

CLOSED

**Version 2.4**  
**U.S. District Court of Nebraska (4 Lincoln)**  
**CIVIL DOCKET FOR CASE #: 4:87-cv-00377-RGK**

El-Tabech v. Gunter, et al  
Assigned to: Judge Richard G. Kopf  
Demand: \$0  
Case in other court: CV87-L-497, CV87-L-476  
CV87-L-607  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 07/07/1987  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil  
Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Mohamed Abdul Hafiz El-Tabech**  
*and all similarly situated prisoners*

represented by **Mohamed Abdul Hafiz El-Tabech**  
36752  
SPR-NEBRASKA, Nebraska State  
Penitentiary  
P.O. Box 2500  
Lincoln, NE 68542-2500  
PRO SE

**David J. Koukol**  
DWYER, SMITH LAW FIRM  
8712 West Dodge Road  
Suite 400  
Omaha, NE 68114  
(402) 392-0101  
Fax: (402) 392-1011  
Email: dkoukol@dwyersmith.com  
*ATTORNEY TO BE NOTICED*

**Robert W. Shively, Jr.**  
SHIVELY LAW OFFICES, P.C.,  
L.L.O.  
4400 South 86th Street  
Lincoln, NE 68526  
(402) 488-5044  
Fax: (402) 488-5110  
Email: rshively@shivelylaw.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Frank O. Gunter**  
*Director of NE Department of  
Correctional Services*

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****Harold W. Clarke**

*Individually and as Warden at NE State Penitentiary*

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

**Defendant****Mario Peart**

*Individually and in his official capacity as Unit Administrator at NE State Penitentiary*

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

**Defendant****Donn Beaver**

*Individually and in his official capacity as Manager of Housing Unit Two at Ne State Penitentiary*

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

**Defendant****Marshall Scott**

*Individually and in his official capacity as Acting Manager of Housing Unit Two at Ne State Penitentiary*

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

**Defendant****Maximino Gonzales**

*Individually and in his official capacity as Unit Counselor of Housing Unit Two at Ne State Penitentiary*

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

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/07/1987	2	COMPLAINT (ICMSUSER) (Entered: 01/29/1992)
06/11/1992	166	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 implemented unless obj made w/i 20 days - CCAP (CCB) (Entered: 06/12/1992)
06/15/1992	167	MOTION by defendant Frank O. Gunter, defendant Harold W. Clarke,

		defendant Mario Peart, defendant Donn Beaver, defendant Marshall Scott, defendant Maximino Gonzales to extend time to obj to r & r , w afdt of Terri M. Weeks in suppt (ICMSUSER) (Entered: 06/16/1992)
06/18/1992	168	ORDER by Judge Warren K. Urbom granting motion to extend time to obj to r & r [167-1] & giving Ds to 7/21/92 to obj to report and recommendation - CCAP (CCB) (Entered: 06/18/1992)
07/01/1992	169	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	170	OBJECTION in part by plaintiff to RR [166-1] (CCB) (Entered: 07/22/1992)
07/21/1992	171	OBJECTION by defendants to RR [166-1] 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	172	MOTION by defendant Frank O. Gunter, defendant Harold W. Clarke, defendant Mario Peart, defendant Donn Beaver, defendant Marshall Scott, defendant Maximino Gonzales to strike resp to Ds' obj to R & R (ICMSUSER) (Entered: 08/18/1992)
08/24/1992	173	MOTION by defendant Frank O. Gunter, defendant Harold W. Clarke, defendant Mario Peart, defendant Donn Beaver, defendant Marshall Scott, defendant Maximino Gonzales to withdraw motion to strike (ICMSUSER) (Entered: 08/26/1992)
09/09/1992	174	ORDER by Judge William G. Cambridge granting motion to withdraw motion to strike [173-1] withdrawing motion to strike resp to Ds' obj to R & R [172-1] - CCAP (CJS) (Entered: 09/14/1992)
09/09/1992	175	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 implemented [166-1] denying motion OBJECTION in part by plaintiff to RR [166-1] [170-1] denying motion OBJECTION by defendants to RR [166-1] [171-1] - CCAP STAYED PER ORDER DTD 10/28/92 (CJS) (Entered: 09/14/1992)
09/09/1992	176	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 implemented [166-1] denying motion OBJECTION in

