

CLOSED

Version 2.4
U.S. District Court of Nebraska (4 Lincoln)
CIVIL DOCKET FOR CASE #: 4:87-cv-00476-RGK

Luna v. Clarke, et al
Assigned to: Judge Richard G. Kopf
Demand: \$0
Case in other court: CV87-L-497, CV87-L-377
CV87-L-607
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/22/1987
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Victor Luna

represented by **Victor Luna**
SPR-NEBRASKA, Nebraska State
Penitentiary
P.O. Box 2500
Lincoln, NE 68542-2500
PRO SE

Barry L. Hemmerling
JEFFREY, HAHN LAW FIRM
P.O. Box 6096
Lincoln, NE 68506
(402) 483-7711
Fax: (402) 483-6133
Email: barry@jhhz.net
ATTORNEY TO BE NOTICED

V.

Defendant

Harold W. Clarke
Warden, NE State Prison

represented by **Terri M. Weeks**
BOWMAN, KRIEGER LAW FIRM
1045 Lincoln Mall
Suite 100
Lincoln, NE 68508
(402) 476-8005
Fax: (402) 476-8235
Email:
tweeks@bowmanandkrieger.com
ATTORNEY TO BE NOTICED

Defendant

Mario Peart
Unit Administrator, NE State Prison

represented by **Terri M. Weeks**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**Donn Beaver***Unit Manager #2, NE State Prison*represented by **Terri M. Weeks**

(See above for address)

ATTORNEY TO BE NOTICED**Defendant****Scott Marshall***Acting Unit Manager #2, NE State Prison*represented by **Terri M. Weeks**

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/22/1987	2	COMPLAINT (ICMSUSER) (Entered: 01/29/1992)
10/21/1991	197	NOTICE OF CROSS APPEAL by plaintiff Victor Luna from Dist. Court decision [191-2] (fil fee not pd) - CCAP (ICMSUSER) (Entered: 10/22/1992)
06/11/1992	180	REPORT AND RECOMMENDATION by Mag. Judge Piester that Ct. enter jgm in favor of Ps on clm for inj relief on failure to safeguard Ps fm threat of violent attacks, etc. and in favor of Ds on all other clms; giving Ds time to subm plan to correct deficiency & this Ct hold all proceedings necessary to ensure inj relief is promptly implemeted unless obj made w/i 20 days - CCAP (CCB) (Entered: 06/12/1992)
06/15/1992	181	MOTION by defendants to extend time to obj to R&R until 7/21/92 (CCB) (Entered: 06/16/1992)
06/18/1992	182	ORDER by Judge Warren K. Urbom granting motion to extend time to obj to R&R until 7/21/92 [181-1] - CCAP (CCB) (Entered: 06/18/1992)
07/01/1992	183	NOTICE that case has been reassigned to RGK (ICMSUSER) (Entered: 07/02/1992)
07/02/1992	184	AMENDED NOTICE that case has been reassigned to WGC (ICMSUSER) (Entered: 07/02/1992)
07/20/1992		FILE SENT to Mary in Judge Cambridge's office (CCB) (Entered: 07/20/1992)
07/21/1992	185	OBJECTION by plaintiff to RR [180-1] (CCB) (Entered: 07/22/1992)
07/21/1992	186	OBJECTION by defendants to RR [180-1] with attachments (CCB) Modified on 07/22/1992 (Entered: 07/22/1992)
08/11/1992		ALL EXHIBITS AND TRANSCRIPTS SENT to Omaha for WGC (ICMSUSER) (Entered: 08/11/1992)
08/17/1992	187	MOTION by defendant Harold W. Clarke, defendant Mario Peart, defendant Donn Beaver, defendant Scott Marshall to strike resp to Ds' obj to R & R (ICMSUSER) (Entered: 08/18/1992)

