

APPEAL,CLOSED,Exhibits,INTERPRETER

**U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)
CIVIL DOCKET FOR CASE #: 5:11-ct-03118-D**

Heyer et al v. United States Bureau of Prisons et al
Assigned to: District Judge James C. Dever, III
Case in other court: 15-06826
19-07027
Cause: 28:1331 Federal Question: Bivens Act

Date Filed: 06/20/2011
Date Terminated: 02/12/2019
Jury Demand: None
Nature of Suit: 555 Prisoner Petitions
(Prison Condition)
Jurisdiction: U.S. Government Defendant

Plaintiff

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Seth Morgan Wood
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Defendant

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Date Filed	#	Docket Text
06/20/2011	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 0417-1653669.), filed by Thomas Heyer, Robert Paul Boyd. (Attachments: # <u>1</u> Civil Cover Sheet with attachment, # <u>2</u> summons for issuance, # <u>3</u> ummons for issuance, # <u>4</u> ummons for issuance, # <u>5</u> ummons for issuance, # <u>6</u> ummons for issuance) (Riemann, Neil) (Entered: 06/20/2011)
06/21/2011	<u>2</u>	NOTICE of Appearance by Philip J. Fornaci on behalf of All Plaintiffs (Fornaci, Philip) (Entered: 06/21/2011)
06/22/2011	<u>3</u>	ORDER REASSIGNING CASE – All future pleadings should reflect the revised case number of: 5:11-CT-3118-D. Signed by Julie Richards, Chief Deputy Clerk for Dennis P. Iavarone, Clerk of Court on 6/22/11. (Blankenship, T.) (Entered: 06/22/2011)

06/22/2011		NOTICE OF CORRECTION re: <u>1</u> Complaint. Since this action alleges claims regarding conditions of confinement the nature of suit has been changed to 555 and the cause of action has been changed to 28:1331. (Blankenship, T.) (Entered: 06/22/2011)
07/29/2011	<u>4</u>	NOTICE of Appearance by Ian S. Hoffman on behalf of All Plaintiffs. (Hoffman, Ian) (Entered: 07/29/2011)
08/03/2011	<u>5</u>	ORDER DIRECTING CLERK TO CONTINUE MANAGEMENT OF CASE – Plaintiff's claims are not clearly frivolous. Accordingly, the clerk is DIRECTED to continue management of the action. Signed by US District Judge James C. Dever III on 8/3/2011. (Taylor, B.) (Entered: 08/03/2011)
08/04/2011	<u>6</u>	Summons Issued as to: Ike Eichenlaub, Tracy W. Johns, Thomas R Kane, Sara M. Revell, and United States Bureau of Prisons. (Taylor, B.) (Entered: 08/04/2011)
09/28/2011	<u>7</u>	NOTICE of Appearance by Carolyn A. Pearce on behalf of All Plaintiffs. (Pearce, Carolyn) (Entered: 09/28/2011)
10/17/2011	<u>8</u>	AFFIDAVIT of Service for summons and complaint served on all defendants on various dates, filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit 1 – Proof for Eichenlaub, # <u>2</u> Exhibit 2 – Proof for BoP and Kane, # <u>3</u> Exhibit 3 – Proof for Johns, # <u>4</u> Exhibit 4 – Proof for Revell, # <u>5</u> Exhibit 5 – Proof for AG, # <u>6</u> Exhibit 6 – Proof for US Atty) (Riemann, Neil) (Entered: 10/17/2011)
10/25/2011	<u>9</u>	AFFIDAVIT of Service for Summons and Complaint served on Ike Eichenlaub, Thomas Kane, U.S. Bureau of Prisons on October 18, 2011 and October 20, 2011, filed by Robert Paul Boyd and Thomas Heyer. (Attachments: # <u>1</u> Exhibit 1 – Proof for Ike Eichenlaub, # <u>2</u> Exhibit 2 – Proof for Bureau of Prisons, # <u>3</u> Exhibit 3 – Proof for Thomas Kane) (Pearce, Carolyn) (Entered: 10/25/2011)
11/09/2011	<u>10</u>	NOTICE of Change of Address by Neil A. Riemann (Riemann, Neil) (Entered: 11/09/2011)
12/12/2011	<u>11</u>	NOTICE of Appearance by Seth Morgan Wood on behalf of Ike Eichenlaub, Tracy W. Johns, Thomas R Kane, Sara M. Revell and United States Bureau of Prisons. (Wood, Seth) (Entered: 12/12/2011)
12/12/2011	<u>12</u>	MOTION for Extension of Time to File Response/Reply as to <u>1</u> Complaint, by Ike Eichenlaub, Tracy W. Johns, Thomas R Kane, Sara M. Revell and United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Wood, Seth) (Entered: 12/12/2011)
12/13/2011	<u>13</u>	ORDER granting <u>12</u> Motion for Extension of Time to File Response re <u>1</u> Complaint; Responses due by 1/11/2012. Signed by Dennis P. Iavarone, Clerk of Court on 12/13/2011. Copy mailed to plaintiff. (McDowell, G.) (Entered: 12/13/2011)
01/11/2012	<u>14</u>	MOTION to Dismiss by Ike Eichenlaub, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Wood, Seth) (Entered: 01/11/2012)
01/11/2012	<u>15</u>	Memorandum in Support re <u>14</u> MOTION to Dismiss filed by Ike Eichenlaub, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Exhibit (A) Declaration of Lynnell Cox with Attachments 1 through 5, # <u>2</u> Exhibit (B) Declaration of Mina Raskin, # <u>3</u> Exhibit (C) Declaration of Nicole C. Weaver) (Wood, Seth) (Entered: 01/11/2012)
01/30/2012	<u>16</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION to Dismiss by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Text of Proposed Order) (Hoffman, Ian) (Entered: 01/30/2012)
02/01/2012	<u>17</u>	ORDER – GRANTING <u>16</u> Motion for Extension of Time to File Response re <u>14</u> MOTION to Dismiss. Plaintiff's response due by 3/7/2012. Signed by Dennis P. Iavarone, Clerk of Court on 2/1/2012. (Indig, A.) (Entered: 02/01/2012)
02/20/2012	<u>18</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION to Dismiss by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Text of Proposed Order) (Hoffman, Ian) (Entered: 02/20/2012)
02/21/2012	<u>19</u>	ORDER – GRANTING <u>18</u> Motion for Extension of Time to File Response re <u>14</u> MOTION to Dismiss. Plaintiff's response due by 3/28/2012. Signed by Dennis P.

		Iavarone, Clerk of Court on 2/21/2012. (Indig, A.) (Entered: 02/21/2012)
03/23/2012	<u>20</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION to Dismiss by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Text of Proposed Order) (Hoffman, Ian) (Entered: 03/23/2012)
03/26/2012	<u>21</u>	ORDER – GRANTING <u>20</u> Motion for Extension of Time to File Response re <u>14</u> MOTION to Dismiss. Plaintiffs' response due by 4/11/2012. Signed by Julie A. Richards, Clerk of Court on 3/26/2012. (Indig, A.) (Entered: 03/26/2012)
04/04/2012	<u>22</u>	MOTION for Leave to File <i>First Amended Complaint</i> by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit A -- Proposed First Amended Complaint, # <u>2</u> Text of Proposed Order) (Hoffman, Ian) (Entered: 04/04/2012)
04/04/2012		NOTICE OF DEFICIENCY re: <u>22</u> Motion for Leave to File: IN FUTURE FILINGS counsel is to refer to the WESTERN DIVISION in the case caption on all documents filed in this case. There is not a Raleigh division. (Fogle, L.) (Entered: 04/04/2012)
04/06/2012		Motion Submitted to Staff Counsel III: <u>22</u> MOTION for Leave to File <i>First Amended Complaint</i> . (Indig, A.) (Entered: 04/06/2012)
04/10/2012	<u>23</u>	ORDER – GRANTING <u>22</u> Motion for Leave to File and directs plaintiffs to file their proposed amended complaint on or before April 17, 2012, and to present summonses to the Clerk for issuance. DENYING as moot <u>14</u> Motion to Dismiss. Signed by Chief Judge James C. Dever III on 4/10/2012. (Indig, A.) (Entered: 04/10/2012)
04/11/2012	<u>24</u>	***REFER TO DE # 25 FOR CORRECTED SUMMONS AMENDED COMPLAINT against All Defendants, filed by Thomas Heyer, Robert Paul Boyd. (Attachments: # <u>1</u> Summons for Issuance) (Hoffman, Ian) (Entered: 04/11/2012)
04/12/2012		NOTICE OF DEFICIENCY re: <u>24</u> Amended Complaint: Failure to Flatten Form (Summons for Issuance). The court prefers flattened pdf fillable forms, as stated in Section B(3) of the Administrative Policies and Procedures Manual. Counsel is directed to re-file the summons as a "Flattened Document." (Fogle, L.) (Entered: 04/12/2012)
04/12/2012	<u>25</u>	***CORRECTED SUMMONS – AMENDED DOCUMENT by Robert Paul Boyd, Thomas Heyer. <i>Summons for Issuance</i> . (Hoffman, Ian) (Entered: 04/12/2012)
04/12/2012	<u>26</u>	Summons Issued as to Eric H. Holder, Jr, U.S. Attorney and U.S. Attorney General. (Blankenship, T.) (Entered: 04/12/2012)
04/23/2012	<u>27</u>	NOTICE of Appearance by Seth Morgan Wood on behalf of Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Wood, Seth) (Entered: 04/23/2012)
04/23/2012	<u>28</u>	MOTION for Extension of Time to File Response/Reply as to <u>24</u> Amended Complaint by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Wood, Seth) (Entered: 04/23/2012)
04/24/2012	<u>29</u>	ORDER – GRANTING <u>28</u> Motion for Extension of Time to File Response to Plaintiff's First Amended Complaint up to and including 6/11/2012. Signed by Julie A. Richards, Clerk of Court on 4/24/2012. (Indig, A.) (Entered: 04/24/2012)
06/06/2012	<u>30</u>	Second MOTION for Extension of Time to File Answer or Response as to <u>24</u> Amended Complaint (<i>Unopposed</i>) by Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Wood, Seth) (Entered: 06/06/2012)
06/07/2012	<u>31</u>	ORDER – GRANTING <u>30</u> Motion for Extension of Time to File Response as to <u>24</u> Amended Complaint (<i>Unopposed</i>). Responses due by 6/25/2012. Signed by Julie A. Richards, Clerk of Court on 6/7/2012. (Indig, A.) (Entered: 06/07/2012)
06/25/2012	<u>32</u>	MOTION to Dismiss , MOTION for Summary Judgment by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Wood, Seth) (Entered: 06/25/2012)

