

U.S. District Court - District of Colorado
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:20-cv-00756-PAB-NYW

Nellson v. Barnhart et al
Assigned to: Chief Judge Philip A. Brimmer
Referred to: Magistrate Judge Nina Y. Wang
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/18/2020
Date Terminated: 10/22/2020
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner - Prison
Condition
Jurisdiction: Federal Question

Plaintiff

Edward Nellson

*Individually, and a Class of
similarly-situated persons*

represented by **Mario Bernard Williams**

NDH LLC
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Suite 200
Atlanta, GA 30303
404-254-0442
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alexandra Lee Parrott

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TERMINATED: 08/24/2020

Maria-Vittoria G. Carminati

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V.

Defendant

J. Barnhart
Warden, in his Official capacity

represented by **Lauren Marie Dickey**
U.S. Attorney's Office-Denver
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Suite 1600
Denver, CO 80202
303-454-0188
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Federal Bureau of Prisons

represented by **Lauren Marie Dickey**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

J. (I) Barnhart
In his Individual capacity
TERMINATED: 07/16/2020

Movant

David Andrew Christenson
TERMINATED: 10/20/2020

represented by **David Andrew Christenson**
P.O. Box 9063
Miramar Beach, Fl 32550
504-715-3086
PRO SE

Date Filed	#	Docket Text
03/18/2020	<u>1</u>	COMPLAINT <i>for Declarative and Injunctive Relief regarding Edward Nellson as an Individual and all similarly situated Persons as a Class</i> against Warden J. Barnhart, United States Federal Bureau of Prisons (Filing fee \$ 400,Receipt Number 1082-7212369)Attorney Maria-Vittoria G. Carminati added to party Edward Nellson(pty:pla), filed by Edward Nellson. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons)(Carminati, Maria-Vittoria) (Entered: 03/18/2020)
03/18/2020	2	ADVISORY NOTICE OF NONCOMPLIANCE WITH COURT RULES/PROCEDURES:re: <u>1</u> Complaint, filed by attorney Maria-Vittoria G. Carminati. DO NOT REFILE THE DOCUMENT. Action to take - counsel must submit a change of contact request through the Attorney Services Portal Account pursuant to D.C.COLO.LAttyR 5(c) and 3.5 of the Electronic Case Filing Procedures (Civil cases).(Text Only Entry) (rsams,) (Entered: 03/19/2020)

03/18/2020	<u>3</u>	Case assigned to Magistrate Judge Gordon P. Gallagher. Text Only Entry. (rsams,) (Entered: 03/19/2020)
03/20/2020	<u>4</u>	ORDER DRAWING CASE. After review pursuant to D.C.COLO.LCivR 8.1(b), the court has determined that this case does not appear to be appropriate for summary dismissal. Case has been randomly reassigned to Magistrate Judge Nina Y. Wang for all further proceedings. All future pleadings should be designated as 20-cv-00756-NYW. By Magistrate Judge Gordon P. Gallagher on 03/20/2020. (rvill,) (Entered: 03/20/2020)
03/20/2020	<u>5</u>	SUMMONS issued by Clerk. (Attachments: # <u>1</u> Summons, # <u>2</u> Magistrate Judge Consent Form) (rvill,) (Entered: 03/20/2020)
03/30/2020	<u>6</u>	ORDER SETTING SCHEDULING/PLANNING CONFERENCE AND SETTING DEADLINE FOR FILING OF CONSENT/NONCONSENT FORM by Magistrate Judge Nina Y. Wang on 3/30/2020. The court shall hold a scheduling conference on 5/18/2020 02:00 PM in Courtroom A 502 before Magistrate Judge Nina Y. Wang via telephone conference. All participants shall use the following dial-in information: 888-363-4749, Access Code: 5738976. The parties shall submit their proposed scheduling order, including a copy of the proposed scheduling order in Word format sent via email to Wang_Chambers@cod.uscourts.gov, on or before 5/11/2020. The parties shall complete and file the Consent/Nonconsent Form indicating either unanimous consent of the parties or that consent has been declined, on or before 5/04/2020. (bwilk,) (Entered: 03/30/2020)
03/31/2020	<u>7</u>	SUMMONS Returned Executed upon AG William Barr defendant(s) United States Federal Bureau of Prisons served on 3/27/2020, answer due 5/26/2020. (Carminati, Maria-Vittoria) (Entered: 03/31/2020)
03/31/2020	<u>8</u>	SUMMONS Returned Executed upon defendant(s) United States Federal Bureau of Prisons served on 3/26/2020, answer due 5/26/2020. (Carminati, Maria-Vittoria) (Entered: 03/31/2020)
03/31/2020	<u>9</u>	SUMMONS Returned Executed upon United States Attorney General Process Clerk defendant(s) United States Federal Bureau of Prisons served on 3/27/2020, answer due 5/26/2020. (Carminati, Maria-Vittoria) (Entered: 03/31/2020)
03/31/2020	<u>10</u>	MOTION for Temporary Restraining Order and Preliminary Injunction by Plaintiff Edward Nellson. (Carminati, Maria-Vittoria) (Entered: 03/31/2020)
03/31/2020	<u>11</u>	WAIVER OF SERVICE Returned Executed by Edward Nellson. J. Barnhart waiver sent on 3/31/2020, answer due 6/1/2020; J. (I) Barnhart waiver sent on 3/31/2020, answer due 6/1/2020. (nmarb,) (Entered: 03/31/2020)