08/24/1992	188	MOTION by defendant Harold W. Clarke, defendant Mario Peart, defendant Donn Beaver, defendant Scott Marshall to withdraw motion to strike (ICMSUSER) (Entered: 08/26/1992)
09/09/1992	189	ORDER by Judge William G. Cambridge granting motion to withdraw motion to strike [188-1] withdrawing motion to strike resp to Ds' obj to R & R [187-1] - CCAP (CJS) Modified on 09/14/1992 (Entered: 09/14/1992)
09/09/1992	190	MEMORANDUM, OPINION, AND ORDER: by Judge William G. Cambridge granting report and recommendation by Mag. Judge Piester that Ct. enter jgm in favor of Ps on clm for inj relief on failure to safeguard Ps fm threat of violent attacks, etc. and in favor of Ds on all other clms; giving Ds time to subm plan to correct deficiency & this Ct hold all proceedings necessary to ensure inj relief is promptly implemeted [180-1] denying motion OBJECTION by plaintiff to RR [180-1] [185-1] denying motion OBJECTION by defendants to RR [180-1] [186-1] - CCAP STAYED PER ORDER DTD 10/28/92 (CJS) (Entered: 09/14/1992)
09/09/1992	191	JUDGMENT: by Judge William G. Cambridge granting report and recommendation by Mag. Judge Piester that Ct. enter jgm in favor of Ps on clm for inj relief on failure to safeguard Ps fm threat of violent attacks, etc. and in favor of Ds on all other clms; giving Ds time to subm plan to correct deficiency & this Ct hold all proceedings necessary to ensure inj relief is promptly implemeted [180-1] denying motion OBJECTION by plaintiff to RR [180-1] [185-1] denying motion OBJECTION by defendants to RR [180-1] [186-1] terminating case - CCAP and appeal form sent" (CJS) (Entered: 09/14/1992)
09/14/1992		FILE SENT to Clerk's Office in Lincoln - Vol. I, II and III [closed] (PLW) (Entered: 09/14/1992)
10/09/1992	192	NOTICE OF APPEAL by defendants from Dist. Court decision [191-2] (receipt for fil fee in CV87-L-377) - CCAP (ICMSUSER) (Entered: 10/09/1992)
10/09/1992	193	ORDER for transcript (already prepared & filed) - Copy mld to Linda Swanson & Kathy Scheer, Ct Rptrs, 538 S. 13th St. #1, Lincoln, NE 68508 ph (402) 476-1153 (ICMSUSER) (Entered: 10/09/1992)
10/09/1992	194	MOTION by defendant dir clk to temp retain record (ICMSUSER) (Entered: 10/09/1992)
10/09/1992	195	MOTION by defendant to stay injunction pending appeal (ICMSUSER) (Entered: 10/09/1992)
10/15/1992	196	2 CERTIFIED COPIES OF Ds' Clarke & Hopkins NOTICE OF APPEAL filed 10/9/92, together with R & R filed 6/11/92, Memo, Ord & Jgm filed 9/9/92 and clerk's docket entries mailed to Clerk, USCA 8th Circuit; docket entries also mailed to attys of record (ICMSUSER) Modified on 10/15/1992 (Entered: 10/15/1992)

10/23/1992	198	AMENDED NOTICE OF APPEAL by plaintiff Victor Luna from Dist. Court decision [191-2], entered 9/9/92, w certif of serv dated 10/23/92 (Copy of last page of docket entries mailed to USCA) (ICMSUSER) (Entered: 10/26/1992)
10/26/1992		FILE SENT to Omaha (Vol. III) (ICMSUSER) (Entered: 10/26/1992)
10/28/1992	199	ORDER by Judge William G. Cambridge granting motion dir clk to temp retain record [194-1] granting motion to stay injunction pending appeal [195-1]; clk shall, if appropriate, certify to the clerk of 8th circuit that the record is complete for purposes of appeal; upon receipt of the brf of the Appellee, the Appellant shall request the clerk to transmit record to the 8th Circuit; the order entered on 9/9/92 granting the Ps injunction is hereby stayed pending appeal to the 8th Circuit. - CCAP (PCV) (Entered: 10/30/1992)
10/30/1992		FILE SENT to Clerk's Office in Lincoln (Vol. III) [closed] (PLW) (Entered: 10/30/1992)
10/30/1992	200	COPY of Appellate Court Order: Barry Hemmerling appoint counsel for P Luna (ICMSUSER) (Entered: 11/03/1992)
10/30/1992	201	SCHEDULING ORDER from USCA; Appellate Docket Number 92-3390 ; trans desgn set for 12/7/92 ; appnt desgn ddl set for 11/6/92 ; appe desgn ddl set for 11/16/92 (ICMSUSER) (Entered: 11/03/1992)
11/03/1992		FILE SENT to Omaha, c/o N. Vadnais, Vol III only (ICMSUSER) (Entered: 11/03/1992)
11/25/1992	202	REVISED SCHEDULING ORDER from USCA; Appellate Docket Number 92-3390 trans desgn set for 12/14/92 [198-1], [192-1], [197-1]; joint appendix (3 copies) due 12/23/92, etc. (CCB) (Entered: 11/27/1992)
11/25/1992	203	COPY of Appellate Court Order: Appellees' mtn to dismiss the appeal is hereby ordered taken with the case for consideration by the panel to which this case is submitted for disposition on the merits (CCB) (Entered: 11/27/1992)
01/21/1993	204	CERTIFICATE AND ORDER by Judge William G. Cambridge - that the appeal is taken in good faith and is not frivolous, and the court reporter is directed to prepare and file a transcript of testimony in original copy only with expense thereof to be paid by the U.S. as provided in 28:USC753(f). (NCD) (Entered: 01/21/1993)
01/21/1993		FILE SENT to Winnie Nichols in Lincoln (Vol. III only) (PLW) (Entered: 01/21/1993)
01/25/1993	205	2 CERTIFIED COPIES OF NOTICE OF CROSS APPEAL filed 10/21/92; together with RR filed 6/11/92, Memo, opin & ord & jgm filed 9/9/92 & ord filed 1/21/93 and clerk's docket entries mailed to Clerk, USCA 8th Circuit; (fil fee not pd) docket entries also mailed to attys of record (ICMSUSER) (Entered: 01/25/1993)
02/01/1993	206	SCHEDULING ORDER from USCA; Appellate Cross Appeal Docket

