

CLOSED, JURY

**U.S. District Court
Northern District of Texas (Amarillo)
CIVIL DOCKET FOR CASE #: 2:01-cv-00238**

Purvis v. Johnson, et al
Assigned to: Judge Mary Lou Robinson
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/22/2001
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**John Craig Purvis**

represented by **John Craig Purvis**
#1002829
TDCJ / LeBlanc Unit
Stevenson Unit
TDCJ No 1002829
3695 FM 3514
Beaumont, TX 77705
PRO SE

V.

Defendant**Gary L Johnson**
*Director***Defendant****Joseph Domingues**
Warden

represented by **Celamaine Cunniff**
Attorney General of Texas
Law Enforcement Defense Div
PO Box 12548
Capitol Station
Austin, TX 78711-2548
512/463-2080
Fax: 512/495-9139 FAX
Email: cela.cunniff@oag.state.tx.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Benny Brown**
Asst Warden

represented by **Celamaine Cunniff**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Daniel Whitaker
Captain

represented by **Celamaine Cunniff**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

James Gambrell
Sgt

Defendant

Douglas Lockhart

represented by **Celamaine Cunniff**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Dennis Markgraf

represented by **Celamaine Cunniff**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John Solis

represented by **Celamaine Cunniff**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Israel L Reyna

represented by **Celamaine Cunniff**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Larry Goucher

represented by **Celamaine Cunniff**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/22/2001		CASE REFERRED to Magistrate Judge Clinton E. Averitte (djs) (Entered: 06/25/2001)
06/22/2001	1	Prisoner Civil Rights COMPLAINT filed; Date Received: 6/22/01 (24) (djs) (Entered: 06/25/2001)
06/22/2001	2	MOTION by plaintiff John Craig Purvis to proceed in forma pauperis (5) (djs) (Entered: 06/25/2001)

06/22/2001	2	Certificate of Trust Account Filed by plaintiff John Craig Purvis TDCJ #: 1002829 (djs) (Entered: 06/25/2001)
10/29/2001	3	BRIEFING ORDER - Pltf shall have 20 days, or until 11/18/01 to complete the enclosed questionnaire and return to the Clerk of the Court for filing. (Signed by Magistrate Judge Clinton E. Averitte) Copies to counsel: 10/29/01 Page(s) 6 (jeh) (Entered: 10/29/2001)
10/29/2001	4	FILING FEE ORDER Initial Partial Filing Fee of \$1.59 due , and for Collection and Payment of Full Filing Fee: Plaintiff shall pay the balance of full filing fee in monthly installments as mandated by the PLRA. granting [2-1] motion to proceed in forma pauperis (Signed by Magistrate Judge Clinton E. Averitte Copies to counsel: 10/29/01 Page(s) 3 (jeh) (Entered: 10/29/2001)
11/08/2001	5	"QUESTIONNAIRE" ANSWER to Interrogatories filed by plaintiff John Craig Purvis (5) (jeh) (Entered: 11/08/2001)
12/10/2001	6	U N F I L E D (per Order 12/11/01) MOTION by plaintiff John Craig Purvis to amend [1-1] Prisoner complaint (3) (NOD) (jeh) Modified on 12/11/2001 (Entered: 12/11/2001)
12/11/2001	7	ORDER unfiled [6-1] motion to amend [1-1] Prisoner complaint by plaintiff John Craig Purvis due to the following deficiency: Motion for leave to amend must be accompanied by a copy of the proposed amended pleading attached as an exhibit and an original and second copy of the proposed pleading that is neither attached to the motion nor made an exhibit to the motion. See LR 15.1. Copies to counsel: 12/11/01 (signed by Judge Clinton E Averitte) Page(s) 1 (jeh) (Entered: 12/11/2001)
12/28/2001	8	MOTION by plaintiff John Craig Purvis to receive a copy of all files held by TDCJ, I.D. on plaintiff, medical files, criminal files and disciplinary files (2) (jeh) (Entered: 12/28/2001)
12/28/2001	9	U N F I L E D PER ORDER DATED 1/30/02 MOTION by plaintiff John Craig Purvis to amend [1-1] Prisoner complaint (20) (NOD) (jeh) Modified on 01/30/2002 (Entered: 12/28/2001)
01/18/2002	10	MOTION by plaintiff John Craig Purvis to Expand on Case Law (8) (jeh) (Entered: 01/18/2002)
01/30/2002	11	ORDER unfiled [9-1] motion to amend [1-1] Prisoner complaint by John Craig Purvis due to the following deficiency: Failure to comply with LR 15.1 requiring a copy of the proposed amended complaint. Pltf must also submit a copy of each motion and proposed pleading as well. Pltf's pleading is also deficient because it is incomplete. Throughout his motion, pltf refers to various "exhibits" which are not attached to his pleading. Clerk is directed to unfile and return pleading to Pltf. Copies to counsel: 1/30/02 (signed by Judge Clinton E Averitte) Page(s) 1 (plh) (Entered: 01/30/2002)
02/14/2002	12	MOTION by plaintiff John Craig Purvis to amend [1-1] Prisoner complaint, Expand in Above Cause (33) (jeh) (Entered: 02/14/2002)