03/31/2020	<u>12</u>	MINUTE ORDER by Magistrate Judge Nina Y. Wang on 3/31/20 re: <u>10</u> MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Edward Nellson. Pursuant to Local Rule 40.1(c)(2)(a), civil actions in which a motion for injunctive relief is filed shall not be directly assigned to a magistrate judge. THEREFORE, IT IS ORDERED: The Clerk of the Court is DIRECTED to REDRAW this action to a District Judge for further proceedings. (nmarb,) (Entered: 04/01/2020)
03/31/2020	13	CASE REASSIGNED pursuant to <u>12</u> Minute Order. This case is randomly reassigned to Chief Judge Philip A. Brimmer. All future pleadings should be designated as 20-cv-00756-PAB. (Text Only Entry) (nmarb,) (Entered: 04/01/2020)
04/01/2020	14	MINUTE ORDER by Chief Judge Philip A. Brimmer on 4/1/2020. Defendants shall respond to that portion of Docket No. <u>10</u> consisting of the motion for a temporary restraining order on or before April 6, 2020. Text Only Entry (pabsec2) (Entered: 04/01/2020)
04/06/2020	<u>15</u>	Unopposed MOTION for Leave to File Excess Pages by Defendants J. Barnhart, United States Federal Bureau of Prisons. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Dickey, Lauren) (Entered: 04/06/2020)
04/06/2020	16	ORDER by Chief Judge Philip A. Brimmer on 4/6/2020 re: Motion for Leave to File Excess Pages <u>15</u> is GRANTED. Defendant is granted leave to file their response, not to exceed 19 pages, due on April 6, 2020. Text Only Entry(pabsec2) (Entered: 04/06/2020)
04/06/2020	<u>17</u>	RESPONSE to <u>10</u> MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Defendants J. Barnhart, United States Federal Bureau of Prisons. (Attachments: # <u>1</u> Exhibit Himlie Decl., # <u>2</u> Exhibit Trujillo Decl.)(Dickey, Lauren) (Entered: 04/06/2020)
04/09/2020	18	MINUTE ORDER by Chief Judge Philip A. Brimmer on 4/9/2020. Plaintiff shall respond to defendants, in particular defendants' exhaustion argument under the PLRA, on or before April 13, 2020. Text Only Entry (pabsec2) (Entered: 04/09/2020)
04/13/2020	<u>19</u>	REPLY to Response to <u>10</u> MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Plaintiff Edward Nellson. (Attachments: # <u>1</u> Exhibit Exhibit 1)(Carminati, Maria-Vittoria) (Entered: 04/13/2020)
04/14/2020	20	MINUTE ORDER by Chief Judge Philip A. Brimmer on 4/14/2020. Defendants to file a response by 4/14/2020 at 3:00 p.m. responding to plaintiff's argument that the grievance process would take 90 days and whether inmates at USP Florence are notified of any emergency grievance procedures. Text Only Entry (pabsec2) (Entered: 04/14/2020)

