

FRC, LEAD, MAG

**U.S. District Court
Middle District of Florida (Tampa)
CIVIL DOCKET FOR CASE #: 8:91-cv-00748-EAK**

Avant v. Rice, et al
Assigned to: Judge Elizabeth A. Kovachevich
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/14/1991
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Curtis Avant

represented by **Curtis Avant**
Pinellas County Jail
14400 49th St. N.
Clearwater, FL 34622
PRO SE

V.

Defendant

Everett S. Rice

represented by **Robert F. Jagger**
Pinellas County Attorney's Office
315 Court St.
Clearwater, FL 33756
727/464-3354
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Charles Feldon
Director, Pinellas County Jail

Defendant

John Doe
Shift Commander

Defendant

Officer Sanford

Defendant

Officer Johnson

Date Filed	#	Docket Text

06/14/1991	1	COMPLAINT filed Prisoner Civil Rights. (cek) (Entered: 06/17/1991)
06/14/1991	2	MOTION by Curtis Avant to proceed in forma pauperis (affidavit of indigency) Computer printout attached. (cek) (Entered: 06/17/1991)
06/14/1991		CASE REFERRED to Judge Charles R. Wilson for discovery. (cek) (Entered: 06/17/1991)
06/14/1991		NOTICE to Prisoner of Filing of Case. File forwarded to Chambers for IFP review. (cek) (Entered: 06/17/1991)
06/26/1991	3	ORDER to Complete Summons Forms. (Signed by Judge Elizabeth A. Kovachevich) (rjh) (Entered: 06/26/1991)
06/26/1991	3	ORDER granting [2-1] motion to proceed in forma pauperis (affidavit of indigency) (Signed by Judge Elizabeth A. Kovachevich) (rjh) (Entered: 06/26/1991)
07/23/1991	4	MOTION by Curtis Avant for appointment of counsel referred to Judge Charles R. Wilson (rjh) (Entered: 07/24/1991)
07/26/1991	5	ORDER denying [4-1] motion for appointment of counsel denying [2-1] as moot because court granted Plaintiff's earlier motion to do so, motion to proceed in forma pauperis (affidavit of indigency), Clerk is directed to send Pltf new summons and marshal's forms, along with copy of Court Order of 06/26/91 set amended pleadings, Pltf must return completed forms due for 8/15/91 or this cause will be dismissed, without prejudice and without further order of the court (Signed by Judge Elizabeth A. Kovachevich) (rjh) (Entered: 07/29/1991)
08/05/1991	6	ORDER denying [4-1] motion for appointment of counsel, denying as moot [2-1] motion to proceed in forma pauperis (affidavit of indigency) (Signed by Judge Elizabeth A. Kovachevich) (rjh) (Entered: 08/06/1991)
08/12/1991	7	ORDER Directing Service of Process Upon Defendants and Notice to Plaintiff (Signed by Judge Elizabeth A. Kovachevich) (rjh) (Entered: 08/12/1991)
08/19/1991		CORRESPONDENCE received from Curtis Avant regarding computer financial print-out (rjh) (Entered: 08/21/1991)
09/04/1991	8	RETURN OF SERVICE executed as to Everett S. Rice 8/24/91 by certified mail. Answer due on 9/13/91 for Everett S. Rice (rjc) (Entered: 09/05/1991)
09/12/1991	9	MOTION by Everett S. Rice and Pinellas County Jail to dismiss presenting defense of Pinellas County Jail's lack of jurisdiction over the person (rjh) (Entered: 09/12/1991)
09/12/1991	10	MEMORANDUM by Everett S. Rice in support of [9-1] motion to dismiss presenting defense of Pinellas County Jail's lack of jurisdiction over the person (rjh) (Entered: 09/12/1991)
10/07/1991		NOTICE of Change of Address to Calhoun Correctional Institution (rjh) (Entered: 10/07/1991)
10/07/1991	11	MOTION by Curtis Avant to extend time to answer Deft's Motion to Dismiss, and Motion to Amend Pltf's complaint (rjh) (Entered: 10/07/1991)