06/25/2012	<u>33</u>	Memorandum in Support regarding <u>32</u> MOTION to Dismiss MOTION for Summary Judgment filed by Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Exhibit List, # <u>2</u> Exhibit (A) Filed Separately Under Declaration, # <u>3</u> Exhibit (B) Declaration of Mina Raskin, # <u>4</u> Exhibit (C) Declaration of Kenneth McKoy, # <u>5</u> Exhibit (D) Declaration of Karen L. Steinour, # <u>6</u> Exhibit (E) Declaration of Amy Jacobs, # <u>7</u> Exhibit (E) Declaration of Jordan May) (Wood, Seth) (Entered: 06/25/2012)
06/25/2012	<u>34</u>	Declaration regarding <u>33</u> Memorandum in Support, (<i>Declaration of Cornelia J. Coll</i>) by Sara M. Revell, United States Bureau of Prisons, Tracy W. Johns, Thomas R Kane, Eric H. Holder, Jr., Ike Eichenlaub filed by Sara M. Revell, United States Bureau of Prisons, Tracy W. Johns, Thomas R Kane, Eric H. Holder, Jr., Ike Eichenlaub. (Wood, Seth) (Entered: 06/25/2012)
07/19/2012	<u>35</u>	RESPONSE in Opposition regarding <u>32</u> MOTION to Dismiss MOTION for Summary Judgment filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit A – Heyer Order) (Hoffman, Ian) Modified on 7/20/2012 to correct description of order. (Fogle, L.) (Entered: 07/19/2012)
07/19/2012	<u>36</u>	MOTION Pursuant to Rule 56(d) for Denial of or, in the Alternative, for Continuance to Respond to Defendants' Alternative Motion for Summary Judgment by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Declaration of Ian S. Hoffman) (Hoffman, Ian) (Entered: 07/19/2012)
07/19/2012	<u>37</u>	MOTION for Summary Judgment <i>as to Count II of the First Amended Complaint</i> by Robert Paul Boyd, Thomas Heyer. (Hoffman, Ian) (Entered: 07/19/2012)
07/19/2012	<u>38</u>	Memorandum in Support regarding <u>37</u> MOTION for Summary Judgment <i>as to Count II of the First Amended Complaint</i> filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit A – Heyer Order) (Hoffman, Ian) Modified on 7/20/2012 to correct description of order. (Fogle, L.) (Entered: 07/19/2012)
07/20/2012		NOTICE OF CORRECTION regarding: <u>38</u> Memorandum in Support, <u>35</u> Response in Opposition to Motion – These document do not comply with Section L of this court's Electronic Case Filing Administrative Policies and Procedures Manual pertaining to clear and complete identification/description of attachments. These documents have been modified. FUTURE filings without complete descriptions for the exhibits will have to be re–filed. (Fogle, L.) (Entered: 07/20/2012)
08/02/2012	<u>39</u>	RESPONSE regarding <u>35</u> Response in Opposition to Motion, (<i>Reply to Plaintiffs' Opposition to Defendants' Motion to Dismiss Or, In The Alternative, For Summary Judgment</i>) filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Exhibit A. Findings of Fact and Conclusions of Law) (Wood, Seth) (Entered: 08/02/2012)
08/09/2012	<u>40</u>	RESPONSE in Opposition regarding <u>36</u> MOTION Pursuant to Rule 56(d) for Denial of or, in the Alternative, for Continuance to Respond to Defendants' Alternative Motion for Summary Judgment filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Wood, Seth) (Entered: 08/09/2012)
08/09/2012	<u>41</u>	RESPONSE in Opposition regarding <u>37</u> MOTION for Summary Judgment <i>as to Count II of the First Amended Complaint</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> (A) Supplemental Declaration of Karen L. Steinour) (Wood, Seth) (Entered: 08/09/2012)
08/23/2012	<u>42</u>	REPLY to Response to Motion regarding <u>36</u> MOTION Pursuant to Rule 56(d) for Denial of or, in the Alternative, for Continuance to Respond to Defendants' Alternative Motion for Summary Judgment filed by Robert Paul Boyd, Thomas Heyer. (Hoffman, Ian) (Entered: 08/23/2012)
08/23/2012	<u>43</u>	REPLY to Response to Motion regarding <u>37</u> MOTION for Summary Judgment <i>as to Count II of the First Amended Complaint</i> filed by Robert Paul Boyd, Thomas Heyer. (Hoffman, Ian) (Entered: 08/23/2012)
08/24/2012		Motions Submitted to Staff Counsel III: <u>37</u> MOTION for Summary Judgment <i>as to Count II of the First Amended Complaint</i> , <u>36</u> MOTION Pursuant to Rule 56(d) for

		Denial of or, in the Alternative, for Continuance to Respond to Defendants' Alternative Motion for Summary Judgment and <u>32</u> MOTION to Dismiss MOTION for Summary Judgment . (McDowell, G.) (Entered: 08/24/2012)
10/15/2012	<u>44</u>	NOTICE by Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R. Kane, Sara M. Revell, United States Bureau of Prisons regarding <u>33</u> Memorandum in Support, <u>32</u> MOTION to Dismiss MOTION for Summary Judgment. (<i>Supplement to Defendants' Alternative Motion for Summary Judgment</i>) (Attachments: # <u>1</u> Declaration of Justin F. Andrews) (Wood, Seth) (Entered: 10/15/2012)
10/26/2012	<u>45</u>	RESPONSE regarding <u>44</u> Notice--(other), filed by Robert Paul Boyd, Thomas Heyer. (Pearce, Carolyn) (Entered: 10/26/2012)
03/11/2013	<u>46</u>	ORDER – Plaintiffs' motion for summary judgment on count two <u>37</u> is DENIED WITHOUT PREJUDICE, and defendants' motion to dismiss or for summary judgment <u>32</u> is GRANTED IN PART and DENIED IN PART. Count one under the Rehabilitation Act is DISMISSED without prejudice for failure to exhaust administrative remedies under 28 C.F.R. § 39.170. Count five under the Fifth Amendment is DISMISSED without prejudice for failure to state a claim upon which relief can be granted. Counts two, three, four, six, seven, eight, nine, and ten survive. Plaintiffs' Rule 56(d) motion <u>36</u> is GRANTED IN PART as to the remaining claims, and defendants' motion for summary judgment is DENIED without prejudice as to the remaining claims. The parties shall confer and file a proposed scheduling order (or separate proposed orders, if the parties cannot agree) no later than March 28, 2013. Signed by Chief Judge James C. Dever III on 3/11/2013. (Indig, A.) (Entered: 03/11/2013)
03/25/2013	<u>47</u>	MOTION for Extension of Time to File Response/Reply as to <u>24</u> Amended Complaint by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Wood, Seth) (Entered: 03/25/2013)
03/26/2013	<u>48</u>	ORDER – GRANTING <u>47</u> Motion for Extension of Time to Answer regarding plaintiff's amended complaint. Responses due by 4/8/2013. Signed by Chief Judge James C. Dever III on 3/26/2013. (Indig, A.) (Entered: 03/26/2013)
03/28/2013	<u>49</u>	REPORT of Rule 26(f) Planning Meeting by Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R. Kane, Sara M. Revell, United States Bureau of Prisons. (Wood, Seth) (Entered: 03/28/2013)
03/28/2013	<u>50</u>	Rule 26(f) Report (individual) by Robert Paul Boyd, Thomas Heyer. (Hoffman, Ian) (Entered: 03/28/2013)
04/08/2013	<u>51</u>	ANSWER to <u>24</u> Amended Complaint (<i>Plaintiff's Verified First Amended Complaint</i>) by Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Wood, Seth) (Entered: 04/08/2013)
04/22/2013	<u>52</u>	AMENDED ANSWER to <u>24</u> Amended Complaint by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Wood, Seth) (Entered: 04/22/2013)
05/01/2013	<u>53</u>	Notice of Substitution of Counsel by Deborah M. Golden on behalf of Robert Paul Boyd, Thomas Heyer substituting for Philip J. Fornaci. (Golden, Deborah) (Entered: 05/01/2013)
05/31/2013	<u>54</u>	SCHEDULING ORDER – Fact Discovery due by 9/27/2013 and all Expert Discovery due by 11/22/2013. Motions due by 12/20/2013. Signed by Magistrate Judge James E. Gates on 5/31/2013. Counsel is reminded to read the entire order for critical dates and deadlines. (Indig, A.) (Entered: 05/31/2013)
06/18/2013	<u>55</u>	MOTION for Extension of Time (<i>to respond to plaintiffs' first requests for production of documents</i>) by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Wood, Seth) (Entered: 06/18/2013)
06/18/2013	<u>56</u>	MOTION for Extension of Time (<i>refiled Motion to include Exhibit A</i>) by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Exhibit A–Plaintiffs' Requests for

