHAY HATCHER
*Rutledge State Prison, in his individual
and official capacities*

represented by **DEBORAH NOLAN GORE**
(See above for address)
ATTORNEY TO BE NOTICED

ELIZABETH MCRARY CROWDER
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

RUTHIE SHELTON
*Deputy Warden of Care and Treatment,
Rutledge State Prison, in her individual
and official capacities*

represented by **DEBORAH NOLAN GORE**
(See above for address)
ATTORNEY TO BE NOTICED

ELIZABETH MCRARY CROWDER
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Warden MARTY ALLEN
*Valdosta State Prison, in his individual
and official capacities*

represented by **DEBORAH NOLAN GORE**
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ATTORNEY TO BE NOTICED

ELIZABETH MCRARY CROWDER
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ATTORNEY TO BE NOTICED

Defendant

DAVID MCCrackEN
*Mental Health Services Director,
Valdosta State Prison, in his individual
and official capacities*

represented by **DAVID V JOHNSON**
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TERMINATED: 08/17/2015
ATTORNEY TO BE NOTICED

Defendant

JOHN THOMPSON
in his individual and official capacities

represented by **DAVID V JOHNSON**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ELIZABETH MCRARY CROWDER
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LEAD ATTORNEY
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BRETT A TARVER
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SHARONDA BOYCE
(See above for address)
TERMINATED: 08/17/2015
ATTORNEY TO BE NOTICED

Defendant

DONNA SILVER
in her individual and official capacities

represented by **DAVID V JOHNSON**
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ELIZABETH MCRARY CROWDER
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TERMINATED: 08/17/2015
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Notice

**UNITED STATES DEPARTMENT OF
JUSTICE**

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Date Filed	#	Docket Text
02/19/2015	<u>3</u>	COMPLAINT against All Defendants Filing Fee \$ 400, Receipt Number 113G-2020328, filed by ASHLEY A DIAMOND. (Attachments: # <u>1</u> Civil Cover Sheet)(cal) (Entered: 02/20/2015)
02/20/2015		NOTICE TO COUNSEL A CHINYERE EZIE, DAVID DINIELLI – Counsel is notified that they do not show in the court records that they meet the required attorney admissions policies of this court. If within 14 days of this notice all requirements, including the payment of Pro Hac Vice or admissions fees, have not been met, a show cause hearing will be scheduled. (cma) (Entered: 02/20/2015)
02/20/2015	<u>1</u>	MOTION for Preliminary Injunction by ASHLEY A DIAMOND filed by JAMES M KNOEPP.. Motion(s) referred to CHARLES H WEIGLE.(KNOEPP, JAMES) (Entered: 02/20/2015)
02/20/2015	<u>2</u>	MEMORANDUM in Support filed by ASHLEY A DIAMOND re: <u>1</u> MOTION for Preliminary Injunction (Attachments: # <u>1</u> Affidavit Declaration of Dr. Randi C. Ettner, # <u>2</u> Affidavit Declaration of A. Chinyere Ezie, # <u>3</u> Exhibit Exhibit A to Ezie Declaration (GA DOC SOP on Management of Transsexuals), # <u>4</u> Exhibit B to Ezie Declaration (Letter from Diamond to Shelton 11/18/2013), # <u>5</u> Exhibit C to Ezie Declaration (Letter from Shelton to Diamond 11/22/13), # <u>6</u> Exhibit D to Ezie Declaration (GA DOC Notice re Suicide Attempt), # <u>7</u> Exhibit E to Ezie Declaration (GA DOC Response to Grievance and Appeal), # <u>8</u> Exhibit F to Ezie Declaration (Letter from Diamond to Owens 2/11/14), # <u>9</u> Exhibit G to Ezie Declaration (Letter from Diamond to Owens 5/13/14), # <u>10</u> Exhibit H to Ezie Declaration (GA DOC Response to Grievance and Appeal), # <u>11</u> Exhibit I to Ezie Declaration (GA DOC Mental Health Progress Notes))(KNOEPP, JAMES) (Entered: 02/20/2015)
02/20/2015		US Magistrate Judge CHARLES H WEIGLE no longer assigned to case, Per Chambers. (cma) (Entered: 02/20/2015)
02/20/2015	<u>4</u>	Consent Form (28 USC 636(c)(1)) sent to ASHLEY A DIAMOND (cal) (Entered: 02/20/2015)
02/20/2015	<u>5</u>	Summons Issued as to MARTY ALLEN on 2/20/2015. (cal) (Entered: 02/20/2015)
02/20/2015	<u>6</u>	Summons Issued as to JOHN THOMPSON on 2/20/2015. (cal) (Entered: 02/20/2015)
02/20/2015	<u>7</u>	Summons Issued as to SHAY HATCHER on 2/20/2015. (cal) (Entered: 02/20/2015)
02/20/2015	<u>8</u>	Summons Issued as to BRIAN OWENS on 2/20/2015. (cal) (Entered: 02/20/2015)
02/20/2015	<u>9</u>	Summons Issued as to SHARON LEWIS on 2/20/2015. (cal) (Entered: 02/20/2015)
02/20/2015	<u>10</u>	Summons Issued as to RUTHIE SHELTON on 2/20/2015. (cal) (Entered: 02/20/2015)
02/20/2015	<u>11</u>	Summons Issued as to DONNA SILVER on 2/20/2015. (cal) (Entered: 02/20/2015)
02/20/2015	<u>12</u>	Summons Issued as to DAVID MCCRACKEN on 2/20/2015. (cal) (Entered: 02/20/2015)
02/27/2015	<u>13</u>	NOTICE of Attorney Appearance by DAVID V JOHNSON on behalf of DAVID MCCRACKEN, DONNA SILVER, JOHN THOMPSON Attorney DAVID V JOHNSON added to party DAVID MCCRACKEN(pty:dft), Attorney DAVID V JOHNSON added to party DONNA SILVER(pty:dft), Attorney DAVID V JOHNSON added to party JOHN THOMPSON(pty:dft) (JOHNSON, DAVID) (Entered: 02/27/2015)
02/27/2015	<u>14</u>	NOTICE of Attorney Appearance by SHARONDA BOYCE on behalf of DAVID MCCRACKEN, DONNA SILVER, JOHN THOMPSON Attorney SHARONDA BOYCE added to party DAVID MCCRACKEN(pty:dft), Attorney SHARONDA BOYCE added to party DONNA SILVER(pty:dft), Attorney SHARONDA BOYCE added to party JOHN THOMPSON(pty:dft) (BOYCE, SHARONDA) (Entered: 02/27/2015)

