

**U.S. District Court
Western District of Virginia (Roanoke)
CIVIL DOCKET FOR CASE #: 7:05-cv-00642-PMS**

Couch v. Jabe et al
Assigned to: Magistrate Judge Pamela Meade Sargent
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 10/17/2005
Date Terminated: 03/19/2007
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Willam R. Couch

represented by **Willam R. Couch**
186347
Keen Mountain Correctional Center
P.O. Box 860
Oakwood, VA 24631-0860
PRO SE

V.

Defendant

John Jabe

represented by **William W. Muse**
Office of the Attorney General
202 North Ninth Street
Richmond, VA 23219
804-786-0046
Fax: 804-786-4239
Email: wmuse@oag.state.va.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Larry Huffman

represented by **William W. Muse**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Linda B. Shear

represented by **William W. Muse**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Kathleen Bassett

represented by **William W. Muse**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

R. B. Phillips

represented by **William W. Muse**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Major K. Pickerel

represented by **William W. Muse**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Mike Oslin

represented by **William W. Muse**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
10/17/2005	<u>1</u>	COMPLAINT pursuant to 42 U.S.C. 1983 against all defendants , filed by Willam R. Couch. (Attachments: # <u>1</u> Attachment to Complaint# <u>2</u> Exhibit A – L# <u>3</u> Exhibit M – U)(tvt)
10/17/2005	<u>2</u>	FINANCIAL AFFIDAVIT re; inmate account information by Willam R. Couch. (tvt)
10/19/2005	<u>3</u>	Order entered conditionally Filing this action; Assessing a filing fee of \$ 250.00; Deferring all action in this case; Pltf is granted in forma pauperis; Pltf to return consent form within 20 days Advising inmate to comply within the allotted time and to notify of changes in address or risk dismissal re <u>1</u> Complaint . Signed by Judge Michael F. Urbanski on October 19, 2005. (eot)
10/25/2005	<u>4</u>	Consent to Fee by Plaintiff Willam R. Couch. (eot)
10/27/2005	<u>5</u>	Order entered Directing the Clerk to attempt service of process by mailing notice of waiver of service of summons and appropriate paperwork to each of the defts c/o Office of Attorney General . Signed by Judge Michael F. Urbanski on October 26, 2005. (eot)
10/27/2005	<u>6</u>	REQUEST FOR WAIVER of Service sent to John Gabe, et al. on October 27, 2005. Waiver of Service due by 11/28/2005. (eot)
10/27/2005	7	Certified Mail Receipt re Order, Request for Waiver and Peition sent to all defts c/o Office of Atty General (eot) Modified on 10/27/2005 to state what was sent (eot,).
11/01/2005	<u>8</u>	RETURN of service of Order, Waiver and Petition on October 28, 2005 upon c/o Office of Atty. General (eot)
11/07/2005	<u>9</u>	Letter by Willam R. Couch advising that Keen Mountain Correctional Center has changed its address to P.O. Box 860 Oakwood, Va 24631. (eot)
11/22/2005	<u>10</u>	WAIVER OF SERVICE Returned Executed by John Jabe, Larry Huffman, Linda B. Shear, Kathleen Bassett, R. B. Phillips, Major K. Pickerel, Mike Oslin. John Jabe waiver sent on 10/27/2005, answer due 12/27/2005; Larry Huffman waiver sent on 10/27/2005, answer due 12/27/2005; Linda B. Shear waiver sent on 10/27/2005, answer due 12/27/2005; Kathleen Bassett waiver sent on 10/27/2005, answer due 12/27/2005; R. B. Phillips waiver sent on 10/27/2005, answer due 12/27/2005; Major K. Pickerel waiver sent on 10/27/2005, answer due 12/27/2005; Mike Oslin waiver sent on 10/27/2005, answer due 12/27/2005. (Muse, William)
12/15/2005	<u>11</u>	MOTION for Extension of Time to File Response/Reply by John Jabe, Larry Huffman, Linda B. Shear, Kathleen Bassett, R. B. Phillips, Major K. Pickerel, Mike Oslin. (Muse, William)
12/19/2005	<u>12</u>	ORDER granting <u>11</u> Motion for Extension of Time to File Response; Responses due by 1/13/2006. Signed by Judge Michael F. Urbanski on December 19, 2005. (eot)
01/05/2006		Filing fee: \$ 51.84, receipt number 700006110 (kab)
01/12/2006	<u>13</u>	MOTION for Summary Judgment by John Jabe, Larry Huffman, Linda B. Shear, Kathleen Bassett, R. B. Phillips, Major K. Pickerel, Mike Oslin. (Muse, William)
01/12/2006	<u>14</u>	Brief / Memorandum in Support re <u>13</u> MOTION for Summary Judgment filed by John Jabe, Larry Huffman, Linda B. Shear, Kathleen Bassett, R. B. Phillips, Major K. Pickerel, Mike Oslin. (Attachments: # <u>1</u> Affidavit Bassett – Exh. 1 (part 1 of 3)# <u>2</u> Affidavit Bassett – Exh. 1 (part 2 of 3)# <u>3</u> Affidavit Bassett – Exh. 1 (part 3 of 3)# <u>4</u>

