

**U.S. District Court
Eastern District of Virginia – (Alexandria)
CIVIL DOCKET FOR CASE #: 1:12-cv-01199-LMB-IDD**

Prieto v. Clarke et al
Assigned to: District Judge Leonie M. Brinkema
Referred to: Magistrate Judge Ivan D. Davis
Case in other court: 4th Circuit, 12-08025
4th Circuit, 13-08021
4th Circuit, 14-06226

Date Filed: 10/24/2012
Date Terminated: 04/15/2015
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Cause: 42:1983 Prisoner Civil Rights

Plaintiff

Alfredo Prieto

represented by **Abid Riaz Qureshi**
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Defendant

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Defendant

A. David Robinson
Deputy Director

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Defendant

E. Pearson
Warden

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Kate Elizabeth Dwyre
 (See above for address)
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/24/2012	<u>1</u>	COMPLAINT against Harold C. Clarke, E. Pearson, A. David Robinson, filed by Alfredo Prieto. (Attachments: # <u>1</u> Attachment 1, # <u>2</u> Attachment 2)(rban,) (Additional attachment(s) added on 10/25/2012: # <u>3</u> Envelope, # <u>4</u> Letter, # <u>5</u> Report Prisoner Data) (rban,). (Entered: 10/25/2012)
10/24/2012		CONSENT to Jurisdiction by US Magistrate Judge by Alfredo Prieto. (rban,) (Entered: 10/25/2012)
10/24/2012	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Alfredo Prieto. (rban,) (Entered: 10/25/2012)
11/02/2012	<u>3</u>	MEMORANDUM OPINION AND ORDER. Accordingly, it is hereby Ordered that plaintiffs claim regarding Sussex I State Prisons visitation policy be and is DISMISSED WITH PREJUDICE for failure to state a claim, pursuant to 28 U.S.C. § 1915A(b)(1); and it is further ORDERED that plaintiff's request to proceed in forma pauperis is conditionally granted to the extent that plaintiff need not prepay the filing fee at this time. Plaintiff is directed to sign and return the attached Consent Form within thirty (30) days from the date of this Order. If the Court grants plaintiff in forma pauperis status, he will be required to pay the filing fee in installments after first paying an initial filing fee; and it is further ORDERED that the Clerk request plaintiff's institution to provide an Inmate Account Report Form on plaintiff within thirty (30) days of the date of this Order; and it is further ORDERED that plaintiff's failure to comply with any part of this Order within THIRTY (30) DAYS FROM THE DATE OF THIS ORDER, or failure to notify this Court immediately in the event he is transferred, released, or otherwise relocated, may result in the dismissal of this complaint pursuant to Fed.R.Civ.P.41(b). (See Order For Details). Signed by District Judge Leonie M. Brinkema on 11/2/12. (nhall) (Entered: 11/05/2012)
11/14/2012	<u>4</u>	Prisoner Trust Fund Account Statement by Sussex I State Prison. (nhall) (Entered: 11/15/2012)
11/19/2012	<u>5</u>	Prisoner Payment: \$ 100.00, receipt number 14683032312. (Attachments: # <u>1</u> Letter) (nhall) (Entered: 11/20/2012)
11/23/2012	<u>6</u>	Consent to Collection of Fees by Alfredo Prieto. (nhall) (Entered: 11/26/2012)
11/26/2012	<u>7</u>	ORDER. Accordingly, it is hereby ORDERED that plaintiff's application to proceed in forma pauperis (Docket #2) be and is GRANTED; and it is further ORDERED that the petition be and is FILED in forma pauperis and it is further ORDERED that plaintiff's failure to notify the Court immediately in the event he is transferred, released, or otherwise relocated, may result in the dismissal of this complaint pursuant to Fed. R. Civ. P. 41(b). (See Order For Details). Signed by District Judge Leonie M. Brinkema on 11/26/12. (nhall) (Entered: 11/27/2012)
11/26/2012	<u>8</u>	NOTICE Of Mailing Notice Of Lawsuit and Request For Waiver Of Service Of Summons To Defendants by Harold C. Clarke, E. Pearson, A. David Robinson. (nhall) (Entered: 11/27/2012)
11/27/2012	<u>9</u>	Consent to Collection of Fees by Alfredo Prieto. (Attachments: # <u>1</u> Letter)(nhall) (Entered: 11/27/2012)
11/27/2012	<u>10</u>	NOTICE OF APPEAL as to <u>3</u> Order,,,,, by Alfredo Prieto. Appeal Fee Not Paid. Copy Mailed To Plaintiff. (Attachments: # <u>1</u> Letter)(nhall) (Entered: 11/27/2012)
11/27/2012	<u>11</u>	Transmission of Notice of Appeal to US Court of Appeals re <u>10</u> Notice of Appeal (All case opening forms, plus the transcript guidelines, may be obtained from the Fourth Circuit's website at www.ca4.uscourts.gov) (nhall) (Entered: 11/27/2012)