		part by plaintiff to RR [166-1] [170-1] denying motion OBJECTION by defendants to RR [166-1] [171-1] 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) Modified on 09/14/1992 (Entered: 09/14/1992)
10/09/1992	177	NOTICE OF APPEAL by defendants from Dist. Court decision [176-2] (fil fee pd) - CCAP (ICMSUSER) Modified on 10/09/1992 (Entered: 10/09/1992)
10/09/1992	178	ORDER for transcript (already prepared & filed) - Copy mld to Linda Swanson & Kathy Scheer Court Reporters, Latimer Reporting, 528 S. 13th St., #1, Lincoln, NE 68508, ph (402) 476-1153 (ICMSUSER) (Entered: 10/09/1992)
10/09/1992	179	RECEIPT #6677 for Appeal fee in the amount of \$ 105.00 [177-1] (ICMSUSER) (Entered: 10/09/1992)
10/09/1992	180	MOTION by defendants pursuant to FRAP 11(c) to req clk to temp retain record (ICMSUSER) (Entered: 10/09/1992)
10/09/1992	181	MOTION by defendant to stay of injunction pending appeal (ICMSUSER) (Entered: 10/09/1992)
10/15/1992	182	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)
10/21/1992	183	NOTICE OF CROSS APPEAL by plaintiff Mohamed Abdul Hafiz El-Tabech from Dist. Court decision [176-2] (fil fee not pd) - CCAP (ICMSUSER) (Entered: 10/22/1992)
10/23/1992	184	AMENDED NOTICE OF APPEAL by plaintiff Mohamed Abdul Hafiz El-Tabech from Dist. Court judgment entered 9/9/92, w certif of serv dated 10/23/92 (Certified copy of last page of docket sheets mailed to USCA) (ICMSUSER) Modified on 10/26/1992 (Entered: 10/26/1992)
10/26/1992		FILE SENT to Omaha (Vol III) (ICMSUSER) (Entered: 10/26/1992)
10/28/1992	185	ORDER by Judge William G. Cambridge granting motion pursuant to FRAP 11(c) to req clk to temp retain record [180-1] granting motion to stay of injunction pending appeal [181-1]; clerk shall, if appropriate, certify to the clerk of the 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 the record to the 8th circuit; 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	186	COPY of Appellate Court Order: Robert W. Shively appoint counsel to repres P El-Tabech (ICMSUSER) (Entered: 11/03/1992)
10/30/1992	187	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	188	REVISED SCHEDULING ORDER from USCA; Appellate Docket Number 92-3390 trans desgn set for 12/14/92 [184-1], [183-1], [177-1], joint appendix (3 copies) due 12/23/92, etc. (CCB) (Entered: 11/27/1992)
11/25/1992	189	COPY of Appellate Court Order: Appellees' mtn to dismiss 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	190	CERTIFIED AND ORDERED by WGC 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)
01/22/1993	191	TRANSCRIPT SENT to USCA 8th Circuit 18 Vols 9/30/91 (#158) 1/22/93 - CCAP (ICMSUSER) (Entered: 01/25/1993)
01/25/1993	192	2 CERTIFIED COPIES OF NOTICE OF CROSS-APPEAL filed 10/21/92 , together with RR filed 6/11/92; memo opinion & order & judgment filed 9/9/92 & order filed 1/21/93 and clerk's docket entries mailed to Clerk, USCA 8th Circuit; docket entries also mailed to attorneys of record (file fee not paid) (ICMSUSER) (Entered: 01/25/1993)
02/01/1993	193	Copy of ORDER USCA-8 appoint Robert Shively to represent El-Tabech, Barry Hemmerling to represent Luna, Gregory Barton to represent Pierce, Duff, Wilson, Crisp, Dittrich, Dawson, V Carter, G Carter, Kane & Sims, & Scott Freese to represent Jensen (ICMSUSER) (Entered: 02/02/1993)
02/01/1993	194	SCHEDULING ORDER from USCA; Appellate Cross Appeal Docket Number on 93-1234 [183-1] (ICMSUSER) (Entered: 02/02/1993)
04/30/1993		FILE SENT to Omaha, Vol III, for Mary in Judge Cambridge's office (ICMSUSER) (Entered: 04/30/1993)
05/03/1993	195	COPY OF OPINION of USCA, 8th Circuit, dismissing appeal (CCB) (Entered: 05/05/1993)
05/24/1993	196	MOTION by plaintiff Mohamed Abdul Hafiz El-Tabech to lift stay , for order to establish schedule to submit proposed remedial plan and for Plaintiff's to submit a response thereto (ICMSUSER) Modified on 03/14/1994 (Entered: 05/26/1993)

