

CLOSED, MAG

U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CIVIL DOCKET FOR CASE #: 2:01-cv-01956-TFM-RCM

BANKS v. BEARD

Assigned to: Judge Terrence F. McVerry

Referred to: Robert C. Mitchell

Demand: \$0

related Case: [3:06-cv-00253-TFM-LPL](#)

Case in other court: Third Circuit, 07-01046

Third Circuit, 07-01046

Cause: 42:1983pr Prisoner Civil Rights

Date Filed: 10/18/2001

Date Terminated: 07/28/2005

Jury Demand: None

Nature of Suit: 555 Prisoner Civil Rights
(Prison Condition)

Jurisdiction: Federal Question

Plaintiff**RONALD BANKS**

*for himself and on behalf of all similarly
situated prisoners who are confined or will
be confined in Long Term Segregation
Units of State prisons located in the
Western Judicial District of Pennsylvania*

represented by **Jere Krakoff**

Stember Feinstein

429 Forbes Avenue

1705 Allegheny Building

Pittsburgh, PA 15219

(412) 338-1445

Fax: (412) 232-3730

Email: jkrakoff@stemberfeinstein.com**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

V.

Defendant**JEFFREY BEARD**

*in his official capacity as Secretary of the
Pennsylvania Department of Corrections*

represented by **Kemal Alexander Mericli**

Office of the Attorney General

Civil Litigation Section

564 Forbes Avenue

6th Floor, Manor Complex

Pittsburgh, PA 15219

(412) 565-7680

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Email: kmericli@attorneygeneral.gov**LEAD ATTORNEY****ATTORNEY TO BE NOTICED****Party****CHARLES ISLEY**represented by **CHARLES ISLEY**

S.C.I. at Fayette

Box 9999

LaBelle, PA 15450-0999

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Date Filed	#	Docket Text
10/18/2001	1	COMPLAINT Filing Fee \$ 150.00 Receipt # 349 (jsp) (Entered: 10/18/2001)
10/18/2001		CASE REFERRED to Mag. Judge Kenneth J. Benson (jsp) (Entered: 10/18/2001)
01/11/2002	2	ANSWER to Complaint by JEFFREY BEARD (Attorney Kemal Alexander Mericli) (jsp) (Entered: 01/11/2002)
01/14/2002	3	MOTION by RONALD BANKS for Class Certification with Proposed Order. (plh) (Entered: 01/14/2002)
01/28/2002	4	ORDER, set Plaintiffs Pretrial Statements deadline for 2/20/02 , set Defendants Pretrial Statements deadline for 3/20/02 (signed by Mag. Judge Kenneth J. Benson on 1/28/02) CM all parties of record. (crw) (Entered: 01/29/2002)
02/05/2002	5	ORDER vacating [4-1] order set Plaintiffs Pretrial Statements deadline for 2/20/02, vacating [4-2] relief set Defendants Pretrial Statements deadline for 3/20/02, vacating [4-3] relief, set Case Management Conference for 10:00 2/14/02 by Telephone . (signed by Mag. Judge Kenneth J. Benson on 2/5/02) CM all parties of record. (plh) (Entered: 02/05/2002)
02/19/2002	6	ORDER, reset Case Management Conference by Telephone for 10:30 2/20/02 . (signed by Mag. Judge Kenneth J. Benson on 2/19/02) CM parties of record. (plh) (Entered: 02/19/2002)
02/22/2002	7	TELEPHONE Case Management Conference held on 2/20/02 before Mag. Judge Kenneth J. Benson [Reporter: none] (plh) (Entered: 02/22/2002)
02/22/2002	8	CASE MANAGEMENT ORDER setting Discovery cutoff on 6/20/02 ; Status Conference set for 10:15 6/19/02. (signed by Mag. Judge Kenneth J. Benson on 2/22/02) CM all parties of record. (plh) (Entered: 02/22/2002)
02/22/2002	9	REPORT AND RECOMMENDATION of Mag. Judge Kenneth J. Benson signed on 2/22/02 Recommending that [3-1] motion for Class Certification be granted, and that a class of pltfs be certified in this case as more fully described below; The parties have 10 days from the date of service to file objections to this Report and Recommendation. (plh) (Entered: 02/22/2002)
03/22/2002	10	MEMORANDUM and ORDER granting [3-1] motion for Class Certification, as current and future Phase 2 Long Term Segregation inmates who are confined or will be confined in Pennsylvania Department of Corrections prisons located within the venue of the Western Federal Judicial District of Pennsylvania; adopting [9-1] report and recommendations . (signed by Judge Robert J. Cindrich on 3/22/02) CM all parties of record. (plh) (Entered: 03/25/2002)
06/19/2002	11	Status Conference held before Mag. Judge Kenneth J. Benson [Reporter: none] (plh) (Entered: 06/19/2002)