		Production of Documents to Defendants (Set One)) (Wood, Seth) (Entered: 06/18/2013)
06/18/2013	<u>57</u>	RESPONSE to Motion regarding <u>56</u> MOTION for Extension of Time (<i>refiled Motion to include Exhibit A</i>), <u>55</u> MOTION for Extension of Time (<i>to respond to plaintiffs' first requests for production of documents</i>) filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit B -- Plaintiffs' First Set of Requests for Production) (Hoffman, Ian) (Entered: 06/18/2013)
06/19/2013		MOTION REFERRED to Magistrate Judge James E. Gates as to <u>56</u> MOTION for Extension of Time. (Indig, A.) (Entered: 06/19/2013)
06/19/2013	<u>58</u>	NOTICE by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons regarding <u>56</u> MOTION for Extension of Time. (<i>refiled Motion to include Exhibit A</i>) (<i>Notice of Withdrawal of Defendant's Motion For Extension Of Time</i>) (Wood, Seth) (Entered: 06/19/2013)
06/19/2013	<u>59</u>	WITHDRAWAL of Motion by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. regarding <u>56</u> MOTION for Extension of Time (<i>refiled Motion to include Exhibit A</i>) filed by Thomas R Kane, Tracy W. Johns, Eric H. Holder, Jr., Sara M. Revell, United States Bureau of Prisons, Ike Eichenlaub . (Wood, Seth) (Entered: 06/19/2013)
07/09/2013	<u>60</u>	MOTION for Protective Order (<i>Unopposed</i>) by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Wood, Seth) (Entered: 07/09/2013)
07/09/2013		MOTION REFERRED to Magistrate Judge James E. Gates as to: <u>60</u> MOTION for Protective Order (<i>Unopposed</i>). (Indig, A.) (Entered: 07/09/2013)
07/12/2013	<u>61</u>	MOTION for Protective Order (<i>Unopposed</i>) by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Wood, Seth) (Entered: 07/12/2013)
07/12/2013		MOTION REFERRED to Magistrate Judge James E. Gates as to: <u>61</u> MOTION for Protective Order (<i>Unopposed</i>). (Indig, A.) (Entered: 07/12/2013)
08/05/2013	<u>62</u>	PROTECTIVE ORDER. Signed by Magistrate Judge James E. Gates on 8/2/2013. (Indig, A.) (Entered: 08/05/2013)
08/05/2013	<u>63</u>	SECOND PROTECTIVE ORDER. Signed by Magistrate Judge James E. Gates on 8/2/2013. (Indig, A.) (Entered: 08/05/2013)
08/26/2013	<u>64</u>	MOTION to Stay <i>Further Proceedings Pending Exhaustion of Administrative Remedies</i> by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Wood, Seth) (Entered: 08/26/2013)
08/26/2013	<u>65</u>	Memorandum in Support regarding <u>64</u> MOTION to Stay <i>Further Proceedings Pending Exhaustion of Administrative Remedies</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Exhibit A – Letter to Richard Toscano, # <u>2</u> Exhibit B – Letter to Mina Raskin) (Wood, Seth) (Entered: 08/26/2013)
08/26/2013	<u>66</u>	MOTION to Expedite (<i>Unopposed Motion for Expedited Consideration of Motion to Stay Pending Proceedings</i>) by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Wood, Seth) (Entered: 08/26/2013)
08/27/2013	<u>67</u>	ORDER – GRANTING <u>66</u> Motion to Expedite. Plaintiffs shall respond to Defendants' motion to stay on or before September 9, 2013. Defendants will not file a reply in support of their motion. Signed by Chief Judge James C. Dever III on 8/26/2013. (Indig, A.) (Entered: 08/27/2013)
09/09/2013	<u>68</u>	RESPONSE in Opposition regarding <u>64</u> MOTION to Stay <i>Further Proceedings Pending Exhaustion of Administrative Remedies</i> filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit A (Bryant Order on Motion to Dismiss (July 11, 2011)) (Hoffman, Ian) (Entered: 09/09/2013)

09/10/2013		Motion Submitted to Staff Counsel III as to: <u>64</u> MOTION to Stay <i>Further Proceedings Pending Exhaustion of Administrative Remedies</i> . (Indig, A.) (Entered: 09/10/2013)
09/16/2013	<u>69</u>	Consent MOTION for Extension of Time to Complete Discovery by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Text of Proposed Order) (Hoffman, Ian) (Entered: 09/16/2013)
09/17/2013		Motion Submitted to Staff Counsel III as to: <u>69</u> Consent MOTION for Extension of Time to Complete Discovery. (Indig, A.) (Entered: 09/17/2013)
09/23/2013	<u>70</u>	ORDER – DENYING <u>64</u> Motion to Stay. GRANTING in PART <u>69</u> Motion for Extension of Time to Complete Discovery. Discovery due by 1/24/2014 and Motions due by 2/21/2014. Signed by Chief Judge James C. Dever III on 9/23/2013. Counsel is reminded to read the entire order for critical dates and deadlines. (Indig, A.) (Entered: 09/23/2013)
09/26/2013	<u>71</u>	NOTICE of Appearance by Jennifer D. Dannels on behalf of All Defendants. (Dannels, Jennifer) (Entered: 09/26/2013)
09/26/2013	<u>72</u>	Notice of Substitution of Counsel by R. A. Renfer, Jr on behalf of Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons substituting for Seth M. Wood. (Renfer, R.) (Entered: 09/26/2013)
09/30/2013	<u>73</u>	MOTION to Compel <i>the Production of Documents</i> by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit A (Privilege Log), # <u>2</u> Text of Proposed Order) (Hoffman, Ian) (Entered: 09/30/2013)
09/30/2013	<u>74</u>	MOTION to Expedite (<i>Motion for Expedited Consideration of Plaintiffs' Motion to Compel</i>) by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Text of Proposed Order) (Hoffman, Ian) (Entered: 09/30/2013)
10/01/2013		Motion Submitted to Staff Counsel III: <u>74</u> MOTION to Expedite (<i>Motion for Expedited Consideration of Plaintiffs' Motion to Compel</i>). (McDowell, G.) (Entered: 10/01/2013)
10/02/2013	<u>75</u>	NOTICE of Appearance by Michael D. Bredenberg on behalf of Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Bredenberg, Michael) (Entered: 10/02/2013)
10/02/2013	<u>76</u>	ORDER – GRANTING <u>74</u> Motion to Expedite. Defendants shall file a response to the motion to compel on or before October 10, 2013. Plaintiffs shall not file any reply. The court REFERS the motion to compel [D.E. 73] to Magistrate Judge James E. Gates. Signed by Chief Judge James C. Dever III on 10/2/2013. (Indig, A.) (Entered: 10/02/2013)
10/10/2013	<u>77</u>	RESPONSE to Motion regarding <u>73</u> MOTION to Compel <i>the Production of Documents</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Bredenberg, Michael) (Entered: 10/10/2013)
10/10/2013		MOTION REFERRED to US Magistrate Judge James E. Gates regarding <u>73</u> MOTION to Compel <i>the Production of Documents</i> . (Blankenship, T.) (Entered: 10/10/2013)
10/22/2013	<u>78</u>	NOTICE of Appearance for non-district by Sean P Hennessy on behalf of all Plaintiffs. (Hennessy, Sean) (Entered: 10/22/2013)
10/29/2013	<u>79</u>	NOTICE of Appearance by Robert J Dodson on behalf of All Defendants. (Dodson, Robert) (Entered: 10/29/2013)
11/25/2013	<u>80</u>	MOTION for Extension of Time <i>for Defendants to respond to Plaintiffs' Second Request for Interrogatories and Second Request for Production of Documents</i> by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Dannels, Jennifer) (Entered: 11/25/2013)
11/26/2013	<u>81</u>	NOTICE of Appearance by G. Norman Acker, III on behalf of Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons (Acker, G.) (Entered: 11/26/2013)

11/27/2013	<u>82</u>	RESPONSE to Motion regarding <u>80</u> MOTION for Extension of Time <i>for Defendants to respond to Plaintiffs' Second Request for Interrogatories and Second Request for Production of Documents and Cross-Motion for Leave to Complete Two Depositions Regarding Videophones</i> filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit A (Rule 30(b)(6) Notice), # <u>2</u> Exhibit B (Subpoena to VDOC), # <u>3</u> Exhibit C (Subpoena to VDOC -- Clarke), # <u>4</u> Exhibit D (Subpoena to VDOC -- Marano), # <u>5</u> Text of Proposed Order) (Hoffman, Ian) (Entered: 11/27/2013)
11/27/2013	<u>83</u>	Cross MOTION for Extension of Time <i>to Complete Two Depositions Regarding Videophones</i> by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit A (Rule 30(b)(6) Notice), # <u>2</u> Exhibit B (Subpoena to VDOC), # <u>3</u> Exhibit C (Subpoena to VDOC -- Clarke), # <u>4</u> Exhibit D (Subpoena to VDOC -- Marano), # <u>5</u> Text of Proposed Order) (Hoffman, Ian) (Entered: 11/27/2013)
11/27/2013	<u>84</u>	RESPONSE in Opposition regarding <u>73</u> MOTION to Compel <i>the Production of Documents Second</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Exhibit Privilege Log) (Bredenberg, Michael) (Entered: 11/27/2013)
11/27/2013	<u>85</u>	Declaration regarding <u>84</u> Response in Opposition to Motion, <i>to compel the production of documents</i> by Sara M. Revell, United States Bureau of Prisons, Tracy W. Johns, Thomas R Kane, Eric H. Holder, Jr, Ike Eichenlaub filed by Sara M. Revell, United States Bureau of Prisons, Tracy W. Johns, Thomas R Kane, Eric H. Holder, Jr, Ike Eichenlaub. (Bredenberg, Michael) (Entered: 11/27/2013)
11/27/2013	<u>86</u>	NOTICE of Appearance by Matthew Lee Fesak on behalf of Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Fesak, Matthew) (Entered: 11/27/2013)
11/27/2013	<u>87</u>	MOTION for Protective Order by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Fesak, Matthew) (Entered: 11/27/2013)
11/27/2013	<u>88</u>	Memorandum in Support regarding <u>87</u> MOTION for Protective Order filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Exhibit Subpoenas Served on the Virginia Department of Corrections) (Fesak, Matthew) (Entered: 11/27/2013)
11/27/2013	<u>89</u>	Proposed Order regarding <u>87</u> MOTION for Protective Order filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Fesak, Matthew) (Entered: 11/27/2013)
12/11/2013	<u>90</u>	RESPONSE to Motion regarding <u>83</u> Cross MOTION for Extension of Time <i>to Complete Two Depositions Regarding Videophones</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Dannels, Jennifer) (Entered: 12/11/2013)
12/11/2013		Motion Submitted to Staff Counsel III regarding <u>83</u> Cross MOTION for Extension of Time <i>to Complete Two Depositions Regarding Videophones</i> . (Blankenship, T.) (Entered: 12/11/2013)
12/12/2013		Motion No Longer Submitted to Staff Counsel III regarding <u>83</u> Cross MOTION for Extension of Time <i>to Complete Two Depositions Regarding Videophones</i> . (Blankenship, T.) (Entered: 12/12/2013)
12/12/2013		MOTION REFERRED to US Magistrate Judge James E. Gates regarding <u>83</u> Cross MOTION for Extension of Time <i>to Complete Two Depositions Regarding Videophones</i> . (Blankenship, T.) (Entered: 12/12/2013)
12/16/2013	<u>91</u>	RESPONSE in Opposition regarding <u>87</u> MOTION for Protective Order filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit A – Oct. 31, 2013 VDOC subpoenas, # <u>2</u> Exhibit B – Nov. 18, 2013 VDOC subpoenas to B. Marano, # <u>3</u> Exhibit C – Nov. 18, 2013 VDOC subpoenas to H. Clarke, # <u>4</u> Exhibit D – Interrogatory Responses) (Hoffman, Ian) (Entered: 12/16/2013)
12/17/2013		MOTIONS REFERRED to Magistrate Judge James E. Gates as to: <u>80</u> MOTION for Extension of Time <i>for Defendants to respond to Plaintiffs' Second Request for Interrogatories and Second Request for Production of Documents</i> and <u>87</u> MOTION