		02/27/2015)
03/02/2015		Attorney Admission Fee Met by A CHINYERE EZIE as of 3/2/2015. (nop) (Entered: 03/02/2015)
03/04/2015		Attorney Admission Fee Met by SAMUEL WOLFE as of 3/4/2015. (nop) (Entered: 03/04/2015)
03/10/2015	<u>15</u>	MOTION for Extension of Time to File Responsive Pleadings as to <u>1</u> MOTION for Preliminary Injunction, <u>2</u> Memorandum in Support,, <u>3</u> Complaint by MARTY ALLEN, SHAY HATCHER, SHARON LEWIS, BRIAN OWENS, RUTHIE SHELTON filed by DEBORAH NOLAN GORE.(GORE, DEBORAH) (Entered: 03/10/2015)
03/13/2015	<u>16</u>	ORDER GRANTING <u>15</u> Motion for Extension of Time to File Response/Reply. The Defendants have through and including April 10, 2015, to file their responsive pleadings and to respond to the Plaintiffs motion for a preliminary injunction. The Court will convene a telephone conference on April 13, 2015, at 2:30 p.m. Ordered by U.S. District Judge MARC THOMAS TREADWELL on 3/13/2015. (tlh) (Entered: 03/13/2015)
03/13/2015		NOTICE OF SETTING HEARING: Telephone Conference set for 4/13/2015 at 2:30 PM in Macon before U.S. District Judge MARC THOMAS TREADWELL. Teleconferencing instructions emailed to counsel. (tlh) (Entered: 03/13/2015)
03/27/2015	<u>17</u>	SUMMONS Returned Executed by ASHLEY A DIAMOND as to JOHN THOMPSON. (Attachments: # <u>1</u> Affidavit Proof of Service to John Thompson)(WOLFE, SAMUEL) (Entered: 03/27/2015)
03/27/2015	<u>18</u>	SUMMONS Returned Executed by ASHLEY A DIAMOND as to DONNA SILVER. (Attachments: # <u>1</u> Affidavit Proof of Service to Donna Silver)(WOLFE, SAMUEL) (Entered: 03/27/2015)
03/27/2015	<u>19</u>	SUMMONS Returned Executed by ASHLEY A DIAMOND as to RUTHIE SHELTON. (Attachments: # <u>1</u> Affidavit Proof of Service to Ruthie Shelton)(WOLFE, SAMUEL) (Entered: 03/27/2015)
03/27/2015	<u>20</u>	SUMMONS Returned Executed by ASHLEY A DIAMOND as to BRIAN OWENS. (Attachments: # <u>1</u> Affidavit Proof of Service to Brian Owens)(WOLFE, SAMUEL) (Entered: 03/27/2015)
03/27/2015	<u>21</u>	SUMMONS Returned Executed by ASHLEY A DIAMOND as to DAVID MCCRACKEN. (Attachments: # <u>1</u> Affidavit Proof of Service to David McCracken)(WOLFE, SAMUEL) (Entered: 03/27/2015)
03/27/2015	<u>22</u>	SUMMONS Returned Executed by ASHLEY A DIAMOND as to SHARON LEWIS. (Attachments: # <u>1</u> Affidavit Proof of Service to Sharon Lewis)(WOLFE, SAMUEL) (Entered: 03/27/2015)
03/27/2015	<u>23</u>	SUMMONS Returned Executed by ASHLEY A DIAMOND as to SHAY HATCHER. (Attachments: # <u>1</u> Affidavit Proof of Service to Shay Hatcher)(WOLFE, SAMUEL) (Entered: 03/27/2015)
03/27/2015	<u>24</u>	SUMMONS Returned Executed by ASHLEY A DIAMOND as to MARTY ALLEN. (Attachments: # <u>1</u> Affidavit Proof of Service to Marty Allen)(WOLFE, SAMUEL) (Entered: 03/27/2015)
03/31/2015	<u>25</u>	MOTION for Temporary Restraining Order, MOTION for Preliminary Injunction by ASHLEY A DIAMOND filed by A CHINYERE EZIE. (Attachments: # <u>1</u> Memorandum in Support of Plaintiff's Emergency Motion for a Temporary Restraining Order and Preliminary Injunction)(EZIE, A) (Entered: 03/31/2015)
03/31/2015	<u>26</u>	AFFIDAVIT re <u>25</u> MOTION for Temporary Restraining OrderMOTION for Preliminary Injunction <i>Declaration of Ashley Diamond</i> by ASHLEY A DIAMOND (EZIE, A) (Entered: 03/31/2015)
03/31/2015	<u>27</u>	AFFIDAVIT re <u>25</u> MOTION for Temporary Restraining OrderMOTION for Preliminary Injunction <i>Second Declaration of A. Chinyere Ezie</i> by ASHLEY A DIAMOND (Attachments: # <u>1</u> Exhibit J – U.S. Department of Justice, Bureau of