05/26/1993	197	MANDATE from USCA 8th Circuit dismissing the appeal [184-1] - CCAP (ICMSUSER) (Entered: 05/28/1993)
05/26/1993	198	COSTS taxed (USCA-8) for plaintiff Mohamed Abdul Hafiz El-Tabech in the amount of \$ 322.00 against defendants Frank O. Gunter, Harold W. Clarke, Mario Peart, Donn Beaver, Marshall Scott, Maximino Gonzales - CCAP (ICMSUSER) (Entered: 05/28/1993)
05/27/1993	199	MOTION by defendants to extend time to respond to mot to lift stay &for prog sched (ICMSUSER) (Entered: 05/28/1993)
05/27/1993	200	AFFIDAVIT of Marie C. Pawol regarding motion to extend time to respond to mot to lift stay &for prog sched [199-1] (ICMSUSER) (Entered: 05/28/1993)
06/01/1993	201	ORDER by Judge William G. Cambridge granting motion to extend time to 6/21/93 to respond to mot to lift stay &for prog sched [199-1] motion to lift stay [196-1], and motion for order to establish sched to submit proposed remedial plan and for Ps' to subm a response thereto [196-2] ready to rule date changed to 6/21/93 - CCAP (PCV) (Entered: 06/03/1993)
06/01/1993	202	ORDER by Judge William G. Cambridge referring to Magistrate David L. Piester the motion to lift stay [196-1], referring to Magistrate David L. Piester the motion for order to establish sched to submit proposed remedial plan and for Ps' to subm a response thereto [196-2] original brf to WGC, copy to DLP - CCAP (PCV) (Entered: 06/03/1993)
06/03/1993		FILE SENT to Magis. Judge Piester in L re flng. #202 (Vol. III only) (PLW) Modified on 06/03/1993 (Entered: 06/03/1993)
06/04/1993	203	ORDER (USCA-8) remanding appellees' mot for atty fees to dist ct & clk is dir to place this order in previous iss'd mandate - CCAP (ICMSUSER) (Entered: 06/07/1993)
06/04/1993	203	MOTION by plaintiff Mohamed Abdul Hafiz El-Tabech for attorney fees (ICMSUSER) (Entered: 06/08/1993)
06/18/1993		REMARK page 1 of opin from USCA substituted with correct name of Scott Marshall (ICMSUSER) (Entered: 06/18/1993)
07/01/1993		FILES SENT to Omaha - Vols II and III - for Mary Buckley (Vol I will be returned to Omaha office by Atty Sampson of Omaha) (ICMSUSER) (Entered: 07/01/1993)
07/07/1993	204	ORDER by Judge William G. Cambridge on remand from the 8th Circuit Crt of Appeals, plaintiffs are allowed 30 days from the date of this order to make an appropriate showing with regard to attny fees; Ds are allowed 15 days from the date of service of the Ps showing to respond thereto. ; ddl to show cause set for - CCAP (PCV) (Entered: 07/08/1993)
07/08/1993		FILE SENT to Clk's ofc. in L--returning file (Vol. I-III) (PLW) (Entered: 07/08/1993)