08/23/2002	13	MOTION by plaintiff John Craig Purvis for judgment on the pleadings (1) (jeh) (Entered: 08/23/2002)
09/04/2002	14	ORDER denying [8-1] motion to receive a copy of all files held by TDCJ, I.D. on plaintiff, medical files, criminal files and disciplinary files (Signed by Magistrate Judge Clinton E. Averitte) Copies to counsel: 9/4/02 Page(s) 2 (plh) (Entered: 09/04/2002)
09/04/2002	15	ORDER denying [10-1] motion to Expand on Case Law (Signed by Magistrate Judge Clinton E. Averitte) Copies to counsel: 9/4/02 Page(s) 1 (plh) (Entered: 09/04/2002)
09/04/2002	16	BRIEFING ORDER - Pltf shall have 20 days or until 9/24/02 within which to complete the enclosed questionnaire and return it to the Clerk for filing. (Signed by Magistrate Judge Clinton E. Averitte) Copies to counsel: 9/4/02 Page(s) 9 (plh) (Entered: 09/04/2002)
09/04/2002	17	ORDER granting [12-1] motion to amend [1-1] Prisoner complaint, Expand in Above Cause. Clerk shall file pltf's proposed amended complaint in this cause and shall provide a stamped copy to the Court. Clerk shall also amend the docket to reflect the dfts pltf add by his amended complaint as follows: Douglas Lockhart, Dennis Markgraf, John Solis, Israel Reyna and Larry Goucher. (Signed by Magistrate Judge Clinton E. Averitte) Copies to counsel: 9/4/02 Page(s) 2 (plh) (Entered: 09/04/2002)
09/04/2002	18	AMENDED COMPLAINT by John Craig Purvis , amending [1-1] Prisoner complaint against Douglas Lockhart, Dennis Markgraf, John Solis, Israel L Reyna, Larry Goucher (24) (plh) (Entered: 09/04/2002)
09/23/2002	19	(QUESTIONNAIRE) MAGISTRATE JUDGE'S INTERROGATORIES propounded as to John Craig Purvis (21) (plh) (Entered: 09/23/2002)
11/18/2002		NOTICE of ADDRESS CHANGE by John Craig Purvis New address is: Stevenson Unit, 1525 FM 766, Cuero, TX 77954 - Sent change of address to RJ in Dallas (plh) (Entered: 11/18/2002)
01/21/2003	20	MOTION by John Craig Purvis for defendant to be served (1) (plh) (Entered: 01/21/2003)
01/24/2003	21	ORDER mooting [13-1] motion for judgment on the pleadings, and no further ruling will issue. (Signed by Magistrate Judge Clinton E. Averitte) Copies to counsel: 1/24/03 Page(s) 1 (plh) (Entered: 01/24/2003)
01/24/2003	22	REPORT AND RECOMMENDATION - Recommended by Mag Judge to Dist Judge that pursuant to Title 28 USC, sections 1915A and 1915(e) (2) as well as Title 42, USC, Section 1997e(c)(1) that the civil rights complaint filed by pltf be dismissed with prejudice for failure to state a claim on which relief can be granted. Signed by Magistrate Judge Clinton E. Averitte . copies to cns: 1/24/03 Objections to R and R due within 14 days from the date of this Order. (11) (Bus Reply Card) (plh) (Entered: 01/24/2003)