		for Protective Order. (Indig, A.) (Entered: 12/17/2013)
12/19/2013	<u>92</u>	ORDER – GRANTING <u>80</u> Motion for Extension of Time and GRANTING <u>83</u> Motion for Extension of Time. Defendants shall respond to plaintiffs' second set of interrogatories and second request for production of documents by 25 December 2013. Plaintiffs shall be permitted to conduct the deposition of Bureau of Prisons witness Todd Craig no later than 24 January 2014. Signed by Magistrate Judge James E. Gates on 12/19/2013. (Indig, A.) (Entered: 12/19/2013)
12/31/2013	<u>93</u>	RESPONSE in Opposition regarding <u>87</u> MOTION for Protective Order <i>Supplemental Opposition to Defendants' Motion for Protective Order Citing Newly Produced Evidence</i> filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit A – BOP Report) (Hoffman, Ian) (Entered: 12/31/2013)
01/24/2014	<u>94</u>	JOINT MOTION for Extension of Time to Complete Discovery by Robert Paul Boyd, Ike Eichenlaub, Thomas Heyer, Eric H. Holder, Jr., Tracy W. Johns, Thomas R Kane, Sara M. Revell, and United States Bureau of Prisons. (Attachment: # <u>1</u> Text of Proposed Order) (Motion filed at Raleigh Intake due to problems with external access to CM/ECF) (McDowell, G.) (Entered: 01/27/2014)
01/27/2014		Motion referred to US Magistrate Judge James E. Gates: <u>94</u> MOTION for Extension of Time to Complete Discovery. (McDowell, G.) (Entered: 01/27/2014)
01/28/2014	<u>95</u>	ORDER – GRANTING <u>94</u> Motion for Extension of Time to Complete Discovery. Expert discovery shall be completed by 10 March 2014, all potentially dispositive motions shall be filed by 7 April 2014. Signed by Magistrate Judge James E. Gates on 1/27/2014. (Indig, A.) (Entered: 01/28/2014)
02/25/2014	<u>96</u>	STIPULATION <i>Joint</i> by Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Bredenberg, Michael) (Entered: 02/25/2014)
02/25/2014	<u>97</u>	STIPULATION <i>Joint – Corrected</i> by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Bredenberg, Michael) (Entered: 02/25/2014)
02/27/2014	<u>98</u>	ORDER – the court APPROVES and ADOPTS the stipulation. The physical examinations of plaintiffs shall proceed on the terms set out in the stipulation. Signed by Magistrate Judge James E. Gates on 2/27/2014. (Attachment: # <u>1</u> Joint Stipulation) (Indig, A.) (Entered: 02/27/2014)
04/02/2014	<u>99</u>	Joint MOTION for Extension of Time to File <i>Dispositive Motions</i> by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Dannels, Jennifer) (Entered: 04/02/2014)
04/03/2014		MOTION REFERRED to Magistrate Judge James E. Gates as to: <u>99</u> Joint MOTION for Extension of Time to File <i>Dispositive Motions</i> . (Indig, A.) (Entered: 04/03/2014)
04/14/2014	<u>100</u>	ORDER – GRANTING <u>99</u> Motion for Extension of Time. All potentially dispositive motions shall be filed by 6 June 2014. Signed by Magistrate Judge James E. Gates on 4/14/2014. (Indig, A.) (Entered: 04/14/2014)
05/13/2014	<u>101</u>	Joint MOTION for Extension of Time to File <i>Second Joint Motion for Extension to file Dispositive Motions</i> by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Dannels, Jennifer) (Entered: 05/13/2014)
05/15/2014	<u>102</u>	ORDER – GRANTING <u>101</u> Motion for Extension of Time. All potentially dispositive motions shall be filed by 21 August 2014. Signed by Chief Judge James C. Dever III on 5/15/2014. (Indig, A.) (Entered: 05/15/2014)
06/06/2014	<u>103</u>	Joint MOTION for Protective Order <i>Joint Motion of All Parties to Modify Protective Orders</i> by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Text of Proposed Order Ex. A -- Proposed Modified Protective Order) (Hoffman, Ian) (Entered: 06/06/2014)

06/06/2014		MOTION REFERRED to United States Magistrate Judge James E. Gates regarding <u>103</u> Joint MOTION for Protective Order <i>Joint Motion of All Parties to Modify Protective Orders</i> . (Blankenship, T.) (Entered: 06/06/2014)
06/17/2014	<u>104</u>	MODIFIED PROTECTIVE ORDER. Signed by US Magistrate Judge James E. Gates on 6/16/2014. (McDowell, G.) (Entered: 06/17/2014)
06/17/2014	<u>105</u>	ORDER – defendants' motion (D.E. 87) for a protective order is DENIED. The deposition and document production sought by the subpoenas issued by plaintiffs to the VDOC shall occur as promptly as possible on a date not later than 15 July 2014 designated by plaintiffs after conferring with and providing reasonable notice to defendants and the VDOC. Signed by US Magistrate Judge James E. Gates on 6/16/2014. (McDowell, G.) (Entered: 06/17/2014)
07/31/2014	<u>106</u>	MOTION for Leave to File <i>Motion for Leave to Amend to Reinstate Rehabilitation Act Claim</i> by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit A – Correspondence from Ian S. Hoffman to Richard Toscano dated 7/15/2013 regarding complaint. # <u>2</u> Exhibit B – Correspondence from Mina Raskin to Ian S. Hoffman dated 8/20/2013 regarding complaint. # <u>3</u> Exhibit C – Fax received 6/17/2014 from Debra Lynn Rosario, Secretary to the Honorable Christopher B. McNeil regarding the Recommended Decision of the Administrative Law Judge. # <u>4</u> Exhibit D – Correspondence from Ian S. Hoffman to Mark L. Gross dated 7/2/2014 regarding Complainants Exceptions to the Recommended Decision of the Administrative Law Judge (dated June 17, 2014). # <u>5</u> Exhibit E – # <u>6</u> Text of Proposed Order) (Hoffman, Ian) Modified on 8/1/2014 to add naming conventions. (Fogle, L.) (Entered: 07/31/2014)
07/31/2014	<u>107</u>	MOTION for Extension of Time to File <i>Dispositive Motions</i> by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit A – Email from Jennifer Dannels to Tivey Clark dated 5/15/2014 regarding Heyer v. United States Bureau of Prisons, 5:11–CT–3118–D. # <u>2</u> Text of Proposed Order) (Hoffman, Ian) Modified on 8/1/2014 to add naming conventions. (Fogle, L.) (Entered: 07/31/2014)
08/01/2014		NOTICE OF CORRECTION regarding: <u>106</u> Motion for Leave to File. Clerk's Office has corrected the naming conventions for the exhibits in the entry. For future reference, pursuant to Section L (2)(b) of the Court's Electronic Policy and Procedure Manual, counsel should use the proper naming conventions to identify each exhibit. It is not necessary to re–file. (Fogle, L.) (Entered: 08/01/2014)
08/01/2014		MOTION REFERRED to United States Magistrate Judge Robert B. Jones, Jr. regarding <u>107</u> MOTION for Extension of Time to File <i>Dispositive Motions</i> . (Blankenship, T.) (Entered: 08/01/2014)
08/01/2014		Motion No Longer Referred to United States Magistrate Judge Robert B. Jones, Jr. regarding <u>107</u> MOTION for Extension of Time to File <i>Dispositive Motions</i> . (Blankenship, T.) (Entered: 08/01/2014)
08/13/2014	<u>108</u>	RESPONSE in Opposition regarding <u>106</u> MOTION for Leave to File <i>Motion for Leave to Amend to Reinstate Rehabilitation Act Claim</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Exhibit Recommended Decision of the Administrative Law Judge) (Bredenberg, Michael) (Entered: 08/13/2014)
08/13/2014	<u>109</u>	RESPONSE in Opposition regarding <u>107</u> MOTION for Extension of Time to File <i>Dispositive Motions</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Bredenberg, Michael) (Entered: 08/13/2014)
08/21/2014	<u>110</u>	MOTION for Leave to File Excess Pages by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Dannels, Jennifer) (Entered: 08/21/2014)
08/21/2014	<u>111</u>	Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the alternative</i> , MOTION for Summary Judgment by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Dannels, Jennifer) (Entered: 08/21/2014)