		Affidavit Olsin – Exh. 2# <u>5</u> Affidavit Phillips – Exh. 3# <u>6</u> Affidavit Pickerel – Exh. 4# <u>7</u> Affidavit Shear – Exh. 5)(Muse, William)
01/13/2006	<u>15</u>	Roseboro Notice re Motion for summary judgment <u>13</u> (eot)
01/25/2006	<u>17</u>	CONSENT to Jurisdiction by US Magistrate Judge by Willam R. Couch, John Jabe. (eot) (Entered: 02/02/2006)
01/30/2006	<u>16</u>	RESPONSE in Opposition re <u>13</u> MOTION for Summary Judgment filed by Willam R. Couch. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4)(eot)
02/07/2006	<u>18</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Pamela Meade Sargent for all further proceedings. Judge James C. Turk no longer assigned to case. Signed by Judge James C. Turk on February 2, 2006. (eot)
02/08/2006	<u>19</u>	Letter by Willam R. Couch. (eot)
02/08/2006	<u>20</u>	Letter sent to William Couch with copy of brief. (Attachments: # <u>1</u> Copy of Brief in Opposition to Defendants Motion for Summary Judgment)(eot)
02/09/2006	<u>21</u>	MOTION to Supplement Pleadings re <u>1</u> by Willam R. Couch. (Attachments: # <u>1</u> Supplemental Pleadings# <u>2</u> Exhibit I# <u>3</u> Exhibit II # <u>4</u> Exhibit III # <u>5</u> Exhibit IV# <u>6</u> Exhibit V# <u>7</u> Exhibit VI # <u>8</u> Exhibit VII # <u>9</u> Exhibit VIII# <u>10</u> Exhibit IX # <u>11</u> Letter/Envelope)(eot)
02/09/2006	<u>22</u>	Letter by Willam R. Couch. (eot)
02/09/2006	<u>23</u>	Letter sent to William Couch. (eot)
02/10/2006	<u>24</u>	ORDER directing the defendants to respond to plaintiff's Motion to Supplement Pleadings within 10 days of the date of entry of this Order. Signed by Judge Pamela Meade Sargent on 2/10/06. (Bordwine, Robin)
02/21/2006	<u>25</u>	Response re <u>24</u> Order <i>Response To The Court's February 10, 2006, Order</i> filed by John Jabe, Larry Huffman, Linda B. Shear, Kathleen Bassett, R. B. Phillips, Major K. Pickerel, Mike Oslin. (Muse, William)
02/22/2006	<u>26</u>	MINUTE ORDER granting <u>21</u> Motion to Supplement Pleadings and ordering Clerk's Office to file supplemental pleading attached to motion as supplemental complaint. Defendants shall file responsive pleadings within 20 days. Signed by Judge Pamela Meade Sargent on 2/22/06. (Sargent, Pamela)
02/28/2006	<u>27</u>	Objections to Motion for enlargement of time by Plaintiff Willam R. Couch re <u>25</u> (eot)
03/27/2006		Filing fee: \$ 29.98, receipt number 700007166 (kab)
03/27/2006	<u>28</u>	Letter by Willam R. Couch. (eot)
03/28/2006	<u>29</u>	ORDER regarding Order on Motion to Amend/Correct, 26 Responses due by 4/4/2006. Signed by Judge Pamela Meade Sargent on 3/28/06. (eps,)
03/29/2006	<u>30</u>	Brief / Memorandum in Support re <u>13</u> MOTION for Summary Judgment (<i>Supplemental</i>) filed by John Jabe, Larry Huffman, Linda B. Shear, Kathleen Bassett, R. B. Phillips, Major K. Pickerel, Mike Oslin. (Attachments: # <u>1</u> Affidavit R. Sandifer – Exhibit I# <u>2</u> Affidavit Kathleen Bassett – Exhibit 2# <u>3</u> Affidavit Louis B. Cei – Exhibit 3)(Muse, William)
03/31/2006	<u>31</u>	"MOTION to Strike Defendants' response to supplemental pleadings," re: <u>25</u> Response by Willam R. Couch. (Attachments: # <u>1</u> cover letter and envelope)(kab)
04/10/2006	<u>32</u>	Response re <u>30</u> Supplemental Brief filed by Willam R. Couch. (Attachments: # <u>1</u> Exhibit A)(eot)
04/11/2006	<u>33</u>	Letter by Willam R. Couch requesting copy of docket report. (eot)
04/14/2006	<u>34</u>	DEMAND for Trial by Jury by Willam R. Couch. (kab)
05/04/2006	<u>35</u>	NOTICE of Change of Address by Willam R. Couch. New address: Keen Mountain Correctional Center Post Office Box 860 Oakwood, Va 24631–0860 (eot)

