

**U.S. District Court
Western District of Tennessee (Memphis)
CIVIL DOCKET FOR CASE #: 2:17-cv-02535-SHM-cgc**

Weatherspoon v. Oldham
Assigned to: Judge Samuel H. Mays, Jr
Referred to: Magistrate Judge Charmiane G. Claxton
Case in other court: Criminal Court of Shelby County,
Tennessee, P 43279
Cause: 28:2241 Petition for Writ of Habeas Corpus
(federa

Date Filed: 07/25/2017
Date Terminated: 05/01/2018
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner

Delchon Weatherspoon

represented by **Charles Lewis Gerstein**
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V.

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Date Filed	#	Docket Text
07/25/2017	<u>1</u>	PETITION for Writ of Habeas Corpus (Filing fee \$ 5 receipt number 0651-2593884), filed by Delchon Weatherspoon.

		(Attachments: # 1 Exhibit A - Transcript of Criminal Court hearing, # 2 Exhibit B - Court of Appeals Order, # 3 Exhibit C - Supreme Court Motion, # 4 Exhibit D -TN Supreme Court Order, # 5 Exhibit E - Ransom, # 6 Exhibit F - Hyperlinks, # 7 Memorandum in Support of Petition, # 8 Civil Cover Sheet)(Redden, Emma) (Entered: 07/25/2017)
07/25/2017	2	Judge Samuel H. Mays, Jr and Magistrate Judge Charmiane G. Claxton added. (jae) (Entered: 07/26/2017)
07/26/2017	3	NOTICE OF CASE TRACKING ASSIGNMENT PURSUANT TO LOCAL RULE 16.2: Pursuant to Local Rule 16.2, this case has been assigned to the Administrative track. http://www.tnwd.uscourts.gov/pdf/content/LocalRules.pdf (jae) (Entered: 07/26/2017)
07/27/2017	4	NOTICE of Summons by Emma Janine Redden on behalf of Delchon Weatherspoon. (Redden, Emma) (Entered: 07/27/2017)
07/27/2017	5	Summons Issued as to Bill Oldham. The filer has been notified electronically that the summons has been issued, and the new docket entry reflects this. Upon notification of the new docket entry, the filer is to print the issued summons in order to effect service. (jld) (Entered: 07/27/2017)
07/27/2017	6	MOTION for Leave to Appear Pro Hac Vice <i>proposed order submitted</i> (Filing fee \$ 150 receipt number 0651-2595888) by Delchon Weatherspoon. (Gerstein, Charles) (Entered: 07/27/2017)
07/28/2017	7	ORDER GRANTING MOTION 6 TO APPEAR PRO HAC VICE, signed by Judge Samuel H. Mays, Jr. on 07/28/2017. Attorney Charles Lewis Gerstein is admitted to participate in this action as counsel for plaintiff. (Mays, Samuel) (Entered: 07/28/2017)
07/28/2017	8	SUMMONS Returned Executed by Delchon Weatherspoon as to Bill Oldham. (Redden, Emma) (Entered: 07/28/2017)
08/01/2017	9	MOTION to Expedite <i>proposed order submitted</i> by Delchon Weatherspoon. (Attachments: # 1 Memorandum of law)(Gerstein, Charles) (Entered: 08/01/2017)
08/02/2017	10	MOTION for Leave to Appear Pro Hac Vice <i>proposed order submitted</i> (Filing fee \$ 150 receipt number 0651-2599358) by Delchon Weatherspoon. (Ali, Amir) (Entered: 08/02/2017)
08/03/2017	11	ORDER GRANTING MOTION 10 TO APPEAR PRO HAC VICE, signed by Judge Samuel H. Mays, Jr. on 08/03/2017.