10/10/1991	12	ORDER [9-1] motion to dismiss presenting defense of Pinellas County Jail's lack of jurisdiction over the person taken under advisement, Pltf Response to motion reset to 10/29/91 for [9-1] motion to dismiss presenting defense of Pinellas County Jail's lack of jurisdiction over the person; thereafter, motion will be taken under advisement by the court and an order entered thereon without further notice (Signed by Judge Elizabeth A. Kovachevich) (rjh) (Entered: 10/10/1991)
10/16/1991	13	ORDER denying as moot [11-1] motion to extend time to answer Deft's Motion to Dismiss, and Motion to Amend Pltf's complaint denying as moot [9-1] motion to dismiss presenting defense of Pinellas County Jail's lack of jurisdiction over the person, set amended complaint deadline at 11/6/91 for Curtis Avant ; consolidating Case No. 91-1011-Civ-T-17C and 91-1012-Civ-T-10A with 91-748-Civ-T-17A) (Signed by Judge Elizabeth A. Kovachevich) (rjh) (Entered: 10/17/1991)
10/17/1991		Consolidated Lead Case; consolidated with Case No. 91-1011-Civ-T-17C and 91-1012-Civ-T-17 (rjh) (Entered: 10/17/1991)
10/28/1991	14	MOTION by Curtis Avant for appointment of counsel (rjh) (Entered: 10/30/1991)
10/28/1991	15	AMENDED COMPLAINT by Curtis Avant , (Answer due 11/7/91 for Officer Johnson, for Officer Sanford, for John Doe, for Charles Feldon, for Everett S. Rice) amending [1-1] complaint (rjh) (Entered: 11/01/1991)
11/01/1991	16	ORDER denying [14-1] motion for appointment of counsel, Clerk shall forward a copy of this order and Plaintiff's complaint in this case and each of the consolidated cases to Marcellas Durham, Court monitor; court monitor shall investigate Plaintiff's complaint and include findings in quarterly report for that visit; Plaintiff shall have 30 days from the date of monitor's report to file a statement including the results of the monitor's investigation; whether monitor has recommended any administrative action to resolve the complaint; whether plaintiff still desires to prosecute his claim for damages (Signed by Judge Elizabeth A. Kovachevich) (rjh) (Entered: 11/04/1991)
01/17/1992		CORRESPONDENCE dated 1/13/92 received from Curtis Avant regarding case. (rjh) (Entered: 01/21/1992)
02/07/1992	17	NOTICE of Inquiry by Curtis Avant as to whether court monitor has received court order of 11/1/91. (rjh) (Entered: 02/10/1992)
03/05/1992	18	AMENDED MOTION by Curtis Avant for Information regarding Appointed Court Monitor (rjh) (Entered: 03/10/1992)
03/18/1992	19	MOTION by Everett S. Rice with memorandum in support to dismiss (rjh) (Entered: 03/18/1992)
03/23/1992	20	ORDER that plaintiff may request a copy of the Court Monitor's report, in writing, from Jean Kwall, Esq. Plaintiff must file his court-ordered response, pursuant to the court's order of 11/1/92, within 30 days of the date of this order. Failure to file a response will result in the dismissal of this action, and the related consolidated actions, without further notice. (Signed by Judge Elizabeth A. Kovachevich) (rjh) (Entered: 03/23/1992)