06/19/2002	12	ORDER, set Discovery deadline to 8/3/02 , set Telephone Status Conference for 9:30 8/5/02 . (signed by Mag. Judge Kenneth J. Benson on 6/19/02) CM all parties of record. (plh) (Entered: 06/19/2002)
08/07/2002	13	ORDER, set Motion Filing deadline to 9/19/02 , Reply to Response to Motion on or before 10/21/02 . (signed by Mag. Judge Kenneth J. Benson on 8/7/02) CM all parties of record. (plh) (Entered: 08/08/2002)
08/07/2002	14	Tele-conference held on 8/5/02 before Mag. Judge Kenneth J. Benson [Reporter: none] (plh) (Entered: 08/08/2002)
09/12/2002	15	ORDER REFERRING CASE to Mag. Judge Robert C. Mitchell (signed by Judge D. B. Smith on 9/12/02) CM all parties of record. (jsp) (Entered: 09/13/2002)
09/20/2002	16	MOTION by JEFFREY BEARD for Summary Judgment with Proposed Order. (plh) (Entered: 09/20/2002)
09/20/2002	17	STATEMENT OF MATERIAL FACTS by JEFFREY BEARD (plh) (Entered: 09/20/2002)
09/20/2002	18	BRIEF by JEFFREY BEARD in support of [16-1] motion for Summary Judgment by JEFFREY BEARD (plh) (Entered: 09/20/2002)
09/20/2002	19	APPENDIX to [16-1] motion for Summary Judgment by JEFFREY BEARD (plh) (Entered: 09/20/2002)
09/27/2002	20	MOTION by RONALD BANKS for Summary Judgment with Proposed Order. (plh) (Entered: 09/27/2002)
09/27/2002	21	BRIEF by RONALD BANKS in support of [20-1] motion for Summary Judgment by RONALD BANKS (plh) (Entered: 09/27/2002)
09/27/2002	22	APPENDIX to [21-1] support brief by RONALD BANKS (plh) (Entered: 09/27/2002)
10/03/2002	23	RESPONSE by RONALD BANKS to [16-1] motion for Summary Judgment by JEFFREY BEARD (plh) (Entered: 10/03/2002)
10/04/2002	24	ORDER that the Clerk of Court reassign this case to the Hon. Judge Terrence F. McVerry. (signed by Judge Robert J. Cindrich on 10/4/02) CM all parties of record. (plh) (Entered: 10/04/2002)
10/04/2002		CASE reassigned to Judge Terrence F. McVerry (plh) (Entered: 10/04/2002)
11/15/2002	25	REPORT AND RECOMMENDATION of Mag. Judge Robert C. Mitchell signed on 11/15/02 Recommending that [20-1] motion for Summary Judgment be denied, [16-1] motion for Summary Judgment be granted ; The parties have 10 days from the date of service to file objections to this Report and Recommendation. (plh) (Entered: 11/15/2002)
11/26/2002	26	OBJECTION by RONALD BANKS to [25-1] report and recommendations (plh) (Entered: 11/26/2002)
01/10/2003	27	MEMORANDUM ORDER denying [20-1] motion for Summary Judgment, granting [16-1] motion for Summary Judgment, adopting [25-1] report and

		recommendations ; FURTHER ORDERED that final judgment of this Court is entered pursuant to Rule 58 of the FRCP. (signed by Judge Terrence F. McVerry on 1/10/03) CM all parties of record. NOTICE MAILED (plh) (Entered: 01/13/2003)
01/10/2003		Case closed (plh) (Entered: 01/13/2003)
01/10/2003	27	ORDER granting [16-1] motion for Summary Judgment denying [20-1] motion for Summary Judgment and Final Judgment is Entered by the Court. (signed by Judge Terrence F. McVerry on 1/10/03) CM all parties of record. (aen) (Entered: 01/23/2003)
01/23/2003	28	NOTICE OF APPEAL by RONALD BANKS from order dated 1/10/03 FILING FEE \$ 105. RECEIPT # 2011 TPO issued. (femp) (Entered: 01/23/2003)
01/23/2003		Certified copy of Notice of Appeal [28-1] appeal by RONALD BANKS , certified copy of docket, certified copy of order dated 1/10/03 mailed to USCA; copy of Notice of Appeal and information sheet to counsel of record, M.J. Mitchell and Judge McVerry. Copy of information sheet to appellant. (femp) (Entered: 01/23/2003)
01/27/2003	29	Transcript Purchase order re: [28-1] appeal by RONALD BANKS advising that an transcript is not needed for appeal purposes. (plh) (Entered: 01/27/2003)
01/27/2003		Record complete for Appeal purposes, certified copy of docket entries forwarded to USCA. (plh) (Entered: 01/27/2003)
01/31/2003		RECEIPT from USCA of receiving docket entries on 1/29/03. (plh) (Entered: 01/31/2003)
01/31/2003		USCA Case Number Re: [28-1] appeal by RONALD BANKS USCA NUMBER: 03-1245 (plh) (Entered: 01/31/2003)
02/28/2005	30	Status Conference set for 9:30 3/25/05 (plh) (Entered: 02/28/2005)
03/14/2005	31	NOTICE advising that the Status Conference is postponed until further notice. (plh) (Entered: 03/14/2005)
07/01/2005	32	MANDATE of USCA as to [28] Notice of Appeal filed by RONALD BANKS, (cc3,) Modified on 7/28/2005 ; Recalled, see 33 (tt,). (Entered: 07/01/2005)
07/11/2005	33	ORDER of USCA as to [28] Notice of Appeal filed by RONALD BANKS, (cc3,) (Entered: 07/11/2005)
02/14/2006	34	USCA LETTER TO DISTRICT COURT CLERK re: that the Supreme Court as granted Pltf a Petition for Writ of Certiorari (Attachments: # 1 Letter to the Clerk of Courts) (That the original DC record be forward directly to the Clerk of the Supreme Court)(plh) (Entered: 02/14/2006)
02/15/2006		LETTER and ORIGINAL RECORD forward to the U.S. Supreme Court per directions of the USCA. (plh) (Entered: 02/15/2006)
03/07/2006	35	RECEIPT from the Supreme Court of the United States of receiving record on 2/21/2006. (plh) (Entered: 03/07/2006)