04/14/2020	<u>21</u>	RESPONSE to <u>10</u> MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Defendants J. Barnhart, United States Federal Bureau of Prisons. (Attachments: # <u>1</u> Exhibit)(Dickey, Lauren) (Entered: 04/14/2020)
04/14/2020	<u>22</u>	MOTION for Leave to <i>File Surreply to</i> <u>21</u> Response to Motion by Plaintiff Edward Nellson. (Attachments: # <u>1</u> Exhibit Ex 1 - Plaintiff's Surreply)(Carminati, Maria-Vittoria) (Entered: 04/14/2020)
04/16/2020	<u>23</u>	ORDER by Chief Judge Philip A. Brimmer on 4/16/2020, re: <u>10</u> the portion of Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction that requests a temporary restraining order is DENIED; <u>22</u> Plaintiff's Motion for Leave to File Surreply is GRANTED. Accordingly the Clerks office shall docket Exhibit 1 to Docket No. 22 as plaintiff's surreply.(sphil,) (Entered: 04/16/2020)
04/16/2020	24	MINUTE ORDER by Chief Judge Philip A. Brimmer on 4/16/2020. Defendants shall respond to the motion for preliminary injunction on or before April 22, 2020 . Plaintiff may file a reply on or before April 24, 2020 . The Court will set a hearing on the motion for preliminary injunction in a separate order. Text Only Entry (pabsec2) (Entered: 04/16/2020)
04/16/2020	<u>25</u>	Plaintiff Surreply to <u>22</u> MOTION for Leave to <i>File Surreply to</i> <u>21</u> Response to Motion by Plaintiff Edward Nellson. Surreply docketed in this case pursuant to <u>23</u> Order. (sphil,) (Entered: 04/16/2020)
04/17/2020	<u>26</u>	MOTION for Discovery <i>for Preliminary Injunction</i> by Plaintiff Edward Nellson. (Carminati, Maria-Vittoria) (Entered: 04/17/2020)
04/20/2020	27	MINUTE ORDER by Chief Judge Philip A. Brimmer on 4/20/2020. Defendants to file a response re: plaintiff's <u>26</u> MOTION for Discovery for Preliminary Injunction by 4/21/2020 at 12:00 p.m. Text Only Entry (pabsec2) (Entered: 04/20/2020)
04/20/2020	<u>28</u>	Unopposed MOTION for Leave to <i>Supplement Reply (ECF No. 19) and Surreply (ECF No. 25)</i> by Plaintiff Edward Nellson. (Attachments: # <u>1</u> Affidavit)(Carminati, Maria-Vittoria) (Entered: 04/20/2020)
04/21/2020	29	ORDER by Chief Judge Philip A. Brimmer on 4/21/2020. Although the motion appears to be prompted by a simple effort to clarify the record, it pertains to a motion that the Court has already ruled on and therefore is irrelevant. As a result, the <u>28</u> Motion for Leave to Supplement Reply and Surreply is DENIED. Text Only Entry(pabsec2) (Entered: 04/21/2020)

04/21/2020	30	RESPONSE to 26 MOTION for Discovery <i>for Preliminary Injunction</i> filed by Defendants J. Barnhart, United States Federal Bureau of Prisons. (Dickey, Lauren) (Entered: 04/21/2020)
04/22/2020	31	RESPONSE to 10 MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Defendants J. Barnhart, United States Federal Bureau of Prisons. (Attachments: # 1 Exhibit Himlie Decl., # 2 Exhibit Supp. Himlie Decl., # 3 Exhibit Second Supp. Trujillo Decl.)(Dickey, Lauren) (Entered: 04/22/2020)
04/23/2020	32	Unopposed MOTION for Extension of Time to <i>File Reply to Defendants' Response to Plaintiff's Motion for Preliminary Injunction</i> by Plaintiff Edward Nellson. (Carminati, Maria-Vittoria) (Entered: 04/23/2020)
04/24/2020	33	ORDER by Chief Judge Philip A. Brimmer on 4/24/2020 re: 32 Motion for Extension of Time to File is GRANTED. Plaintiff's shall reply on or before May 1, 2020. Text Only Entry (pabsec2) (Entered: 04/24/2020)
04/28/2020	34	REPLY to Response to 26 MOTION for Discovery <i>for Preliminary Injunction</i> filed by Plaintiff Edward Nellson. (Parrott, Alexandra) (Entered: 04/28/2020)
04/28/2020	38	ADVISORY NOTICE OF NONCOMPLIANCE WITH COURT RULES/PROCEDURES: re: 34 Reply to Response to Motion, 35 Reply to Response to Motion, filed by attorney Alexandra Parrott . The s/signature did not match the filers name on the account for which the login and password are registered. DO NOT REFILE THE DOCUMENT. Action to take - future documents must be filed pursuant to D.C.COLO.LCivR 5.1(a) and 4.3(c) of the Electronic Case Filing Procedures (Civil cases).(Text Only Entry). (sphil,) (Entered: 05/06/2020)
05/01/2020	35	REPLY to Response to 10 MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Plaintiff Edward Nellson. (Attachments: # 1 Exhibit Nellson Declaration, # 2 Exhibit Trevani Declaration, # 3 Exhibit U.S. v. Rabadi Letter)(Parrott, Alexandra) (Entered: 05/01/2020)
05/05/2020	36	Unopposed MOTION for Hearing/Conference by Plaintiff Edward Nellson. (Carminati, Maria-Vittoria) (Entered: 05/05/2020)
05/05/2020	37	RESPONSE to 36 Unopposed MOTION for Hearing/Conference filed by Defendants J. Barnhart, United States Federal Bureau of Prisons. (Dickey, Lauren) (Entered: 05/05/2020)
05/07/2020	39	ORDER by Chief Judge Philip A. Brimmer on 5/7/2020, re: 36 Unopposed Motion for Status Conference is DENIED. ORDERED that, on or before May 11, 2020 , plaintiff