07/30/1993	205	MOTION by plaintiff Mohamed Abdul Hafiz El-Tabech for temporary restraining order w afdt atch (ICMSUSER) (Entered: 08/02/1993)
07/30/1993	206	MOTION by plaintiff Mohamed Abdul Hafiz El-Tabech for preliminary injunction w afdt atch (ICMSUSER) (Entered: 08/02/1993)
07/30/1993	207	CERTIFICATE by plaintiff Mohamed Abdul Hafiz El-Tabech mot for tro & prelinj (ICMSUSER) (Entered: 08/02/1993)
08/09/1993	208	MINUTES before Judge Richard G. Kopf that motion for TRO and prel inj are granted in part and denied in part, written order to issue (CCB) (Entered: 08/10/1993)
08/09/1993	209	WITNESS LIST by P (CCB) (Entered: 08/10/1993)
08/09/1993	210	EXHIBIT LIST by P (CCB) (Entered: 08/10/1993)
08/09/1993	211	MEMORANDUM AND ORDER: by Judge Richard G. Kopf granting motion for preliminary injunction [206-1] in part and giving cnsl for Ds to file and serve a proposed remedial plan & giving Ps time to resp; finding the motion for temporary restraining order [205-1] moot. - CCAP (CCB) (Entered: 08/10/1993)
08/09/1993	212	MOTION by plaintiff for attorney fees and expenses attrib to premature appeal filed 8/6/93 (CCB) Modified on 03/17/1994 (Entered: 08/10/1993)
08/09/1993	213	AFFIDAVIT of Gregory D. Barton regarding motion for attorney fees and expenses attrib to premature appeal [212-1] with attachments filed 8/6/93 (CCB) (Entered: 08/10/1993)
08/09/1993	214	INDEX by plaintiff re: motion for attorney fees and expenses attrib to premature appeal [212-1] filed 8/6/93 (CCB) (Entered: 08/10/1993)
08/09/1993	215	AFFIDAVIT of Robert W. Shively regarding motion for attorney fees and expenses attrib to premature appeal [212-1] with exh atchd filed 8/6/93 (CCB) (Entered: 08/10/1993)
08/09/1993	216	AFFIDAVIT of Jack L. Shult regarding motion for attorney fees and expenses attrib to premature appeal [212-1] filed 8/6/93 (CCB) (Entered: 08/10/1993)
08/10/1993	217	Clerk's NOTICE re hrg on 8/9/93 at 9:00 (ICMSUSER) (Entered: 08/16/1993)
08/16/1993	218	Proposed remedial plan and MOTION by defendant Harold W. Clarke req for evid hearing (ICMSUSER) (Entered: 08/19/1993)
08/19/1993	219	MOTION by defendants Harold Clarke and Frank Hopkins to extend time to resp to Ps' applic for atty fees to 9/8/93 with afdt of Terri Weeks attached (CCB) Modified on 08/20/1993 (Entered: 08/20/1993)
08/24/1993	220	ORDER by Magistrate David L. Piester gv Ps to 9/3/93 to resp to Ds' prop remedial plan & finding the motion for order to establish sched to submit proposed remedial plan and for Ps' to subm a response thereto [196-2] moot. - CCAP (ICMSUSER) (Entered: 08/25/1993)

08/24/1993	221	ORDER by Judge William G. Cambridge granting motion to extend time to resp to Ps' applic for atty fees to 9/8/93 [219-1] motion for attorney fees and expenses attrib to premature appeal [212-1] ready to rule date changed to 9/8/93 - CCAP (CJS) (Entered: 08/25/1993)
09/02/1993	222	NOTICE of amend proposed remedial plan by defendants (ICMSUSER) (Entered: 09/02/1993)
09/02/1993	223	ORDER Case reopened , Case reassigned to Judge Richard G. Kopf - CCAP (ICMSUSER) (Entered: 09/02/1993)
09/02/1993	224	MEMORANDUM AND ORDER: by Judge Richard G. Kopf Case reassigned to Judge Richard G. Kopf - CCAP (ICMSUSER) (Entered: 09/02/1993)
09/02/1993	225	MOTION by plaintiff to extend time to resp to Ds' proposed remedial plan (CCB) (Entered: 09/07/1993)
09/02/1993	226	AFFIDAVIT of Gregory D. Barton regarding motion to extend time to resp to Ds' proposed remedial plan [225-1] (CCB) (Entered: 09/07/1993)
09/02/1993	227	CERTIFICATE by plaintiff of service of adt of Gregory D. Barton (CCB) (Entered: 09/07/1993)
09/08/1993	228	ORDER by Judge Richard G. Kopf granting motion to extend time to resp to Ds' proposed remedial plan [225-1] to 9/22/93 - CCAP (ICMSUSER) (Entered: 09/09/1993)
11/24/1993	229	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	230	ORDER by Magistrate David L. Piester granting motion for authorization for expenses of \$1,834.50 for costs in retention of an expert prison condition justice consultant [229-1] - CCAP (ICMSUSER) (Entered: 12/02/1993)
02/08/1994		FILE SENT to Clk's ofc in L--returning file (Vol. I only) (PLW) (Entered: 02/08/1994)
03/17/1994	231	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf denying w/o prejud motion for attorney fees [203-1] and [212]; granting in part and deny in part motion req for evid hearing [218-1]; granting motion to lift stay [196-1] [196-2] stay lifted ; cases referred to Magistrate Judge Piester for conducting evid hrings and iss r & r - CCAP (ICMSUSER) (Entered: 03/17/1994)
03/22/1994	232	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	233	MOTION by plaintiffs for reimbursement of authorized expert prison conditions consultant costs , w attchmt (ICMSUSER) (Entered: 03/23/1994)