11/29/2012	<u>12</u>	USCA Case Number 12-8025 4th Circuit, Case Manager P. Stump for <u>10</u> Notice of Appeal filed by Alfredo Prieto. (nhall) (Entered: 12/03/2012)
11/29/2012	<u>13</u>	Letter To Court From USCA, please transmit the record to this office. (nhall) (Entered: 12/03/2012)
12/03/2012		Assembled INITIAL Electronic Record Transmitted to 4CCA re <u>10</u> Notice of Appeal. (nhall) (Entered: 12/03/2012)
12/07/2012	<u>14</u>	Prisoner Payment: \$42.04, receipt number 14683032682. (nhall) (Entered: 12/10/2012)
12/10/2012	<u>15</u>	NOTICE of Appearance by Abid Riaz Qureshi on behalf of Alfredo Prieto (Qureshi, Abid) (Entered: 12/10/2012)
12/19/2012	<u>17</u>	PRISONER PAYMENT: \$ 100.00, receipt number 14683032969 (Attachments: # <u>1</u> Cover Letter) (pmil) (Entered: 12/27/2012)
12/21/2012	<u>16</u>	PRISONER PAYMENT: \$ 9.45, receipt number 14683033001 (Attachments: # <u>1</u> Voucher) (pmil) (Entered: 12/27/2012)
12/31/2012	<u>18</u>	WAIVER OF SERVICE Returned Executed Harold C. Clarke waiver sent on 11/27/2012, answer due 1/28/2013. (Attachments: # <u>1</u> Letter)(rban,) (Entered: 12/31/2012)
01/02/2013	<u>19</u>	NOTICE of Appearance by Richard Carson Vorhis on behalf of Harold C. Clarke, E. Pearson, A. David Robinson (Vorhis, Richard) (Entered: 01/02/2013)
01/09/2013	<u>20</u>	Rule 45 Notice To The Plaintiff From USCA re <u>10</u> Notice of Appeal. (nhall) (Entered: 01/10/2013)
01/14/2013	<u>21</u>	Prisoner Payment: \$50.00, receipt number 14683033445. (nhall) (Entered: 01/16/2013)
01/25/2013	<u>22</u>	NOTICE of Appearance by Kate Elizabeth Dwyre on behalf of Harold C. Clarke, E. Pearson, A. David Robinson (Dwyre, Kate) (Entered: 01/25/2013)
01/25/2013	<u>23</u>	ANSWER to Complaint by Harold C. Clarke, E. Pearson, A. David Robinson.(Dwyre, Kate) (Entered: 01/25/2013)
01/25/2013	<u>24</u>	MOTION for Summary Judgment by Harold C. Clarke, E. Pearson, A. David Robinson. (Dwyre, Kate) (Entered: 01/25/2013)
01/25/2013	<u>25</u>	Memorandum in Support re <u>24</u> MOTION for Summary Judgment filed by Harold C. Clarke, E. Pearson, A. David Robinson. (Attachments: # <u>1</u> Affidavit of Eddie L. Pearson)(Dwyre, Kate) (Entered: 01/25/2013)
01/28/2013		Notice of Correction re <u>24</u> MOTION for Summary Judgment. The filing user has been notified to file a Notice of Hearing Date or a Notice of Waiver of Oral Argument for document number 24. (nhall) (Entered: 01/28/2013)
01/29/2013	<u>26</u>	Motion to appear Pro Hac Vice by Anne Hanson and Certification of Local Counsel Abid R. Qureshi Filing fee \$ 75, receipt number 0422-3376106. by Alfredo Prieto. (Qureshi, Abid) (Entered: 01/29/2013)
01/29/2013	<u>27</u>	Motion to appear Pro Hac Vice by Michael Bern and Certification of Local Counsel Abid R. Qureshi Filing fee \$ 75, receipt number 0422-3376122. by Alfredo Prieto. (Qureshi, Abid) (Entered: 01/29/2013)
01/29/2013	<u>28</u>	Motion to appear Pro Hac Vice by Katherine Gigliotti and Certification of Local Counsel Abid R. Qureshi Filing fee \$ 75, receipt number 0422-3376123. by Alfredo Prieto. (Qureshi, Abid) (Entered: 01/29/2013)
01/30/2013	<u>29</u>	Motion to appear Pro Hac Vice by Daniel Levy and Certification of Local Counsel Abid R. Qureshi Filing fee \$ 75, receipt number 0422-3377355. by Alfredo Prieto. (Qureshi, Abid) (Entered: 01/30/2013)
01/30/2013	<u>30</u>	Notice of Hearing Date set for March 1, 2013 re <u>24</u> MOTION for Summary Judgment (Dwyre, Kate) (Entered: 01/30/2013)
01/30/2013	<u>31</u>	ORDER granting <u>26</u> Motion for Pro hac vice. Signed by District Judge Leonie M. Brinkema on 1/30/13. (nhall) (Entered: 01/31/2013)