08/21/2014	<u>112</u>	Memorandum in Support regarding <u>111</u> Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the alternative</i> MOTION for Summary Judgment filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Exhibit 1 – Index of Exhibits, # <u>2</u> Exhibit 2 – Declaration of Douglass Willis, # <u>3</u> Exhibit 3 – Excerpts from the Deposition Transcript of Robert Boyd, # <u>4</u> Exhibit 4 – Excerpts from the Deposition Transcript of Thomas Heyer, # <u>5</u> Exhibit 5 – Declaration of Vikki Evans, # <u>6</u> Exhibit 6 – Declaration of Dr. Melanie Malterer, # <u>7</u> Exhibit 7 – Excerpts from the Deposition Transcript of Dr. Andres Hernandez, # <u>8</u> Exhibit 8 – Declaration of Stanislaw Sielicki, # <u>9</u> Exhibit 9 – Exerpts from the Deposition Transcript of Nicole Weaver, # <u>10</u> Exhibit 10 – Excerpts from the Deposition Transcript of Justin Andrews, # <u>11</u> Exhibit 11 – Declaration of Todd Craig, # <u>12</u> Exhibit 12 – Declaration of Chaplain Lynn McLaughlin, # <u>13</u> Exhibit 13 – Excerpts from the Deposition Transcript of Amy Jacobs) (Dannels, Jennifer) (Entered: 08/21/2014)
08/21/2014	<u>113</u>	REPLY to Response to Motion regarding <u>106</u> MOTION for Leave to File <i>Motion for Leave to Amend to Reinstate Rehabilitation Act Claim</i> filed by Robert Paul Boyd, Thomas Heyer. (Hennessy, Sean) (Entered: 08/21/2014)
08/21/2014	<u>114</u>	REPLY to Response to Motion regarding <u>107</u> MOTION for Extension of Time to File <i>Dispositive Motions</i> filed by Robert Paul Boyd, Thomas Heyer. (Hennessy, Sean) (Entered: 08/21/2014)
08/21/2014	<u>115</u>	NOTICE by Robert Paul Boyd, Thomas Heyer of <i>Reservation of Rights to File Summary Judgment Motion</i> . (Hennessy, Sean) (Entered: 08/21/2014)
08/22/2014		Motions Submitted to Chief Judge James C. Dever III: <u>107</u> MOTION for Extension of Time to File <i>Dispositive Motions</i> and <u>106</u> MOTION for Leave to File <i>Motion for Leave to Amend to Reinstate Rehabilitation Act Claim</i> . (McDowell, G.) (Entered: 08/22/2014)
09/09/2014	<u>116</u>	MOTION for Extension of Time to File Response/Reply as to <u>111</u> Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the alternative</i> MOTION for Summary Judgment by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Text of Proposed Order) (Hoffman, Ian) (Entered: 09/09/2014)
09/10/2014	<u>117</u>	RESPONSE to Motion regarding <u>116</u> MOTION for Extension of Time to File Response/Reply as to <u>111</u> Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the alternative</i> MOTION for Summary Judgment filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Dannels, Jennifer) (Entered: 09/10/2014)
09/11/2014		Motion Submitted to United States Chief Judge James C. Dever, III regarding <u>116</u> MOTION for Extension of Time to File Response as to <u>111</u> Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the alternative</i> MOTION for Summary Judgment . (Blankenship, T.) (Entered: 09/11/2014)
09/12/2014	<u>118</u>	ORDER – that plaintiffs' motion (D.E. 73) to compel is DENIED. Signed by US Magistrate Judge James E. Gates on 9/12/2014. (McDowell, G.) (Entered: 09/12/2014)
09/15/2014	<u>119</u>	RESPONSE in Opposition regarding <u>111</u> Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the alternative</i> MOTION for Summary Judgment , <i>conditionally</i> filed by Robert Paul Boyd, Thomas Heyer. (Hoffman, Ian) (Entered: 09/15/2014)
09/19/2014	<u>120</u>	ORDER – The court DENIES plaintiffs' motion to reinstate their Rehabilitation Act claim [D.E. 106]. The court GRANTS plaintiffs' motions for extension of time [D.E. 107, 116] and defendants' motion to file a brief which exceeds the page limitation prescribed in Local Civil Rule 7.2(e) [D.E. 110]. Plaintiff's response to motion for summary judgment is due by 10/14/2014. Plaintiff's motions deadline is 10/28/2014. Defendant's shall have 21 days thereafter to file response. Signed by Chief Judge James C. Dever, III on 9/19/2014. (Castania, M.) (Entered: 09/19/2014)
10/14/2014	<u>121</u>	MOTION for Leave to File Excess Pages by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) (Hoffman, Ian) (Entered: 10/14/2014)

10/14/2014	<u>122</u>	Exhibit A – SEALED Document: (<i>Selected Participants Only</i>) by Plaintiffs (available to: Plaintiffs Robert Paul Boyd, Thomas Heyer, Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons). (Attachments: # <u>1</u> Exhibit C – Proposed Sealed Document, # <u>2</u> Exhibit D – Proposed Sealed Document, # <u>3</u> Exhibit E – Proposed Sealed Document, # <u>4</u> Exhibit FF – Proposed Sealed Document, # <u>5</u> Exhibit F – Proposed Sealed Document, # <u>6</u> Exhibit G – Proposed Sealed Document, # <u>7</u> Exhibit GG – Proposed Sealed Document, # <u>8</u> Exhibit H – Proposed Sealed Document, # <u>9</u> Exhibit T – Proposed Sealed Document, # <u>10</u> Exhibit W – Proposed Sealed Document, # <u>11</u> Exhibit X – Proposed Sealed Document, # <u>12</u> Exhibit Y – Proposed Sealed Document, # <u>13</u> Exhibit Z – Proposed Sealed Document) (Hoffman, Ian) Modified on 3/26/2015 to enter the corresponding exhibit letters (McDowell, G.) (Entered: 10/14/2014)
10/14/2014	<u>123</u>	MOTION to Seal Document <u>122</u> PROPOSED SEALED Document by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Text of Proposed Order Proposed Order) (Hoffman, Ian) (Entered: 10/14/2014)
10/14/2014	<u>124</u>	RESPONSE in Opposition regarding <u>111</u> Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the alternative</i> MOTION for Summary Judgment filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit A (filed under seal), # <u>2</u> Exhibit B, # <u>3</u> Exhibit C (filed under seal), # <u>4</u> Exhibit D (filed under seal), # <u>5</u> Exhibit E (filed under seal), # <u>6</u> Exhibit F (filed under seal), # <u>7</u> Exhibit G (filed under seal), # <u>8</u> Exhibit H (filed under seal), # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T (filed under seal), # <u>21</u> Exhibit U, # <u>22</u> Exhibit V, # <u>23</u> Exhibit W (filed under seal), # <u>24</u> Exhibit X (filed under seal), # <u>25</u> Exhibit Y (filed under seal), # <u>26</u> Exhibit Z (filed under seal), # <u>27</u> Exhibit AA, # <u>28</u> Exhibit BB, # <u>29</u> Exhibit CC, # <u>30</u> Exhibit EE, # <u>31</u> Exhibit FF (filed under seal), # <u>32</u> Exhibit GG (filed under seal)) (Pearce, Carolyn) (Entered: 10/14/2014)
10/15/2014	<u>125</u>	AMENDED DOCUMENT by Robert Paul Boyd, Thomas Heyer. Amendment to <u>124</u> Response in Opposition to Motion <i>now attaching Exhibit DD, which was inadvertently omitted from the 10/14/14 filing.</i> (Pearce, Carolyn) (Entered: 10/15/2014)
10/28/2014	<u>126</u>	AMENDED DOCUMENT by Robert Paul Boyd, Thomas Heyer. Amendment to <u>124</u> Response in Opposition to Motion <i>now attaching Exhibit HH, which was inadvertently omitted from the 10/14/14 filing.</i> (Pearce, Carolyn) (Entered: 10/28/2014)
10/28/2014	<u>127</u>	MOTION for Summary Judgment <i>as to Counts II, IV, VI, and VIII</i> by Robert Paul Boyd, Thomas Heyer. (Hoffman, Ian) (Entered: 10/28/2014)
10/28/2014	<u>128</u>	Memorandum in Support regarding <u>127</u> MOTION for Summary Judgment <i>as to Counts II, IV, VI, and VIII</i> filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit II (Boyd Deposition Excerpt), # <u>2</u> Exhibit JJ (Steinour Deposition Excerpt), # <u>3</u> Exhibit KK (PDS Note for CTP Program), # <u>4</u> Exhibit LL (Hernandez Deposition Excerpt), # <u>5</u> Exhibit MM (Baker Deposition Excerpt), # <u>6</u> Exhibit NN (Marano VDOC Deposition), # <u>7</u> Exhibit OO (Craig Deposition Excerpt), # <u>8</u> Exhibit PP (Andrews Deposition Excerpt)) (Hoffman, Ian) (Entered: 10/28/2014)
11/18/2014	<u>129</u>	MOTION for Leave to File Excess Pages by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Dannels, Jennifer) (Entered: 11/18/2014)
11/18/2014	<u>130</u>	RESPONSE in Opposition regarding <u>127</u> MOTION for Summary Judgment <i>as to Counts II, IV, VI, and VIII</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Defendants' Exhibit 14 – Revised Index of Exhibits, # <u>2</u> Defendants' Exhibit 15 – Excerpts from the Deposition Transcript of Karen Steinour, # <u>3</u> Defendants' Exhibit 16 – Additional Excerpts from the Deposition Transcript of Robert Boyd, # <u>4</u> Defendants' Exhibit 17 – Additional Excerpts from the Deposition Transcript of Andres Hernandez, # <u>5</u> Defendants' Exhibit 18 – Supplemental Declaration of Dr. Melanie Malterer, # <u>6</u> Defendants' Exhibit 19 – Order for Supplies or Services with Fluent Language Solutions, Inc., # <u>7</u> Defendants' Exhibit 20 – Federal Bureau of Prisons Psychology Data System, Robert Boyd, entry dated January 13, 2014, # <u>8</u> Defendants' Exhibit 21 – Excerpts from the Deposition of Tracy Johns, # <u>9</u> Defendants' Exhibit 22 – Additional Excerpts from the Deposition Transcript of Justin Andrews, # <u>10</u>