04/01/1994	234	ORDER by Chief Judge Lyle E. Strom re: motion for reimbursement of authorized expert prison conditions consultant costs [233-1]; clerk to reimburse cnsl for P (Harding & Ogborn) the amnt of \$1,834.50 from the Fed Practice Fund - CCAP (ADB) (Entered: 04/04/1994)
04/05/1994	235	MOTION by defendants Harold Clarke and Frank Hopkins for leave to file amended remedial plan , w attchmts (ICMSUSER) (Entered: 04/06/1994)
05/04/1994	236	MEMORANDUM, OPINION, AND ORDER: by Magistrate David L. Piester granting motion for leave to file amended remedial plan [235-1] - CCAP (ICMSUSER) (Entered: 05/04/1994)
05/04/1994	236	REPORT AND RECOMMENDATION that for reasons discussed (in fil #232) dfts be permanently enjoined to adopt proposed amd remedial plan (set forth in fil #235), and giv parties 10 days to obj by Magistrate David L. Piester - CCAP (ICMSUSER) (Entered: 05/04/1994)
05/18/1994	237	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	238	OBJECTION in part by plaintiff to the US Magistrate Judge's report, order and recommendation of 5/4/94 re: RR [236-1] (ICMSUSER) (Entered: 05/18/1994)
06/07/1994	239	MOTION by plaintiff for leave to submt brf in resp to dfts' objn to pl's mtn for reconsid and dfts' resp to pl's objn to r and r (ICMSUSER) (Entered: 06/08/1994)
06/08/1994	240	ORDER by Judge Richard G. Kopf granting motion for leave to submt brf in resp to dfts' objn to pl's mtn for reconsid and dfts' resp to pl's objn to r and r [239-1] - CCAP (ICMSUSER) (Entered: 06/09/1994)
07/25/1994	241	MEMORANDUM AND ORDER: by Judge Richard G. Kopf giving ptys time to 8/12/94 to submit simultaneous briefs & responsive briefs re issue injunctive relief; any party desiring evid hrg shall file req by 8/5/94 - CCAP (CCB) (Entered: 07/25/1994)
08/01/1994		FILE SENT to Omaha per WGC Lisa Henkell (ICMSUSER) (Entered: 08/01/1994)
08/03/1994		FILE SENT to Clk's ofc in L--returning file (Vol. I-IV) (PLW) (Entered: 08/03/1994)
08/05/1994	242	CERTIFICATE of service by defendants of brief pursuant to Court's July 25, 1994 order (CCB) (Entered: 08/08/1994)
08/12/1994	243	CERTIFICATE of service by defendants of resp to Ps' 8/5/94 brief (CCB) (Entered: 08/15/1994)
08/23/1994	244	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf granting OBJECTION in part by plaintiff to the US Magistrate Judge's report, order and recommendation of 5/4/94 re: RR [236-1] [238-1]

