

BROWN, CASE-CLOSED, CASE-REOPENED, DEATH-PENALTY-CASE

U.S. District Court
Middle District of Tennessee (Nashville)
CIVIL DOCKET FOR CASE #: 3:06-cv-00340

Alley v. Little et al
Assigned to: District Judge Aleta A. Trauger
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 04/11/2006
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff**Sedley Alley**

represented by **Paul R. Bottei**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

George Little
*in his official capacity as Tennessee's
Commissioner of Correction*

represented by **Joseph F. Whalen, III**
Tennessee Attorney General's Office
P O Box 20207
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Email: mark.a.hudson@state.tn.us
LEAD ATTORNEY

Defendant

Ricky Bell
*in his official capacity as Warden,
Riverbend Maximum Security Institution*

represented by **Joseph F. Whalen, III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Alexis Hudson
(See above for address)
LEAD ATTORNEY

Defendant

John Doe Physicians 1-100

Defendant

John Doe Pharmacists 1-100

Defendant

John Doe Medical Personnel 1-100

Defendant

John Doe Executioners 1-100

Defendant

John Does 1-100

Date Filed	#	Docket Text
04/11/2006	<u>1</u>	COMPLAINT against John Does 1-100, George Little, Ricky Bell, John Doe Physicians 1-100, John Doe Pharmacists 1-100, John Doe Medical Personnel 1-100, John Doe Executioners 1-100 , filed by Sedley Alley. NO summons issued.(rm) (Entered: 04/11/2006)
04/11/2006	<u>2</u>	APPLICATION to Proceed in forma pauperis by Sedley Alley. Responses due by 4/28/2006 (rm) (Entered: 04/11/2006)
04/11/2006	<u>3</u>	ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis; process shall issue to the defts. Signed by Judge Aleta A. Trauger on 4/11/06. (hv) (Entered: 04/11/2006)
04/11/2006	<u>4</u>	MOTION Status Conference by Sedley Alley. Responses due by 4/28/2006 (Bottei, Paul) (Entered: 04/11/2006)
04/11/2006	<u>5</u>	Summons issued as to George Little, Ricky Bell, and TN Attorney General. Summons, complaint, 4/11/06 order, and USM-285 forms forwarded to US Marshal for service. (hv) (Entered: 04/11/2006)
04/11/2006		CERTIFICATES OF SERVICE: must contain the full mailing address for all opposing counsel, whether they are served electronically by filing with CM/ECF system or by US Mail (Local Rule 8(a)(4)). Please file an appropriate certificate of service for the Motion for Status Conference (do not re-file the motion). (hv) (Entered: 04/11/2006)
04/11/2006	<u>6</u>	CERTIFICATE OF SERVICE by Sedley Alley re <u>4</u> MOTION Status Conference (Bottei, Paul) (Entered: 04/11/2006)