		Justice Statistics, Sexual Victimization in Prisons and Jails Reported by Inmates, 201112, Supplemental Tables: Prevalence of Sexual Victimization Among Transgender Adult Inmates, # <u>2</u> Exhibit K – American Jail Association, Report on PREA and Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Rights, # <u>3</u> Exhibit L – Georgia Department of Corrections Mental Health Progress Notes of Jodi Braddock, # <u>4</u> Exhibit M – Georgia Department of Corrections Statement on the Prison Rape Elimination Act, # <u>5</u> Exhibit N – Georgia Department of Corrections, Standard Operating Procedures, Prison Rape Elimination Act (PREA)–Sexual Assault of/Sexual Misconduct with Offenders, # <u>6</u> Exhibit O – Georgia Department of Corrections, Monthly PREA Report, # <u>7</u> Exhibit P – Georgia Department of Corrections, Report concerning Macon State Prison Assault (Redacted), # <u>8</u> Exhibit Q – Declaration of Jeremy Brooks dated August 5, 2014, # <u>9</u> Exhibit R – Declaration of Gordon Berry dated August 6, 2014, # <u>10</u> Exhibit S – Declaration of Christopher Leach dated November 23, 2013, # <u>11</u> Exhibit T – Declaration of James Moore dated November 23, 2013, # <u>12</u> Exhibit U – Georgia Department of Corrections Mental Health Progress Notes of Dr. Stephen Sloan, # <u>13</u> Exhibit V – Georgia Department of Corrections, Warden/Superintendents Grievance Response, # <u>14</u> Exhibit W – Georgia Department of Corrections, Suicide Precaution Notification to Warden/Superintendent)(EZIE, A) (Entered: 03/31/2015)
04/01/2015	<u>28</u>	MOTION for Leave to File Excess Pages for Brief in Support of Motion to Dismiss by MARTY ALLEN, SHAY HATCHER, SHARON LEWIS, BRIAN OWENS, RUTHIE SHELTON filed by DEBORAH NOLAN GORE. (Attachments: # <u>1</u> Text of Proposed Order)(GORE, DEBORAH) (Entered: 04/01/2015)
04/03/2015		This is a text only entry; no document issued. ORDER GRANTING <u>28</u> Motion for Leave to File Excess Pages. The Defendants' brief may not exceed 30 pages. Ordered by U.S. District Judge MARC THOMAS TREADWELL on 4/3/2015.(abv) (Entered: 04/03/2015)
04/03/2015	<u>29</u>	NOTICE Statement of Interest of the United States by UNITED STATES DEPARTMENT OF JUSTICE re <u>1</u> MOTION for Preliminary Injunction (BRETT, SHARON) (Entered: 04/03/2015)
04/03/2015	<u>30</u>	CERTIFICATE OF SERVICE re <u>26</u> Affidavit, <u>27</u> Affidavit,,,,, <u>25</u> MOTION for Temporary Restraining OrderMOTION for Preliminary Injunction (EZIE, A) (Entered: 04/03/2015)
04/06/2015		This is a text only entry; no document issued. ORDER GRANTING Plaintiff's request for a hearing on his Emergency Motion for a Temporary Restraining Order and Preliminary Injunction. (Doc. 25). The hearing will commence at 9:00 a.m. on April 9, 2015. The Defendants shall produce at the hearing all documents relating to the Plaintiff's transfer to Georgia State Prison, including all communications concerning the transfer, i.e., emails, correspondence, messages, etc. Ordered by U.S. District Judge MARC THOMAS TREADWELL on 4/6/2015. (abv) (Entered: 04/06/2015)
04/06/2015		NOTICE OF SETTING HEARING on <u>25</u> Emergency Motion for a Temporary Restraining Order and Preliminary Injunction set for 4/9/2015 at 9:00 AM in Macon before U.S. District Judge MARC THOMAS TREADWELL. (tlh) (Entered: 04/06/2015)
04/07/2015	<u>31</u>	RESPONSE filed by MARTY ALLEN, SHAY HATCHER, SHARON LEWIS, BRIAN OWENS, RUTHIE SHELTON re <u>25</u> MOTION for Temporary Restraining OrderMOTION for Preliminary Injunction (Attachments: # <u>1</u> Exhibit 1 – Affidavit of Javaka Johnson)(GORE, DEBORAH) (Entered: 04/07/2015)
04/07/2015	<u>32</u>	AFFIDAVIT in Support filed by ASHLEY A DIAMOND re <u>25</u> MOTION for Temporary Restraining OrderMOTION for Preliminary Injunction (Attachments: # <u>1</u> Affidavit Third Declaration of A. Chinyere Ezie dated April 7, 2015, # <u>2</u> Exhibit Exhibit X, Letters to Ashley Diamond received from inmates following transfer to Georgia State Prison, # <u>3</u> Exhibit Exhibit Y, Declaration of James C. Brady dated March 28, 2015)(EZIE, A) (Entered: 04/07/2015)
04/08/2015	<u>33</u>	AFFIDAVIT re <u>31</u> Response to Motion by MARTY ALLEN, SHAY HATCHER, SHARON LEWIS, BRIAN OWENS, RUTHIE SHELTON (GORE, DEBORAH) (Entered: 04/08/2015)