01/30/2013	<u>32</u>	ORDER granting <u>27</u> Motion for Pro hac vice. Signed by District Judge Leonie M. Brinkema on 1/30/13. (nhall) (Entered: 01/31/2013)
01/30/2013	<u>33</u>	ORDER granting <u>28</u> Motion for Pro hac vice. Signed by District Judge Leonie M. Brinkema on 1/30/13. (nhall) (Entered: 01/31/2013)
01/31/2013	<u>34</u>	ORDER granting <u>29</u> Motion for Pro hac vice. Signed by District Judge Leonie M. Brinkema on 1/31/13. (nhall) (Entered: 01/31/2013)
02/01/2013	<u>35</u>	NOTICE by Harold C. Clarke, E. Pearson, A. David Robinson re <u>25</u> Memorandum in Support (Attachments: # <u>1</u> Affidavit Eddie L. Pearson)(Dwyre, Kate) (Entered: 02/01/2013)
02/01/2013		Set Deadlines as to <u>24</u> MOTION for Summary Judgment . Motion Hearing set for 3/1/2013 at 10:00 AM in Alexandria Courtroom 600 before District Judge Leonie M. Brinkema. (clar,) (Entered: 02/01/2013)
02/01/2013	<u>36</u>	Prisoner Payment: \$ 33.50, receipt number 14683033796. (nhall) (Entered: 02/04/2013)
02/05/2013	<u>37</u>	MOTION to Redact re <u>1</u> Complaint, (<i>Unopposed</i>) by Alfredo Prieto. (Qureshi, Abid) (Entered: 02/05/2013)
02/05/2013	<u>38</u>	Memorandum in Support re <u>37</u> MOTION to Redact re <u>1</u> Complaint, (<i>Unopposed</i>) filed by Alfredo Prieto. (Qureshi, Abid) (Entered: 02/05/2013)
02/06/2013	<u>40</u>	ORDER of USCA as to <u>10</u> Notice of Appeal filed by Alfredo Prieto. The court dismisses this proceeding for failure to prosecute pursuant to Local Rule 45. (nhall) (Entered: 02/08/2013)
02/06/2013	<u>41</u>	USCA Mandate re <u>10</u> Notice of Appeal. This court's order dismissing this appeal pursuant to Local Rule 45 takes effect today. This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. (nhall) (Entered: 02/08/2013)
02/07/2013	<u>39</u>	ORDER, it is ORDERED, ADJUDGED AND DECREED as follows: For the reasons set forth in the accompanying supporting Memorandum, Plaintiff's Unopposed Motion {Dkt. No 37} for an Order allowing Plaintiff to redact the personal information of his family from the record in the above-captioned matter is granted and Plaintiff is directed to refile his Complaint with the aforementioned information redacted by Friday, February 15, 2013, and it is further ORDERED that the unredacted complaint and attachments be sealed immediately. Signed by District Judge Leonie M. Brinkema on 2/7/13. (nhall) (Entered: 02/08/2013)
02/08/2013	<u>42</u>	Memorandum in Opposition re <u>24</u> MOTION for Summary Judgment <i>and Requesting Discovery Pursuant to Fed. R. Civ. P. 56(d)</i> filed by Alfredo Prieto. (Attachments: # <u>1</u> Declaration of Michael Bern, # <u>2</u> Declaration of Alfredo Prieto)(Qureshi, Abid) (Entered: 02/08/2013)
02/15/2013	<u>43</u>	REDACTED COMPLAINT against Harold C. Clarke, E. Pearson, A. David Robinson, filed by Alfredo Prieto. (Attachments: # <u>1</u> Attachment 1 Part 1, # <u>2</u> Attachment 1 Part 2, # <u>3</u> Attachment 2, # <u>4</u> Certificate of Service, # <u>5</u> Letter, # <u>6</u> Report, # <u>7</u> Letter, # <u>8</u> Envelope)(nhall) (Entered: 02/20/2013)
02/20/2013	<u>44</u>	ORDER denying without prejudice <u>24</u> Motion for Summary Judgment; that a Scheduling Order be issued forthwith. Signed by District Judge Leonie M. Brinkema on 2/20/2013. (rban,) (Entered: 02/20/2013)
02/20/2013	<u>45</u>	SCHEDULING ORDER: Initial Pretrial Conference set for 3/6/2013 at 11:00 AM in Alexandria Courtroom 400 before Magistrate Judge Ivan D. Davis. Final Pretrial Conference set for 7/18/2013 at 10:00 AM in Alexandria Courtroom 600 before District Judge Leonie M. Brinkema. Discovery due by 7/12/2013. Signed by District Judge Leonie M. Brinkema on 2/20/2013. (Attachments: # <u>1</u> Magistrate Consent, # <u>2</u> Pretrial Notice)(rban,) (Entered: 02/20/2013)
02/27/2013	<u>46</u>	Discovery Plan by Harold C. Clarke, E. Pearson, Alfredo Prieto, A. David Robinson.(Qureshi, Abid) (Entered: 02/27/2013)