04/02/1992		CORRESPONDENCE dated 3/30/92 addressed to Jean Kwall, Esq. from Curtis Avant regarding obtaining copy of court monitor's report. (rjh) (Entered: 04/02/1992)
04/02/1992	21	MEMORANDUM by Curtis Avant in opposition to [20-1] court order of 3/23/92 regarding Plaintiff's response to court's ordered monitor's investigation to plaintiff's complaint. (rjh) (Entered: 04/02/1992)
04/13/1992		CORRESPONDENCE dated 4/7/92 received in the Judge's chambers regarding case. (rjh) (Entered: 04/14/1992)
04/21/1992		COPY of correspondence sent to Curtis Avant dated 4/10/92 from Jean H. Kwall, Esq. forwarding a copy of Court Monitor's Report to Mr. Avant. Copy of Mr. Avant's letter to Jean Kwall, Esq. dated 3/30/92 attached and copy of court order of 3/23/92 attached. (rjh) (Entered: 04/21/1992)
04/24/1992	22	ORDER denying without prejudice to refileing after Plaintiff has responded to the monitor's report, [19-1] motion to dismiss granting [18-1] motion for Information regarding Appointed Court Monitor. Plaintiff should request a copy of the report for the fourth quarter of 1991. That the Clerk send Defendants a copy of Plaintiff's amended complaint (Doc. 15). Plaintiff shall respond to the monitor's report, as directed in the court order dated 11/1/92, not later than 5/15/92. Failure to do so will result in dismissal of this action without further notice of the court. (Signed by Judge Elizabeth A. Kovachevich) (rjh) (Entered: 04/24/1992)
04/29/1992	23	REJECTIONS to Monitor's Report by Curtis Avant. Attachment. (rjh) (Entered: 04/30/1992)
05/07/1992	24	MOTION by Curtis Avant for sanctions (rjh) (Entered: 05/08/1992)
06/01/1992	25	MOTION by Everett S. Rice to dismiss amended complaint (rjh) (Entered: 06/01/1992)
06/01/1992	26	MEMORANDUM by Everett S. Rice in support of [25-1] motion to dismiss amended complaint (rjh) (Entered: 06/01/1992)
07/27/1992	27	ORDER [25-1] motion to dismiss amended complaint taken under advisement, Response to motion reset to 8/17/92 to file an opposition to [25-1] motion to dismiss amended complaint (Signed by Judge Elizabeth A. Kovachevich) (rjh) (Entered: 07/27/1992)
08/12/1992		COPY of correspondence dated 8/7/92 sent to Mr. Avant furnishing him with court monitor's report. (Copy of report not submitted with copy sent to Clerk). (rjh) (Entered: 08/12/1992)
08/13/1992	28	MEMORANDUM by Curtis Avant in opposition to [25-1] motion to dismiss amended complaint, with protest against Court Order dated 7/27/92 "showing racial bias", "also requesting summary judgment", with a final hearing of evidence. (rjh) (Entered: 08/14/1992)
08/13/1992	28	MOTION by Curtis Avant for summary judgment (rjh) (Entered: 08/14/1992)
08/14/1992		CORRESPONDENCE dated 8/11/92 from Curtis Avant notifying the Clerk of Court of furnishing Opposition to Defendant's Motion to Dismiss to Judge's chambers by certified mail. (rjh) (Entered: 08/14/1992)

08/27/1992		CORRESPONDENCE from Curtis Avant received 8/27/92 addressed to Clerk of Court requesting verification of court records to determine authenticity of court orders. (rjh) (Entered: 08/27/1992)
11/19/1992	29	ORDER denying as moot [28-1] motion for summary judgment granting [25-1] motion to dismiss, without prejudice, for failure to prosecute amended complaint. The clerk is directed to enter a judgment in favor of defendants and to close this case; denying [24-1] motion for sanctions. Case no. 91-1011-Civ-T-17C and no. 91-1012-Civ-T-17A are also dismissed. The clerk is directed to close those cases. (Signed by Judge Elizabeth A. Kovachevich) (rjh) (Entered: 11/23/1992)
11/19/1992		Case closed (cek) (Entered: 12/01/1992)
11/20/1992	30	JUDGMENT for Officer Johnson, Officer Sanford, John Doe, Charles Feldon, Everett S. Rice against Curtis Avant. It is ordered that defendant Rice's motion to dismiss is granted. Further, plaintiff's claims against defendants Felton, John Does and the Pinellas County Jail are dismissed as frivolous. Plaintiff's claims against defendants Sanford and Johnson are dismissed, without prejudice, for failure to prosecute. Case No. 91-1011-Civ-T-17C and Case No. 91-1012-Civ-T-17A are also dismissed. (s/rjh/11/19/92/Notified) MFR Number 104/D690 (rjh) (Entered: 11/23/1992)
11/20/1992	31	Letter addressed to Honorable Judge Stafford from Curtis Avant received in the Judge's chambers entitled "Victim and Witness Protection Act of 1982." (rjh) (Entered: 11/24/1992)
11/25/1992	32	Letter addressed to Judge Black entitled, "Victim and Witness Protection Act of 1982" from Curtis Avant. (rjh) (Entered: 11/25/1992)
06/08/2001		FRC record data: accession # 021 95 0711; agency box # 157; location # E1001511 (sak) (Entered: 06/08/2001)

PACER Service Center

Transaction Receipt

04/07/2006 17:11:56

PACER Login:	hs0328	Client Code:	
Description:	Docket Report	Search Criteria:	8:91-cv-00748-EAK
Billable Pages:	3	Cost:	0.24