04/09/2015	<u>34</u>	Minute Entry for proceedings held before U.S. District Judge MARC THOMAS TREADWELL: TRO Hearing held on 4/9/2015. Court Reporter: Tammy Fletcher. (tlh) (Entered: 04/09/2015)
04/09/2015		NOTICE OF CANCELLATION OF TELEPHONE CONFERENCE scheduled for 4/13/2015. (tlh) (Entered: 04/09/2015)
04/10/2015	<u>35</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>Pre-Answer</i>) by MARTY ALLEN, SHAY HATCHER, SHARON LEWIS, BRIAN OWENS, RUTHIE SHELTON filed by DEBORAH NOLAN GORE. (Attachments: # <u>1</u> Brief of Defendants in Support of Their Pre-Answer Motion to Dismiss Plaintiff's Complaint, # <u>2</u> Exhibit 1 – Affidavit of Gloria Turnage, # <u>3</u> Exhibit 2 – Affidavit of Shawn Emmons, # <u>4</u> Exhibit 3 – Affidavit of Tracey Lumpkin)(GORE, DEBORAH) (Entered: 04/10/2015)
04/10/2015	<u>36</u>	RESPONSE filed by MARTY ALLEN, SHAY HATCHER, SHARON LEWIS, BRIAN OWENS, RUTHIE SHELTON re <u>1</u> MOTION for Preliminary Injunction (Attachments: # <u>1</u> Exhibit 1 – Affidavit of Roy Sabine, # <u>2</u> Exhibit 2 – Declaration of James I. Maish, Ph.D., # <u>3</u> Exhibit 3 – Affidavit of Stephen Upton, # <u>4</u> Exhibit 4 – Affidavit of Stephen Upton)(GORE, DEBORAH) (Entered: 04/10/2015)
04/10/2015	<u>37</u>	RESPONSE filed by DAVID MCCracken, DONNA SILVER, JOHN THOMPSON re <u>1</u> MOTION for Preliminary Injunction (JOHNSON, DAVID) (Entered: 04/10/2015)
04/10/2015	<u>38</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by DAVID MCCracken, DONNA SILVER, JOHN THOMPSON filed by DAVID V JOHNSON. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1 – Affidavit of Shawn Emmons, # <u>3</u> Text of Proposed Order)(JOHNSON, DAVID) (Entered: 04/10/2015)
04/14/2015	<u>39</u>	NOTICE of Attorney Appearance by ELIZABETH MCRARY CROWDER on behalf of MARTY ALLEN, SHAY HATCHER, SHARON LEWIS, BRIAN OWENS, RUTHIE SHELTON Attorney ELIZABETH MCRARY CROWDER added to party MARTY ALLEN(pty:dft), Attorney ELIZABETH MCRARY CROWDER added to party SHAY HATCHER(pty:dft), Attorney ELIZABETH MCRARY CROWDER added to party SHARON LEWIS(pty:dft), Attorney ELIZABETH MCRARY CROWDER added to party BRIAN OWENS(pty:dft), Attorney ELIZABETH MCRARY CROWDER added to party RUTHIE SHELTON(pty:dft) (CROWDER, ELIZABETH) (Entered: 04/14/2015)
04/15/2015	<u>40</u>	TRANSCRIPT of Proceedings held on 4–9–15, before Judge Treadwell. Court Reporter Tammy W. Fletcher. Volume Number: 1 of 1 TRO hearing. The transcript may be inspected at the court or purchased through the court reporter for a period of 90 days. After 90 days, the transcript may be obtained via PACER. REDACTION OF TRANSCRIPTS: Complete redaction policy available on the courts website. (Tammy W. Fletcher) (Entered: 04/15/2015)
04/15/2015	<u>41</u>	ORDER to Produce State Prisoner Ashley Alton Diamond, GDC 1000290565 for Federal Hearing on 4/20/2015 at 10:00 am in 475 Mulberry Street, Macon, Georgia. Ordered by U.S. District Judge MARC THOMAS TREADWELL. (tlh) (Entered: 04/15/2015)
04/15/2015		NOTICE OF SETTING HEARING (continuation) on <u>25</u> Emergency Motion for a Temporary Restraining Order and Preliminary Injunction set for 4/20/2015 at 10:00 AM in Macon before U.S. District Judge MARC THOMAS TREADWELL. (tlh) (Entered: 04/15/2015)
04/15/2015	<u>42</u>	Minute Entry for proceedings held before U.S. District Judge MARC THOMAS TREADWELL: Telephone Conference held on 4/15/2015. Court Reporter: Tammy Fletcher. (tlh) (Entered: 04/15/2015)
04/16/2015	<u>43</u>	NOTICE Notice of Issuance of Subpoena to James Maish by ASHLEY A DIAMOND (Attachments: # <u>1</u> Exhibit A – Subpoena to James Maish)(EZIE, A) (Entered: 04/16/2015)
04/20/2015	<u>44</u>	Minute Order. Proceedings held before U.S. District Judge MARC THOMAS TREADWELL: Hearing held on 4/20/2015. The Court DENIED <u>25</u> Plaintiff's