02/28/2013	<u>47</u>	Order Rule 16(b) Scheduling Order – Pursuant to the Rule 16(b) Conference it is ordered that the Proposed Joint Discovery Plan filed by the parties is approved and shall control discovery to the extent of its application unless further modified by the court. (See Order For Details). Signed by Magistrate Judge Ivan D. Davis on 2/28/13. (nhall) (Entered: 03/01/2013)
02/28/2013	<u>48</u>	Prisoner Payment: \$ 10.00, receipt number 14683034442. (nhall) (Entered: 03/04/2013)
03/26/2013	<u>49</u>	PLRA Filing fee received: \$ 10.80, receipt number 14683035021. (rban,) (Entered: 03/26/2013)
04/26/2013	<u>50</u>	PRISONER PAYMENT: \$ 10.80, receipt number 14683035747 (pmil) (Entered: 04/30/2013)
05/03/2013	<u>51</u>	MOTION to Compel <i>Photography During Inspection</i> by Alfredo Prieto. (Attachments: # <u>1</u> Proposed Order)(Qureshi, Abid) (Entered: 05/03/2013)
05/03/2013	<u>52</u>	Memorandum in Support re <u>51</u> MOTION to Compel <i>Photography During Inspection</i> filed by Alfredo Prieto. (Attachments: # <u>1</u> Declaration of Katherine Gigliotti, # <u>2</u> Exhibit A–1 to Gigliotti Declaration, # <u>3</u> Exhibit A–2 to Gigliotti Declaration, # <u>4</u> Exhibit A–3 to Gigliotti Declaration, # <u>5</u> Exhibit A–4 to Gigliotti Declaration, # <u>6</u> Exhibit A–5 to Gigliotti Declaration, # <u>7</u> Exhibit A–6 to Gigliotti Declaration, # <u>8</u> Exhibit A–7 to Gigliotti Declaration, # <u>9</u> Exhibit A–8 to Gigliotti Declaration, # <u>10</u> Exhibit A–9 to Gigliotti Declaration)(Qureshi, Abid) (Entered: 05/03/2013)
05/03/2013	<u>53</u>	Notice of Hearing Date set for 5/10/2013 re <u>51</u> MOTION to Compel <i>Photography During Inspection</i> (Qureshi, Abid) (Entered: 05/03/2013)
05/06/2013		Set Deadlines as to <u>51</u> MOTION to Compel <i>Photography During Inspection</i> . Motion Hearing set for 5/10/2013 at 10:00 AM in Alexandria Courtroom 400 before Magistrate Judge Ivan D. Davis. (clar,) (Entered: 05/06/2013)
05/06/2013		MOTIONS REFERRED to Magistrate Judge: Davis. <u>51</u> MOTION to Compel <i>Photography During Inspection</i> (clar,) (Entered: 05/06/2013)
05/06/2013	<u>54</u>	Reply to Motion re <u>51</u> MOTION to Compel <i>Photography During Inspection</i> filed by Harold C. Clarke, E. Pearson, A. David Robinson. (Dwyre, Kate) (Entered: 05/06/2013)
05/07/2013	<u>55</u>	REPLY to Response to Motion re <u>51</u> MOTION to Compel <i>Photography During Inspection</i> filed by Alfredo Prieto. (Qureshi, Abid) (Entered: 05/07/2013)
05/08/2013		Reset Deadlines as to <u>51</u> MOTION to Compel <i>Photography During Inspection</i> . Motion Hearing set for 5/10/2013 at 10:00 AM in Alexandria Courtroom 600 before District Judge Leonie M. Brinkema. (Per LMB chambers) (clar,) (Entered: 05/08/2013)
05/10/2013	<u>56</u>	Minute Entry for proceedings held before District Judge Leonie M. Brinkema: Motion Hearing held on 5/10/2013. Appearance of counsel. Pltf's <u>51</u> MOTION to Compel <i>Photography During Inspection</i> is argued and GRANTED. Pltf exhibit #1 booklet filed in open court.(order to follow) (Court Reporter A. Thomson.)(yguy) Modified on 5/10/2013 (yguy). (Entered: 05/10/2013)
05/10/2013	<u>57</u>	ORDER: For the reasons stated in open court, it is hereby ORDERED that the plaintiff's Motion to Compel Photography During Inspection [Dkt. No. 51] be and is GRANTED. Signed by District Judge Leonie M. Brinkema on 5/10/13. (yguy) (Entered: 05/10/2013)
05/11/2013	<u>58</u>	TRANSCRIPT of proceedings held on 5/10/2013, before Judge Brinkema, Court Reporter Anneliese Thomson, Telephone number 703–299–8595. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 6/10/2013. Redacted Transcript Deadline set for

		7/11/2013. Release of Transcript Restriction set for 8/9/2013.(thomson, anneliese) (Entered: 05/11/2013)
05/21/2013	<u>59</u>	Prisoner Payment: \$ 10.80, receipt number 14683036246. (nhall) (Entered: 05/22/2013)
06/21/2013	<u>60</u>	Prisoner Payment: \$20.80, receipt number 14683036944. (nhall) (Entered: 06/24/2013)
07/12/2013	<u>61</u>	Joint MOTION for Protective Order <i>Containing a Provision for Filing Documents Under Seal</i> by Alfredo Prieto. (Attachments: # <u>1</u> Exhibit 1 – Proposed Protective Order)(Qureshi, Abid) (Entered: 07/12/2013)
07/12/2013	<u>62</u>	Memorandum in Support re <u>61</u> Joint MOTION for Protective Order <i>Containing a Provision for Filing Documents Under Seal</i> filed by Alfredo Prieto. (Attachments: # <u>1</u> Exhibit 1 – Confidentiality Agreement)(Qureshi, Abid) (Entered: 07/12/2013)
07/15/2013		Notice of Correction re <u>61</u> Joint MOTION for Protective Order <i>Containing a Provision for Filing Documents Under Seal</i> . The filing user has been notified to file a Notice of Hearing Date or a Notice of Waiver of Oral Argument. (rban,) (Entered: 07/15/2013)
07/15/2013	<u>63</u>	NOTICE by Alfredo Prieto re <u>61</u> Joint MOTION for Protective Order <i>Containing a Provision for Filing Documents Under Seal of Waiver of Oral Argument</i> (Qureshi, Abid) (Entered: 07/15/2013)
07/16/2013	<u>72</u>	PROTECTIVE ORDER re: handling and labeling of confidential material. (See Order For Details). Signed by District Judge Leonie M. Brinkema on 7/16/13. (nhall) (Entered: 07/18/2013)
07/17/2013	<u>64</u>	Exhibit List by Harold C. Clarke, E. Pearson, A. David Robinson.. (Attachments: # <u>1</u> Operating Procedure Number 830.2, # <u>2</u> Department of Corrections SISP Institutional Rules & Regulations)(Dwyre, Kate) (Entered: 07/17/2013)
07/17/2013	<u>65</u>	Witness List by Harold C. Clarke, E. Pearson, A. David Robinson. (Dwyre, Kate) (Entered: 07/17/2013)
07/17/2013	<u>66</u>	Statement of Undisputed Facts by Harold C. Clarke, E. Pearson, A. David Robinson. (Dwyre, Kate) (Entered: 07/17/2013)
07/17/2013	<u>67</u>	MOTION to Seal <i>Information Designated as Confidential</i> by Alfredo Prieto. (Attachments: # <u>1</u> Proposed Order)(Qureshi, Abid) (Entered: 07/17/2013)
07/17/2013	<u>68</u>	Memorandum in Support re <u>67</u> MOTION to Seal <i>Information Designated as Confidential</i> filed by Alfredo Prieto. (Attachments: # <u>1</u> Exhibit 1 – Confidentiality Agreement)(Qureshi, Abid) (Entered: 07/17/2013)
07/17/2013	<u>69</u>	Rule 26 Disclosure by Alfredo Prieto. (Attachments: # <u>1</u> Exhibit A – Exhibit List, # <u>2</u> Exhibit B – Witness List, # <u>3</u> Exhibit C – Statement of Uncontested Facts (Submitted for Filing Under Seal))(Qureshi, Abid) (Entered: 07/17/2013)
07/17/2013	<u>70</u>	ORDER. It is therefore, ORDERED that Plaintiff's Motion, and the same hereby is, GRANTED; and it is further ORDERED that the designated information shall be SEALED pursuant to Local Civil Rule 5 and shall remain SEALED until further Order of the Court. (See Order For Details). Signed by District Judge Leonie M. Brinkema on 7/17/13. (nhall) (Entered: 07/18/2013)
07/17/2013	<u>71</u>	Sealed Document re <u>69</u> Rule 26 Disclosure. (nhall) (Entered: 07/18/2013)
07/18/2013	<u>73</u>	Minute Entry for proceedings held before District Judge Leonie M. Brinkema:Final Pretrial Conference held on 7/18/2013. All parties appeared by telephone conference. Exhibits/Witness lists have been filed & exchanged. Trial date not set at this time. Summary Judgment Motion Hearing set for 9/6/2013 at 10:00 AM in Alexandria Courtroom 600 before District Judge Leonie M. Brinkema. (Court Reporter A. Thomson.)(yguy) (Entered: 07/18/2013)
07/18/2013	<u>74</u>	MOTION for Summary Judgment by Alfredo Prieto. (Attachments: # <u>1</u> Proposed Order)(Qureshi, Abid) (Entered: 07/18/2013)