02/03/2003	23	BUSINESS REPLY CARD as to John Craig Purvis signed 1/29/03 re [22-1] report & recommendation (plh) (Entered: 02/03/2003)
02/14/2003	24	OBJECTION to 22 Judges Report and Recommendations by John Craig Purvis. (plh,) (Entered: 02/18/2003)
02/25/2003	25	ORDER DISMISSING CASE - Ordered that pursuant to Title 28, USC, Sections 1915A and 1915(e)(2), as well at Title 42, USC Section 1997e (c)(1), the civil rights complaint filed by pltf is dismissed for failure to state a claim on which relief can be granted. (Signed by Judge Mary Lou Robinson on February 25, 2003) (plh,) (Entered: 03/05/2003)
02/25/2003	26	JUDGMENT Ordered and Decreed that the civil rights complaint filed by pltf is dismissed for failure to state a claim on which relief can be granted. (Signed by Judge Mary Lou Robinson on February 25, 2003) (plh,) (Entered: 03/05/2003)
03/03/2003		NOTICE of Change of Address by John Craig Purvis. New address is: Venus CCA, 1100 Highway 1807, Venus, TX 76084 (plh,) (Entered: 03/03/2003)
03/21/2003	27	NOTICE OF APPEAL as to 26 Judgment by John Craig Purvis. Appeal Record due by 4/7/2003. (1)(plh,) (Entered: 03/24/2003)
03/21/2003	28	MOTION (Application) for Leave to Proceed in forma pauperis by John Craig Purvis (2) (plh,) (Entered: 03/24/2003)
03/21/2003	29	Certificate of Trust Account (In Forma Pauperis Data Sheet) by John Craig Purvis TDCJ # 1002829. (1) (plh,) (Entered: 03/24/2003)
03/21/2003		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 27 Notice of Appeal (plh,) (Entered: 03/24/2003)
03/25/2003	30	ORDER for Collection and Payment of Full Filing Fee. John Craig Purvis shall pay the entire filing fee in full in monthly installments as mandated by the PLRA., Order For Partial Filing Fee in amount of \$0.00 is assessed. (Signed by Judge Clinton E Averitte on March 25, 2003) (plh,) (Entered: 03/25/2003)
03/31/2003		USCA Case Number 03-10299 for 27 Notice of Appeal filed by John Craig Purvis. (plh,) (Entered: 03/31/2003)
04/01/2003		Certified and Transmitted Record on Appeal to US Court of Appeals re 27 Notice of Appeal (1 Vol Record) (plh,) (Entered: 04/01/2003)
04/11/2003		NOTICE of Change of Address by John Craig Purvis. New address is: Leblanc Unit, 3695 FM 3514, Beaumont, TX 77705 - Sent change of address to RJ in Dallas (plh,) (Entered: 04/11/2003)
06/30/2003	31	ORDER of USCA as to 27 Notice of Appeal filed by John Craig Purvis - APPEAL DISMISSED - Under 5th Cir.R. 42.3, the appeal is dismissed as of 6/27/03 for want of prosecution. The appellant failed to timely file brief. (plh,) (Entered: 06/30/2003)
11/05/2003	32	ORDER TO ANSWER - Dfts Domingues, Brown, Whitaker, Lockhart,

