

CLOSED, JH

**U.S. District Court
District of Rhode Island (Providence)
CIVIL DOCKET FOR CASE #: 1:01-cv-00065-T**

DeWitt v. Wall
Assigned to: Judge Ernest C. Torres
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 02/06/2001
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Fred E. DeWitt**

represented by **Fred E. DeWitt**
T83260
P.O. Box 43
Norfolk, MA 02056
PRO SE

V.

Defendant

A. T. Wall
Director, RI Dept. of Corrections

represented by **Patricia Anne Coyne-Fague**
Department of Corrections
40 Howard Avenue
Cranston, RI 02920
462-0145
Fax: 462-2583
Email: patricia.coyne-fague@doc.ri.gov

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Interested Party**Richard Donovan**

represented by **Richard Donovan**
United States Court of Appeal
Suite 2235
1 Courthouse Way
Boston, Ma 02210
PRO SE

Date Filed	#	Docket Text
02/06/2001	1	COMPLAINT filed; FILING FEE \$ 150.00 RECEIPT # 47010 (McCabe, F) (Entered: 02/06/2001)
02/06/2001		CASE assigned to Judge Ernest C. Torres . Assigned to Magistrate Judge Hagopian (McCabe, F) (Entered: 02/06/2001)

02/12/2001	2	RETURN OF SERVICE executed as to A. T. Wall 2/6/01 Answer due on 2/26/01 for A. T. Wall (Mercurio, A) (Entered: 02/12/2001)
02/12/2001	3	SUPPLEMENT to Complaint by DeWitt (Mercurio, A) (Entered: 02/12/2001)
02/22/2001	4	MOTION by A. T. Wall for Summary Judgment (Mercurio, A) (Entered: 02/22/2001)
02/22/2001	5	Statement Of Undisputed Fact by A. T. Wall RE: [4-1] motion for Summary Judgment (Mercurio, A) (Entered: 02/22/2001)
02/28/2001	6	OBJECTION by Fred E. DeWitt to [4-1] motion for Summary Judgment (Mercurio, A) (Entered: 02/28/2001)
02/28/2001		Motion(s) referred to Judge: [4-1] motion for Summary Judgment (Webb, J) (Entered: 02/28/2001)
03/01/2001	7	MOTION by A. T. Wall for Protective Order (Mercurio, A) (Entered: 03/01/2001)
03/05/2001	8	OBJECTION by Fred E. DeWitt to [7-1] motion for Protective Order (Mercurio, A) (Entered: 03/07/2001)
03/08/2001		Motion(s) referred to Judge: [7-1] motion for Protective Order (Webb, J) (Entered: 03/08/2001)
03/08/2001	9	MOTION by Fred E. DeWitt for Order (Mercurio, A) (Entered: 03/09/2001)
03/09/2001	10	OBJECTION by A. T. Wall to [9-1] motion for Order (Mercurio, A) (Entered: 03/09/2001)
03/12/2001		Motion(s) referred to Judge: [9-1] motion for Order, [7-1] motion for Protective Order (Webb, J) (Entered: 03/12/2001)
03/16/2001	11	ANSWER to Admissions (Mercurio, A) (Entered: 03/19/2001)
03/20/2001	12	ORDER [7-1] motion for Protective Order referred to Magistrate Judge Jacob Hagopian (signed by Judge Ernest C. Torres) (Webb, J) (Entered: 03/20/2001)
03/20/2001		Motion(s) referred: [7-1] motion for Protective Order referred to Magistrate Judge Jacob Hagopian (Webb, J) (Entered: 03/20/2001)
03/21/2001	13	ORDER [4-1] motion for Summary Judgment referred to Magistrate Judge Jacob Hagopian (signed by Judge Ernest C. Torres) (Webb, J) (Entered: 03/21/2001)
03/22/2001	14	ORDER denying [7-1] motion for Protective Order (signed by Magistrate Judge Jacob Hagopian) (Webb, J) (Entered: 03/22/2001)
04/25/2001	15	MOTION by Fred E. DeWitt for Summary Judgment (Mercurio, A) (Entered: 04/25/2001)
04/25/2001	16	MOTION by Fred E. DeWitt for Contempt (Mercurio, A) (Entered: 04/25/2001)