07/18/2013	<u>75</u>	Memorandum in Support re <u>74</u> MOTION for Summary Judgment (<i>Redacted</i>) filed by Alfredo Prieto. (Attachments: # <u>1</u> Declaration of Daniel Levy, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Exhibit 16, # <u>18</u> Exhibit 17, # <u>19</u> Exhibit 18, # <u>20</u> Exhibit 19, # <u>21</u> Exhibit 20, # <u>22</u> Exhibit 21, # <u>23</u> Exhibit 22, # <u>24</u> Exhibit 23, # <u>25</u> Exhibit 24, # <u>26</u> Exhibit 25, # <u>27</u> Exhibit 26, # <u>28</u> Exhibit 27, # <u>29</u> Exhibit 28, # <u>30</u> Exhibit 29, # <u>31</u> Exhibit 30, # <u>32</u> Exhibit 31, # <u>33</u> Exhibit 32, # <u>34</u> Exhibit 33, # <u>35</u> Exhibit 34, # <u>36</u> Exhibit 35, # <u>37</u> Exhibit 36, # <u>38</u> Exhibit 37)(Qureshi, Abid) (Entered: 07/18/2013)
07/18/2013	<u>76</u>	Notice of Hearing Date re <u>74</u> MOTION for Summary Judgment (Qureshi, Abid) (Entered: 07/18/2013)
07/18/2013	<u>78</u>	Sealed Document re <u>75</u> Memorandum in Support,... (Attachments: # <u>1</u> Exhibit 10, # <u>2</u> Exhibit 11, # <u>3</u> Exhibit 17, # <u>4</u> Exhibit 18, # <u>5</u> Exhibit 20, # <u>6</u> Exhibit 21, # <u>7</u> Exhibit 22, # <u>8</u> Exhibit 23, # <u>9</u> Exhibit 24, # <u>10</u> Exhibit 25, # <u>11</u> Exhibit 26, # <u>12</u> Exhibit 27, # <u>13</u> Exhibit 28, # <u>14</u> Exhibit 30)(nhall) (Entered: 07/19/2013)
07/19/2013		Set Deadlines as to <u>74</u> MOTION for Summary Judgment . Motion Hearing set for 9/6/2013 at 10:00 AM in Alexandria Courtroom 600 before District Judge Leonie M. Brinkema. (clar,) (Entered: 07/19/2013)
07/19/2013	<u>77</u>	Redacted Document to <u>71</u> Sealed Document (<i>Exhibit C to Rule 26(a)(3) Disclosures</i>) by Alfredo Prieto. (Qureshi, Abid) (Entered: 07/19/2013)
07/22/2013		Notice of Correction re <u>77</u> Redacted Document. The filing user DOES NOT need to refile a signed copy of the document as previously directed.(nhall) Text Modified on 7/26/2013 (nhall). (Entered: 07/22/2013)
07/26/2013	<u>79</u>	MOTION for Summary Judgment by Harold C. Clarke, E. Pearson, A. David Robinson. (Dwyre, Kate) (Entered: 07/26/2013)
07/26/2013	<u>80</u>	Memorandum in Support re <u>79</u> MOTION for Summary Judgment filed by Harold C. Clarke, E. Pearson, A. David Robinson. (Attachments: # <u>1</u> Exhibit 1 – Affidavit of Keith W. Davis, # <u>2</u> Exhibit 2 – Excerpts from the deposition of Harold W. Clarke, # <u>3</u> Exhibit 3 – Excerpts from the deposition of A. David Robinson, # <u>4</u> Exhibit 4 – Excerpts from the deposition of Keith Davis)(Dwyre, Kate) (Entered: 07/26/2013)
08/01/2013	<u>81</u>	RESPONSE to Motion re <u>74</u> MOTION for Summary Judgment filed by Harold C. Clarke, E. Pearson, A. David Robinson. (Attachments: # <u>1</u> Exhibit 1 – Affidavit of Keith W. Davis, # <u>2</u> Exhibit 2 – Deposition Excerpts of Harold W. Clarke, # <u>3</u> Exhibit 3 – Deposition Excerpts of Arnold David Robinson, # <u>4</u> Exhibit 4 – Deposition Excerpts of Keith Davis, # <u>5</u> Exhibit 5 – Deposition Excerpts of James Parks)(Dwyre, Kate) (Entered: 08/01/2013)
08/08/2013	<u>82</u>	REPLY to Response to Motion re <u>74</u> MOTION for Summary Judgment filed by Alfredo Prieto. (Attachments: # <u>1</u> Declaration of Daniel Levy, # <u>2</u> Exhibit 38, # <u>3</u> Exhibit 39, # <u>4</u> Exhibit 40, # <u>5</u> Exhibit 41, # <u>6</u> Exhibit 42)(Qureshi, Abid) (Entered: 08/08/2013)
08/09/2013	<u>83</u>	RESPONSE in Opposition re <u>79</u> MOTION for Summary Judgment filed by Alfredo Prieto. (Attachments: # <u>1</u> Declaration of Daniel Levy, # <u>2</u> Exhibit 43, # <u>3</u> Exhibit 44, # <u>4</u> Exhibit 45, # <u>5</u> Exhibit 46, # <u>6</u> Exhibit 47, # <u>7</u> Exhibit 48, # <u>8</u> Exhibit 49, # <u>9</u> Exhibit 50, # <u>10</u> Exhibit 51)(Qureshi, Abid) (Entered: 08/09/2013)
08/09/2013	<u>84</u>	Sealed Document EXHIBIT 51 re <u>83</u> Response in Opposition to Motion,. (klau,) (Entered: 08/12/2013)
08/12/2013	<u>85</u>	Reply to <u>83</u> Response in Opposition to Motion, filed by Harold C. Clarke, E. Pearson, A. David Robinson. (Vorhis, Richard) (Entered: 08/12/2013)
09/06/2013	<u>86</u>	Minute Entry for proceedings held before District Judge Leonie M. Brinkema:Motion Hearing held on 9/6/2013. Appearance of counsel. Pltf's <u>74</u> MOTION for Summary Judgment and defts' <u>79</u> MOTION for Summary Judgment were argued and TAKEN UNDER ADVISEMENT. (Court Reporter A. Thomson.)(yguy) (Entered: 09/06/2013)