		granting motion REPORT AND RECOMMENDATION that for reasons discussed (in fil #232) dfts be permanently enjoined to adopt proposed amd remedial plan (set forth in fil #235), and giv parties 10 days to obj [236-1] denying motion for reconsideration of court's memorandum and order of 9/9/92 and interlocutory judgment of 9/9/92 [237-1] ;plas givn until 9/6/94 to file applicn for atty fees, and dfts to 9/20/94 to respd - CCAP (ICMSUSER) (Entered: 08/23/1994)
09/02/1994	245	MOTION by plaintiff to extend time for pla to file applicn for atty fees and dfts to respd (ICMSUSER) (Entered: 09/02/1994)
09/02/1994	246	ORDER by Judge Richard G. Kopf granting motion to extend time for pla to file applicn for atty fees and dfts to respd [245-1] ; Motion Filing and resp ddl 9/23/94 - CCAP (ICMSUSER) (Entered: 09/02/1994)
09/08/1994	247	MOTION by plaintiff to extend time to file application for attys fees and expenses and granting Ds time to respond (CCB) (Entered: 09/09/1994)
09/09/1994	248	ORDER by Judge Richard G. Kopf advising counsl of certn provsns of section 20409, w copy of summary attch'd - CCAP (ICMSUSER) (Entered: 09/09/1994)
09/09/1994	249	ORDER by Judge Richard G. Kopf granting motion to extend time to file application for attys fees and expenses and granting Ds time to respond [247-1] ; Motion Filing ddl set for 9/16/94, and dfts response 9/30/94 - CCAP to counsl only (ICMSUSER) (Entered: 09/09/1994)
09/15/1994	250	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	251	ORDER by Judge Richard G. Kopf granting Dfs' motion to extend time to determine whether a filing is needed in the case [250-1] - CCAP (CCB) (Entered: 09/16/1994)
09/16/1994	252	MOTION by plaintiff for attorney fees and expenses (CCB) (Entered: 09/19/1994)
09/16/1994	253	INDEX by plaintiff re: motion for attorney fees and expenses with afdts of Gregory Barton, Jack Shultz, Tim Engler, Robert Shively, Scott Freese and Barry Hemmerling with exhs [252-1] (CCB) (Entered: 09/19/1994)
09/23/1994	254	MOTION by plaintiff for leave to submit suppl evid 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	255	MOTION by defendants Harold W. Clarke and Frank Hopkins that order dated 8/23/94 be revoked re injunctive relief (CCB) (Entered: 09/26/1994)
09/23/1994	256	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	257	ORDER by Judge Richard G. Kopf granting motion for leave to submit suppl evid index with accompanying evidence [254-1] - CCAP (CCB) (Entered: 10/12/1994)
10/11/1994	258	ORDER by Judge Richard G. Kopf granting motion to extend time to resp to Ps' application for atty fees [256-1], Dfs are given until 10/21/94 to resp to motion for attorney fees and expenses [252-1] - CCAP (CCB) (Entered: 10/12/1994)
10/17/1994	259	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 Barton (CCB) (Entered: 10/17/1994)
10/19/1994	260	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	261	ORDER by Judge Richard G. Kopf granting Ps' motion for leave to make second suppl evid submission in support of Ps' application for atty's fees and expenses [259-1] and giving Dfs until 10/31/94 to file resp aflds and brief re motion for attorney fees and expenses [252-1] - CCAP (CCB) (Entered: 10/24/1994)
10/24/1994	262	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 [260-1] - CCAP (CCB) (Entered: 10/24/1994)
10/31/1994	263	RESPONSE by defendants to Ps' fee application (CCB) (Entered: 10/31/1994)
12/01/1994	264	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf denying motion that order dated 8/23/94 be revoked [255-1] granting motion for attorney fees and expenses [252-1] in part and denying in part - plas awarded \$168,543.27 in fees, plus expenses of \$10,321.83, for a total attorney fee award of \$178,865.10 CCAP (ICMSUSER) (Entered: 12/02/1994)
12/01/1994	265	JUDGMENT: by Judge Richard G. Kopf for dfts against pla; for pla against dfts' Hopkins and Clarke in their offical capacities, and these dfts, etc. permanently enjoined, etc; dfts' Clarke and Hopkins, in their official capacities, to pay atty fees of \$178,865.10, said amt to be paid to Clerk who will distribute attorney fee award to counsl for pla , dismissing case , terminating case referral to Magistrate David L. Piester - CCAP and appeal form sent (ICMSUSER) (Entered: 12/02/1994)
12/27/1994	266	NOTICE OF APPEAL by defendant Harold W. Clarke from Dist. Court judgment [265-4] entered 12/1/94 - CCAP, RGK with certificate of serviced dated 12/27/94 (ICMSUSER) (Entered: 12/28/1994)
12/27/1994	267	RECEIPT for Appeal fee in the amount of \$ 105.00 re: Appeal [266-1] for cases 4:87-CV-607; 4:87-CV-497; 4:87-CV-377; 4:87-CV-476 (ICMSUSER) (Entered: 12/28/1994)
12/29/1994	268	2 CERTIFIED COPIES OF NOTICE OF APPEAL, together with re:

