

CLOSED

**United States District Court  
Eastern District of Pennsylvania (Philadelphia)  
CIVIL DOCKET FOR CASE #: 2:90-cv-06089-JF**

MCCARGO v. VAUGHN, et al  
Assigned to: HONORABLE JOHN P. FULLAM  
Demand: \$0  
Case in other court: Related90-5853  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/21/1990  
Date Terminated: 09/11/1991  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**ROBERT EARL MCCARGO**  
AS-1532

represented by **ROBERT EARL MCCARGO**  
AS-1532  
P.O. BOX 244  
GRATERFORD, PA 19426-0244  
PRO SE

V.

**Defendant**

**WARDEN DONALD T. VAUGHN**

represented by **DENISE A. KUHN**  
OFFICE OF ATTORNEY GENERAL  
21 S. 12TH ST.  
3RD FL.  
PHILA, PA 19107-3603  
215-560-2131  
Email: [dkuhn@attorneygeneral.gov](mailto:dkuhn@attorneygeneral.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**ALL PRISON CORRECTIONAL  
OFFICIALS**

V.

**Movant**

**GEORGE A. BUTLER**

represented by **GEORGE A. BUTLER**  
AY-0818  
Box 244  
GRATERFORD, PA 19426-0244  
PRO SE

Date Filed	#	Docket Text
09/21/1990	1	MOTION BY PLAINTIFF ROBERT EARL MCCARGO TO PROCEED IN FORMA PAUPERIS (mk) (Entered: 09/21/1990)
09/26/1990	2	MOTION BY PLAINTIFF ROBERT EARL MCCARGO TO PROCEED IN FORMA PAUPERIS , AND FOR APPOINTMENT OF COUNSEL BRIEF, CERT. OF SERV. (mk) (Entered: 09/27/1990)
09/27/1990	3	MOTION BY PLAINTIFF ROBERT EARL MCCARGO TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER MEMORANDUM, CERTIFICATE OF SERVICE. (mk) (Entered: 09/27/1990)
10/01/1990	4	ORDER GRANTING [2-1] MOTION TO PROCEED IN FORMA PAUPERIS GRANTING [1-1] MOTION TO PROCEED IN FORMA PAUPERIS. COMPLAINT TO BE FILED, SUMMONSES TO ISSUE, SERVICE TO BE