		Markgraf, Solis, Reyna and Goucher shall file a responsive pleading. A copy of this Order, ptf's 9/4/02, amended complaint and his 9/23/02, response to the Court's Briefing Order Questionnaire shall be mailed by Certified Mail to Docketing, Law Enforcement Defense Division. Dfts shall file written answer or other responsive pleading within 30 days from the date of receipt of this Order. (CM 7002 2410 0005 0689 5371) (Signed by Judge Clinton E Averitte on 11/5/03) (plh,) (Entered: 11/05/2003)
11/12/2003	33	Certified Mail Executed on 11/10/03 by serving Docketing, Law Enforcement Defense Division re: 32 Order (plh,) (Entered: 11/12/2003)
11/17/2003	34	Opinion of USCA (certified copy) in accordance with USCA judgment re 27 Notice of Appeal filed by John Craig Purvis. The district court's dismissal of the failure to protect claim is VACATED, and the claim is REMANDED for further consideration. The district court's dismissal of the claim against Gambrell for obstruction of an investigation, the claim against Domingues for not conducting a post-assault interview, and the claim against Johnson for failure to supervise is AFFIRMED. (plh,) (Entered: 11/17/2003)
11/17/2003	35	JUDGMENT/MANDATE of USCA as to 27 Notice of Appeal filed by John Craig Purvis. Issued as Mandate: November 13, 2003. It is ordered and adjudged that the judgment of the District Court is AFFIRMED. (plh,) (Entered: 11/17/2003)
11/17/2003		Appeal Record Returned: 27 Notice of Appeal (1 Vol. Record) (plh,) (Entered: 11/17/2003)
11/17/2003		***Case Reopened per staff atty DY (plh,) (Entered: 12/16/2003)
12/11/2003	36	ORIGINAL ANSWER AND JURY DEMAND to Prisoner Civil Rights Complaint, ANSWER to Amended Complaint by Benny Brown, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker.(plh,) (Entered: 12/11/2003)
12/11/2003		DEMAND for Trial by Jury by Benny Brown, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker. (contained in original answer) (plh,) (Entered: 12/11/2003)
12/11/2003	37	MOTION to Dismiss for Failure to State a Claim by Benny Brown, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker (4) (plh,) (Entered: 12/11/2003)
12/12/2003	38	SCHEDULING ORDER - Case is to be ready for trial by 4/29/04. All motions for summary judgment must be filed with supporting briefs on or before 2/20/04. (Signed by Judge Clinton E Averitte on 12/12/03) (plh,) (Entered: 12/12/2003)
01/08/2004	39	MOTION to inform the Court as to the exact capacity to which the Dfts are being sued by John Craig Purvis (plh,) (Entered: 01/08/2004)
01/08/2004	40	RESPONSE in Opposition (Objection to Dft's Claim for Qualified Immunity) filed by John Craig Purvis. (plh,) (Entered: 01/08/2004)

01/14/2004	41	NOTICE OF INITIAL DISCLOSURE by Benny Brown, Joseph Domingues, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker (2) (plh,) (Entered: 01/14/2004)
01/29/2004	42	MOTION to Compel the Court to Order Defendants to Reissue Certain Documents that Were Sent in Defendant's Disclosure by John Craig Purvis (14) (attachments not imaged) (plh,) (Entered: 01/29/2004)
01/29/2004	43	MOTION to Appoint Counsel by John Craig Purvis (plh,) (Entered: 01/29/2004)
01/29/2004	44	MOTION to Extend Time to File Discovery by John Craig Purvis (2) (plh,) (Entered: 01/29/2004)
02/20/2004	45	MOTION to Dismiss for Failure to Exhaust Administrative Remedies by Benny Brown, Joseph Domingues, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker (4) (plh,) (Entered: 02/20/2004)
02/20/2004	46	Brief in Support re 45 MOTION to Dismiss for Failure to Exhaust Administrative Remedies filed by Benny Brown, Joseph Domingues, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker. (13) (Attachments not imaged) (plh,) (Entered: 02/20/2004)
02/20/2004	47	RESPONSE in OPPOSITION to Motion re 43 MOTION to Appoint Counsel filed by Benny Brown, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker. (4) (plh,) (Entered: 02/20/2004)
02/20/2004	48	RESPONSE to Motion re 42 MOTION to Compel Dfts to Reissue Certain Documents Sent in Disclosure filed by Benny Brown, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker. (3) (plh,) (Entered: 02/20/2004)
02/20/2004	49	RESPONSE IN OPPOSITION to Motion re 44 MOTION to Extend Time to file Discovery filed by Benny Brown, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker. (5) (plh,) (Entered: 02/20/2004)
02/23/2004	50	MOTION for leave to file an out of time answer by Joseph Domingues (3) (plh,) (Entered: 02/23/2004)
02/23/2004	51	PARTIAL MOTION to Dismiss for Failure to State a Claim by Joseph Domingues (4) (plh,) (Entered: 02/23/2004)
02/24/2004	52	ORDER denying 44 Motion to Extend Time to file discovery. (Signed by Judge Clinton E Averitte on 2/24/04) (plh,) (Entered: 02/24/2004)
02/24/2004	53	ORDER denying as moot 42 Motion to Compel without prejudice. On 2/20/04, dfts filed their resposne stating that they have requested more legible copies from the TDCJ-Correctional Institutions Division and will make such copies available to pltf as soon as they are received. For the reasons set forth above, pltf's motion is denied as moot, without prejduice