04/12/2006	<u>7</u>	ORDER TRANSFERRING CASE to the USDC WD/TN - Western Division; the pltf has a pending case there. The pltf's motion for status conference is denied as moot. Signed by Judge Aleta A. Trauger on 4/12/06. (hv) (Entered: 04/12/2006)
04/12/2006	<u>8</u>	MOTION for Reconsideration re <u>7</u> Order Dismissing Case <i>Transferring the Case</i> by Sedley Alley. Responses due by 5/1/2006 (Bottei, Paul) (Entered: 04/12/2006)
04/13/2006	<u>9</u>	RESPONSE to Motion re <u>8</u> MOTION for Reconsideration re <u>7</u> Order Dismissing Case <i>Transferring the Case</i> filed by George Little, Ricky Bell. (Whalen, Joseph) (Entered: 04/13/2006)
04/13/2006		CERTIFICATES OF SERVICE: must contain the full mailing address for all opposing counsel, whether they are served electronically by filing with CM/ECF system or by US Mail (Local Rule 8(a)(4)). Please file an appropriate certificate of service for the Response to Motion (#9). (hv) (Entered: 04/13/2006)
04/13/2006	<u>10</u>	ORDER: granting <u>8</u> Motion for Reconsideration and <u>7</u> Order Dismissing Case is VACATED; this case will remain in this district. Granting <u>4</u> Motion for Status Conference; Status Conference set for 4/14/06 at 1:00 pm. Signed by Judge Aleta A. Trauger on 4/13/06. (hv) (Entered: 04/13/2006)
04/14/2006	<u>11</u>	NOTICE by Sedley Alley <i>Plaintiff's Postion Regarding Status of the Case</i> (Attachments: # <u>1</u> Exhibit A-Affidavit of Lubarsky# <u>2</u> Exhibit A-Affidavit of Lubarsky Ex. 1 Lubarsky CV# <u>3</u> Exhibit A-Affidavit Lubarsky Ex. 2 Article# <u>4</u> Exhibit B-Affidavit Ramsey# <u>5</u> Exhibit C-Excerpts From Ricky Bell Deposition)(Bottei, Paul) (Entered: 04/14/2006)
04/14/2006	<u>12</u>	Minute Entry for proceedings held before Judge Aleta A. Trauger: Status Conference held on 4/14/2006. Discovery stayed. Dispositive mtn to be filed by 4/19/06, response filed by 4/26/06, reply filed by 4/28/06. (Court Reporter Becky Cole.) (dt) (Entered: 04/14/2006)
04/17/2006		NOTE TO FILER: Re: Document No. 11; Affidavits if original should be filed as separate entries using the event Affidavit found under the category Other Documents. Exhibits should be filed as attachments not included with the affidavit. (km,) Modified text on 4/17/2006 (km,). (Entered: 04/17/2006)
04/17/2006	<u>13</u>	ORDER: Status conference held 4/14/06. Defts shall file their dispositive mtn by 4/19/2006, pltf shall respond by 4/26/06 and defts may reply by 4/28/06. Following a decision on this dispositive mtn, if the case is not fully dismissed, the Court will set an early status conference. Discovery is stayed pending further orders. Signed by Judge Aleta A. Trauger on 4/17/06. (gi,) (Entered: 04/17/2006)
04/18/2006	<u>14</u>	SUMMONS returned executed by Sedley Alley. Ricky Bell served on 4/13/2006, answer due 5/3/2006. (dt) (Entered: 04/19/2006)
04/19/2006	<u>15</u>	First MOTION to Dismiss by George Little, Ricky Bell. Responses due by 5/8/2006 (Hudson, Mark) (Entered: 04/19/2006)
04/19/2006	<u>16</u>	MEMORANDUM in Support of <u>15</u> First MOTION to Dismiss, <u>1</u> Complaint filed by George Little, Ricky Bell. (Attachments: # <u>1</u> Exhibit Affidavit to Elect Method of Execution# <u>2</u> Appendix Unpublished Cases cited in Memorandum in Support)(Hudson, Mark) (Entered: 04/19/2006)