09/06/2013	<u>87</u>	NOTICE by Alfredo Prieto of <i>Filing Deposition Transcripts</i> (Attachments: # <u>1</u> Exhibit A – Deposition of Harold W. Clarke, # <u>2</u> Exhibit B – Deposition of James Parks)(Qureshi, Abid) (Entered: 09/06/2013)
09/09/2013	<u>88</u>	Letter for <i>Clarification of Status of Post–Conviction Proceedings</i> . (Qureshi, Abid) (Entered: 09/09/2013)
09/12/2013	<u>89</u>	Letter of <i>Status</i> . (Vorhis, Richard) (Entered: 09/12/2013)
09/20/2013	<u>90</u>	TRANSCRIPT of proceedings held on 9/6/2013, before Judge Brinkema, Court Reporter Anneliese Thomson, Telephone number 703–299–8595. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 10/21/2013. Redacted Transcript Deadline set for 11/20/2013. Release of Transcript Restriction set for 12/19/2013. (thomson, anneliese) (Entered: 09/20/2013)
11/12/2013	<u>91</u>	MEMORANDUM OPINION re: <u>74</u> MOTION for Summary Judgment by Alfredo Prieto, <u>79</u> MOTION for Summary Judgment by Harold C. Clarke, E. Pearson, A. David Robinson. (See Memorandum Opinion For Details). Signed by District Judge Leonie M. Brinkema on 11/12/13. (nhall) (Entered: 11/13/2013)
11/12/2013	<u>92</u>	ORDER for the reasons stated in the accompanying Memorandum Opinion, granting <u>74</u> Motion for Summary Judgment; denying <u>79</u> Motion for Summary Judgment and it is hereby ORDERED that judgment be ans is entered in favor of plaintiff. (See Order For Details). Signed by District Judge Leonie M. Brinkema on 11/12/13. (nhall) (Entered: 11/13/2013)
11/13/2013	<u>93</u>	CLERK'S JUDGMENT in favor of the Plaintiff, Alfredo Prieto and against the Defendants, Harold C. Clarke, A. David Robinson and E. Pearson. (Entered by Clerk pursuant to FRCP 58). (nhall) (Entered: 11/13/2013)
11/25/2013	<u>94</u>	MOTION for Attorney Fees by Alfredo Prieto. (Attachments: # <u>1</u> Proposed Order)(Qureshi, Abid) (Entered: 11/25/2013)
11/25/2013	<u>95</u>	Memorandum in Support re <u>94</u> MOTION for Attorney Fees filed by Alfredo Prieto. (Attachments: # <u>1</u> Declaration of Abid Qureshi, # <u>2</u> Attachemnt 1 to Declaration of Abid Qureshi, # <u>3</u> Attachemnt 2 to Declaration of Abid Qureshi, # <u>4</u> Attachemnt 3 to Declaration of Abid Qureshi)(Qureshi, Abid) (Entered: 11/25/2013)
11/25/2013	<u>96</u>	Notice of Hearing Date set for 12/20/2013 re <u>94</u> MOTION for Attorney Fees (Qureshi, Abid) (Entered: 11/25/2013)
11/26/2013		Set Deadlines as to <u>94</u> MOTION for Attorney Fees . Motion Hearing set for 12/20/2013 at 10:00 AM in Alexandria Courtroom 600 before District Judge Leonie M. Brinkema. (clar,) (Entered: 11/26/2013)
11/26/2013	<u>97</u>	ORDER. Accordingly, it is hereby ORDERED that the hearing on plaintiff's Petition for Attorneys' Fees and Costs [Dkt. No. 94] be and is advanced to 10:00 a.m. on Thursday, December 19, 2013. (See Order For Details). Reset Deadlines as to <u>94</u> MOTION for Attorney Fees. Motion Hearing set for 12/19/2013 at 10:00 AM in Alexandria Courtroom 600 before District Judge Leonie M. Brinkema. Signed by District Judge Leonie M. Brinkema on 11/26/13. (nhall) (Entered: 11/27/2013)
12/12/2013	<u>98</u>	Response to <u>94</u> MOTION for Attorney Fees filed by Harold C. Clarke, E. Pearson, A. David Robinson. (Dwyre, Kate) (Entered: 12/12/2013)
12/12/2013	<u>100</u>	NOTICE OF APPEAL as to <u>91</u> Memorandum Opinion, <u>92</u> Order on Motion for Summary Judgment, by Harold C. Clarke, E. Pearson, A. David Robinson. Filing fee \$ 505, receipt number 14683040680. (Attachments: # <u>1</u> Receipt)(nhall) (Additional attachment(s) added on 12/18/2013: # <u>2</u> Letter, # <u>3</u> Letter) (nhall). (Entered: 12/18/2013)