		shall indicate when and whether he will properly serve defendants.(sphil,) (Entered: 05/07/2020)
05/11/2020	40	SUMMONS Returned Executed upon <i>US Attorney's Office, Jason Dunn, on behalf of</i> defendant(s) United States Federal Bureau of Prisons served on 5/11/2020, answer due 7/10/2020. (Attachments: # 1 Exhibit 1)(Carminati, Maria-Vittoria) (Entered: 05/11/2020)
05/12/2020	41	MINUTE ORDER by Magistrate Judge Nina Y. Wang on 5/12/2020. Given 13 Case Reassigned, the Scheduling Conference set for 5/18/2020 before Magistrate Judge Nina Y. Wang and all associated deadlines are hereby VACATED, to be reset at a later date if appropriate. Text Only Entry (nywlc2,) (Entered: 05/12/2020)
05/29/2020	42	MOTION for Hearing/Conference by Plaintiff Edward Nellson. (Parrott, Alexandra) (Entered: 05/29/2020)
05/29/2020	43	MOTION for Leave to <i>Supplement</i> 35 Reply to Response to Motion, by Plaintiff Edward Nellson. (Attachments: # 1 Exhibit Candelaria Declaration, # 2 Exhibit Lymon Declaration)(Parrott, Alexandra) (Entered: 05/29/2020)
05/31/2020	44	RESPONSE to 42 MOTION for Hearing/Conference filed by Defendants J. Barnhart, United States Federal Bureau of Prisons. (Dickey, Lauren) (Entered: 05/31/2020)
06/04/2020	45	ORDER by Chief Judge Philip A. Brimmer on 6/4/2020, re: 42 plaintiff's Opposed Motion for Status Conference is DENIED ; 43 plaintiff's Motion for Leave to Supplement Motion for Preliminary Injunction is GRANTED ; 26 plaintiff's Motion for Limited Discovery is DENIED . ORDERED that the portion of Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction [Docket No. 10] that seeks a preliminary injunction is DENIED .(sphil,) (Entered: 06/04/2020)
06/04/2020	46	ORDER REFERRING CASE to Magistrate Judge Nina Y. Wang for non-dispositive matters . Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed. R. Civ. P. 72(a) and (b), this case is referred to the assigned United States Magistrate Judge to (1) convene a scheduling conference under Fed. R. Civ. P. 16(b) and enter a scheduling order meeting the requirements of D.C.COLO.LCivR 16.2, (2) conduct such status conferences and issue such orders necessary for compliance with the scheduling order, including amendments or modifications of the scheduling order upon a showing of good cause, (3) hear and determine pretrial matters, including discovery and other non-dispositive motions, and (4) conduct a pretrial conference and enter a pretrial order. Court sponsored alternative dispute resolution is governed by D.C.COLO.LCivR 16.6. On the recommendation or informal request of the magistrate judge or on the request of the parties by motion, this court may direct the parties to engage in an