		to being reasserted should dfts fail to provide more legible copies to pltf within a reasonable period of time. (Signed by Judge Clinton E Averitte on 2/24/04) (plh,) (Entered: 02/24/2004)
02/24/2004	54	ORDER denying 43 Motion to Appoint Counsel (Signed by Judge Clinton E Averitte on 2/24/04) (plh,) (Entered: 02/24/2004)
02/24/2004	55	ORDER granting 50 Motion for leave to file an answer out of time (Signed by Judge Clinton E Averitte on 2/24/04) (plh,) (Entered: 02/24/2004)
02/24/2004	56	ORIGINAL ANSWER to Prisoner Civil Rights Complaint AND JURY DEMAND by Joseph Domingues. (5)(plh,) (Entered: 02/24/2004)
02/24/2004		DEMAND for Trial by Jury by Joseph Domingues. (contained in original answer) (plh,) (Entered: 02/24/2004)
02/24/2004	57	ORDER SETTING DEADLINE FOR RESPONSE - On 2/20/04, dfts filed a pleading entitled "Dfts' Motion to Dismiss for Failure to Exhaust Administrative Remedies." Any response by pltf shall be filed on or before 3/15/04. (Signed by Judge Clinton E Averitte on 2/24/04) (plh,) (Entered: 02/24/2004)
03/01/2004	58	MOTION TO SUPPLEMENT THEIR MOTION TO DISMISS FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES by Benny Brown, Joseph Domingues, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker (plh,) (Entered: 03/01/2004)
03/04/2004	59	ORDER granting 58 Motion to supplement their motion to dismiss for failure to exhaust administrative remedies. Ordered that dft's Motion to Dismiss for Failure to Exhaust Administrative Remedies is supplemented with the affidavit of Susan Schumacher, Asst Administrator of TDCJ Offender Grievances, included as Attachment A to the motion to supplement. (Signed by Judge Clinton E Averitte on 3/3/04) (plh,) (Entered: 03/04/2004)
03/04/2004	60	ORDER SETTING DEADLINE FOR RESPONSE - On 3/3/04 dfts supplemented their motion to dismiss for failure to exhaust administrative remedies. The Court previously set a 3/15/04 response date for pltf to reply to dfts' motion. The response period is extended accordingly. Any response by Pltf shall be filed on or before 3/23/04. (Signed by Judge Clinton E Averitte on 3/4/04) (plh,) (Entered: 03/04/2004)
03/15/2004	61	RESPONSE TO MOTION - Objection to Defendant's 45 MOTION to Dismiss, 58 MOTION TO SUPPLEMENT THEIR MOTION TO DISMISS FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES filed by John Craig Purvis. (exhibits not imaged) (jeh) (Entered: 03/15/2004)
03/15/2004	62	RESPONSE TO MOTION - Objection to Defendant Joseph Domingues claim for Qualified Immunity (re 51 MOTION to Dismiss) filed by pltf

		John Craig Purvis. (jeh,) (Entered: 03/15/2004)
03/15/2004	63	DOCUMENT entitled "Motion to Inform the Court of the Exact Capacity to Which the Defendant Joseph Domingues is Being Sued" filed by John Craig Purvis (jeh,) (Entered: 03/15/2004)
03/30/2004		APRIL PRETRIAL NOTICE AND ORDER Docket Call set for 4/19/2004 09:30 AM before Judge Mary Lou Robinson. Jury Trial set for 4/20/2004 09:00 AM before Judge Mary Lou Robinson. Proposed Pretrial Order due by 4/9/2004. (plh,) (Entered: 03/30/2004)
03/31/2004	64	ORDER FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM - Ordered that Clerk issue a writ of habeas corpus ad testificandum to have inmate John Craig Purvis brought to trial in the above referenced cause, before the US Dist Judge on 4/19/04 at 9:30 am. (Signed by Judge Mary Lou Robinson on 3/31/04) (plh,) (Entered: 03/31/2004)
03/31/2004	65	Writ of Habeas Corpus ad Testificandum Issued as to John Craig Purvis for 4/19/04 at 9:30 am. (plh,) (Entered: 03/31/2004)
04/01/2004	66	ORDER denying 45 Motion to Dismiss for Failure to Exhaust Administrative Remedies - Accepting all well-plead facts as true and viewing them in the light most favorable to the nonmovant, the District Judge FINDS dfts have failed to show there are no material issues of fact on whether pltf has exhausted administrative remedies. The existence of these material issues of disputed fact preclude entry of summary judgment in the instant cause. (Signed by Judge Mary Lou Robinson on 3/31/04) (plh,) (Entered: 04/01/2004)
04/01/2004	67	ORDER granting 37 Motion to Dismiss, finding as moot 39 Motion to inform the court of the exact capacities in which the dfts are sued, granting 51 Motion to Dismiss. Accepting all well-plead facts as true and viewing them in the light most favorable to the nonmovant, the District Judge FINDS pltf would not be entitled to monetary relief from dfts in their official capacities under any set of facts or any possible theory that he could prove consistent with the allegations in the complaint. Pltf's claims for monetary relief against dfts in the official capacities are dismissed. Pltf's claims against dfts in their individual capacities survive this Order. (Signed by Judge Mary Lou Robinson on 3/31/04) (plh,) (Entered: 04/01/2004)
04/06/2004	68	MOTION for Extension of Time to File Pretrial Order, Proposed Findings and Conclusions of Law and Trial Briefs and Proposed Jury Instructions and Questions by Benny Brown, Joseph Domingues, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker (plh,) (Entered: 04/06/2004)
04/07/2004	69	ORDER granting 68 Motion for Extension of Time to File Pretrial Order, Trial Briefs, and Proposed jury Instructions and Questions. Proposed Pretrial Order due by 4/15/2004. Ordered, Adjudged and Decreed that the Motion for Extension of Time is hereby granted and the Office of the Atty General shall submit the Pretrial Order, Trial Briefs and Proposed Jury Instructions and Questions by 4/15/04. (Signed by Judge Mary Lou