		Emergency Motion for TRO and Preliminary Injunction. Plaintiff given a 14 day extension to file responses to Defendants' motions to dismiss. (Court Reporter Tammy Fletcher.) (tlh) (Entered: 04/20/2015)
04/21/2015	<u>45</u>	MOTION to Stay Proceedings on Plaintiff's Motion for a Preliminary Injunction re <u>1</u> MOTION for Preliminary Injunction by ASHLEY A DIAMOND filed by A CHINYERE EZIE.(EZIE, A) (Entered: 04/21/2015)
04/24/2015		Attorney Admission Fee Met by DAVID DINIELLI as of 4/23/2015. (nop) (Entered: 04/24/2015)
04/28/2015	<u>46</u>	TRANSCRIPT of Proceedings held on 4-20-15, before Judge Treadwell. Court Reporter Tammy W. Fletcher. Volume Number: 1 of 1 TRO hearing. The transcript may be inspected at the court or purchased through the court reporter for a period of 90 days. After 90 days, the transcript may be obtained via PACER. REDACTION OF TRANSCRIPTS: Complete redaction policy available on the courts website. (Tammy W. Fletcher) (Entered: 04/28/2015)
05/05/2015		This is a text only entry; no document issued. ORDER GRANTING <u>45</u> motion to stay proceedings related to the Plaintiff's <u>1</u> motion for a preliminary injunction until May 25, 2015. Ordered by US DISTRICT JUDGE MARC THOMAS TREADWELL on 5/5/2015. (abv) (Entered: 05/05/2015)
05/08/2015	<u>47</u>	Discovery Status Report (CROWDER, ELIZABETH) (Entered: 05/08/2015)
05/11/2015	<u>48</u>	MOTION for Leave to File Excess Pages for Brief in Opposition to Motions to Dismiss by ASHLEY A DIAMOND filed by A CHINYERE EZIE.(EZIE, A) (Entered: 05/11/2015)
05/12/2015		This is a text only entry; no document issued. ORDER GRANTING <u>48</u> Motion for Leave to File Excess Pages. The Plaintiff's brief in response to the Defendants' motions to dismiss shall not exceed 35 pages. Ordered by US DISTRICT JUDGE MARC THOMAS TREADWELL on 5/12/2015. (abv) (Entered: 05/12/2015)
05/18/2015	<u>49</u>	RESPONSE filed by ASHLEY A DIAMOND re <u>35</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>Pre-Answer</i>), <u>38</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (Attachments: # <u>1</u> Affidavit Declaration of Ashley Diamond, # <u>2</u> Affidavit Declaration of Dr. Randi C. Ettner, # <u>3</u> Declaration of A. Chinyere Ezie, # <u>4</u> Exhibit Exhibit A, Grievance No. 163506 and Related Documents, # <u>5</u> Exhibit Exhibit B, Grievance No. 173610 and Related Documents, # <u>6</u> Exhibit Exhibit C, Grievance No. 180025 and Related Documents, # <u>7</u> Exhibit Exhibit D, Grievance No. 141823 and Related Documents, # <u>8</u> Exhibit Exhibit E, Grievance No. 189277 and Related Documents, # <u>9</u> Exhibit Exhibit F, Grievance No. 189275 and Related Documents, # <u>10</u> Exhibit Exhibit G, Grievance No. 189275 and Related Documents, # <u>11</u> Exhibit Exhibit H, Excerpts of the Transcript of the April 20, 2015 Hearing on Plaintiffs Emergency Motion for a Temporary Restraining Order, Diamond v. Owens et al, 5:15-cv-00050 (MTT), # <u>12</u> Exhibit Exhibit I, Excerpts of the Transcript of the April 9, 2015 Hearing on Plaintiffs Emergency Motion for a Temporary Restraining Order, Diamond v. Owens et al, 5:15-cv-00050 (MTT), # <u>13</u> Exhibit Exhibit J, Grievance No. 184215 and Related Documents, # <u>14</u> Exhibit Exhibit K, Georgia Department of Corrections Mental Health Progress Notes of Dr. Stephen Sloan)(EZIE, A) (Entered: 05/18/2015)
05/19/2015	<u>50</u>	CERTIFICATE OF SERVICE re <u>49</u> Response to Motion,,,,, (EZIE, A) (Entered: 05/19/2015)
05/20/2015	<u>51</u>	CERTIFICATE OF SERVICE re <u>50</u> Certificate of Service (EZIE, A) (Entered: 05/20/2015)
05/21/2015	<u>52</u>	MOTION for Extension of Time to File Briefing on Plaintiff's Motion for Preliminary Injunction. by ASHLEY A DIAMOND filed by A CHINYERE EZIE.(EZIE, A) (Entered: 05/21/2015)
05/21/2015	<u>53</u>	This is a text only entry; no document issued. ORDER GRANTING <u>52</u> Motion for Extension of Time. Plaintiff's response to Defendants' Oppositions to Plaintiff's Motion for Preliminary Injunction [36, 37] shall be filed with the Court no later than July 27, 2015. Ordered by US DISTRICT JUDGE MARC THOMAS TREADWELL