		early neutral evaluation, a settlement conference, or another alternative dispute resolution proceeding, by Chief Judge Philip A. Brimmer on 6/4/2020. Text Only Entry (pabsec2) (Entered: 06/04/2020)
06/15/2020	47	ORDER by Magistrate Judge Nina Y. Wang on 6/15/20 Setting Rule 16(b) Scheduling Conference. Proposed Scheduling Order due by 7/7/2020. Telephonic Scheduling Conference set for 7/14/2020 03:30 PM before Magistrate Judge Nina Y. Wang. (nmarb,) (Entered: 06/16/2020)
06/26/2020	48	MOTION to <i>Vacate and Continue Deadline to Respond to Complaint and Related Scheduling Deadlines</i> by Defendants J. Barnhart, United States Federal Bureau of Prisons. (Dickey, Lauren) Modified on 6/29/2020 to edit event type. (sphil,). (Entered: 06/26/2020)
06/29/2020	49	MEMORANDUM regarding 48 MOTION for Order to <i>Vacate and Continue Deadline to Respond to Complaint and Related Scheduling Deadlines</i> filed by United States Federal Bureau of Prisons, J. Barnhart. Motion referred to Magistrate Judge Nina Y. Wang, by Chief Judge Philip A. Brimmer on 6/29/2020. Text Only Entry (pabsec2) (Entered: 06/29/2020)
06/30/2020	50	MINUTE ORDER: This matter is before the Court on Defendants' Motion to Vacate the Deadline to Respond to the Current Complaint, the Scheduling Conference, and Related Deadlines 48 . Plaintiff is DIRECTED to file a Response to the Motion on or before Thursday, July 2, 2020. No Reply will be accepted without prior leave or order of the court. By Magistrate Judge Nina Y. Wang on 6/30/2020. Text Only Entry (nywlc1) (Entered: 06/30/2020)
07/02/2020	51	RESPONSE to 48 MOTION to Vacate <i>with Brief in Support</i> filed by Plaintiff Edward Nellson. (Attachments: # 1 Exhibit Nellson Declaration, # 2 Exhibit Candelaria Declaration, # 3 Exhibit Lymon Declaration, # 4 Exhibit Adams Declaration, # 5 Exhibit Holmes Declaration, # 6 Exhibit Upshaw Declaration)(Carminati, Maria-Vittoria) (Entered: 07/02/2020)
07/06/2020	52	ORDER granting in part and denying in part 48 Motion to Vacate Deadline to Respond to Current Complaint, the Scheduling Conference, and Related Deadlines. The Telephonic Scheduling Conference currently set for July 14, 2020 at 3:30 p.m. is VACATED and RE-SET to July 28, 2020 at 2:00 p.m. All participants shall use the following dial-in information: 888-363-4749, Access Code: 5738976. ORDERED by Magistrate Judge Nina Y. Wang on 7/6/2020.(cthom,) (Entered: 07/06/2020)
07/10/2020	53	Unopposed MOTION for Leave to <i>Amend Complaint</i> by Plaintiff Edward Nellson. (Attachments: # 1 Exhibit Amended Complaint, # 2 Exhibit Ex. 1 - Nellson Declaration, # 3 Exhibit Ex. 2 - Candelaria