		Number 93-1234 (ICMSUSER) (Entered: 02/02/1993)
02/01/1993	207	Copy of ORDER USCA-8 appt Robert Shively to repres El-Tabech, Barry Hemmerling to repres Luna, Gregory Barton to repres Pierce, Duff, Wilson, Crisp, Dittrich, Dawson, V Carter, G Carter, Kane & Sims, & Scott Freese to repres Jensen (ICMSUSER) (Entered: 02/02/1993)
05/03/1993	208	COPY OF OPINION of USCA, 8th Circuit, dismissing appeal (CCB) (Entered: 05/05/1993)
05/24/1993	209	MOTION by plaintiff Victor Luna to lift stay , for order to establish sched for D's to submit proposed remedial plan and for Ps' to subm a resp thereto (ICMSUSER) Modified on 05/27/1993 (Entered: 05/26/1993)
05/26/1993	210	MANDATE from USCA 8th Circuit dismissing appeal (ICMSUSER) (Entered: 05/28/1993)
05/26/1993	211	COSTS taxed for plaintiff in the amount of \$ 322.00 against defendant Harold W. Clarke, defendant Mario Peart, defendant Donn Beaver, defendant Scott Marshall - CCAP (ICMSUSER) (Entered: 05/28/1993)
05/27/1993	212	MOTION by defendants to extend time to respd to pla's mtn to lift stay and to establish progression sched for dfts to submit proposed remedial plan, and for pl to submt resp thereto (ICMSUSER) (Entered: 05/28/1993)
05/27/1993	213	AFFIDAVIT of Marie C. Pawol regarding motion to extend time to respd to pla's mtn to lift stay and to establish progression sched for dfts to submit proposed remedial plan, and for pl to submt resp thereto [212-1] (ICMSUSER) (Entered: 05/28/1993)
06/01/1993	214	ORDER by Judge William G. Cambridge granting motion to extend time to respd to pla's mtn to lift stay and to establish progression sched for dfts to submit proposed remedial plan, and for pl to submt resp thereto [212-1] motion to lift stay [209-1] and motion for order to establish sched for D's to submit proposed remedial plan and for Ps' to subm a resp thereto [209-2] ready to rule 6/21/93 - CCAP (PCV) (Entered: 06/03/1993)
06/01/1993	215	ORDER by Judge William G. Cambridge referring to Magistrate David L. Piester the motion to lift stay [209-1], referring to Magistrate David L. Piester the motion for order to establish sched for D's to submit proposed remedial plan and for Ps' to subm a resp thereto [209-2]; original brf to WGC, copy of brf to DLP - CCAP (PCV) (Entered: 06/03/1993)
06/04/1993	216	Certified copy of ORDER (USCA) remanding to district court for consideration dfts' mtn for attys' fees attributable to appeal - CCAP (ICMSUSER) (Entered: 06/08/1993)
06/04/1993	216	MOTION by plaintiff Victor Luna for attorney fees (PCV) (Entered: 07/08/1993)
07/07/1993	217	ORDER by Judge William G. Cambridge, Plaintiffs are allowed 30 days from the date of this order to make an appropriate showing with regard to attorney fees; Ds allowed 15 days from date of service of Ps showing to

		respond thereto. ; ddl to show cause set for 8/9/93 - CCAP (PCV) Modified on 07/12/1993 (Entered: 07/09/1993)
07/30/1993	218	MOTION by plaintiff Victor Luna for temporary restraining order w afdt atrch (ICMSUSER) (Entered: 08/02/1993)
07/30/1993	219	MOTION by plaintiff Victor Luna for preliminary injunction w afdt atrch (ICMSUSER) (Entered: 08/02/1993)
07/30/1993	220	CERTIFICATE by plaintiff Victor Luna of serv mot for tro & prelinj (ICMSUSER) (Entered: 08/02/1993)
08/09/1993	221	MINUTES before Judge Richard G. Kopf that motion for TRO and prel inj granted in part and denied in part; written order to issue (CCB) (Entered: 08/10/1993)
08/09/1993	222	WITNESS LIST by P (CCB) (Entered: 08/10/1993)
08/09/1993	223	EXHIBIT LIST by P (CCB) (Entered: 08/10/1993)
08/09/1993	224	MEMORANDUM AND ORDER: by Judge Richard G. Kopf granting motion for preliminary injunction [219-1] in part and giving cnsl for Ds time to file and serve remedial plan and Ps time to resp, etc., finding the motion for temporary restraining order [218-1] moot. - CCAP (CCB) (Entered: 08/10/1993)
08/09/1993	225	MOTION by plaintiff for attorney fees and expenses attrib to premature appeal filed 8/6/93 (CCB) (Entered: 08/10/1993)
08/09/1993	226	AFFIDAVIT of Gregory D. Barton regarding motion for attorney fees and expenses attrib to premature appeal [225-1] with attachments filed 8/6/93 (CCB) (Entered: 08/10/1993)
08/09/1993	227	INDEX by plaintiff re: motion for attorney fees and expenses attrib to premature appeal [225-1] filed 8/6/93 (CCB) Modified on 08/10/1993 (Entered: 08/10/1993)
08/09/1993	228	AFFIDAVIT of Robert W. Shively regarding motion for attorney fees and expenses attrib to premature appeal [225-1] with exh atchd filed 8/6/93 (CCB) (Entered: 08/10/1993)
08/09/1993	229	AFFIDAVIT of Jack L. Shultz regarding motion for attorney fees and expenses attrib to premature appeal [225-1] filed 8/6/93 (CCB) (Entered: 08/10/1993)
08/16/1993	230	MOTION by defendants for evidentiary hearing re proposed remedial plan (ICMSUSER) (Entered: 08/19/1993)
08/16/1993	230	NOTICE by defendants and submission of proposed remedial plan (ICMSUSER) (Entered: 08/19/1993)
08/19/1993	231	MOTION by defendant Frank X. Hopkins, defendant Harold W. Clarke to extend time to resp to Ps' application for atty fees to 9/8/93 with afdt of Terri Weeks attached (CCB) (Entered: 08/20/1993)