04/19/2006	17	SUMMONS returned executed on Paul G. Summer, Attorney General, on 4/17/06 by Sedley Alley. (gi,) (Entered: 04/19/2006)
04/20/2006		NOTE TO FILER: Re: Document Nos. 15-16; In the future, the certificate of Service should include the names and addresses for all persons served, whether electronically or by mail. (km,) (Entered: 04/20/2006)
04/25/2006	18	SUMMONS returned executed by USM; George Little served on 4/13/2006, answer due 5/3/2006. (hv) (Entered: 04/25/2006)
04/26/2006	19	RESPONSE to Motion re 15 First MOTION to Dismiss <i>Of Defendants Little and Bell</i> filed by Sedley Alley. (Attachments: # 1 Exhibit 1-TN Sup. Ct. Order# 2 Exhibit 2-Bottei letter to Little# 3 Exhibit 3-Little Letter to Bottei# 4 Exhibit 4-Affidavit to Elect Method of Execution# 5 Exhibit 5-Morales v. Hickman)(Minton, Christopher) (Entered: 04/26/2006)
04/28/2006	20	REPLY to Response to Motion re 15 First MOTION to Dismiss filed by George Little, Ricky Bell. (Hudson, Mark) (Entered: 04/28/2006)
05/02/2006	21	MEMORANDUM AND OPINION re defts' Motion to Dismiss signed by Judge Aleta A. Trauger on 5/2/06. (hv) (Entered: 05/02/2006)
05/02/2006	22	ORDER: For the reasons stated in the accompanying Memorandum, defts' 15 First MOTION to Dismiss will be HELD IN ABEYANCE pending the US Supreme Court's decision in 'Hill v. McDonough'. Signed by Judge Aleta A. Trauger on 5/2/06. (hv) (Entered: 05/02/2006)
05/04/2006	23	MOTION for Preliminary Injunction by Sedley Alley. Responses due by 5/22/2006 (Attachments: # 1 Exhibit 1-Order Roane v. Gonzales# 2 Exhibit 2-Order Taylor v. Crawford# 3 Exhibit 3-Order Abu-Ali v. Bell# 4 Exhibit 4-Order Johnson v. Bell Western District# 5 Exhibit 5-Order Johnson v. Bell 6th Circuit# 6 Exhibit 6-Order Workman v. Bell Western District# 7 Exhibit 7-Order Workman v. Bell 6th Circuit# 8 Exhibit 8-Order Alley v. Bell Western District# 9 Exhibit 9-Order Alley v. Bell 6th Circuit# 10 Exhibit 10-Order Alley v. Bell TN Sup Ct. 1-05# 11 Exhibit 11-Order Alley v. Bell TN Sup Ct. 3-06)(Bottei, Paul) (Entered: 05/04/2006)
05/08/2006	24	RESPONSE to Motion re 23 MOTION for Preliminary Injunction filed by George Little, Ricky Bell. (Attachments: # 1 Exhibit Unpublished Court Order# 2 Exhibit Coe Autopsy Report# 3 Exhibit Testimony of Dr. Bruce Levy in Abdur'Rahman)(Hudson, Mark) (Entered: 05/08/2006)
05/09/2006	25	REPLY to Response to Motion re 23 MOTION for Preliminary Injunction filed by Sedley Alley. (Attachments: # 1 Exhibit 1-George Little Letter 4-6-06)(Bottei, Paul) (Entered: 05/09/2006)
05/10/2006	26	NOTICE of Filing by Sedley Alley (Attachments: # 1 Exhibit 1-Order Jackson v. Taylor)(Bottei, Paul) (Entered: 05/10/2006)
05/11/2006	27	MEMORANDUM AND OPINION re Motion for Preliminary Injunction signed by Judge Aleta A. Trauger on 5/11/06. (hv) (Entered: 05/11/2006)
05/11/2006	28	ORDER: For the reasons expressed in the accompanying Memorandum, granting 23 Motion for Preliminary Injunction; the pltf's execution scheduled for 5/17/06 is STAYED pending further orders of the court. Signed by Judge Aleta A.