		Attorney Amir H. Ali is admitted to participate in this action as counsel for petitioner. (Mays, Samuel) (Entered: 08/03/2017)
10/02/2017	<u>12</u>	Emergency MOTION for Order to Show Cause <i>proposed order submitted</i> by Delchon Weatherspoon. (Gerstein, Charles) (Entered: 10/02/2017)
10/02/2017	<u>13</u>	NOTICE by Delchon Weatherspoon of <i>Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Brief of Amicus Curiae Conference of Chief Justices in ODonnell v. Harris County, Tex.)(Gerstein, Charles) (Entered: 10/02/2017)
10/10/2017	<u>14</u>	ORDER DIRECTING UNITED STATES TO RESPOND re <u>12</u> Emergency MOTION for Order to Show Cause, signed by Judge Samuel H. Mays, Jr on 10/10/2017. (Mays, Samuel) (Entered: 10/10/2017)
10/16/2017	<u>15</u>	AMENDED ORDER DIRECTING RESPONDENT TO RESPOND. Signed by Judge Samuel H. Mays, Jr on 10/16/2017. (Mays, Samuel) (Entered: 10/16/2017)
10/16/2017	<u>16</u>	NOTICE of Appearance by Bridgett L. Stigger on behalf of Bill Oldham (Stigger, Bridgett) (Entered: 10/16/2017)
10/16/2017	<u>17</u>	NOTICE of Appearance by John Marshall Jones on behalf of Bill Oldham (Jones, John) (Entered: 10/16/2017)
10/16/2017	<u>18</u>	RESPONSE TO ORDER TO SHOW CAUSE by Bill Oldham. (Stigger, Bridgett) (Entered: 10/16/2017)
10/20/2017	<u>19</u>	Consent MOTION for Leave to File <i>Reply proposed order submitted</i> by Delchon Weatherspoon. (Attachments: # <u>1</u> Exhibit Proposed Reply in Support of Petitioner's Motion for an Order to Show Cause)(Gerstein, Charles) (Entered: 10/20/2017)
10/23/2017	<u>20</u>	ORDER granting <u>9</u> Motion to Expedite; denying <u>12</u> Motion for Order to Show Cause; granting <u>19</u> Motion for Leave to File. Respondent is ordered to file his response to Weatherspoon's petition by November 6, 2017. Any reply must be filed by November 13, 2017. Signed by Judge Samuel H. Mays, Jr on 10/23/2017. (Mays, Samuel) (Entered: 10/23/2017)
11/06/2017	<u>21</u>	RESPONSE to <u>1</u> Petition for Writ of Habeas Corpus, <i>Answer</i> by Bill Oldham. (Attachments: # <u>1</u> Memorandum Memorandum of Law in Support of Answer)(Stigger, Bridgett) (Entered: 11/06/2017)

11/13/2017	<u>22</u>	REPLY to Response to Habeas Petition re <u>21</u> Response to Habeas Petition filed by Delchon Weatherspoon. (Gerstein, Charles) (Entered: 11/13/2017)
11/29/2017	<u>23</u>	MOTION for Leave to Appear Pro Hac Vice <i>proposed order submitted</i> (Filing fee \$ 150 receipt number 0651-2677480) by Delchon Weatherspoon. (Attachments: # <u>1</u> Certificates of Good Standing)(Gerstein, Charles) Modified on 12/5/2017 (jld). (Entered: 11/29/2017)
11/30/2017	<u>24</u>	NOTICE by Delchon Weatherspoon <i>of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Exhibit A Order of U.S. District Court Northern District of California)(Gerstein, Charles) (Entered: 11/30/2017)
12/05/2017	25	DEFICIENCY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document <u>23</u> MOTION for Leave to Appear Pro Hac Vice <i>proposed order submitted</i> (Filing fee \$ 150 receipt number 0651-2677480) filed by Delchon Weatherspoon has been filed. However, the following deficiency has been found: The Attorney filing a motion must use their log in and password. A mismatch between the login account and the electronic signature (s/name) will be grounds for rejecting that filing. Please refer to the <u>ECF User Manual</u> and <u>ECF Policies and Procedures</u> . The filer has one business day to correct the deficiency. (jld) (Entered: 12/05/2017)
12/08/2017	<u>26</u>	Second MOTION for Leave to Appear Pro Hac Vice <i>Proposed Order Submitted</i> (Fee paid as part of previous filing) by Delchon Weatherspoon. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing DC, # <u>2</u> Exhibit Certificate of Good Standing DDC)(Dharia, Premal) (Entered: 12/08/2017)
12/11/2017	<u>27</u>	ORDER GRANTING MOTION <u>26</u> TO APPEAR PRO HAC VICE, signed by Judge Samuel H. Mays, Jr. on 12/08/2017. Attorney Premal Dharia is admitted to participate in this action as counsel for petitioner. (Mays, Samuel) (Entered: 12/11/2017)
02/07/2018	<u>28</u>	NOTICE by Delchon Weatherspoon <i>of Intention to Seek a Writ of Mandamus</i> (Attachments: # <u>1</u> Exhibit A State Court Case Summary)(Gerstein, Charles) (Entered: 02/07/2018)
02/15/2018	<u>29</u>	NOTICE by Delchon Weatherspoon <i>of Filing of Petition for a Writ of Mandamus</i> (Gerstein, Charles) (Entered: 02/15/2018)