		on 5/21/2015. (tlh) (Entered: 05/21/2015)
05/28/2015	<u>54</u>	MOTION for Leave to File Excess Pages for reply briefs by MARTY ALLEN, SHAY HATCHER, SHARON LEWIS, BRIAN OWENS, RUTHIE SHELTON filed by DEBORAH NOLAN GORE.(GORE, DEBORAH) (Entered: 05/28/2015)
05/28/2015	<u>55</u>	MOTION for Leave to File Excess Pages for reply briefs by DAVID MCCRACKEN, DONNA SILVER, JOHN THOMPSON filed by DAVID V JOHNSON.(JOHNSON, DAVID) (Entered: 05/28/2015)
06/01/2015	<u>56</u>	REPLY to Response filed by MARTY ALLEN, SHAY HATCHER, SHARON LEWIS, BRIAN OWENS, RUTHIE SHELTON re <u>35</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>Pre-Answer</i>) (GORE, DEBORAH) (Entered: 06/01/2015)
06/01/2015	<u>57</u>	REPLY to Response filed by DAVID MCCRACKEN, DONNA SILVER, JOHN THOMPSON re <u>38</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (JOHNSON, DAVID) (Entered: 06/01/2015)
06/02/2015		This is a text only entry; no document issued. ORDER GRANTING <u>54</u> Motion for Leave to File Excess Pages. Ordered by US DISTRICT JUDGE MARC THOMAS TREADWELL on 6/2/2015. (abv) (Entered: 06/02/2015)
06/02/2015		This is a text only entry; no document issued. ORDER GRANTING <u>55</u> Motion for Leave to File Excess Pages. Ordered by US DISTRICT JUDGE MARC THOMAS TREADWELL on 6/2/2015. (abv) (Entered: 06/02/2015)
07/09/2015	<u>58</u>	STATUS REPORT by ASHLEY A DIAMOND (EZIE, A) (Entered: 07/09/2015)
07/23/2015	<u>59</u>	CONSENT MOTION for Extension of Time to File Briefing on Plaintiff's Motion for A Preliminary Injunction. by ASHLEY A DIAMOND filed by A CHINYERE EZIE. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(EZIE, A) (Entered: 07/23/2015)
07/27/2015	60	This is a text only entry; no document issued. ORDER: The Court DENIES the Plaintiff's <u>59</u> motion for extension of time until October 27, 2015, to reply to the Defendants' <u>36</u> <u>37</u> responses to the <u>1</u> motion for preliminary injunction, but the Court GRANTS the Plaintiff 30 days until and including August 26, 2015, to file her reply. Ordered by US DISTRICT JUDGE MARC THOMAS TREADWELL on 7/27/2015. (abv) (Entered: 07/27/2015)
07/29/2015	<u>61</u>	MOTION for Status Conference and RESPONSE in Support re <u>58</u> Status Report (Attachments: # <u>1</u> Affidavit Declaration of David Dinielli, # <u>2</u> Exhibit Exhibit A to Declaration, Retaliation Letter)(EZIE, A) Modified on 7/30/2015 (ggs). (Entered: 07/29/2015)
08/05/2015		NOTICE OF SETTING HEARING: Telephone Conference set for 8/11/2015 at 11:30 AM in Macon before US DISTRICT JUDGE MARC THOMAS TREADWELL. Teleconferencing instructions emailed to counsel. (tlh) (Entered: 08/05/2015)
08/11/2015	<u>62</u>	Minute Entry for proceedings held before US DISTRICT JUDGE MARC THOMAS TREADWELL: Telephone Conference held on 8/11/2015. Defendants are to provide the Court with the plan prepared by the medical professionals by Friday (8/14/2015). Court Reporter: Darlene Fuller. (tlh) (Entered: 08/11/2015)
08/12/2015	63	This is a text only entry; no document issued. ORDER: Defendants are to provide the Court with the plan prepared by the medical professionals by Friday, 8/14/2015. Defendants may file the plan under seal. Ordered by US DISTRICT JUDGE MARC THOMAS TREADWELL on 8/12/2015. (tlh) (Entered: 08/12/2015)
08/14/2015	<u>64</u>	NOTICE of Attorney Appearance by BRETT A Tarver on behalf of DAVID MCCRACKEN, DONNA SILVER, JOHN THOMPSON Attorney BRETT A Tarver added to party DAVID MCCRACKEN(pty:dft), Attorney BRETT A Tarver added to party DONNA SILVER(pty:dft), Attorney BRETT A Tarver added to party JOHN THOMPSON(pty:dft) (Tarver, BRETT) (Entered: 08/14/2015)
08/14/2015	<u>65</u>	SEALED DOCUMENT filed pursuant to 63 text only order(ans) (Entered: 08/14/2015)