05/16/2006		Filing fee: \$ 14.00, receipt number 700007930 (kab)
07/07/2006	<u>36</u>	Letter by Willam R. Couch. (tvt)
07/17/2006		Filing fee: \$ 49.16 for William Couch, receipt number 700008813 (eot)
07/21/2006	<u>37</u>	Letter by Willam R. Couch. (tvt)
08/17/2006	<u>38</u>	Letter by Willam R. Couch. (eot)
08/17/2006	39	Docket sheet sent to William Couch on 8/17/06. (eot)
08/30/2006	<u>40</u>	MOTION for Preliminary Injunction by Willam R. Couch. (kab)
08/30/2006	<u>41</u>	Brief / Memorandum in Support re <u>40</u> MOTION for Preliminary Injunction filed by Willam R. Couch. (kab)
08/30/2006	<u>42</u>	AFFIDAVIT in Support re <u>40</u> MOTION for Preliminary Injunction filed by Willam R. Couch. (kab)
08/30/2006	<u>43</u>	MOTION to Appoint Counsel by Willam R. Couch. (Attachments: # <u>1</u> cover letter and envelope)(kab)
09/06/2006	<u>44</u>	MOTION to Post Security for Preliminary Injunction by Willam R. Couch. (tvt)
09/08/2006	<u>45</u>	ORDER denying <u>43</u> Motion to Appoint Counsel . Signed by Judge Pamela Meade Sargent on 9/8/06. (eps,)
09/08/2006	<u>46</u>	ORDER regarding MOTION for Preliminary Injunction <u>40</u> filed by Willam R. Couch., MOTION to Post Security for Preliminary Injunction <u>44</u> filed by Willam R. Couch; Set Motion Deadlines as to <u>40</u> MOTION for Preliminary Injunction, <u>44</u> MOTION to Post Security for Preliminary Injunction: Responses due by 9/21/2006. Signed by Judge Pamela Meade Sargent on 9/8/06. (eps,)
09/19/2006	<u>47</u>	Response <i>To Motion For Preliminary Injunction And Motion To Post Security For Preliminary Injunction</i> filed by John Jabe, Larry Huffman, Linda B. Shear, Kathleen Bassett, R. B. Phillips, Major K. Pickerel, Mike Oslin. (Attachments: # <u>1</u> Affidavit Exhibit I – Shear# <u>2</u> Affidavit Exhibit II – Lockhart)(Muse, William)
09/20/2006	<u>48</u>	Letter regarding defendant's possible filing for extension of time by Willam R. Couch. (tvt)
09/20/2006		Filing fee: \$ 55.61, receipt number 700009786 (kab)
09/22/2006	<u>49</u>	MEMORANDUM OPINION. Signed by Judge Pamela Meade Sargent on 9/22/06. (lmh)
09/22/2006	<u>50</u>	ORDER granting in part and denying in part <u>13</u> Motion for Summary Judgment . Signed by Judge Pamela Meade Sargent on 9/22/06. (lmh)
09/22/2006	<u>51</u>	ORDER granting <u>40</u> Motion for Preliminary Injunction, granting in part and denying in part <u>44</u> Motion to Post Security for Preliminary Injunction . Signed by Judge Pamela Meade Sargent on 9/22/06. (lmh)
09/25/2006	<u>52</u>	Reply to defendants re <u>47</u> Response to motion for preliminary injunction, filed by Willam R. Couch. (tvt)
10/03/2006	<u>53</u>	MOTION to Amend Order <u>50</u> Order on Motion for Summary Judgment by Willam R. Couch. (tvt)
10/05/2006	<u>54</u>	MOTION to Take Deposition by John Jabe, Larry Huffman, Linda B. Shear, Kathleen Bassett, R. B. Phillips, Major K. Pickerel, Mike Oslin. (Muse, William)
10/06/2006	<u>55</u>	ORDER denying <u>53</u> Motion to Amend/Correct . Signed by Judge Pamela Meade Sargent on 10/6/06. (eps,)
10/06/2006	<u>56</u>	ORDER granting <u>54</u> Motion to Take Deposition . Signed by Judge Pamela Meade Sargent on 10/6/06. (ejs,)
10/16/2006	<u>57</u>	MOTION to Appoint Counsel by Willam R. Couch. (Attachments: # <u>1</u> Memorandum in Support of Motion to Appoint Counsel# <u>2</u> Exhibit)(tvt)