02/15/2018	<u>30</u>	NOTICE from the Sixth Circuit Court of Appeals. Petition for Writ of Mandamus filed as case number 18-5162. Petition filed by Petitioner Delchon Weatherspoon. (agj) (Entered: 02/16/2018)
02/26/2018	<u>31</u>	ORDER granting a condition writ of habeas corpus. Weatherspoon is GRANTED a conditional writ of habeas corpus, releasing him, unless the state trial court holds a bail hearing that comports with Due Process within 30 days of the issuance of the writ to determine whether continued detention is justified. Signed by Judge Samuel H. Mays, Jr on 2/26/2018. (Mays, Samuel) (Entered: 02/26/2018)
03/02/2018	<u>32</u>	ORDER filed GRANTING motion to dismiss USCA case number 18-5162 - voluntarily filed by Mr. Charles Lewis Gerstein and Amir H. Ali. (jrs) (Entered: 03/02/2018)
03/02/2018	<u>33</u>	MOTION for Reconsideration re <u>31</u> Order, by Delchon Weatherspoon. (Attachments: # <u>1</u> Memorandum of Law)(Gerstein, Charles) (Entered: 03/02/2018)
03/14/2018	<u>34</u>	RESPONSE in Opposition re <u>33</u> MOTION for Reconsideration re <u>31</u> Order, (<i>RESPONSE TO PETITIONERS MOTION FOR PARTIAL RECONSIDERATION</i>) filed by Bill Oldham. (Stigger, Bridgett) (Entered: 03/14/2018)
03/16/2018	<u>35</u>	REPLY to Response to Motion re <u>34</u> Response in Opposition to Motion filed by Delchon Weatherspoon. (Gerstein, Charles) (Entered: 03/16/2018)
03/29/2018	<u>36</u>	Emergency MOTION for Writ <i>Compliance with Conditional Writ</i> by Delchon Weatherspoon. (Attachments: # <u>1</u> Exhibit A Declaration of Joshua Stanton)(Gerstein, Charles) (Entered: 03/29/2018)
04/06/2018	<u>37</u>	First MOTION for Extension of Time to File Response/Reply as to <u>36</u> Emergency MOTION for Writ <i>Compliance with Conditional Writ (Proposed Order Submitted)</i> by Bill Oldham. (Stigger, Bridgett) (Entered: 04/06/2018)
04/09/2018	<u>38</u>	ORDER GRANTING MOTION <u>37</u> FOR EXTENSION TO RESPOND to petitioner's emergency motion for compliance with conditional writ, signed by Judge Samuel H. Mays, Jr. on 04/09/2018. Respondent shall have fourteen (14) days after the filing of the transcript of the bail hearing in which to file a response. (Mays, Samuel) (Entered: 04/09/2018)

04/09/2018	39	NOTICE by Delchon Weatherspoon re 36 Emergency MOTION for Writ <i>Compliance with Conditional Writ Filing of Official Transcript</i> (Attachments: # 1 Exhibit B Official Transcript)(Gerstein, Charles) (Entered: 04/09/2018)
04/19/2018	40	ORDER denying 33 Motion for Reconsideration. Signed by Judge Samuel H. Mays, Jr on 4/16/2018. (Mays, Samuel) (Entered: 04/19/2018)
04/23/2018	41	RESPONSE in Opposition re 36 Emergency MOTION for Writ <i>Compliance with Conditional Writ</i> filed by Bill Oldham. (Stigger, Bridgett) (Entered: 04/23/2018)
04/30/2018	42	MOTION for Leave to File <i>Reply in Support of Emergency Motion for Compliance with Conditional Writ</i> by Delchon Weatherspoon. (Attachments: # 1 Memorandum)(Ali, Amir) (Entered: 04/30/2018)
05/01/2018	43	ORDER GRANTING MOTION 42 FOR LEAVE TO FILE REPLY in support of emergency motion for compliance with this Court's conditional writ, signed by Judge Samuel H. Mays, Jr. on 05/01/2018. Petitioner may file the reply that is attached to his motion. (Mays, Samuel) (Entered: 05/01/2018)
05/01/2018	44	REPLY to Response to Motion re 41 Response in Opposition to Motion <i>for Writ Compliance with Conditional Writ</i> filed by Delchon Weatherspoon. (Ali, Amir) (Entered: 05/01/2018)
05/01/2018	45	ORDER denying 36 Weatherspoons Emergency Motion and his § 2241 Petition. Signed by Judge Samuel H. Mays, Jr on 5/1/2018. (Mays, Samuel) (Entered: 05/01/2018)
05/01/2018	46	JUDGMENT. Signed by Judge Samuel H. Mays, Jr on 5/1/2018. (Mays, Samuel) (Entered: 05/01/2018)

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