		Appeal [266-1]; 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: 12/29/1994)
01/03/1995	269	NOTICE OF CROSS-APPEAL by plaintiff Mohamed Abdul Hafiz El-Tabech from Dist. Court decision [265-4] entered 12/1/94 ; with certificate of service dated 1/3/95 - CCAP, RGK, Court Reporter: David C. Francis; (ICMSUSER) (Entered: 01/06/1995)
01/03/1995	270	RECEIPT for Appeal fee in the amount of \$ 105.00 [269-1] for case numbers: 4:87-cv-377; 4:87-cv-476; 4:87-cv-497; 4:87-cv-607 (ICMSUSER) (Entered: 01/06/1995)
01/06/1995	271	2 CERTIFIED COPIES OF NOTICE OF CROSS-APPEAL, re: Cross-Appeal [269-1] together with Judgment filed 12/1/94; Memorandum & 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	272	TRANSCRIPT DESIGNATION and Ordering Form for dates: any and all hearings conducted by the Court since 9/9/92 re: [266-1] - Court Reporter: David Francis (ICMSUSER) (Entered: 01/09/1995)
01/09/1995	273	CERTIFICATE of service of order for transcript by defendant (ICMSUSER) (Entered: 01/09/1995)
01/11/1995		REMARK: Transcript of TRO and Injunction hearing held on 8/9/92 filed in 4:87-L-607 (under separate folder) (ICMSUSER) (Entered: 01/11/1995)
01/26/1995	274	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 [269-1]; Method of appendix preparation notification 1/30/95 (ICMSUSER) (Entered: 01/27/1995)
01/26/1995	275	COPY OF ORDER FROM USCA 8th CIRCUIT [Appeal No. 95-1105] that Robert W> shively is hereby appointed to represent Mohamed El-Tabech appellee on appeal. district court is (ICMSUSER) (Entered: 01/27/1995)
01/26/1995	276	COPY OF ORDER FROM USCA 8th CIRCUIT [Appeal No. 95-1115] that Robert Shively is hereby appointed to represent Mohamed El-Tabech appellant on appeal. district court is (ICMSUSER) (Entered: 01/27/1995)
02/17/1995	277	MOTION by plaintiff Mohamed Abdul Hafiz El-Tabech to stay the execution of the judgment (ICMSUSER) (Entered: 02/22/1995)
02/23/1995	278	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf denying motion to stay the execution and enforcement of the judgment [277-1] - CCAP (ICMSUSER) (Entered: 02/23/1995)
01/16/1996	279	OPINION of USCA, 8th Circuit, (ICMSUSER) (Entered: 01/18/1996)

01/29/1996	280	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 memoandum and order to USCA - COPIES MAILED (ICMSUSER) (Entered: 01/29/1996)
01/29/1996		TRANSMITTAL LETTER to USCA 8th Circuit re: Memorandum and Order [280-1] sent 2 certified copies of this Memorandum and Order and 2 certified copies of the docket sheet - COPIES MAILED (ICMSUSER) (Entered: 01/29/1996)
03/28/1996	281	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 [281-1] forwarded 2 certified copies - COPIES MAILED (ICMSUSER) (Entered: 03/28/1996)
04/23/1996	283	MEMORANDUM AND ORDER: by Judge Richard G. Kopf the clk 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 oy Tyler is denied- COPIES MAILED (ICMSUSER) (Entered: 04/23/1996)
04/23/1996	284	MOTION for preliminary injunction , for temporary restraining order , to intervene and for damages (ICMSUSER) (Entered: 04/23/1996)
04/24/1996	285	MOTION by plaintiff Mohamed Abdul Hafiz El-Tabech petition of plf's class for redress of retaliatory grievances (CCB) (Entered: 04/29/1996)
04/29/1996	286	MOTION by plaintiff Mohamed Abdul Hafiz El-Tabech to withdraw unathorized pleading entitled "Petition of plfs' class for redress of retaliatory grievances" (CCB) (Entered: 04/30/1996)
04/30/1996	287	ORDER by Judge Richard G. Kopf granting plfs' motion to withdraw unathorized pleading [286-1], withdrawing motion petition of plf's class for redress of retaliatory grievances [285-1] - COPIES MAILED (CCB) (Entered: 04/30/1996)
05/02/1996	288	NOTICE OF APPEAL from District Court decision [283-1] by Billy Tyler - COPIES MAILED (ICMSUSER) (Entered: 05/07/1996)
05/15/1996	289	MEMORANDUM AND ORDER: by Judge Richard G. Kopf re: notice of appeal [288-1] a certificate of probable cause should not issue for Billy Roy Tyler; the appeal filed by Billy Tyler does not appear to be taken in good faith, and is not entitled to proceed ifp; Clerk to provide a copy to USCA - COPIES MAILED (ICMSUSER) (Entered: 05/15/1996)