11/15/2006	<u>58</u>	REQUEST for Admissions by Willam R. Couch. (Attachments: # <u>1</u> Letter and request for admissions addressed to William H. Muse)(tvt)
11/17/2006		Filing fee: \$ 49.41, receipt number 700010666 (slt)
11/29/2006	<u>59</u>	NOTICE of Hearing: Jury Trial set for 1/23/2007 09:30 AM in Abingdon before Magistrate Judge Pamela Meade Sargent. (eps,)
12/07/2006	<u>60</u>	Order Directing the Warden at Keen Mountain Correctional Center to transport the plaintiff to Court for jury trial on 01/23/07. Signed by Judge Pamela Meade Sargent on 12/7/06. (Bordwine, Robin)
12/07/2006	<u>61</u>	SCHEDULING ORDER: Jury Trial set for 1/23/2007 09:30 AM in Abingdon before Magistrate Judge Pamela Meade Sargent. Exhibit List and Witness List due by 1/12/2007. Jury Instructions due by 1/16/2007. Signed by Judge Pamela Meade Sargent on 12/7/06. (Bordwine, Robin)
12/08/2006	<u>62</u>	NOTICE of Hearing: Jury Trial reset for 2/16/2007 09:30 AM in Abingdon before Magistrate Judge Pamela Meade Sargent. (eps,)
12/14/2006	<u>63</u>	Order Directing the Warden at Keen Mountain Correctional Center to transport the plaintiff to Court for hearing on 2/16/07. Signed by Judge Pamela Meade Sargent on 12/14/06. (Bordwine, Robin)
12/14/2006	<u>64</u>	SCHEDULING ORDER: Jury Trial set for 2/16/2007 09:30 AM in Abingdon before Magistrate Judge Pamela Meade Sargent. Exhibit List and Witness List due by 2/2/2007. Jury Instruction due by 2/9/2007. Signed by Judge Pamela Meade Sargent on 12/14/06. (Bordwine, Robin)
12/18/2006	<u>65</u>	Letter by Willam R. Couch. (Attachments: # <u>1</u> Defendant's response to Plaintiff's Request for Admissions sent by William R. Couch)(tvt)
12/18/2006	<u>66</u>	MOTION to Continue re: Letter <u>65</u> by Willam R. Couch. (Attachments: # <u>1</u> Exhibit A – E)(tvt)
12/21/2006	<u>67</u>	NOTICE to Take Deposition of William R. Couch and Leroy Lovelace by John Jabe, Larry Huffman, Linda B. Shear, Kathleen Bassett, R. B. Phillips, Major K. Pickerel, Mike Oslin.(Muse, William)
01/03/2007	<u>68</u>	INTERROGATORIES Propounded to Kathleen Bassett, Linda Sheer and Michael Olsin by Willam R. Couch. (Attachments: # <u>1</u> To Kathleen Bassett# <u>2</u> To Linda Sheer# <u>3</u> To Michael Olsin# <u>4</u> Letter to William Muse)(tvt)
01/08/2007	<u>69</u>	MOTION for Court to Declare the Court's Statutory and Discretionary Authority to Pay Witness Fees and Expenses by Willam R. Couch. (tvt)
01/09/2007	<u>70</u>	Letter by Willam R. Couch requesting docket sheet. (tvt)
01/09/2007	<u>71</u>	Copies of Docket Sheet and letter stating that this is a courtesy by the court, but future copies will be at a rate of \$.50 per copy to William Couch by U.S. Mail. (tvt)
01/23/2007	<u>72</u>	RENEWED MOTION to Continue by Willam R. Couch. (tvt)
01/23/2007	<u>73</u>	Response to <i>Renewed Motion for Continuance</i> filed by John Jabe, Larry Huffman, Linda B. Shear, Kathleen Bassett, R. B. Phillips, Major K. Pickerel, Mike Oslin. (Muse, William)
01/24/2007	<u>74</u>	NOTICE of Hearing: Jury Trial reset for 5/22/2007 09:30 AM in Abingdon before Magistrate Judge Pamela Meade Sargent. (eps,)
01/24/2007	<u>75</u>	NOTICE of Hearing – Prisoner: Settlement Conference set for 2/16/2007 10:00 AM in Abingdon before Magistrate Judge Pamela Meade Sargent. (eps,)
01/25/2007	<u>76</u>	ORDER taking under advisement <u>57</u> Motion to Appoint Counsel, granting <u>66</u> Motion to Continue, denying <u>69</u> Motion for Court to Delclare the Court's Statutory and Discretionary Authority to Pay witness Fees and Expenses, granting <u>72</u> Motion to Continue . Signed by Judge Pamela Meade Sargent on 1/24/07. (eps,)
01/25/2007	<u>77</u>	Order Directing the Warden at Keen Mountain Correctional Center to transport the plaintiff to Court for hearing on Feburary 16, 2007 and May 22, 2007 . Signed by Judge