07/10/2006	36	JUDGMENT OF USCA (certified copy) as to [28] Notice of Appeal filed by RONALD BANKS. Affirming judgment/order of the district court. (ghb) (Entered: 07/10/2006)
07/10/2006	37	CERTIFIED ORDER of USCA in lieu of formal MANDATE as to [28] Notice of Appeal filed by RONALD BANKS. The judgment of the District Court entered 1/10/03 is affirmed. (ghb) (Entered: 07/10/2006)
08/03/2006	38	CERTIFIED COPY OF USCA JUDGMENT-ORDER issued in lieu of a formal mandate on July 10, 2006 adding the costs taxed by the Supreme Court of the United States in favor of Appellee Jeffrey Beard in the amount of \$865.00 on August 3, 2006. (ghb) (Entered: 08/03/2006)
08/07/2006		DOCUMENTS 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33 returned from the Supreme Court of the United States in Washington, D.C. (Holding on desk waiting for remaining documents to be located in the Supreme Court) (Received the U.S. Supreme Court for the above documents) (plh) (Entered: 01/09/2007)
12/11/2006	39	MOTION Relief from Judgment/Order by RONALD BANKS. (Attachments: # 1 Envelope)(plh) (Entered: 12/11/2006)
12/11/2006	40	MOTION for Relief from Judgment/Order by CHARLES ISLEY. (Attachments: # 1 Envelope)(plh) (Entered: 12/11/2006)
12/11/2006	41	MOTION to Extend Time to file FRCP 24 Pleading by CHARLES ISLEY. (Attachments: # 1 Envelope)(plh) (Entered: 12/11/2006)
12/15/2006		Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter.ORDER denying 39 Motion for relief from judgment, denying 40 Motion for relief from judgment, denying 41 Motion to Extend Time . Signed by Judge Robert C. Mitchell on 12/15/2006. (Mitchell, Robert) (Entered: 12/15/2006)
12/27/2006	42	MOTION for Reconsideration re Order on Motion for Miscellaneous Relief, Order on Motion to Extend Time, by CHARLES ISLEY. (Attachments: # 1 Envelope)(plh) (Entered: 12/27/2006)
12/27/2006	43	PRAECIPE for Entry of Appearance by Pro Se Party CHARLES ISLEY. (Attachments: # 1 Envelope) (plh) (Entered: 12/27/2006)
12/28/2006		Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter.ORDER denying 42 Motion for Reconsideration. This is a closed case based on the determination of the United States Supreme Court . Signed by Judge Robert C. Mitchell on 12/28/2006. (Mitchell, Robert) (Entered: 12/28/2006)
01/05/2007	44	NOTICE OF APPEAL as to Order on Motion for Miscellaneous Relief,,,, Order on Motion to Extend Time, by CHARLES ISLEY. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. The Transcript Purchase Order form will NOT be mailed to the parties. The form is available on the Court's internet site. (Attachments: # 1 Envelope)(plh) (Entered: 01/05/2007)

01/05/2007	45	MOTION for Leave to Proceed in forma pauperis on Appeal by CHARLES ISLEY. (plh) (Entered: 01/05/2007)
01/05/2007		ORIGINAL RECORD forward to the U.S. Supreme Court on 2/15/2006. (plh) (Entered: 01/05/2007)
01/08/2007		Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter.ORDER denying as moot 45 Motion for Leave to Proceed in forma pauperis . Signed by Judge Robert C. Mitchell on 1/8/2007. (Mitchell, Robert) (Entered: 01/08/2007)
01/30/2007	47	MOTION for Extension of Time to File Objections to Magistrate Judge's Orders by RONALD BANKS. (Attachments: # 1 Envelope)(plh) (Entered: 01/30/2007)
02/13/2007	48	ORDER denying 47 Motion for Extension of Time to File Objections. Signed by Judge Terrence F. McVerry on 2/13/2007. (kll) (Entered: 02/13/2007)
06/01/2007	49	ORDER of USCA as to [28] Notice of Appeal filed by RONALD BANKS,, 44 Notice of Appeal, filed by CHARLES ISLEY case dismissed for failure to timely prosecute; FURTHER ORDERED that a certified copy of the order be issued forthwith as the mandate. (cc3) Modified on 6/6/2007 (plh). (Entered: 06/01/2007)

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