08/24/1993	232	ORDER by Judge William G. Cambridge granting motion to extend time to resp to Ps' application for atty fees to 9/8/93 [231-1]; motion for attorney fees and expenses attrib to premature appeal [225-1] ready to rule date changed to 9/8/93 - CCAP (CJS) (Entered: 08/25/1993)
08/24/1993	233	ORDER by Magistrate David L. Piester denying motion to denying motion for order to establish sched for D's to submit proposed remedial plan and for Ps' to subm a resp thereto [209-2] as moot - CCAP (ICMSUSER) (Entered: 08/26/1993)
09/01/1993	234	NOTICE by defendants of amendment to proposed remedial plan (ICMSUSER) (Entered: 09/02/1993)
09/02/1993	235	ORDER by Judge Richard G. Kopf Case reassigned to Judge Richard G. Kopf - CCAP (ICMSUSER) (Entered: 09/02/1993)
09/02/1993	236	MOTION by plaintiff to extend time to respd to dfts' proposed remedial plan (ICMSUSER) (Entered: 09/03/1993)
09/02/1993	237	AFFIDAVIT of Gregory D. Barton regarding motion to extend time to respd to dfts' proposed remedial plan [236-1] (ICMSUSER) (Entered: 09/03/1993)
09/02/1993	238	CERTIFICATE by plaintiff of serv of afdt in suppt of mtn for time to respd to dfts' proposed remedial plan (ICMSUSER) (Entered: 09/03/1993)
09/02/1993	239	Clerk's ORDER Case reassigned to Judge Richard G. Kopf - CCAP (ICMSUSER) (Entered: 09/07/1993)
09/08/1993	240	ORDER by Judge Richard G. Kopf granting motion to extend time to respd to dfts' proposed remedial plan [236-1]; giv pl until 9/22/93 to respd to dfts' proposed remedial plan - CCAP (ICMSUSER) (Entered: 09/09/1993)
11/24/1993	241	MOTION by plaintiff for authorization for expenses for costs in retention of an expert prison condition justice consultant (CCB) (Entered: 11/26/1993)
12/02/1993	242	ORDER by Magistrate David L. Piester granting motion for authorization for expenses for costs in retention of an expert prison condition justice consultant [241-1] - CCAP (ICMSUSER) (Entered: 12/02/1993)
03/17/1994	243	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf denying motion for attorney fees [216-1] [216-2]; denying motion for attorney fees and expenses attrib to premature appeal [225-1]; granting motion for evidentiary hearing in part and deny in part [230-1]; referring case to Magistrate Judge Piester for conducting evid hring and issuing r & r - CCAP (ICMSUSER) (Entered: 03/17/1994)
03/22/1994	244	MEMORANDUM, OPINION, AND ORDER: by Magistrate David L. Piester that rep of counsl to contact this office to coordinate time and date for evid hring - CCAP (ICMSUSER) (Entered: 03/22/1994)