08/26/2015	<u>66</u>	REPLY to Response filed by ASHLEY A DIAMOND re <u>1</u> MOTION for Preliminary Injunction (Attachments: # <u>1</u> Affidavit Declaration of Ashley Diamond, # <u>2</u> Affidavit Third Declaration of Dr. Randi C. Ettner, # <u>3</u> Affidavit Declaration of Samuel Wolfe, # <u>4</u> Exhibit Wolfe Decl. Ex. A – Decl. of Leach, # <u>5</u> Exhibit Wolfe Decl. Ex. B – Housing/Treatment Plan, # <u>6</u> Exhibit Wolfe Decl. Ex. C – Mental Health Progress Notes of Sloan, # <u>7</u> Exhibit Wolfe Decl. Ex. D – Selected Medical Records for Diamond, # <u>8</u> Exhibit Wolfe Decl. Ex. E – Selected Mental Health Records for Diamond, # <u>9</u> Exhibit Wolfe Decl. Ex. F – Selected PREA Reports for Diamond, # <u>10</u> Exhibit Wolfe Decl. Ex. G – Termination Records for Hatcher, # <u>11</u> Exhibit Wolfe Decl. Ex. H – Decl. of Berry, # <u>12</u> Exhibit Wolfe Decl. Ex. I – Decl. of Moore)(WOLFE, SAMUEL) (Entered: 08/26/2015)
09/02/2015	<u>67</u>	MOTION to Dismiss Plaintiff's Claims for Preliminary Injunction and Requests for Declaratory and Injunctive Relief re <u>1</u> MOTION for Preliminary Injunction, <u>3</u> Complaint by ASHLEY A DIAMOND filed by A CHINYERE EZIE.(EZIE, A) Modified on 9/2/2015 (ggs). Modified on 9/2/2015 (ggs). (Entered: 09/02/2015)
09/14/2015	<u>68</u>	ORDER GRANTING <u>67</u> Motion to Dismiss. Plaintiff's requests for injunctive and declaratory relief are DISMISSED without prejudice. Because the claims against the Defendants in their official capacities are only for prospective injunctive relief, all claims against Defendants sued in their official capacities are DISMISSED as moot. The claims in Count 2 against Owens and Lewis in their official capacities are DISMISSED as moot. Count 2 remains pending against Lewis in her individual capacity. In Count 4, Diamond has asserted failure-to-train claims against Owens and Lewis. The failure-to-train claims against Owens and Lewis in their official capacities are DISMISSED as moot. The failure-to-train claim against Lewis in her individual capacity remains pending. Because Diamond sued Owens only in his official capacity, he is DISMISSED as a Defendant. Ordered by US DISTRICT JUDGE MARC THOMAS TREADWELL on 9/14/2015. (tlh) (Entered: 09/14/2015)
09/14/2015	<u>69</u>	ORDER DENYING <u>35</u> Motion to Dismiss for Failure to State a Claim and DENYING <u>38</u> Motion to Dismiss for Failure to State a Claim. Ordered by US DISTRICT JUDGE MARC THOMAS TREADWELL on 9/14/2015. (tlh) (Entered: 09/14/2015)
09/25/2015	<u>70</u>	JOINT MOTION for Extension of Time to File Answer by MARTY ALLEN, SHAY HATCHER, SHARON LEWIS, DAVID MCCRACKEN, RUTHIE SHELTON, DONNA SILVER, JOHN THOMPSON filed by ELIZABETH MCRARY CROWDER.(CROWDER, ELIZABETH) (Entered: 09/25/2015)
09/28/2015	71	This is a text only entry; no document issued. ORDER GRANTING <u>70</u> Motion for Extension of Time to Answer Complaint. All Defendants have until and including October 12, 2015, to answer the complaint. Ordered by US DISTRICT JUDGE MARC THOMAS TREADWELL on 9/28/2015. (abv) (Entered: 09/28/2015)
10/12/2015	<u>72</u>	ANSWER to <u>3</u> Complaint with Jury Demand by DAVID MCCRACKEN, DONNA SILVER, JOHN THOMPSON.(JOHNSON, DAVID) (Entered: 10/12/2015)
10/13/2015	<u>73</u>	ANSWER to <u>3</u> Complaint by MARTY ALLEN, SHAY HATCHER, SHARON LEWIS, RUTHIE SHELTON.(GORE, DEBORAH) (Entered: 10/13/2015)
10/21/2015	<u>74</u>	RULES 16/26 ORDER : Proposed Scheduling/Discovery order due by 11/20/2015. Ordered by US DISTRICT JUDGE MARC THOMAS TREADWELL on 10/21/2015. (Attachments: # <u>1</u> Required Form, # <u>2</u> The Security National Bank of Sioux City, Iowa v. Abbott Laboratories, 2014 WL 3704277 (N.D. Iowa)). (tlh) (Entered: 10/21/2015)
11/23/2015		***DISREGARD – FILED IN ERROR*** NOTICE Late Scheduling/Discovery Order: The joint, proposed Scheduling/Discovery Order requested from the parties by the Court's Rules 16/26 Order is now PAST DUE. Unless the proposed order is received within 14 days from this date, the case file will be referred to the district judge for possible sanctions. Proposed Scheduling/Discovery order due by 12/7/2015. Related document: <u>74</u> Rules 16/26 Order. (ggs) Modified on 11/24/2015 (ggs). (Entered: 11/23/2015)
11/23/2015		REMARK : Scheduling/Discovery Order Deadline extended to 1/29/2016 per Judge Treadwell. (ggs) (Entered: 11/23/2015)