		Declaration, # 4 Exhibit Ex. 3 - Lymon Declaration, # 5 Exhibit Ex. 4 - Adams Declaration, # 6 Exhibit Ex.5 - Holmes Declaration, # 7 Exhibit Ex. 6 - Upshaw Declaration, # 8 Exhibit Ex. 7 - BP-10 Response Extension)(Carminati, Maria-Vittoria) (Entered: 07/10/2020)
07/10/2020	54	MEMORANDUM regarding 53 Unopposed MOTION for Leave to <i>Amend Complaint</i> filed by Edward Nellson. Motion referred to Magistrate Judge Nina Y. Wang, by Chief Judge Philip A. Brimmer on 7/10/2020. Text Only Entry (pabsec2) (Entered: 07/10/2020)
07/13/2020	55	ORDER granting 53 Plaintiff's Unopposed Motion for Leave to Amend Complaint. Plaintiff shall file a clean version of the red-lined Amended Complaint filed at [53-1] on or before 7/17/2020. By Magistrate Judge Nina Y. Wang on 7/13/2020. Text Only Entry (nywlc1) (Entered: 07/13/2020)
07/16/2020	56	AMENDED COMPLAINT against J. Barnhart, J. (I) Barnhart, United States Federal Bureau of Prisons, filed by Edward Nellson. (Attachments: # 1 Ex. 1 Nellson Declaration, # 2 Ex. 2 Candelaria Declaration, # 3 Ex. 3 Lymon Declaration, # 4 Ex. 4 Adams Declaration, # 5 Ex. 5 Holmes Declaration, # 6 Ex. 6 Upshaw Declaration, # 7 Ex. 7 BP-10 Response Extension)(Carminati, Maria-Vittoria) (Entered: 07/16/2020)
07/16/2020		Defendant J. (I) Barnhart (In his Individual capacity) terminated pursuant to 56 Amended Complaint. Text Only Entry (sphil,) (Entered: 07/22/2020)
07/21/2020	57	Proposed Scheduling Order by Defendants J. Barnhart, United States Federal Bureau of Prisons. (Dickey, Lauren) (Entered: 07/21/2020)
07/27/2020	58	MOTION for Summary Judgment <i>for Failure to Exhaust Administrative Remedies</i> by Defendants J. Barnhart, Federal Bureau of Prisons. (Attachments: # 1 Exhibit Trujillo Decl.)(Dickey, Lauren) (Entered: 07/27/2020)
07/27/2020	59	MOTION to Dismiss for Failure to State a Claim by Defendants J. Barnhart, Federal Bureau of Prisons. (Dickey, Lauren) (Entered: 07/27/2020)
07/28/2020	60	COURTROOM MINUTES/MINUTE ORDER for Scheduling Conference held on 7/28/2020 before Magistrate Judge Nina Y. Wang. Parties will submit a proposed ESI protocol or a Joint Status Report on or before 8/18/2020. Discovery due 2/26/2021. Dispositive Motions due 3/29/2021. A Final Pretrial Conference is set for 5/18/2021 11:30 AM in Courtroom A 502 before Magistrate Judge Nina Y. Wang. The parties shall file their proposed pretrial order through CM/ECF and include a courtesy copy of the proposed order in Word format sent by email to Wang_Chambers@cod.uscourts.gov,

		seven days prior to the conference. FTR: NYW-CRD. (bwilk,) (Entered: 07/29/2020)
07/31/2020	61	MOTION to Stay <i>Discovery Pending Resolution of Dispositive Motions</i> by Defendants J. Barnhart, Federal Bureau of Prisons. (Attachments: # 1 Exhibit)(Dickey, Lauren) (Entered: 07/31/2020)
08/17/2020	62	RESPONSE to 59 MOTION to Dismiss for Failure to State a Claim filed by Plaintiff Edward Nellson. (Carminati, Maria-Vittoria) (Entered: 08/17/2020)
08/17/2020	63	RESPONSE to 58 MOTION for Summary Judgment <i>for Failure to Exhaust Administrative Remedies</i> filed by Plaintiff Edward Nellson. (Attachments: # 1 Exhibit Nellson Declaration, # 2 Exhibit Nellson Grievance, # 3 Exhibit Candelaria Declaration)(Carminati, Maria-Vittoria) (Entered: 08/17/2020)
08/18/2020	64	Joint STATUS REPORT by Plaintiff Edward Nellson. (Carminati, Maria-Vittoria) (Entered: 08/18/2020)
08/21/2020	65	RESPONSE to 61 MOTION to Stay <i>Discovery Pending Resolution of Dispositive Motions</i> filed by Plaintiff Edward Nellson. (Carminati, Maria-Vittoria) (Entered: 08/21/2020)
08/24/2020	66	MOTION to Withdraw as Attorney (<i>Alexandra Parrott</i>) by Plaintiff Edward Nellson. (Parrott, Alexandra) (Entered: 08/24/2020)
08/24/2020	67	MEMORANDUM regarding 66 MOTION to Withdraw as Attorney (<i>Alexandra Parrott</i>) filed by Edward Nellson. Motion referred to Magistrate Judge Nina Y. Wang, by Chief Judge Philip A. Brimmer on 8/24/2020. Text Only Entry (pabsec2) (Entered: 08/24/2020)
08/24/2020	68	MINUTE ORDER granting 66 Motion to Withdraw. Attorney Alexandra Lee Parrott is granted leave to withdraw from representing Plaintiff and is terminated from this case. Plaintiff shall continue to be represented in this matter by attorneys Mario Bernard Williams and Maria-Vittoria G. Carminati. By Magistrate Judge Nina Y. Wang on 8/24/2020. Text Only Entry (nywlc1) (Entered: 08/24/2020)
08/26/2020	69	Unopposed MOTION for Extension of Time to File Response/Reply as to 58 MOTION for Summary Judgment <i>for Failure to Exhaust Administrative Remedies</i> by Defendants J. Barnhart, Federal Bureau of Prisons. (Dickey, Lauren) (Entered: 08/26/2020)
08/27/2020	70	ORDER by Chief Judge Philip A. Brimmer on 8/27/2020 re: 69 Motion for Extension of Time to File Response/Reply is GRANTED. Defendants shall file a reply to 58 Motion for Summary Judgment on or before September 2, 2020 . Text Only Entry(pabsec2) (Entered: 08/27/2020)