		Robinson on 4/6/04) (plh,) (Entered: 04/07/2004)
04/07/2004	70	Order Forwarding Case to US District Judge. The undersigned US Mag Judge has ruled on all pending matters possible. Discovery was closed on 2/24/04 and all dispositive motions have received a ruling. A scheduling Order was issued requiring this case to be ready for trial by 4/29/04. The Clerk will cause the docket sheet in this case to reflect it is no longer referred to the undersigned Mag Judge. All future pleadings or correspondence shall be forwarded to the Dist Judge absent a future Order of Referral. (Signed by Judge Clinton E Averitte on 4/7/04) (plh,) (Entered: 04/07/2004)
04/08/2004	71	MOTION in Limine by Benny Brown, Joseph Domingues, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker (plh,) Additional attachment(s) added on 4/12/2004 (plh,). (Entered: 04/08/2004)
04/08/2004	72	PROPOSED JURY INSTRUCTIONS AND JURY QUESTIONS by Benny Brown, Joseph Domingues, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker. (plh,) Additional attachment(s) added on 4/12/2004 (plh,). (Entered: 04/08/2004)
04/09/2004	73	MOTION IN LIMINE by John Craig Purvis (jeh,) (Entered: 04/09/2004)
04/09/2004	74	MOTION TO POSTPONE ALL PROCEEDINGS by John Craig Purvis (jeh,) (Entered: 04/09/2004)
04/13/2004	75	MOTION for Issuance of Writ of Habeas Corpus ad testificandum by Benny Brown, Joseph Domingues, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker (plh,) (Entered: 04/13/2004)
04/13/2004	76	ORDER granting 75 Motion for Writ of Habeas Corpus ad testificandum. Clerk shall issue a writ of habeas corpus ad testificandum directed to Operations, TDCJ Classifications & Records, Attn: Missy Roberts, Court Coordinator and to the Warden, Darrington Unit to have inmate Terry Glen Jones brought for testimony at trial on 4/20/04. (Signed by Judge Mary Lou Robinson on 4/13/04) (plh,) Modified on 4/13/2004 (plh,). (Entered: 04/13/2004)
04/13/2004	77	Writ of Habeas Corpus ad Testificandum Issued as to Terry Glen Jones TDCJ #1004084 for April 20, 2004 at 9:00 am. (plh,) (Entered: 04/13/2004)
04/14/2004	78	RESPONSE IN OPPOSITION to Motion re 74 MOTION TO POSTPONE ALL PROCEEDINGS filed by Benny Brown, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker. (plh,) (Entered: 04/14/2004)
04/14/2004	79	ORDER denying 74 Motion to Postpone All Proceedings (Signed by Judge Mary Lou Robinson on 4/14/04) (plh,) (Entered: 04/15/2004)
04/16/2004		Proposed Pretrial Order by Benny Brown, Joseph Domingues, Larry

		Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker. (plh,) (Entered: 04/16/2004)
04/16/2004	80	NOTICE OF SECOND SUPPLEMENTAL DISCLOSURE by Benny Brown, Joseph Domingues, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker (plh,) (Entered: 04/16/2004)
04/19/2004	81	Proposed Jury Instructions and Question by John Craig Purvis. (plh,) (Entered: 04/19/2004)
04/19/2004	82	WITNESS LIST (Designation of Trial Witnesses) by Benny Brown, Joseph Domingues, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker. (plh,) (Entered: 04/19/2004)
04/19/2004	83	EXHIBIT LIST (Identification of Trial Exhibits) by Benny Brown, Joseph Domingues, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker. (plh,) (Entered: 04/19/2004)
04/19/2004	84	NOTICE OF THIRD SUPPLEMENTAL DISCLOSURE by Benny Brown, Joseph Domingues, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker (plh,) (Entered: 04/19/2004)
04/19/2004	85	NOTICE OF FIRST SUPPLEMENTAL DISCLOSURE by Benny Brown, Joseph Domingues, Larry Goucher, Douglas Lockhart, Dennis Markgraf, Israel L Reyna, John Solis, Daniel Whitaker (plh,) (Entered: 04/19/2004)
04/19/2004	86	Minute Entry for proceedings held before Judge Mary Lou Robinson : Docket Call held on 4/19/04. Docket Call - Cases Called - Attys announce ready - Court set cases - Court had Joint Pre-Trial Order signed in Open Court - Court heard objections to exhibits and Motion in Limine filed by Dfts (Court Reporter Stacy Morrison.) (plh,) (Entered: 04/20/2004)
04/20/2004	87	AGREED PRETRIAL ORDER (Signed by Judge Mary Lou Robinson on 4/20/04) (plh,) (Entered: 04/20/2004)
04/20/2004	88	MOTION to Request Co-Counsel by John Craig Purvis (plh,) (Entered: 04/20/2004)
04/20/2004	89	MOTION TO DENY DFT'S TRIAL WITNESSES (Objection to Dft's Designation of Trial Witnesses) by John Craig Purvis (plh,) (Entered: 04/20/2004)
04/20/2004	90	MOTION TO DENY DFT'S WITNESS (Objection to Dfts Third Supplemental Disclosure) by John Craig Purvis (plh,) (Entered: 04/20/2004)
04/20/2004	91	MOTION FOR A PEN by John Craig Purvis (plh,) (Entered: 04/20/2004)

04/20/2004	92	Exhibit List by John Craig Purvis. (plh,) (Entered: 04/20/2004)
04/20/2004	93	Jury Roll. (attchments not imaged)(plh,) (Entered: 04/20/2004)
04/20/2004	94	Minute Entry for proceedings held before Judge Mary Lou Robinson : Jury Trial begun on 4/20/2004, Jury Trial completed on 4/20/2004, Jury Trial held on 4/20/04. Pre-Trial Conference in Courtroom - Voir Dire - Jury Panel seated & sworn - Opening Statements - Pltf announces to Court he wishes to dismiss claims - Court dismissed case and released the Jury - Exhibits returned to parties - (9:30-2:05) (Court Reporter Stacy Morrison.) (plh,) (Entered: 04/20/2004)
04/20/2004	95	FINAL JUDGMENT OF DISMISSAL - After the jury had been seated and sworn, and after witnesses had testified and been excused, Pltf sought dismissal of this case. The Court explained on the record to Pltf that any dismissal at this time would be with prejudice. Pltf nevertheless persisted in seeking dismissal of his case. Pltf's request to dismiss is granted. Ordered, Adjudged and Decreed that this case is dismissed with prejudice. (Signed by Judge Mary Lou Robinson on 4/20/04) (plh,) (Entered: 04/20/2004)
05/10/2004		Mail Returned as Undeliverable. 76 Order on Motion for Writ of Habeas Corpus ad testificandum,, 77 Writ of Habeas Corpus ad Testificandum Issued received back from John Craig Purvis as Released. (plh,) (Entered: 05/10/2004)
05/10/2004		Mail Returned as Undeliverable. 95 Judgment, received back from John Craig Purvis as Released. (plh,) (Entered: 05/10/2004)
05/11/2004		Mail Returned as Undeliverable. 79 Order on Motion to Postpone All Proceedings, received back from John Purvis as Released. (plh,) (Entered: 05/11/2004)

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