		Pamela Meade Sargent on 1/24/07. (eps,)
02/12/2007	<u>78</u>	MOTION for Summary Judgment by Willam R. Couch. (tvt)
02/12/2007	<u>79</u>	Brief / Memorandum in Support re <u>78</u> MOTION for Summary Judgment filed by Willam R. Couch. (Attachments: # <u>1</u> Exhibit)(tvt)
02/12/2007	<u>80</u>	Response re <u>68</u> Interrogatories Propounded filed by Willam R. Couch. (tvt)
02/16/2007	81	Minute Entry for proceedings held before Judge Pamela Meade Sargent : Settlement Conference held on 2/16/2007. Parties continuing to negotiate and will attempt to reduce agreement to writing. (Sargent, Pamela)
03/02/2007	<u>82</u>	Prisoner Motion "To publish Court's Decision" by Willam R. Couch. (tvt)
03/07/2007	<u>83</u>	Letter to plaintiff and Mr. Muse from Judge Sargent. (Bordwine, Robin)
03/07/2007	<u>84</u>	ORDER, setting response due deadline for defendant to respond to <u>78</u> MOTION for Summary Judgment: Responses due by 3/21/2007. Signed by Judge Pamela Meade Sargent on 3/7/07. (ejs,)
03/08/2007	<u>85</u>	Letter by Willam R. Couch to Judge Sargent. (eps,)
03/08/2007	<u>86</u>	Letter by John Jabe, Larry Huffman, Linda B. Shear, Kathleen Bassett, R. B. Phillips, Major K. Pickerel, Mike Oslin <i>Letter to the Honorable Pamela M. Sargent, U.S. Magistrate Judge.</i> (Muse, William)
03/14/2007	87	MINUTE ORDER denying <u>31</u> Motion to Strike. Signed by Judge Pamela Meade Sargent on 3/14/07. (Sargent, Pamela)
03/16/2007	<u>88</u>	Response <i>Order</i> filed by John Jabe, Larry Huffman, Linda B. Shear, Kathleen Bassett, R. B. Phillips, Major K. Pickerel, Mike Oslin. (Attachments: # <u>1</u> Letter to the Clerk USDC Roanoke)(Muse, William)
03/19/2007	<u>89</u>	ORDER DISMISSING CASE. Signed by Judge Pamela Meade Sargent on March 19, 2007. (tvt)
03/22/2007	<u>90</u>	Letter by Willam R. Couch. (tvt)
03/23/2007	<u>91</u>	Letter to plaintiff. (Bordwine, Robin)
03/26/2007	<u>92</u>	Docket Annotation; The items filed are duplicates from <u>82</u> that was filed by plaintiff. The court responded to request/motion on 3/23/07 (Attachments: # <u>1</u> Letter regarding motion to publish# <u>2</u> Motion to publish court's decision)(tvt)
11/07/2007	<u>93</u>	Request for Copies by Willam R. Couch. (kab)
11/07/2007	<u>94</u>	Letter from deputy clerk in re <u>93</u> . (kab)
01/30/2009	<u>95</u>	Additional Evidence by Christina Acker. (kab)