03/22/1994	245	MOTION by plaintiff for reimbursement of authorized expert prison conditions consultant costs , w attchmt (ICMSUSER) (Entered: 03/23/1994)
04/01/1994	246	ORDER by Chief Judge Lyle E. Strom re: motion for reimbursement of authorized expert prison conditions consultant costs [245-1]; clerk to reimburse cnsl for P (Harding & Ogborn) in the amnt of \$1,834.50 from the Fed Practice Fund - CCAP (ADB) (Entered: 04/04/1994)
04/05/1994	247	MOTION by defendants Clarke and Hopkins for leave to file amended remedial plan , w attchmts (ICMSUSER) (Entered: 04/06/1994)
05/02/1994	249	ORDER 94-19 re Federal Practice Fund - CC Pla's atty (ICMSUSER) (Entered: 05/11/1994)
05/02/1994	250	ORDER 94-20 re Federal Practice Fund - CC Pla's atty (ICMSUSER) (Entered: 05/11/1994)
05/04/1994	248	MEMORANDUM, OPINION, AND ORDER: by Magistrate David L. Piester granting motion for leave to file amended remedial plan [247-1] - CCAP (ICMSUSER) (Entered: 05/04/1994)
05/04/1994	248	REPORT AND RECOMMENDATION that dfts be permanently enjoined to adopt proposed amd remedial plan, and giv parties 10 days to obj by Magistrate David L. Piester - CCAP (ICMSUSER) (Entered: 05/04/1994)
05/18/1994	251	MOTION by plaintiff for reconsideration of court's memorandum and order of 9/9/92 and interlocutory judgment of 9/9/92 (ICMSUSER) (Entered: 05/18/1994)
05/18/1994	252	OBJECTION in part by plaintiff to the US Magistrate Judge's report, order & recommendation of 5/4/94 re: RR [248-1] (ICMSUSER) (Entered: 05/18/1994)
06/07/1994	253	MOTION by plaintiff for leave to submt brf in resp to dfts' objn to pl's mtn for reconsideration and dfts' resp to pl's objn to r and r (ICMSUSER) (Entered: 06/08/1994)
06/08/1994	254	ORDER by Judge Richard G. Kopf granting motion for leave to submt brf in resp to dfts' objn to pl's mtn for reconsideration and dfts' resp to pl's objn to r and r [253-1] - CCAP (ICMSUSER) (Entered: 06/09/1994)
07/25/1994	255	MEMORANDUM AND ORDER: by Judge Richard G. Kopf giving pty to 8/12/94 to submit briefs and responsive briefs re issue injunctive relief; any pty desiring evid hrg shall file a request by 8/5/94 and giv parties 10 days to obj [248-1] - CCAP (CCB) (Entered: 07/25/1994)
08/05/1994	256	CERTIFICATE of service by defendants of brief pursuant to Court's 7/25/94 order (CCB) (Entered: 08/08/1994)
08/12/1994	257	CERTIFICATE of service by defendants of resp to Ps' 8/5/94 brief (CCB) (Entered: 08/15/1994)
08/23/1994	258	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf

		granting motion OBJECTION in part by plaintiff to the US Magistrate Judge's report, order & recommendation of 5/4/94 re: RR [248-1] [252-1] granting motion REPORT AND RECOMMENDATION that dfts be permanently enjoined to adopt proposed amd remedial plan, and giv parties 10 days to obj [248-1] denying motion for reconsideration of court's memorandum and order of 9/9/92 and interlocutory judgment of 9/9/92 [251-1] plas givn until 9/6/94 to file applicn for atty fees, and dfts until 9/20/94 to respd - CCAP (ICMSUSER) (Entered: 08/23/1994)
08/29/1994	259	MAIL Returned [258-2] addressed to plaintiff (ICMSUSER) (Entered: 08/29/1994)
09/02/1994	260	MOTION by plaintiffs to extend time to file applicn for atty fees and for dfts to respd (ICMSUSER) (Entered: 09/02/1994)
09/02/1994	261	ORDER by Judge Richard G. Kopf granting motion to extend time to file applicn for atty fees and for dfts to respd [260-1] ; Motion Filing and resp ddl 9/23/94 - CCAP (ICMSUSER) (Entered: 09/02/1994)
09/08/1994	262	MOTION by plaintiff Victor Luna to extend time to file application for attys fees and expenses and giving Ds time to respond (CCB) (Entered: 09/09/1994)
09/09/1994	263	ORDER by Judge Richard G. Kopf advising counsl of provsns of section 20409 and sending them a summary of same - CCAP (ICMSUSER) (Entered: 09/09/1994)
09/09/1994	264	ORDER by Judge Richard G. Kopf granting motion to extend time to file application for attys fees and expenses and giving Ds time to respond [262-1] ;pla given until 9/16/94 to file application and dfts until 9/30/94 to respd - CCAP to counsl only (ICMSUSER) (Entered: 09/09/1994)
09/09/1994	265	MAIL Returned [261-2] addressed to plaintiff (ICMSUSER) (Entered: 09/13/1994)
09/15/1994	266	MOTION by defendants Harold W. Clarke and Frank Hopkins to extend time to determine whether a filing is needed in the case with afdt attached (CCB) (Entered: 09/15/1994)
09/16/1994	267	ORDER by Judge Richard G. Kopf granting Dfs' motion to extend time to determine whether a filing is needed in the case [266-1] - CCAP (CCB) (Entered: 09/16/1994)
09/16/1994	268	MOTION by plaintiff Victor Luna for attorney fees and expenses (CCB) (Entered: 09/19/1994)
09/16/1994	269	INDEX by plaintiff Victor Luna re: motion for attorney fees and expenses [268-1] including afdts of Gregory Barton, Jack Shultz, Tim Engler, Robert Shively, Scott Freese and Barry Hemmerling with exhs. (CCB) (Entered: 09/19/1994)
09/21/1994	270	MAIL Returned [267-1] addressed to plaintiff (ICMSUSER) (Entered: 09/21/1994)