		MADE ETC. ( SIGNED BY JUDGE JOHN P. FULLAM ) 10/1/90 ENTERED AND COPIES MAILED. (mk) (Entered: 10/01/1990)
10/01/1990	5	Complaint. (mk) (Entered: 10/01/1990)
10/01/1990		Summons(es) issued Forwarded to: U.S. Marshal. USM285 not attached. (mk) (Entered: 10/01/1990)
10/09/1990	6	Affidavit in support of order by PLAINTIFF ROBERT EARL MCCARGO Re: [3-1] MOTION TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER (mk) (Entered: 10/10/1990)
10/18/1990	7	ORDER, PRODUCING THE BODY OF ROBERT EARL MCCARGO, AS-1532 , set MISCELLANEOUS HEARING to 10/31/90 for [3-1] MOTION TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER ( SIGNED BY JUDGE JOHN P. FULLAM ) 10/19/90 ENTERED AND COPIES MAILED. (mk) (Entered: 10/19/1990)
10/22/1990	8	MOTION by PLAINTIFF ROBERT EARL MCCARGO FOR ORDER TO PRODUCE DOCUMENTS CERTIFICATE OF SERVICE. (mk) (Entered: 10/22/1990)
10/30/1990	9	ORDER THAT THE WARDEN OF SCI GRATERFORD PRODUCE THE BODY OF GARY WILSON, BE-9008 ON 11/21/90 AT 10:00 TO APPEAR FOR TRIAL, ETC., ( SIGNED BY JUDGE JOHN P. FULLAM ) 10.31.90 ENTERED AND COPIES MAILED. (lvj) (Entered: 10/31/1990)
10/30/1990	10	ORDER THAT THE WARDEN OF SCI GRATERFORD PRODUCE THE BODY OF WILLARD BUCKINGHAM AM-3595 ON 11/21/90 TO APPEAR FOR TRIAL, ETC., ( SIGNED BY JUDGE JOHN P. FULLAM ) 10.31.90 ENTERED AND COPIES MAILED. (lvj) (Entered: 10/31/1990)
10/30/1990	11	ORDER THAT THE WARDEN OF SCI GRATERFORD PRODUCE THE BODY OF DOUGLAS JACKSON Y-9796 ON 11/21/90 TO APPEAR FOR TRIAL, ETC., ( SIGNED BY JUDGE JOHN P. FULLAM ) 10.30.90 ENTERED AND COPIES MAILED. (lvj) (Entered: 10/31/1990)
10/30/1990	12	ORDER THAT THE WARDEN OF SCI GRATERFORD PRODUCE THE BODY OF BEDLEY WELLS AM-0253 ON 11/21/90 TO APPEAR FOR TRIAL, ETC., ( SIGNED BY JUDGE JOHN P. FULLAM ) 10.31.90 ENTERED AND COPIES MAILED. (lvj) (Entered: 10/31/1990)
10/30/1990	13	ORDER THAT THE WARDEN OF SCI GRATERFORD PRODUCE THE BODY OF ROBERT EARL MCCARGO AS-1532 ON 11/21/90 FOR TRIAL ( SIGNED BY JUDGE JOHN P. FULLAM ) 10.31.90 ENTERED AND COPIES MAILED. (lvj) (Entered: 10/31/1990)
11/08/1990	14	ORDER DENYING [8-1] MOTION FOR ORDER TO PRODUCE DOCUMENTS ( SIGNED BY JUDGE JOHN P. FULLAM ) 11/09/90 ENTERED AND COPIES MAILED. (mk) (Entered: 11/09/1990)
11/19/1990	15	Acknowledgement of service as to DEFENDANT DONALD T. VAUGHN 11/6/90 (lvj) (Entered: 11/20/1990)
11/19/1990		Return of service unexecuted as to DEFENDANT ALL PRISON CORR OFFICIALS on 11/6/90 (lvj) (Entered: 11/20/1990)
11/21/1990	16	Appearance of DENISE A. KUHN for DEFENDANT DONALD T. VAUGHN (lvj) (Entered: 11/26/1990)
11/21/1990	17	Answer to Complaint by DEFENDANT DONALD T. VAUGHN (Attorney ), (lvj) (Entered: 11/26/1990)
11/26/1990	18	Minute entry: hearing of 11/21/90 on pla's motion for TRO. (mk) (Entered: 11/27/1990)
12/11/1990	19	Transcript of hearing re: TRO and Preliminary Injunction held on 11/21/90. (kw) (Entered: 12/13/1990)