08/31/2020	71	REPLY to Response to 59 MOTION to Dismiss for Failure to State a Claim filed by Defendants J. Barnhart, Federal Bureau of Prisons. (Dickey, Lauren) (Entered: 08/31/2020)
09/02/2020	72	REPLY to Response to 58 MOTION for Summary Judgment <i>for Failure to Exhaust Administrative Remedies</i> filed by Defendants J. Barnhart, Federal Bureau of Prisons. (Attachments: # 1 Exhibit Morales Decl., # 2 Exhibit Kyles Decl., # 3 Exhibit DuBose Decl., # 4 Exhibit Trujillo Supp. Decl.)(Dickey, Lauren) (Entered: 09/02/2020)
09/04/2020	73	REPLY to Response to 61 MOTION to Stay <i>Discovery Pending Resolution of Dispositive Motions</i> filed by Defendants J. Barnhart, Federal Bureau of Prisons. (Dickey, Lauren) (Entered: 09/04/2020)
10/20/2020	74	MOTION for Leave to File an Amicus Brief to save "The Unabomber" by Movant David Andrew Christenson. (sphil,) Modified on 10/21/2020 should not have been filed - filer not a party to the case - to term and restrict motion per chambers (angar,). (Entered: 10/20/2020)
10/21/2020	75	Unopposed MOTION for Extension of Time to <i>Complete Discovery</i> by Plaintiff Edward Nellson. (Attachments: # 1 Proposed Order (PDF Only))(Carminati, Maria-Vittoria) (Entered: 10/21/2020)
10/21/2020	76	MEMORANDUM regarding 75 Unopposed MOTION for Extension of Time to <i>Complete Discovery</i> filed by Edward Nellson. Motion referred to Magistrate Judge Nina Y. Wang, by Chief Judge Philip A. Brimmer on 10/21/2020. Text Only Entry (pabsec2) (Entered: 10/21/2020)
10/22/2020	77	ORDER granting 75 Motion for Extension of Time to File. Designation of Affirmative Experts due 1/19/2021. Designation of Rebuttal Experts due 2/19/2021. 702 Motions due by 3/22/2021. Interrogatories, Requests for Production, and Requests for Admission due 4/12/2021. Discovery due by 5/27/2021. Dispositive Motions due by 6/28/2021. Although the Parties did not seek an extension of the Final Pretrial Conference set for 5/18/2021, granting their requested extensions necessitates rescheduling of that deadline. Accordingly, the Final Pretrial Conference is hereby RESET for 8/25/2021 at 10:00 AM before Magistrate Judge Nina Y. Wang. By Magistrate Judge Nina Y. Wang on 10/22/2020. Text Only Entry(nywlc1,) (Entered: 10/22/2020)
10/22/2020	78	ORDER. Defendants' Motion for Summary Judgment 58 is GRANTED. Defendants' Motion to Dismiss 59 is DENIED as moot. Defendants' Motion to Stay Discovery 61 is DENIED as moot. Plaintiff's claims are DISMISSED without prejudice. This case is closed, by Chief Judge Philip A. Brimmer on 10/22/20.(sgrim) (Entered: 10/22/2020)

10/22/2020	79	FINAL JUDGMENT re: 78 Order, by Clerk on 10/22/20. (sgrim,) (Entered: 10/22/2020)
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PACER Service Center			
Transaction Receipt			
12/19/2020 20:57:41			
PACER Login:	CRClearinghouse:2563377:0	Client Code:	Hill
Description:	Docket Report	Search Criteria:	1:20-cv-00756-PAB-NYW
Billable Pages:	8	Cost:	0.80