09/23/1994	271	MOTION by plaintiff for leave to submit suppl evidence in support of Ps' application for allowance of atty fees and expenses with index and afdt of Fred Kauffman attached (CCB) (Entered: 09/23/1994)
09/23/1994	272	MOTION by defendants Harold W. Clarke and Frank Hopkins to revoke 8/23/94 order re injunctive relief (CCB) (Entered: 09/26/1994)
09/23/1994	273	MOTION by defendants Harold W. Clarke and Frank Hopkins to extend time to resp to Ps' application for atty fees with afdt of Terri Weeks (CCB) (Entered: 09/26/1994)
10/11/1994	274	ORDER by Judge Richard G. Kopf granting motion for leave to submit suppl evidence index with accompanying evidence [271-1] - CCAP (CCB) (Entered: 10/12/1994)
10/11/1994	275	ORDER by Judge Richard G. Kopf granting motion to extend time to resp to Ps' application for atty fees [273-1], Dfs are given until 10/21/94 to resp to motion for attorney fees and expenses [268-1] - CCAP (CCB) (Entered: 10/12/1994)
10/14/1994	276	MAIL Returned [275-1] addressed to plaintiff (ICMSUSER) (Entered: 10/14/1994)
10/17/1994	277	MOTION by plaintiff for leave to make second suppl evid submission in support of Ps' application for atty's fees and expenses with second suppl evid index attached including suppl afdt of Gregory D. Barton (CCB) (Entered: 10/17/1994)
10/19/1994	278	MOTION by defendants to extend time to respd to pla's applicn for atty fees to 10/31/94 (ICMSUSER) (Entered: 10/20/1994)
10/24/1994	279	ORDER by Judge Richard G. Kopf granting motion for leave to make second suppl evid submission in support of Ps' application for atty's fees and expenses [277-1] and giving Dfs until 10/31/94 to file resp afdts and brief re motion for attorney fees and expenses [268-1] - CCAP (CCB) (Entered: 10/24/1994)
10/24/1994	280	ORDER by Judge Richard G. Kopf granting Dfs' motion to extend time to respd to pla's applicn for atty fees to 10/31/94 [278-1] - CCAP (CCB) (Entered: 10/24/1994)
10/28/1994	282	MAIL Returned [279-1] addressed to plaintiff (ICMSUSER) (Entered: 11/01/1994)
10/31/1994	281	RESPONSE by defendants to Ps' fee application (CCB) (Entered: 10/31/1994)
12/01/1994	283	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf denying motion to revoke 8/23/94 order [272-1] granting motion for attorney fees and expenses [268-1] in part and denying in part; pla awarded \$168,543.27 in fees, plus expenses of \$10,321.83, for a total of \$178,865.10 - CCAP (ICMSUSER) (Entered: 12/02/1994)
12/01/1994	284	JUDGMENT: by Judge Richard G. Kopf for dfts and against pla, and for

		pla against dfts' Clarke and Hopkins in their official capacities; pla awarded atty fees in amt of \$178,865.10, to be pd to clerk of court for distribution to pla's counsl dismissing case , terminating case referral to Magistrate David L. Piester - CCAP and appeal form sent (ICMSUSER) (Entered: 12/02/1994)
12/06/1994	285	MAIL Returned [284-3], [283-1] addressed to plaintiff Victor Luna (ICMSUSER) (Entered: 12/06/1994)
12/27/1994	286	NOTICE OF APPEAL by defendant Harold W. Clarke from Dist. Court judgment [284-3] entered 12/1/94 - CCAP, RGK with certificate of service dated 12/1/94 (ICMSUSER) (Entered: 12/28/1994)
12/27/1994	287	RECEIPT for Appeal fee in the amount of \$ 105.00 re: Appeal [286-1] for cases 4:87-Cv-607; 4:87-CV-497; 4:87-CV-377; 4:87-CV-476 (ICMSUSER) (Entered: 12/28/1994)
01/03/1995	288	2 CERTIFIED COPIES OF NOTICE OF APPEAL, re: Appeal [286-1] together with Judgment filed 12/1/94; Memorandum Opinion and Order filed 12/1/94 and clerk's docket entries mailed to Clerk, USCA 8th Circuit; docket entries also mailed to attys of record (ICMSUSER) (Entered: 01/03/1995)
01/03/1995	289	NOTICE OF CROSS-APPEAL by plaintiff Victor Luna from Dist. Court decision [284-3] entered 12/1/94 w/certificate of service dated 1/3/95 - CCAP, RGK, Court Reporter: David Francis, 589 Federal Building, 100 Centennial Mall North, Lincoln NE 68508 (402) 438-2446 (ICMSUSER) (Entered: 01/06/1995)
01/03/1995	290	RECEIPT for Appeal fee in the amount of \$ 105.00 [289-1] for case numbers: 4:87-607, 4:87-497; 4:87-377 and 4:87-476 (ICMSUSER) (Entered: 01/06/1995)
01/06/1995	291	2 CERTIFIED COPIES OF NOTICE OF CROSS-APPEAL, re: Cross-Appeal [289-1] together with judgment filed 12/1/94; Memorandum and Order filed 12/1/94 and clerk's docket entries mailed to Clerk, USCA 8th Circuit; docket entries also mailed to attys of record (ICMSUSER) (Entered: 01/06/1995)
01/09/1995	292	TRANSCRIPT DESIGNATION and Ordering Form for dates: any and all hearings conducted by the Court since 9/9/92 re: [286-1] - Court Reporter: David Francis (ICMSUSER) (Entered: 01/09/1995)
01/09/1995	293	CERTIFICATE of service of the order for transcript by defendant (ICMSUSER) (Entered: 01/09/1995)
01/11/1995		REMARK: Transcript of Tro and Injunction Hearing held 8/9/92 filed in 4:87-L-607 (under separate folder) (ICMSUSER) (Entered: 01/11/1995)
01/26/1995	294	SCHEDULING ORDER from USCA; Appellate Docket Number 95-1105 ;[Cross Appeal No. 95-1115] trans desgn set for 2/27/95 ; appnt desgn ddl set for 3/9/95 ; appe desgn ddl set for 4/10/95 [289-1]; Method of appendix preparation notification 1/30/95 (ICMSUSER) (Entered: 01/27/1995)