12/13/2013	<u>99</u>	ORDER granting <u>94</u> Motion for Attorney Fees, and it is hereby ORDERED that plaintiff is entitled to attorneys' fees in the amount of \$151,734.39 and costs in the amount of \$13,661.60 for a total award of \$165,395.99; and it is further ORDERED that the hearing scheduled for Thursday, December 19, 2013, be and is CANCELLED. (See Order For Details). Signed by District Judge Leonie M. Brinkema on 12/13/13. (nhall) (Entered: 12/16/2013)
12/18/2013	<u>101</u>	Transmission of Notice of Appeal to US Court of Appeals re <u>100</u> Notice of Appeal (All case opening forms, plus the transcript guidelines, may be obtained from the Fourth Circuit's website at www.ca4.uscourts.gov) (nhall) (Entered: 12/18/2013)
12/19/2013	<u>102</u>	USCA Case Number 13-8021 4th Circuit, Case Manager RJ Warren for <u>100</u> Notice of Appeal, filed by Harold C. Clarke, E. Pearson, A. David Robinson. (rban,) (Entered: 12/19/2013)
12/20/2013	<u>103</u>	MOTION to Stay re <u>92</u> Order on Motion for Summary Judgment,,, <u>99</u> Order on Motion for Attorney Fees, <i>Motion for Temporary Stay Pending Appeal</i> by Harold C. Clarke, E. Pearson, A. David Robinson. (Dwyre, Kate) (Entered: 12/20/2013)
12/20/2013	<u>104</u>	Memorandum in Support re <u>103</u> MOTION to Stay re <u>92</u> Order on Motion for Summary Judgment,,, <u>99</u> Order on Motion for Attorney Fees, <i>Motion for Temporary Stay Pending Appeal</i> filed by Harold C. Clarke, E. Pearson, A. David Robinson. (Dwyre, Kate) (Entered: 12/20/2013)
12/23/2013		Notice of Correction re <u>103</u> MOTION to Stay re <u>92</u> Order on Motion for Summary Judgment,,, <u>99</u> Order on Motion for Attorney Fees, <i>Motion for Temporary Stay Pending Appeal</i> . The filing user has been notified to file a Notice of Hearing Date or a Notice of Waiver of Oral Argument.(gwalk,) (Entered: 12/23/2013)
12/27/2013	<u>105</u>	Notice of Hearing Date set for January 10, 2014 re <u>103</u> MOTION to Stay re <u>92</u> Order on Motion for Summary Judgment,,, <u>99</u> Order on Motion for Attorney Fees, <i>Motion for Temporary Stay Pending Appeal</i> (Dwyre, Kate) (Entered: 12/27/2013)
12/30/2013		Set Deadlines as to <u>103</u> MOTION to Stay re <u>92</u> Order on Motion for Summary Judgment,,, <u>99</u> Order on Motion for Attorney Fees, <i>Motion for Temporary Stay Pending Appeal</i> . Motion Hearing set for 1/10/2014 at 10:00 AM in Alexandria Courtroom 600 before District Judge Leonie M. Brinkema. (klau,) (Entered: 12/30/2013)
12/31/2013	<u>106</u>	Opposition to <u>103</u> MOTION to Stay re <u>92</u> Order on Motion for Summary Judgment,,, <u>99</u> Order on Motion for Attorney Fees, <i>Motion for Temporary Stay Pending Appeal</i> filed by Alfredo Prieto. (Attachments: # <u>1</u> Declaration of Katherine Gigliotti, # <u>2</u> Exhibit A to Gigliotti Declaration)(Qureshi, Abid) (Entered: 12/31/2013)
01/10/2014	<u>107</u>	Minute Entry for proceedings held before District Judge Leonie M. Brinkema:Motion Hearing held on 1/10/2014. Appearance of counsel. Deft's <u>103</u> MOTION to Stay re <u>92</u> Order on Motion for Summary Judgment,,, <u>99</u> Order on Motion for Attorney Fees, <i>Motion for Temporary Stay Pending Appeal</i> is argued and DENIED. (order to follow) (Court Reporter A. Thomson.)(yguy) (Entered: 01/10/2014)
01/10/2014	<u>108</u>	ORDER: For the reasons stated in open court, it is hereby ORDERED that defendants' Motion for Temporary Stay Pending Appeal [Dkt. No. 103] be and is DENIED.. Signed by District Judge Leonie M. Brinkema on 1/10/14. (yguy) (Entered: 01/10/2014)
01/14/2014	<u>109</u>	TRANSCRIPT of proceedings held on 1/10/2014, before Judge Leonie M. Brinkema, Court Reporter Anneliese Thomson, Telephone number 703-299-8595. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have thirty(30) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.vaed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 2/13/2014. Redacted Transcript Deadline set for 3/17/2014. Release of Transcript Restriction set for 4/14/2014.(thomson, anneliese) (Entered: 01/14/2014)