		Defendants' Exhibit 23 – Additional Excerpts from the Deposition Transcript of Amy Jacobs, # <u>11</u> Defendants' Exhibit 24 – Bureau of Prisons Health Services Clinical Encounters, Robert Boyd, entries dated June 6, 2014 and August 8, 2014, # <u>12</u> Defendants' Exhibit 25 – Additional Excerpts from the Deposition Transcript of Thomas Heyer, # <u>13</u> Defendants' Exhibit 26 – Additional Excerpts from the Deposition Transcript of Nicole Weaver, # <u>14</u> Defendants' Exhibit 27 – Excerpts from the Deposition Transcript of Todd Craig) (Dannels, Jennifer) (Entered: 11/18/2014)
11/21/2014	<u>132</u>	MOTION to Seal Document <u>130</u> Response in Opposition to Motion, 131 Notice–(other), by Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Dannels, Jennifer) (Entered: 11/21/2014)
12/02/2014		Motions Submitted to Chief Judge James C. Dever III: <u>111</u> Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the alternative</i> MOTION for Summary Judgment, <u>123</u> MOTION to Seal Document <u>122</u> PROPOSED SEALED Document, <u>132</u> MOTION to Seal Document <u>130</u> Response in Opposition to Motion, 131 Notice, <u>127</u> MOTION for Summary Judgment <i>as to Counts II, IV, VI, and VIII</i> , <u>129</u> MOTION for Leave to File Excess Pages and <u>121</u> MOTION for Leave to File Excess Pages. (Indig, A.) (Entered: 12/02/2014)
12/04/2014	<u>133</u>	RESPONSE in Support regarding <u>132</u> MOTION to Seal Document <u>130</u> Response in Opposition to Motion, 131 Notice–(other), filed by Robert Paul Boyd, Thomas Heyer. (Hennessy, Sean) (Entered: 12/04/2014)
01/06/2015	<u>134</u>	SEALED MOTION (<i>Selected Participants Only</i>)by Defendants (available to: Plaintiffs Robert Paul Boyd, Thomas Heyer, Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons). (Attachments: # <u>1</u> Report by Doctor Lara Gray at Area Hearing Center, dated March 6, 2014, # <u>2</u> Commitment and Treatment Program Diagnostic Report dated October 16, 2014, # <u>3</u> Text of Proposed Order) (Dannels, Jennifer) Modified on 5/30/2017 to remove the word "proposed". (Indig, A.) (Entered: 01/06/2015)
01/06/2015	<u>135</u>	MOTION to Seal Document <u>134</u> PROPOSED SEALED MOTION (<i>Selected Participants Only</i>)by Defendants (available to: Plaintiffs Robert Paul Boyd, Thomas Heyer, Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of P by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Dannels, Jennifer) (Entered: 01/06/2015)
01/23/2015	<u>136</u>	RESPONSE in Support regarding <u>135</u> MOTION to Seal Document <u>134</u> PROPOSED SEALED MOTION (<i>Selected Participants Only</i>)by Defendants (available to: Plaintiffs Robert Paul Boyd, Thomas Heyer, Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. filed by Robert Paul Boyd, Thomas Heyer. (Hennessy, Sean) (Entered: 01/23/2015)
01/23/2015	<u>137</u>	SEALED RESPONSE (<i>Selected Participants Only</i>)by Plaintiffs (available to: Plaintiffs Robert Paul Boyd, Thomas Heyer, Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons) regarding <u>134</u> PROPOSED SEALED MOTION (<i>Selected Participants Only</i>)by Defendants (available to: Plaintiffs Robert Paul Boyd, Thomas Heyer, Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of P. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D) (Hoffman, Ian) Modified on 5/30/2017 to remove the word "proposed". (Indig, A.) Modified on 5/30/2017 to remove the word "proposed". (Indig, A.) (Entered: 01/23/2015)
01/23/2015	<u>138</u>	MOTION to Seal Document <u>137</u> PROPOSED SEALED Response, by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Memorandum in Support of Motion to Seal, # <u>2</u> Text of Proposed Order) (Hoffman, Ian) (Entered: 01/23/2015)
01/26/2015		Motions Submitted to Chief US District Judge James C. Dever III: <u>138</u> MOTION to Seal Document <u>137</u> PROPOSED SEALED Response, and <u>135</u> MOTION to Seal Document <u>134</u> PROPOSED SEALED MOTION. (McDowell, G.) (Entered: 01/26/2015)

01/26/2015		Motion No Longer Submitted to Chief US District Judge James C. Dever III: 138 MOTION to Seal Document 137 PROPOSED SEALED Response. (McDowell, G.) (Entered: 01/26/2015)
02/06/2015	139	SEALED REPLY (<i>Selected Participants Only</i>) by United States Bureau of Prisons et al (available to: Plaintiffs Robert Paul Boyd, Thomas Heyer, Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons) regarding 137 PROPOSED SEALED Response. (Dannels, Jennifer) Modified on 5/30/2017 to remove the word "proposed". (Indig, A.) (Entered: 02/06/2015)
02/06/2015	140	MOTION to Seal Document 139 PROPOSED SEALED Reply, by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Dannels, Jennifer) (Entered: 02/06/2015)
02/09/2015	141	RESPONSE in Support regarding 140 MOTION to Seal Document 139 PROPOSED SEALED Reply, filed by Robert Paul Boyd, Thomas Heyer. (Hennessy, Sean) (Entered: 02/09/2015)
03/26/2015		NOTICE OF CORRECTION regarding: 122 PROPOSED SEALED Document. Exhibit letters have entered next to each proposed sealed document for identification purposes. Pursuant to Section L(2)(b) Attachments and exhibits must be identified with a clear and complete description of the document and (c) when filing a document with more than five (5) exhibits or attachments, the first attached exhibit or attachment must be an index of all of the subsequently attached documents. (McDowell, G.) (Entered: 03/26/2015)
03/31/2015	142	ORDER – the court GRANTS IN PART defendants' motion for summary judgment [D.E. 111], and DENIES plaintiffs' motion for partial summary judgment [D.E. 127]. The court DISMISSES as moot counts nine and ten of the amended complaint. The court DENIES defendants' motion to conduct additional testing on Boyd [D.E. 134]. The court GRANTS the parties' motions for leave to file memoranda in excess of the page limit prescribed by Local Civil Rule 7.2 [D.E. 121, 129], and GRANTS IN PART AND DENIES IN PART the parties' motions to seal [D.E. 123, 132, 135, 138, 140]. This action is DISMISSED. The clerk shall unseal defendants' response in opposition to plaintiffs' motion for partial summary judgment [D.E. 130]. Signed by Chief US District Judge James C. Dever III on 3/31/2015. (McDowell, G.) (Entered: 03/31/2015)
03/31/2015	143	CLERK'S JUDGMENT – that defendants' motion for summary judgment is granted in part and this action is hereby dismissed. Signed by Julie Richards Johnston, Clerk of Court on 3/31/2015. (McDowell, G.) (Entered: 03/31/2015)
05/27/2015	144	NOTICE OF APPEAL as to 120 Order on Motion for Leave to File, Order on Motion for Extension of Time to File, Order on Motion for Leave to File Excess Pages, Order on Motion for Extension of Time to File Response/Reply, 118 Order on Motion to Compel, 46 Order on Motion to Dismiss, Order on Motion for Summary Judgment, Order on Motion for Miscellaneous Relief, 143 Clerk's Judgment, 142 Order on Motion for Summary Judgment, Order on Motion for Leave to File Excess Pages, Order on Motion to Seal Document, Order on PROPOSED SEALED Motion by Robert Paul Boyd, Thomas Heyer. Filing fee \$ 505, receipt number 0417-3304836. (Hoffman, Ian) (Entered: 05/27/2015)
05/28/2015	145	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals regarding 144 Notice of Appeal. (McDowell, G.) (Entered: 05/28/2015)
05/28/2015	146	US Court of Appeals Case Number 15-6826 (RJ Warren) for 144 Notice of Appeal filed by Thomas Heyer and Robert Paul Boyd. (Indig, A.) (Entered: 05/28/2015)
11/05/2015	147	Notice filed by Robert Paul Boyd . (Hoffman, Ian) (Entered: 11/05/2015)
11/05/2015	148	MOTION to Dismiss <i>Motion for Voluntary Dismissal</i> filed by Robert Paul Boyd. (Hoffman, Ian) (Entered: 11/05/2015)
11/19/2015	149	RESPONSE regarding 148 MOTION to Dismiss <i>Motion for Voluntary Dismissal</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order)

		(Dannels, Jennifer) (Entered: 11/19/2015)
11/20/2015	<u>150</u>	MOTION for Extension of Time to File Response/Reply as to <u>148</u> MOTION to Dismiss <i>Motion for Voluntary Dismissal</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Dannels, Jennifer) (Entered: 11/20/2015)
11/20/2015		Motion Submitted to Chief Judge James C. Dever III: regarding <u>150</u> MOTION for Extension of Time to File Response as to <u>148</u> MOTION to Dismiss <i>Motion for Voluntary Dismissal</i> . (Indig, A.) (Entered: 11/20/2015)
01/04/2016	<u>151</u>	ORDER – the court DISMISSES plaintiff Boyd's motion for a voluntary dismissal [D.E. 148] and DENIES AS MOOT defendants' motion for an extension of time [D.E. 150]. Signed by Chief Judge James C. Dever III on 1/4/2016. (Indig, A.) (Entered: 01/04/2016)
02/23/2017	<u>152</u>	Published Opinion from Fourth Circuit Court of Appeals. AFFIRMED IN PART, VACATED IN PART, AND REMANDED. (Castania, M.) (Entered: 02/23/2017)
02/23/2017	<u>153</u>	US Court of Appeals Judgment as to <u>144</u> Notice of Appeal filed by Thomas Heyer, Robert Paul Boyd. (Castania, M.) (Entered: 02/23/2017)
04/17/2017	<u>154</u>	MANDATE of US Court of Appeals (certified copy) as to <u>144</u> Notice of Appeal filed by Thomas Heyer, Robert Paul Boyd. (Castania, M.) (Entered: 04/17/2017)
04/18/2017		Case Submitted to Chief Judge James C. Dever III regarding opinion from the Court of Appeals. (Indig, A.) (Entered: 04/18/2017)
04/19/2017	<u>155</u>	ORDER – The court DIRECTS each party to file a response to this order on or before May 19, 2017, stating whether a court–hosted settlement conference would help to resolve this case. The parties shall also confer and jointly propose three dates for a bench trial between September 11 and November 6, 2017. Signed by Chief Judge James C. Dever III on 4/19/2017. (Indig, A.) (Entered: 04/19/2017)
05/18/2017	<u>156</u>	RESPONSE by Plaintiff Thomas Heyer regarding <u>155</u> Order, Set Deadlines,, <i>Joint Response of Plaintiff and Defendants to Court's Order Regarding Settlement Conference and Trial Dates</i> (Hoffman, Ian) (Entered: 05/18/2017)
05/18/2017	<u>157</u>	ORDER – The court REFERS this case to Magistrate Judge James E. Gates for a court–hosted settlement conference. The bench trial in this case is set for Monday, November 6, 2017. The court will issue a case management order at a later date. Signed by Chief Judge James C. Dever, III on 5/18/2017. Copy sent to the chambers of US Magistrate Judge James E. Gates. (Powers, S.) (Entered: 05/18/2017)
05/23/2017	<u>158</u>	Notice of Substitution of Counsel filed by Philip J. Fornaci on behalf of Thomas Heyer substituting for Deborah Golden. (Fornaci, Philip) (Entered: 05/23/2017)
05/26/2017	<u>159</u>	ORDER – No later than 9 June 2017, the parties shall confer and determine three dates before 7 July 2017 that are mutually available for the settlement conference. Counsel for plaintiff shall file a notice setting out the three proposed dates for the settlement conference within one day after the conference provided for in the preceding paragraph. Signed by Magistrate Judge James E. Gates on 5/26/2017. (Indig, A.) (Entered: 05/26/2017)
06/08/2017	<u>160</u>	Notice filed by Thomas Heyer regarding <u>159</u> Order, Set Deadlines,, <i>Notice Regarding Proposed Settlement Conference Dates</i> . (Hoffman, Ian) (Entered: 06/08/2017)
06/08/2017		Notice Regarding Proposed Settlement Conference Dates Submitted to Magistrate Judge James E. Gates. (Indig, A.) (Entered: 06/08/2017)
06/20/2017	<u>161</u>	Order Setting Hearing – Settlement Conference set for 6/29/2017 at 11:00 AM in Raleigh – 6th Floor Courtroom before Magistrate Judge James E. Gates. Signed by Magistrate Judge James E. Gates on 6/19/2017. (Indig, A.) (Entered: 06/20/2017)
06/20/2017	<u>162</u>	Notice of Writ to Produce Thomas Heyer on 6/29/2017 in Raleigh. (Brendenberg, Michael) (Entered: 06/20/2017)
06/22/2017	<u>163</u>	MOTION to Excuse Attendance of Local Counsel at Court–Hosted Settlement Conference (Unopposed) filed by Thomas Heyer. (Attachments: # <u>1</u> Text of Proposed