01/26/1995	295	COPY OF ORDER FROM USCA 8th CIRCUIT [Appeal No. 95-1105] that Barry Hemmerling is appointed to represent Victor Luna appellee on appeal (ICMSUSER) (Entered: 01/27/1995)
01/26/1995	296	COPY OF ORDER FROM USCA 8th CIRCUIT [Appeal No. 95-1115] that Barry Hemmerling is hereby appointed to represent Victor Luna appellant on appeal. district court is (ICMSUSER) (Entered: 01/27/1995)
02/17/1995	297	MOTION by plaintiff Victor Luna to stay the execution and enforcement of the judgment (ICMSUSER) (Entered: 02/22/1995)
02/23/1995	298	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf denying motion to stay the execution and enforcement of the judgment [297-1] - CCAP (ICMSUSER) (Entered: 02/23/1995)
02/27/1995	299	MAIL Returned re: Memo & Ord [298-1] addressed to plaintiff Victor Luna (ICMSUSER) (Entered: 03/01/1995)
01/16/1996	300	OPINION of USCA, 8th Circuit, (ICMSUSER) (Entered: 01/18/1996)
01/29/1996	301	MEMORANDUM AND ORDER: by Judge Richard G. Kopf that each party shall submit a brief addressing the question raised on or before 2/16/96; each party may submit a reply brief on or before 2/28/96; the court advises the parties that it will try to make its findings no later than 4/28/96; the Clk shall forward a copy of this memorandum and order to USCA - COPIES MAILED (ICMSUSER) (Entered: 01/29/1996)
01/29/1996		TRANSMITTAL LETTER to USCA 8th Circuit re: Memorandum and Order [301-1] sent 2 certified copies of this Memorandum and Order and 2 certified copies of the docket sheet - COPIES MAILED (ICMSUSER) (Entered: 01/29/1996)
02/02/1996	302	MAIL Returned re: [301-1] addressed to plaintiff Victor Luna (ICMSUSER) (Entered: 02/02/1996)
03/28/1996	303	MEMORANDUM AND ORDER: I certify to the USCA for the Eighth Circuit that I have found as fact and concluded as law that Clarke and Hopkins actually knew of and disregarded [the] substantial risk [from violence] to the safety of the plaintiffs, by failing to use the classification information available to them in placing newly arriving inmates in double cells (see order for specifics) by Judge Richard G. Kopf - COPIES MAILED (ICMSUSER) (Entered: 03/28/1996)
03/28/1996		TRANSMITTAL LETTER to USCA 8th Circuit re: Memorandum and Order [303-1] - COPIES MAILED (ICMSUSER) (Entered: 03/28/1996)
04/01/1996	304	MAIL Returned re: memorandum and order[303-1] addressed to plaintiff Victor Luna (ICMSUSER) (Entered: 04/01/1996)
04/23/1996	306	MEMORANDUM AND ORDER: by Judge Richard G. Kopf the Clerk of the USDC shall file the motion for a preliminary injunction and a temporary restraining order/motion to intervene and for damages; the motion submitted by Billy Roy Tyler is denied- COPIES MAILED (ICMSUSER) (Entered: 04/23/1996)