01/27/2014	<u>110</u>	MOTION for Extension of <i>Time to Appeal</i> by Harold C. Clarke, E. Pearson, A. David Robinson. (Vorhis, Richard) (Entered: 01/27/2014)
02/04/2014	<u>111</u>	ORDER. Accordingly, it is hereby ORDERED that defendants have until February 7, 2014, to file their Notice of Appeal of the award of attorneys' fees entered on December 13, 2013. (See Order For Details). Signed by District Judge Leonie M. Brinkema on 2/4/14. (nhall) (Entered: 02/06/2014)
02/06/2014	<u>112</u>	NOTICE OF APPEAL as to <u>99</u> Order on Motion for Attorney Fees by Harold C. Clarke, E. Pearson, A. David Robinson (Dwyre, Kate) Text Modified on 2/12/2014 To Reflect Correct Event Choice (nhall). (Entered: 02/06/2014)
02/10/2014	<u>113</u>	Filing fee: \$ 505, receipt number 14683041714. (Attachments: # <u>1</u> Letter) (nhall) (Entered: 02/12/2014)
02/12/2014	<u>114</u>	NOTICE OF APPEAL as to <u>99</u> Order on Motion for Attorney Fees, by Harold C. Clarke, E. Pearson, A. David Robinson. Filing fee \$ 505. (nhall) Text Modified on 2/12/2014 To Reflect Duplicate Filing For Document #112, As Unable To Link Transmittal Sheet And Forward To 4th Circuit Due To Incorrect Initial Event Choice(nhall). (Entered: 02/12/2014)
02/12/2014	<u>115</u>	Transmission of Notice of Appeal to US Court of Appeals re <u>114</u> Notice of Appeal, (All case opening forms, plus the transcript guidelines, may be obtained from the Fourth Circuit's website at www.ca4.uscourts.gov) (nhall) (Entered: 02/12/2014)
02/12/2014	<u>116</u>	USCA Case Number 14-6226 4th Circuit, Case Manager RJ Warren for <u>114</u> Notice of Appeal, filed by Harold C. Clarke, E. Pearson, A. David Robinson. (rban,) (Entered: 02/12/2014)
02/20/2014	<u>117</u>	ORDER of USCA as to <u>114</u> Notice of Appeal, filed by Harold C. Clarke, E. Pearson, A. David Robinson, <u>100</u> Notice of Appeal, filed by Harold C. Clarke, E. Pearson, A. David Robinson. Upon consideration of submissions relative to the motion to consolidate, the court grants the motion and consolidates Case No. 13-8021 and Case 14-6226. (rban,) (Entered: 02/20/2014)
03/10/2015	<u>118</u>	PUBLISHED Opinion of USCA, decided re <u>114</u> Notice of Appeal, <u>100</u> Notice of Appeal, Reversed. (rban,) (Entered: 03/10/2015)
03/10/2015	<u>119</u>	USCA JUDGMENT as to <u>114</u> Notice of Appeal, filed by Harold C. Clarke, E. Pearson, A. David Robinson, <u>100</u> Notice of Appeal, filed by Harold C. Clarke, E. Pearson, A. David Robinson. In accordance with the decision of this court, the judgment of the district court is reversed. This judgment shall take effect upon issuance of this court's mandate in accordance with FRAP 41. (rban,) (Entered: 03/10/2015)
03/25/2015	<u>120</u>	Appeal Remark re <u>114</u> Notice of Appeal, <u>100</u> Notice of Appeal,: The mandate is stayed pending further order of this court. (rban,) (Entered: 03/25/2015)
04/07/2015	<u>121</u>	ORDER of USCA as to <u>114</u> Notice of Appeal, filed by Harold C. Clarke, E. Pearson, A. David Robinson, <u>100</u> Notice of Appeal, filed by Harold C. Clarke, E. Pearson, A. David Robinson. The court denies the petition for rehearing en banc. (rban,) (Entered: 04/07/2015)
04/15/2015	<u>122</u>	USCA Mandate re <u>114</u> Notice of Appeal, <u>100</u> Notice of Appeal. The judgment of this court, entered 3/10/2015, takes effect today. This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of FRAP. (rban,) (Entered: 04/15/2015)
10/05/2015	<u>123</u>	Letter to the court requesting documentation. (dvanm,) (Entered: 10/05/2015)
06/07/2017	<u>124</u>	Letter to the court. (dvanm,) (Entered: 06/07/2017)
06/07/2017	<u>125</u>	PAYMENT FOR COPY REQUEST: \$ 2.00, receipt number 14683066504 filed by Elbert Smith (dest,) (Entered: 06/13/2017)
06/12/2017	<u>126</u>	ORDER- it is hereby ORDRED that the Clerk return the \$2.00 money order to Mr. Smith. Signed by District Judge Leonie M. Brinkema on 6/12/2017. (see Order for further details)(dest,)(copy sent as directed in the Order) (Entered: 06/13/2017)