		04/25/2001)
04/27/2001	17	OBJECTION by A. T. Wall to [15-1] motion for Summary Judgment (Mercurio, A) (Entered: 04/27/2001)
04/27/2001		Motion(s) referred to Judge Torres: [15-1] motion for Summary Judgment (FarrellPletcher, P) (Entered: 04/30/2001)
04/30/2001	18	RESPONSE by Fred E. DeWitt in opposition to [17-1] motion response (Mercurio, A) (Entered: 04/30/2001)
05/08/2001		Motion(s) referred: [15-1] motion for Summary Judgment referred to Magistrate Judge Jacob Hagopian (FarrellPletcher, P) (Entered: 05/08/2001)
05/15/2001		Telephone conference set on 12:00 5/31/01 Before Magistrate Judge Jacob Hagopian regarding service of pleadings and/or correspondence (Brown, D) (Entered: 05/15/2001)
05/16/2001	19	OBJECTION by A. T. Wall to [16-1] motion for Contempt (Mercurio, A) (Entered: 05/16/2001)
05/18/2001	20	MOTION by Fred E. DeWitt for contempt (FarrellPletcher, P) (Entered: 05/18/2001)
05/21/2001		Motion(s) referred: [16-1] motion for Contempt referred to Magistrate Judge Jacob Hagopian (FarrellPletcher, P) (Entered: 05/21/2001)
05/21/2001	21	MOTION by Fred E. DeWitt to Assign (Mercurio, A) (Entered: 05/21/2001)
05/21/2001	25	OBJECTION by A. T. Wall to [23-1] motion for Preliminary Injunction (Mercurio, A) (Entered: 05/23/2001)
05/22/2001	22	ORDER denying [20-1] motion for contempt, denying [16-1] motion for Contempt (signed by Magistrate Judge Jacob Hagopian) (FarrellPletcher, P) (Entered: 05/22/2001)
05/22/2001	23	MOTION by Fred E. DeWitt for Preliminary Injunction (Mercurio, A) (Entered: 05/23/2001)
05/22/2001	24	MOTION by Fred E. DeWitt for Hearing (Mercurio, A) (Entered: 05/23/2001)
05/23/2001		Motion(s) referred: [24-1] motion for Hearing referred to Magistrate Judge Jacob Hagopian, [23-1] motion for Preliminary Injunction referred to Magistrate Judge Jacob Hagopian (Mercurio, A) (Entered: 05/23/2001)
06/01/2001		Settlement conference set on 10:00 6/21/01 Before Magistrate Judge Jacob Hagopian (Brown, D) (Entered: 06/01/2001)
06/05/2001	26	REPORT AND RECOMMENDATIONS of Magistrate Judge Jacob Hagopian recommending [23-1] motion for Preliminary Injunction be denied ; Motion no longer referred Objections to R and R due by 6/22/01 (Mercurio, A) (Entered: 06/05/2001)

06/07/2001	27	ORDER denying [24-1] motion for Hearing (signed by Magistrate Judge Jacob Hagopian) (FarrellPletcher, P) (Entered: 06/07/2001)
06/08/2001	28	APPEAL of Magistrate decision to District Court (Mercurio, A) (Entered: 06/08/2001)
08/02/2001	29	REPORT AND RECOMMENDATIONS of Magistrate Judge Jacob Hagopian Re: [15-1] plaintiff's motion for Summary Judgment should be denied, [4-1] Wall's motion for Summary Judgment should be granted on plaintiff's claims under the First, Fifth, Eighth, Ninth, and Fourteenth Amendments. To extent that plaintiff asserts claims based upon Morris rules, such claims should be dismissed without prejudice; Motion no longer referred Objections to R and R due by 8/20/01 (Mercurio, A) (Entered: 08/02/2001)
08/08/2001	30	APPEAL of Magistrate decision to District Court (Mercurio, A) (Entered: 08/09/2001)
08/10/2001	31	RESPONSE by A. T. Wall in opposition to [30-1] Magistrate appeal (Mercurio, A) (Entered: 08/10/2001)
08/22/2001		Motion(s) referred to Judge Torres: Report & Recommendation on [15-1] motion for Summary Judgment, [4-1] motion for Summary Judgment (FarrellPletcher, P) (Entered: 08/22/2001)
09/07/2001	32	ORDER: The Court hereby accepts the R and R of Judge Ernest C. Torres dated 8/2/01 pursuant to 28 USC 686(b)(1) denying [15-1] motion for Summary Judgment, granting [4-1] motion for Summary Judgment , signed by Judge Ernest C. Torres . (FarrellPletcher, P) (Entered: 09/07/2001)
09/07/2001	33	ORDER denying [15-1] motion for Summary Judgment, granting [4-1] motion for Summary Judgment (signed by Judge Ernest C. Torres) (FarrellPletcher, P) (Entered: 09/07/2001)
09/20/2001	34	NOTICE OF APPEAL by Fred E. DeWitt . Appeal record due on 10/22/01 (Mercurio, A) (Entered: 09/24/2001)
09/24/2001	37	NOTICE OF APPEAL by Fred E. DeWitt . Appeal record due on 10/24/01 (Mercurio, A) (Entered: 09/27/2001)
09/25/2001	35	JUDGMENT for A. T. Wall against Fred E. DeWitt () (Mercurio, A) (Entered: 09/25/2001)
09/26/2001		Case closed (Mercurio, A) (Entered: 09/26/2001)
09/26/2001	36	CERTIFICATE of Clerk (Mercurio, A) (Entered: 09/26/2001)
09/26/2001		Certified and transmitted record on appeal to U.S. Court of Appeals: [34-1] appeal; sent original file and certified docket (Mercurio, A) (Entered: 09/26/2001)
09/27/2001	38	Transmitted supplemental record on appeal: [37-1] appeal by Fred E. DeWitt; sent second notice of appeal (#37) and certified docket (Mercurio, A) (Entered: 09/27/2001)