		Trauger on 5/11/06. (hv) (Entered: 05/11/2006)
05/11/2006	29	NOTICE OF APPEAL as to 28 Order on Motion for Preliminary Injunction, by George Little, Ricky Bell. (Hudson, Mark) (Entered: 05/11/2006)
05/11/2006		USCA Case Number 06-5650 for 29 Notice of Appeal filed by Ricky Bell & George Little; assignment of Patricia Elder as case manager. (gi,) (Entered: 05/11/2006)
05/11/2006	30	USCA Appeal Fees received \$ 455 receipt number 109913 re 29 Notice of Appeal filed by Ricky Bell, George Little. (hv) (Entered: 05/11/2006)
05/12/2006	31	ORDER of USCA as to 29 Notice of Appeal filed by Ricky Bell and George Little vacating the preliminary injunction and stay of execution. (mk,) (Entered: 05/15/2006)
05/16/2006	32	ORDER of USCA as to 29 Notice of Appeal denying petition for rehearing en banc. (mk,) (Entered: 05/16/2006)
05/18/2006	33	MANDATE of USCA as to 29 Notice of Appeal filed by Ricky Bell, George Little (mk,) (Entered: 05/18/2006)
05/24/2006	34	TRANSCRIPT prepared by OCR Becky Cole for Status Conference held on 4/14/06 before Judge Trauger.(This document is NOT available on-line. Contact the court reporter at 615-726-4893 to purchase a copy) (hv) (Entered: 05/24/2006)
06/06/2006	35	MOTION For Status Conference by Sedley Alley. Responses due by 6/23/2006 (Bottei, Paul) (Entered: 06/06/2006)
06/07/2006	36	ORDER: the defts shall file a response to pltf's Motion for Status Conference by 6/9/06. Signed by Judge Todd J. Campbell on 6/7/06. (hv) (Entered: 06/07/2006)
06/09/2006	37	RESPONSE to Motion re 35 MOTION For Status Conference filed by George Little, Ricky Bell. (Hudson, Mark) (Entered: 06/09/2006)
06/13/2006	38	ORDER: the 35 MOTION For Status Conference filed by Sedley Alley will be held in abeyance pending a decision re defts' Motion to Dismiss, on which the Court expects to rule this week. Signed by Judge Todd J. Campbell on 6/13/06. (hv) (Entered: 06/13/2006)
06/14/2006	39	MEMORANDUM AND OPINION re defts' Motion to Dismiss signed by Judge Aleta A. Trauger on 6/14/06. (hv) (Entered: 06/14/2006)
06/14/2006	40	ORDER: For the reasons stated in the accompanying Memorandum, denying 35 Motion for Status Conference, granting 15 Motion to Dismiss. Signed by Judge Aleta A. Trauger on 6/14/06. (hv) (Entered: 06/14/2006)
06/14/2006	41	Docket entry no. 40 was entered on the docket in compliance with Rule 58 and/or Rule 79(a) FRCP, on 6/14/06 by hv. (hv) (Entered: 06/14/2006)
06/19/2006	42	NOTICE OF APPEAL as to 40 Order on Motion for Miscellaneous Relief, Order on Motion to Dismiss, 39 Memorandum & Opinion by Sedley Alley. (Bottei, Paul) (Entered: 06/19/2006)

06/28/2006	43	AMENDED ORDER of USCA as to 42 Notice of Appeal filed by Sedley Alley denying the petition for hearing en banc (mk,) Modified on 7/3/2006 (aef,). (Entered: 06/28/2006)
06/29/2006	44	INFORMATION COPY from 6CCA denying the petition for rehearing en banc of the decision issued 6/24/06. (mk,) (Entered: 07/03/2006)
06/29/2006	45	AMENDED INFORMATION COPY from 6CCA denying petition for rehearing en banc of decision issued 6/24/06. (mk,) (Entered: 07/03/2006)
06/29/2006	47	MANDATE of USCA as to 42 Notice of Appeal filed by Sedley Alley, (mk,) (Entered: 07/03/2006)
07/03/2006		DE 46 docketed in wrong case & removed from docket. Redocketed in 3:06-0646. (aef,) (Entered: 07/03/2006)
07/17/2006	48	NOTICE from US Supreme Court (application number 05A1213) that application for stay of execution of sentence of death is denied. Petition for writ of certiorari is also denied. (mk,) (Entered: 07/17/2006)
07/17/2006	49	NOTICE from US Supreme Court (application number 05A1209) that application for stay of execution of sentence of death is denied. Petition for writ of certiorari is also denied. (mk,) (Entered: 07/17/2006)

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