		Order) (Hoffman, Ian) (Entered: 06/22/2017)
06/23/2017		Motion Referred to US Magistrate Judge James E. Gates regarding: <u>163</u> MOTION to Excuse Attendance of Local Counsel at Court-Hosted Settlement Conference (Unopposed). (Indig, A.) (Entered: 06/23/2017)
06/26/2017	<u>164</u>	ORDER – GRANTING <u>163</u> Motion. For good cause shown, the motion is ALLOWED and the in-person attendance of Mr. Riemann is excused. Signed by Magistrate Judge James E. Gates on 6/26/2017. (Indig, A.) (Entered: 06/26/2017)
06/29/2017	<u>165</u>	Minute Entry for proceedings held before Magistrate Judge James E. Gates in Raleigh. Settlement Conference held on 6/29/2017. Parties present with counsel. Interpreters (sign language) affirmed. The court makes opening remarks. The parties break for settlement discussions. At 5:15 p.m. the court announced the parties have reached an impasse in this matter. (Court Reporter FTR) (Horton, B.) (Entered: 06/30/2017)
09/29/2017	<u>166</u>	Notice filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons (<i>Local Rule 5.2 (d) Withdrawal of Prior Counsel</i>). (Dodson, Robert) (Entered: 09/29/2017)
09/29/2017	<u>167</u>	MOTION to Dismiss for Lack of Jurisdiction <i>or, in the alternative</i> , MOTION for Judgment on the Pleadings filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Dodson, Robert) (Entered: 09/29/2017)
09/29/2017	<u>168</u>	Memorandum in Support regarding <u>167</u> MOTION to Dismiss for Lack of Jurisdiction <i>or, in the alternative</i> MOTION for Judgment on the Pleadings filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Dodson, Robert) (Entered: 09/29/2017)
10/17/2017	<u>169</u>	Notice of Writ to Produce Thomas Heyer on 11/6/2017 in Raleigh. (Dodson, Robert) (Entered: 10/17/2017)
10/20/2017	<u>170</u>	RESPONSE in Opposition regarding <u>167</u> MOTION to Dismiss for Lack of Jurisdiction <i>or, in the alternative</i> MOTION for Judgment on the Pleadings filed by Thomas Heyer. (Hoffman, Ian) (Entered: 10/20/2017)
10/23/2017		Motion Submitted to Chief Judge James C. Dever III regarding <u>167</u> MOTION to Dismiss for Lack of Jurisdiction <i>or, in the alternative</i> MOTION for Judgment on the Pleadings . (Indig, A.) (Entered: 10/23/2017)
10/24/2017	<u>171</u>	Notice of Appearance for non-district by Snayha M. Nath on behalf of All Plaintiffs. (Nath, Snayha) (Entered: 10/24/2017)
10/25/2017	<u>172</u>	Notice of Appearance filed by Christina A. Kelley on behalf of All Defendants. (Kelley, Christina) (Entered: 10/25/2017)
10/25/2017	<u>173</u>	Notice of Appearance for non-district by Tara L. Williamson on behalf of All Plaintiffs. (Williamson, Tara) (Entered: 10/25/2017)
10/26/2017	<u>174</u>	ORDER – The parties shall file a proposed joint pretrial order no later than November 1, 2017. The court will conduct a final pretrial conference beginning at 9:00 a.m. on November 6, 2017, in courtroom 1 of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27601. The bench trial will commence immediately after the final pretrial conference. Signed by Chief Judge James C. Dever III on 10/25/2017. (Indig, A.) (Entered: 10/26/2017)
10/26/2017	<u>175</u>	Courtroom Technology Certification of Training by Thomas Heyer (Hoffman, Ian) (Entered: 10/26/2017)
10/30/2017	<u>176</u>	Joint MOTION for Extension of Time to File <i>Pretrial Documents</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Bredenberg, Michael) (Entered: 10/30/2017)
10/30/2017		Motion Submitted to Chief Judge James C. Dever III regarding <u>176</u> Joint MOTION for Extension of Time to File <i>Pretrial Documents</i> . (Indig, A.) (Entered: 10/30/2017)

10/30/2017	<u>177</u>	ORDER – GRANTING <u>176</u> Motion for Extension of Time to File. The Proposed Joint Pretrial Order, Proposed Findings of Fact and Conclusions of Law, and Trial Briefs shall be filed no later than November 2, 2017. Signed by Chief Judge James C. Dever III on 10/30/2017. (Indig, A.) (Entered: 10/30/2017)
10/30/2017	<u>178</u>	MOTION in Limine to <i>Exclude Plaintiff's Proffered Expert Witnesses</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Bredenberg, Michael) (Entered: 10/30/2017)
11/02/2017	<u>179</u>	TRIAL BRIEF by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Dodson, Robert) (Entered: 11/02/2017)
11/02/2017	<u>180</u>	Proposed Findings of Fact by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Dodson, Robert) (Entered: 11/02/2017)
11/02/2017	<u>181</u>	Joint MOTION to Dismiss <i>Joint Partial Motion to Dismiss with Prejudice</i> filed by Thomas Heyer. (Attachments: # <u>1</u> Exhibit A -- Partial Settlement Agreement, # <u>2</u> Exhibit B -- Agreed Dismissal Order) (Hoffman, Ian) (Entered: 11/02/2017)
11/02/2017	<u>182</u>	Proposed Pretrial Order by Thomas Heyer. (Attachments: # <u>1</u> Exhibit A -- Plaintiff's Exhibit List, # <u>2</u> Exhibit B -- Defendants' Exhibit List) (Hoffman, Ian) (Entered: 11/02/2017)
11/02/2017	<u>183</u>	Proposed Findings of Fact by Thomas Heyer. (Hoffman, Ian) (Entered: 11/02/2017)
11/02/2017	<u>184</u>	TRIAL BRIEF by Thomas Heyer. (Hoffman, Ian) (Entered: 11/02/2017)
11/03/2017	<u>185</u>	ORDER – GRANTING <u>181</u> Joint Partial Motion to Dismiss with Prejudice. The only claim that remains in this case is Count VIII (Violation of the U.S. Constitution, First Amendment), and the Parties have agreed that the trial on that claim shall be limited to Heyer's demand for access to a videophone that will allow him to communicate directly (point-to-point) with persons outside of Butner using ASL. That trial shall commence on November 6, 2017. Signed by Chief Judge James C. Dever III on 11/3/2017. (Indig, A.) (Entered: 11/03/2017)
11/03/2017	<u>186</u>	Notice filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons regarding <u>182</u> Proposed Pretrial Order – <i>Defendants' Amended Trial Exhibit List</i> . (Kelley, Christina) (Entered: 11/03/2017)
11/04/2017	<u>187</u>	RESPONSE in Opposition regarding <u>178</u> MOTION in Limine to <i>Exclude Plaintiff's Proffered Expert Witnesses</i> filed by Thomas Heyer. (Hoffman, Ian) (Entered: 11/04/2017)
11/04/2017	<u>188</u>	Notice filed by Thomas Heyer regarding <u>182</u> Proposed Pretrial Order <i>Plaintiff's Amended Trial Exhibit List</i> . (Hoffman, Ian) (Entered: 11/04/2017)
11/06/2017	<u>189</u>	JOINT PRETRIAL ORDER. Signed by Chief Judge James C. Dever III on 11/6/2017. (Indig, A.) (Entered: 11/06/2017)
11/06/2017	<u>190</u>	Minute Entry for proceedings held before Chief Judge James C. Dever III – Bench Trial held on 11/6/2017. Plaintiff's presentation of evidence completed. Defendant begins presentation of evidence. Court to reconvene at 9:00 a.m. on 11/7/2017. (Court Reporter Amy Condon) (Indig, A.) (Entered: 11/06/2017)
11/06/2017	<u>191</u>	Notice filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons – <i>Notice of Substitution of Public Officers</i> . (Kelley, Christina) (Entered: 11/06/2017)
11/07/2017	<u>192</u>	Exhibit List. (Indig, A.) (Entered: 11/07/2017)
11/07/2017	<u>193</u>	Minute Entry for proceedings held before Chief Judge James C. Dever III: Bench Trial completed on 11/7/2017. Counsel and parties present. Defense continues and concludes presentation of evidence. Closing arguments by both parties. The court takes the matter under advisement, written order to follow. (Court Reporter Amy Condon) (Indig, A.) (Entered: 11/07/2017)