10/12/2001	39	Acknowledgment of Receipt of [38-1] supplemental record on appeal; supplemental record of 9/27/01 (Mercurio, A) (Entered: 10/12/2001)
10/12/2001		USCA Case Number Re: [37-1] appeal USCA Number: 01-2367 (Mercurio, A) (Entered: 10/12/2001)
10/12/2001	40	NOTICE of Docketing ROA from USCA Re: [34-1] appeal USCA Number: 01-2358 (Mercurio, A) (Entered: 10/12/2001)
10/12/2001		USCA Case Number Re: [34-1] appeal USCA Number: 01-2358 (Mercurio, A) (Entered: 10/12/2001)
10/19/2001	41	ORDER re: fee schedule for \$105.00 appeal fee (USCA) (Mercurio, A) (Entered: 10/22/2001)
11/08/2001	42	MANDATE OF USCA (certified copy) Re: [34-1] appeal by Fred E. DeWitt dismissing appeal for failure to prosecute in No. 01-2358 (papers retained for No. 01-2367) (Mercurio, A) (Entered: 11/08/2001)
11/13/2001		USCA appeal fees received \$ 105.00; Receipt #49274 (Mercurio, A) (Entered: 11/13/2001)
12/03/2001	43	ORDER: The Court hereby accepts the R and R of Judge Ernest C. Torres dated June 5, 2001 pursuant to 28 USC 686(b)(1) , signed by Judge Ernest C. Torres . (FarrellPletcher, P) (Entered: 12/03/2001)
12/03/2001	44	ORDER DENYING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION (signed by Judge Ernest C. Torres) (FarrellPletcher, P) (Entered: 12/03/2001)
03/20/2002	45	Transmitted supplemental record on appeal: Document # 43 & 44 [37-1] appeal by Fred E. DeWitt, [34-1] appeal by Fred E. DeWitt (FarrellPletcher, P) (Entered: 03/20/2002)
03/25/2002	46	Acknowledgment of Receipt of [45-1] supplemental record on appeal (Mercurio, A) (Entered: 03/26/2002)
04/24/2002	47	Transmitted supplemental record on appeal: [37-1] appeal by Fred E. DeWitt; sent various memoranda of law per request of Donna Barchard and certified docket (Mercurio, A) (Entered: 04/24/2002)
05/07/2002	48	Acknowledgment of Receipt of [47-1] supplemental record on appeal (Mercurio, A) (Entered: 05/07/2002)
06/24/2002	49	SLIP OPINION from USCA, affirming judgment (Mercurio, A) (Entered: 06/25/2002)
07/15/2002	50	MANDATE OF USCA (certified copy) Re: [37-1] appeal by Fred E. DeWitt affirming judgment/order (Mercurio, A) (Entered: 07/15/2002)
07/15/2002		Record on appeal returned from U.S. Court of Appeals: [37-1] appeal by Fred E. DeWitt, [34-1] appeal by Fred E. DeWitt (Mercurio, A) (Entered: 07/15/2002)

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