12/16/2015	<u>75</u>	Letter from JAMI NATURALITE regarding requesting copies of the Court's Order of 9/14/2015 and the docket sheet for this case re <u>69</u> Order on Motion to Dismiss for Failure to State a Claim. (Attachments: # <u>1</u> Envelope)(ggs) (Entered: 12/16/2015)
12/16/2015	<u>76</u>	Letter from G. Sellers in response re <u>75</u> Letter (ggs) (Entered: 12/16/2015)
01/29/2016		Proposed Scheduling/Discovery Order Received and forwarded to Chambers (ggs) (Entered: 01/29/2016)
02/11/2016	<u>77</u>	STIPULTIO OF DISMISSAL by ASHLEY A DIAMOND (EZIE, A) Modified on 2/12/2016 (ggs). (Entered: 02/11/2016)
02/12/2016		Notice of Deficiency; Wrong event used – the correct event is STIPULATION OF DISMISSAL – NO NEED TO REFILE, DOCKET TEXT HAS BEEN EDITED – (related document(s): <u>77</u> Notice of Voluntary Dismissal filed by ASHLEY A DIAMOND). (ggs) (Entered: 02/12/2016)
09/05/2017	<u>78</u>	Letter from DAVID CHRIS KELLY, JR. regarding FOIA Request for all documents contained in file (Attachments: # <u>1</u> Envelope)(ggs) (Entered: 09/05/2017)
09/05/2017	<u>79</u>	Letter from G. Sellers regarding in response re <u>78</u> Letter (ggs) (Entered: 09/05/2017)