04/23/1996	307	MOTION for preliminary injunction , for temporary restraining order , to intervene and for damages (JLS) (Entered: 04/24/1996)
04/24/1996	308	MOTION by plaintiff Victor Luna petition of plf's class for redress of retaliatory grievances (CCB) (Entered: 04/29/1996)
04/29/1996	309	MOTION by plaintiff to withdraw unauthorized pleading entitled "Petition of Plfs' class for redress of retaliatory grievances" (CCB) (Entered: 04/30/1996)
04/29/1996	310	MAIL Returned re: [306-1] addressed to plaintiff Victor Luna (ICMSUSER) (Entered: 04/30/1996)
04/30/1996	311	ORDER by Judge Richard G. Kopf granting plfs' motion to withdraw unauthorized pleading [309-1], withdrawing motion petition of plf's class for redress of retaliatory grievances [308-1] - COPIES MAILED (CCB) (Entered: 04/30/1996)
05/03/1996	312	MAIL Returned [311-1] addressed to plaintiff Victor Luna (ICMSUSER) (Entered: 05/03/1996)
09/09/1996	313	COPY OF THE OPINION from USCA, 8th Circuit; The order of the District Court is affirmed in all respects. (ICMSUSER) (Entered: 09/09/1996)
09/25/1996	314	SATISFACTION OF JUDGMENT acknowledge receipt of payment from defendants Harold Clarke and Frank Hopkins in the sum of \$235,063.50 on 9/25/96. (ICMSUSER) (Entered: 09/26/1996)
10/31/1996	315	COPY OF ORDER FROM USCA 8th CIRCUIT that two motions are before the court, both filed by appellees/cross appellants: a motion to tax costs against appellants/cross-appellees in the amt of \$378, and a motion for attorney's fees and expenses. The motion to tax costs is granted. In accordance with the stipulation of the parties filed 9/26/96, the motion for attorney's fees and expenses is denied as moot. The clerk of the USDC is directed to place these costs in the previously issued mandate. (ICMSUSER) (Entered: 10/31/1996)
10/31/1996	316	(COPY) CERTIFIED COPY OF OPINION of USCA, 8th Circuit, the Nebraska Penitentiary (NSP) is forced to house many of its prisoners two men to a cell. This practice, known as "double celling," requires two men to share a 74-square-foot cell. The District Court held that, while this practice is not a per se constitutional violation, randomly placing two prisoners together under conditions as they exist at the NSP violates the plaintiffs' right to be free from cruel and unusual punishment. The defendants, the director of the Nebraska State Prison System and the Warden on the NSP, appeal the decision. The plaintiffs cross-appeal the portion of the order applicable to long-term inmates and the District Court's holding that the defendants are entitled to qualified immunity, shielding them from damages. We affirm the District Court's order. We also affirm the District Court's subsequent orders instructing the defendants to adopt a remedial plan, and granting the plaintiffs attorneys' fees. (NCD) (Entered: 11/04/1996)

10/31/1996	317	(COPY) MANDATE from USCA 8th Circuit affirming the decision of the District Court [289-1] [286-1] in accordance with the opinion of this court - COPIES MAILED, RGK (NCD) (Entered: 11/04/1996)
11/04/1996		TRANSMITTAL of documents [317-1], [316-1] (NCD) (Entered: 11/04/1996)
11/06/1996	318	MAIL Returned [317-1] addressed to plaintiff Victor Luna, NOT REMAILED envelope marked "Not at address, return to sender, No forwarding address" (ICMSUSER) (Entered: 11/06/1996)
11/06/1996		TRANSMITTAL of document [318-1] to Lincoln (ICMSUSER) (Entered: 11/06/1996)
03/24/1997	319	SATISFACTION OF JUDGMENT re satisfy/satisfaction judgment [314-1] as to defendant Harold W. Clarke (ICMSUSER) (Entered: 03/24/1997)
05/21/1998		FILE SENT to Federal Record Center on 5/21/98 (SED) (Entered: 05/22/1998)
10/31/2000	320	NOTICE by Clerk of intent to destroy exhibits - COPIES MAILED (CAR) (Entered: 10/31/2000)
01/03/2001	321	RECEIPT FOR EXHIBITS by Linda Willard re defendants Harold W. Clarke, Mario Peart, Donn Beaver, and Scott Marshall (BMH) (Entered: 01/03/2001)
01/04/2001	322	RECEIPT FOR EXHIBITS by counsel for plf (ICMSUSER) (Entered: 01/04/2001)
01/09/2001	323	RECEIPT FOR EXHIBITS (COPY--for original see 4:87CV377) by Brent Krauter for Linda Willard, Assistant Attorney General, counsel for dfts Harold W. Clarke, Mario Peart, Donn Beaver, and Scott Marshall of all plfs' exhibits pursuant to receipt by plf's counsel (filing 321) which requested release of exhibits to NE Attorney General (BMH) (Entered: 01/10/2001)

PACER Service Center			
Transaction Receipt			
07/06/2005 11:15:53			
PACER Login:	hs0328	Client Code:	
Description:	Docket Report	Search Criteria:	4:87-cv-00476-RGK
Billable Pages:	9	Cost:	0.72