12/12/1990	20	MOTION by PLAINTIFF ROBERT EARL MCCARGO FOR REQUEST OF A CONTEMPT OF COURT HEARING AGAINST DEFTS MEMORANDUM, CERTIFICATE OF SERVICE. (fe) (Entered: 12/13/1990)
12/12/1990	21	ORDER THAT THE WARDEN OF STATE CORRECTIONAL INSTITUTION GRATERFORD, PRODUCE THE BODY OF ROBERT E. MCCARGO (AS-1532) ON JANUARY 15, 1991 AT 10:00 TO APPEAR FOR HEARING ON MOTION FOR PRELIMINARY INJUNCTION, ETC., ( SIGNED BY JUDGE JOHN P. FULLAM ) 12.14.90 ENTERED AND COPIES MAILED. (lvj) (Entered: 12/14/1990)
12/13/1990	22	Affidavit by PLAINTIFF ROBERT EARL MCCARGO Re: [20-1] in support to MOTION FOR REQUEST OF A CONTEMPT OF COURT HEARING AGAINST DEFTS (mk) (Entered: 12/14/1990)
01/02/1991	23	Affidavit by PLAINTIFF ROBERT EARL MCCARGO Re: problem with getting insulin shots (lvj) (Entered: 01/03/1991)
01/10/1991	24	ORDER THAT WARDEN OF SCI GRATERFORD PRODUCE THE BODY OF ROBERT E. MCCARGO ON 2/12/91 FOR HEARING ETC. ( SIGNED BY JUDGE JOHN P. FULLAM ) 1/10/91 ENTERED AND COPIES MAILED. (mk) (Entered: 01/10/1991)
02/05/1991	25	ORDER DATED 2/4/91 THAT THE WARDEN OF SCI GRATERFORD, PRODUCE THE BODY OF BEBLEY C. WELL, JR. (AM-0253) ON 2/12/91 AT 10:00 TO APPEAR FOR TRIAL, ETC., ( SIGNED BY JUDGE JOHN P. FULLAM ) 2/5/91 ENTERED AND COPIES MAILED. (lvj) (Entered: 02/05/1991)
02/13/1991	26	Minute entry: before Judge John P. Fullam on 2/12/91 re: Hearing on Plff's Motion for Prelim. Injunction; witnessess sworn (lvj) (Entered: 02/14/1991)
02/14/1991	27	Minute entry: hearing resumes 2/13/91 on motion for preliminary injunction – CAV. (mk) (Entered: 02/14/1991)
02/19/1991	28	Statement in Support to Plff's Motion for Preliminary Injunction hearing that was held 2/12/91 and 2/13/91, Affidavit in support (lvj) (Entered: 02/19/1991)
02/20/1991	29	ORDER THAT A TRANSCRIPT OF THE PRELIMINARY INJUNCTION HEARING HELD ON 11/21/90 AND 2/12/91 BE PREPARED AT GOVERNMENT EXPENSE AND DELIVERED TO THE PLAINTIFF ( SIGNED BY JUDGE JOHN P. FULLAM ) 2/21/91 ENTERED AND COPIES MAILED. (lvj) (Entered: 02/21/1991)
02/28/1991	30	MOTION by PLAINTIFF ROBERT EARL MCCARGO FOR AN ORDER COMPELLING DISCOVERY (lvj) (Entered: 03/01/1991)
02/28/1991	31	MOTION by PLAINTIFF ROBERT EARL MCCARGO FOR A REQUEST TO BE TRANSFERED DUE TO REPEATED REPRISALS OF RETALIATION BECAUSE OF PENDING LAWSUITS, UNDER PRELIMINARY INJUNCTION MEMORANDUM, CERTIFICATE OF SERVICE. (lvj) (Entered: 03/01/1991)
03/01/1991	32	Affidavit by PLAINTIFF ROBERT EARL MCCARGO Re: assault and further retaliation by guards as was threaten to be carried out as I testified in court on 2/12/91. Now it has happen and everything else as they said it would happen to me after court date. (lvj) (Entered: 03/04/1991)
03/07/1991	33	MOTION by PLAINTIFF ROBERT EARL MCCARGO OF REQUEST FOR COURT TO ORDER THE TAKING OF DEPOSITION UPON WRITTEN INTERROGATORIES TO DEFTS AND A ORDER FOR PRODUCTION OF DEPOSITION CERTIFICATE OF SERVICE. (lvj) (Entered: 03/08/1991)
03/12/1991	34	MOTION BY PLAINTIFF ROBERT EARL MCCARGO FOR APPOINTMENT OF COUNSEL MEMORANDUM, AFFIDAVIT IN SUPPORT, CERTIFICATE OF SERVICE. (mk) (Entered: 03/13/1991)
03/26/1991	35	Transcript for Plff's motion for TRO and Preliminary Injunction on November 21, 1990 (sj) (Entered: 03/26/1991)