05/16/1996	290	2 CERTIFIED COPIES OF NOTICE OF APPEAL filed by Billy Roy Tyler, together with [288-1] Memorandum and Order filed 4/23/96; Memorandum and Order denying to proceed IFP filed 5/15/96 and clerk's docket entries mailed to Clerk, USCA 8th Circuit - COPIES MAILED (ICMSUSER) (Entered: 05/16/1996)
06/03/1996	291	SCHEDULING ORDER from USCA; Appellate Docket Number 96-2420 NEL [288-1] appeal filed by Billy Roy Tyler; the district court clerk is requested to forward the original file. (ICMSUSER) (Entered: 06/03/1996)
06/03/1996		TRANSMITTAL LETTER to USCA 8th Circuit forwarding 6 volumes original file [288-1] - COPIES MAILED (ICMSUSER) Modified on 06/03/1996 (Entered: 06/03/1996)
06/03/1996		ORIGINAL FILE on Appeal sent to Circuit Court re appeal re: Billy Roy Tyler [288-1]; sent 6 volumes (ICMSUSER) (Entered: 06/03/1996)
06/17/1996	292	COPY OF ORDER FROM USCA 8th CIRCUIT that decision of district court is summarily affirmed. (ICMSUSER) (Entered: 06/17/1996)
07/11/1996	293	MANDATE from USCA 8th Circuit [Appeal No. 96-2420 NEL interested party Billy Roy Tyler-Appellant] Appellant is denied leave to proceed on appeal in forma pauperis. The judgment of the district court is summarily affirmed. re: [288-1] - COPIES MAILED, RGK, PLN (ICMSUSER) (Entered: 07/16/1996)
07/12/1996		RECORD on appeal returned from U.S. Court of Appeals re; 6 volumes of original file. (JLS) Modified on 07/16/1996 (Entered: 07/12/1996)
09/09/1996	294	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	295	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	296	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 amount 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 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	297	(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 ceiling," 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	298	(COPY) MANDATE from USCA 8th Circuit affirming the decision of the District Court [269-1] [266-1] in accordance with the Opinion of this court - COPIES MAILED, RGK (NCD) (Entered: 11/04/1996)
11/04/1996		TRANSMITTAL of documents to Lincoln [298-1], [297-1] (NCD) Modified on 11/06/1996 (Entered: 11/05/1996)
03/24/1997	299	SATISFACTION OF JUDGMENT re satisfy/satisfaction judgment [295-1] as to defendant Harold W. Clarke (ICMSUSER) (Entered: 03/24/1997)
12/19/1997	300	MOTION by plaintiff Mohamed Abdul Hafiz El-Tabech for evidentiary hearing on "contraband rule" , request and application for preliminary injunction and for temporary restraining order (CCB) (Entered: 12/22/1997)
12/19/1997	301	AFFIDAVIT of Mohamed El-Tabech regarding motion for evidentiary hearing on "contraband rule" [300-1], regarding motion request and application for preliminary injunction [300-2], regarding motion for temporary restraining order [300-3] (CCB) (Entered: 12/22/1997)
01/12/1998	302	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf denying plf's motions for evidentiary hearing on "contraband rule" [300-1], request and application for preliminary injunction [300-2], and motion for temporary restraining order [300-3], and supporting affidavit [301] - COPIES MAILED (ICMSUSER) (Entered: 01/12/1998)
05/21/1998		FILE SENT to Federal Record Center on 5/21/98 (SED) (Entered: 05/22/1998)
10/31/2000	303	NOTICE by Clerk of intent to destroy exhibits - COPIES MAILED (CAR) (Entered: 10/31/2000)
01/03/2001	304	RECEIPT FOR EXHIBITS by Linda Willard re defendants Frank O. Gunter, Harold W. Clarke, Mario Peart, Donn Beaver, Marshall Scott, and Maximino Gonzales (BMH) (Entered: 01/03/2001)
01/04/2001	305	RECEIPT FOR EXHIBITS by plaintiff's counsel (ICMSUSER) (Entered: 01/04/2001)
01/09/2001	306	RECEIPT FOR EXHIBITS by Brent Krauter for Linda Willard, Assistant Attorney General, counsel for defendants Frank O. Gunter, Harold W. Clarke, Mario Peart, Donn Beaver, Marshall Scott, and Maximino Gonzales, of all plfs' exhibits pursuant to receipt by plf's counsel (Filing 321) which requested release of said exhibits to the NE Attorney General

		(BMH) (Entered: 01/10/2001)
11/27/2001	307	NOTICE by Clerk of intent to destroy exhibits - COPIES MAILED (KMG) (Entered: 11/27/2001)
12/11/2001		PLF'S EXHIBITS FROM 8/9/1993 HRG DESTROYED on 12/11/2001 by Clerk of Court (KMG) (Entered: 12/11/2001)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
06/08/2005 15:15:46			
<b>PACER Login:</b>	hs0328	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:87-cv-00377-RGK
<b>Billable Pages:</b>	9	<b>Cost:</b>	0.72