11/08/2017	<u>194</u>	Notice filed by Thomas Heyer <i>Plaintiff's Closing Argument Presentation</i> . (Hoffman, Ian) (Entered: 11/08/2017)
11/12/2017	<u>195</u>	OFFICIAL TRANSCRIPT of BENCH TRIAL – DAY 1 held on November 6, 2017, before Chief Judge James C. Dever III. Court Reporter/Amy Condon. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website Redaction Request due 12/6/2017. Redacted Transcript Deadline set for 12/16/2017. Release of Transcript Restriction set for 2/13/2018. (Condon, A.) (Entered: 11/12/2017)
11/12/2017	<u>196</u>	OFFICIAL TRANSCRIPT of BENCH TRIAL – DAY 2 held on November 7, 2017, before Chief Judge James C. Dever III. Court Reporter/Amy Condon. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website Redaction Request due 12/6/2017. Redacted Transcript Deadline set for 12/16/2017. Release of Transcript Restriction set for 2/13/2018. (Condon, A.) (Entered: 11/12/2017)
11/12/2017		NOTICE of Filing of Official Transcript <u>196</u> Transcript, <u>195</u> Transcript. The parties have seven calendar days from the filing of the transcript to file a Notice of Intent to Request Redaction. The parties must also serve a copy on the court reporter or transcriber. After filing the Notice of Intent to Request Redaction, a party must submit to the court reporter or transcriber, within 21 calendar days of the filing of the transcript, a written statement indicating where the personal data identifiers to be redacted appear in the transcript. (Condon, A.) (Entered: 11/12/2017)
11/13/2017	<u>197</u>	PROPOSED SEALED Document: (<i>Selected Participants Only</i>)by Ian S. Hoffman (available to: Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons, Plaintiff Thomas Heyer). (Hoffman, Ian) (Entered: 11/13/2017)
11/13/2017	<u>198</u>	PROPOSED SEALED Exhibit (<i>Selected Participants Only</i>)by Ian S. Hoffman (available to: Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons, Plaintiff Thomas Heyer). (Hoffman, Ian) (Entered: 11/13/2017)
11/13/2017	<u>199</u>	Notice filed by Thomas Heyer regarding <u>198</u> PROPOSED SEALED Exhibit, <u>197</u> PROPOSED SEALED Document, <i>Notice of Filing Sealed Materials (Plaintiff's Post-Trial Letter Brief (D.E. 197) and Exhibit A to Plaintiff's Post-Trial Letter Brief (D.E. 198)</i> . (Hoffman, Ian) (Entered: 11/13/2017)
11/21/2017	<u>200</u>	Notice filed by Thomas Heyer <i>Plaintiff's Supplemental Post-Trial Letter Brief</i> . (Attachments: # <u>1</u> Exhibit A -- PX197) (Hoffman, Ian) (Entered: 11/21/2017)
05/09/2018	<u>201</u>	Notice filed by Thomas Heyer <i>Notice of Supplemental Authority</i> . (Attachments: # <u>1</u> Exhibit A -- Report & Recommendation in McBride, # <u>2</u> Exhibit B -- Opinion and Order in McBride) (Hoffman, Ian) (Entered: 05/09/2018)
09/12/2018	202	TEXT ORDER denying <u>167</u> Motion to Dismiss for Lack of Jurisdiction. Signed by Chief Judge James C. Dever III on 9/12/2018. (Hayes, Lyndsay) Modified on 9/12/2018 to add the word "text." (Indig, A.) (Entered: 09/12/2018)
09/12/2018	203	TEXT ORDER denying <u>178</u> Motion in Limine. Signed by Chief Judge James C. Dever III on 9/12/2018. (Hayes, Lyndsay) Modified on 9/12/2018 to add the word "text." (Indig, A.) (Entered: 09/12/2018)
09/12/2018	204	TEXT ORDER denying <u>167</u> Motion for Judgment on the Pleadings. Signed by Chief Judge James C. Dever III on 9/12/2018. (Hayes, Lyndsay) Modified on 9/12/2018 to add the word "text." (Indig, A.) (Entered: 09/12/2018)

02/12/2019	<u>205</u>	ORDER – After weighing the Turner factors as modified in Matherly, the court FINDS that Heyer failed to prove that the BOP's failure to install and provide Heyer the requested videophone equipment violates the First Amendment. Thus, the court enters judgment in favor of defendants and against Heyer. The clerk shall close the case. Signed by District Judge James C. Dever III on 2/12/2019. (Indig, A.) (Entered: 02/12/2019)
02/12/2019	<u>206</u>	CLERK'S JUDGMENT – IT IS ORDERED AND ADJUDGED that plaintiff Robert Paul Boyd was dismissed from this action by opinion of the Fourth Circuit Court of Appeals issued on February 23, 2017, mandate issued on April 17, 2017. IT IS FURTHER ORDERED AND ADJUDGED that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amendment. The court enters judgment in favor of defendants and against Heyer. Signed by Peter A. Moore, Jr., Clerk of Court on 2/12/2019. (Indig, A.) (Entered: 02/12/2019)
03/12/2019	<u>207</u>	MOTION to Alter Judgment <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amendment</i> , MOTION to Amend/Correct <u>206</u> Clerk's Judgment,, <u>205</u> Order, <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amendment</i> , MOTION for Reconsideration regarding <u>206</u> Clerk's Judgment,, <u>205</u> Order, <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amendment</i> filed by Thomas Heyer. (Hoffman, Ian) (Entered: 03/12/2019)
03/12/2019	<u>208</u>	Memorandum in Support regarding <u>207</u> MOTION to Alter Judgment <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amendment</i> MOTION to Amend/Correct <u>206</u> Clerk's Judgment,, <u>205</u> Order, <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amen</i> MOTION for Reconsideration regarding <u>206</u> Clerk's Judgment,, <u>205</u> Order, <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates t he First Amendment</i> filed by Thomas Heyer. (Attachments: # <u>1</u> Exhibit Department of Justice Decision Regarding Jon TC Yeh's Rehabilitation Act Complaint, # <u>2</u> Exhibit Complaint, Yeh v. BOP, No. 3:18-cv-00943, Dkt. 1 (M.D. Pa. filed May 3, 2018), # <u>3</u> Exhibit Comprehensive Status Report Per the Courts Order of August 16, 2018, Yeh v. BOP, No. 3:18-cv-00943, Dkt. 34 (M.D. Pa. filed Dec. 4, 2018), # <u>4</u> Exhibit Comprehensive Status Report Per The Courts Order of November 27, 2018, Yeh v. BOP, No. 3:18-cv-00943, Dkt. 54 (M.D. Pa. filed Dec. 4, 2018), # <u>5</u> Exhibit Exhibit filed by United States Bureau of Prisons in Preliminary Injunction Hearing held Aug. 10, 2018, Yeh v. BOP, No. 3:18-cv-00943, Dkt. 28 (M.D. Pa. filed Aug. 10, 2018), # <u>6</u> Exhibit Joint Status Update, Yeh v. BOP, No. 3:18-cv-00943, Dkt. 55 (M.D. Pa. filed Dec. 11, 2018), # <u>7</u> Exhibit Brief in Support of Motion for Judgment on the Pleadings, Yeh v. BOP, No. 3:18-cv-00943, Dkt. 63 (M.D. Pa. filed Feb. 19, 2019), # <u>8</u> Exhibit Transcript of Hearing on Motion for Preliminary Injunction, Yeh v. BOP, No. 3:18-cv-00943 (M.D. Pa. held Aug. 10, 2018)) (Hoffman, Ian) (Entered: 03/12/2019)
03/13/2019		Notice to Counsel regarding: <u>208</u> Memorandum in Support. When filing a document with more than five exhibits/attachments, the first attached exhibit/attachment must be an index of all of the subsequent attached documents. No further action is required at this time. (Indig, A.) (Entered: 03/13/2019)
04/02/2019	<u>209</u>	RESPONSE in Opposition regarding <u>207</u> MOTION to Alter Judgment <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amendment</i> MOTION to Amend/Correct <u>206</u> Clerk's Judgment,, <u>205</u> Order, <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amen</i> MOTION for Reconsideration regarding <u>206</u> Clerk's Judgment,, <u>205</u> Order, <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates t</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of

		<i>Prisons. (Bredenberg, Michael) (Entered: 04/02/2019)</i>
04/16/2019	<u>210</u>	REPLY to Response to Motion regarding <u>207</u> MOTION to Alter Judgment <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amendment</i> MOTION to Amend/Correct <u>206</u> Clerk's Judgment,, <u>205</u> Order, <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amen</i> MOTION for Reconsideration regarding <u>206</u> Clerk's Judgment,, <u>205</u> Order, <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates t he First Amendment</i> filed by Thomas Heyer. (Hoffman, Ian) (Entered: 04/16/2019)
04/16/2019		Motion Submitted to District Judge James C. Dever III regarding <u>207</u> MOTION to Alter Judgment <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amendment.</i> (Indig, A.) (Entered: 04/16/2019)
06/21/2019	<u>211</u>	ORDER – The court DENIES Heyer's motion [D.E. 207]. Signed by District Judge James C. Dever III on 6/21/2019. (Indig, A.) (Entered: 06/21/2019)
07/11/2019	<u>212</u>	Notice of Appeal filed by Thomas Heyer. Filing fee, receipt number 0417–5016511. (Hoffman, Ian) (Entered: 07/11/2019)
07/12/2019	<u>213</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals regarding <u>212</u> Notice of Appeal filed by Thomas Heyer. (Indig, A.) (Entered: 07/12/2019)
07/15/2019	<u>214</u>	US Court of Appeals Case Number 19–7027 (Michael Radday, Case Manager) as to <u>212</u> Notice of Appeal filed by Thomas Heyer. (Indig, A.) (Entered: 07/15/2019)