03/26/1991	36	Transcript for Pliff's motion for preliminary injunction on February 12, 1991 (sj) (Entered: 03/26/1991)
03/26/1991	37	Transcript for Pliff's motion for preliminary injunction on February 13, 1991 (sj) (Entered: 03/26/1991)
06/13/1991	38	MOTION BY PLAINTIFF ROBERT EARL MCCARGO FOR AN ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION , MEMORANDUM, CERTIFICATION OF SERVICE, AFFIDAVITS. (fe) (Entered: 06/17/1991)
07/10/1991	39	Statement by PLAINTIFF ROBERT EARL MCCARGO regarding medical documents and proof of past history of asthma and ongoing proof of denial of insulin. (gm) (Entered: 07/11/1991)
08/13/1991	40	ORDER THAT PLFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION IS DENIED AS MOOT, AS THE ISSUES WERE DISPOSED OF AT AN EARLIER HEARING ( SIGNED BY JUDGE JOHN P. FULLAM ) 8/14/91 ENTERED AND COPIES MAILED. (lvj) (Entered: 08/14/1991)
08/13/1991	41	REQUEST BY PLAINTIFF ROBERT EARL MCCARGO FOR A WITNESS ( INMATE ANTA SHANNON) TO BE SUBPOENA FOR FINAL HEARING (lvj) (Entered: 08/14/1991)
08/13/1991	42	ORDER THAT THE WARDEN OF THE STATE CORRECTIONAL INSTITUTION AT GRATERFORD PRODUCE BEFORE THIS COURT THE BODY OF ANTA SHANNON ON 9/9/91 AT 10:00 TO APPEAR FOR TESTIMONY, ETC., ( SIGNED BY JUDGE JOHN P. FULLAM ) 8/14/91 ENTERED AND COPIES MAILED. (lvj) (Entered: 08/14/1991)
08/13/1991	43	REQUEST BY PLAINTIFF ROBERT EARL MCCARGO FOR A WITNESS (TROY HANCOCK) TO BE SUBPOENA FOR FINAL HEARING . (lvj) (Entered: 08/14/1991)
08/13/1991	44	ORDER THAT THE WARDEN OF THE STATE CORRECTIONAL INSTITUTION AT GRATERFORD PRODUCE BEFORE THIS COURT THE BODY OF TROY HANCOCK ON 9/9/91 AT 10:00 TO APPEAR FOR TESTIMONY, ETC., ( SIGNED BY JUDGE JOHN P. FULLAM ) 8/14/91 ENTERED AND COPIES MAILED. (lvj) (Entered: 08/14/1991)
08/13/1991	45	REQUEST BY PLAINTIFF ROBERT EARL MCCARGO FOR A WITNESS (BEBLEY C. WELL JR.,) TO BE SUBPOENA FR FINAL HEARING . (lvj) (Entered: 08/14/1991)
08/13/1991	46	ORDER THAT THE WARDEN OF THE SCI AT GRATERFORD PRODUCE THE BODY OF BEBLEY C. WELL JR., ON 9/9/91 AT 10:00 TO APPEAR FOR TESTIMONY, ETC., ( SIGNED BY JUDGE JOHN P. FULLAM ) 8/14/91 ENTERED AND COPIES MAILED. (lvj) (Entered: 08/14/1991)
08/13/1991	47	Plaintiffs' Request for a witness to be subpoena for final hearing. (lvj) (Entered: 08/14/1991)
08/13/1991	48	ORDER THAT THE WARDEN OF THE SCI AT GRATERFORD PRODUCE THE BODY OF GEORGE BUTLER ON 9/9/91 AT 10:00 TO APPEAR FOR TESTIMONY, ETC., ( SIGNED BY JUDGE JOHN P. FULLAM ) 8/14/91 ENTERED AND COPIES MAILED. (lvj) (Entered: 08/14/1991)
08/13/1991	49	Request for a witness (Aaron Helms Jr.) to be subpoena for final hearing. (lvj) (Entered: 08/14/1991)
08/13/1991	50	ORDER THAT THE WARDEN OF THE SCI AT GRATERFORD PRODUCE THE BODY OF AARON HELSM, JR., ON 9/9/91 AT 10:00 TO APPEAR FOR TESTIMONY, ETC.,( SIGNED BY JUDGE JOHN P. FULLAM ) 8/14/91 ENTERED AND COPIES MAILED. (lvj) (Entered: 08/14/1991)
08/13/1991	51	MOTION AND ALSO REQUEST BY PLAINTIFF ROBERT EARL MCCARGO FOR SUBPOENA TO BE ISSUED FOR INMATE (lvj) (Entered: 08/14/1991)

08/13/1991	52	ORDER THAT THE WARDEN OF THE SCI AT HUNTINGDON PRODUCE THE BODY OF CLARENCE A. TONEY ON 9/9/91 AT 10:00 TO APPEAR FOR TESTIMONY, ETC., ( SIGNED BY JUDGE JOHN P. FULLAM ) 8/14/91 ENTERED AND COPIES MAILED. (lvj) (Entered: 08/14/1991)
08/13/1991	53	ORDER THAT THE WARDEN OF THE SCI AT GRATERFORD PRODUCE THE BODY OF ROBERT EARL MCCARGO ON 9/9/91 AT 10:00 TO APPEAR FOR TESTIMONY, ETC., ( SIGNED BY JUDGE JOHN P. FULLAM ) 8/14/91 ENTERED AND COPIES MAILED. (lvj) (Entered: 08/14/1991)
08/13/1991	54	Plaintiffs' Request for a witness (Edward L. Van Dyke Jr.,) to be subpoena for final hearing. (lvj) (Entered: 08/15/1991)
08/13/1991	55	ORDER THAT THE WARDEN OF THE SCI AT GRATERFORD PRODUCE THE BODY OF EDWARD L. VAN DYKE, JR., ON 9/9/91 AT 10:00 TO APPEAR FOR TESTIMONY, ETC., ( SIGNED BY JUDGE JOHN P. FULLAM ) 8/15/91 ENTERED AND COPIES MAILED. (lvj) (Entered: 08/15/1991)
09/11/1991	56	Minute entry: of final hearing held on 9/9/91. (fe) (Entered: 09/11/1991)
09/11/1991	57	INJUNCTIVE ORDER PREVIOUSLY ENTERED IS LEFT IN EFFECT, BUT IS MADE PERMANENT. THESE CASES ARE CLOSED FOR ADMINISTRATVE PURPOSES BY THIS PERMANENT INJUNCTION. (SIGNED BY JUDGE JOHN P. FULLAM) 9/11/91 ENTERED AND COPIES MAILED. (fe) (Entered: 09/11/1991)
09/11/1991		Case closed (kv) (Entered: 09/12/1991)
09/12/1991	58	MOTION BY MOVANT GEORGE A. BUTLER FOR CONTEMPT OF PRELIMINARY INJUNCTION AND A PLEA FOR HELP . (fe) (Entered: 09/12/1991)
09/17/1991	59	ORDER THAT [58-1] MOTION FOR CONTEMPT OF PRELIMINARY INJUNCTION AND A PLEA FOR HELP IS DENIED AND STRICKEN FROM THE DOCKET. ( SIGNED BY JUDGE JOHN P. FULLAM ) 9/18/91 ENTERED AND COPIES MAILED. (lvj) (Entered: 09/18/1991)
09/18/1991	60	MOTION BY DEFENDANT ALL PRISON CORR OFF, DEFENDANT DONALD T. VAUGHN TO ALTER , OR TO AMEND JUDGMENT , MEMORANDUM OF LAW IN SUPPORT, CERTIFICATE OF SERVICE. (lvj) (Entered: 09/19/1991)
09/23/1991		Transcript for Final Hearing of 9/9/91. (lvj) (Entered: 09/23/1991)
11/15/1991		Letter and acknowledgement receipt re: Return of defendant's trial exhibits (90-5398). (fe) (Entered: 11/18/1991)
11/18/1991		Letter and acknowledgement of receipt re: Return of Plaintiff's trial exhibits (90-5398). (fe) (Entered: 11/19/1991)
11/22/1991	61	MEMORANDUM AND ORDER DENYING [60-1] MOTION TO ALTER DENYING [60-2] MOTION TO AMEND JUDGMENT ( SIGNED BY JUDGE JOHN P. FULLAM ) 11/25/91 ENTERED AND COPIES MAILED. (lvj) (Entered: 11/25/1991)