

CLOSED

Version 2.4
U.S. District Court of Nebraska (4 Lincoln)
CIVIL DOCKET FOR CASE #: 4:93-cv-03262-RGK

Flemming, et al v. Clarke, et al
Assigned to: Judge Richard G. Kopf
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 08/10/1993
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**Kelly Flemming**

represented by **Kelly Flemming**
41365
SPR-LINC CORR CTR, Lincoln
Correctional Center
P.O. Box 22800
Lincoln, NE 68542-2800
PRO SE

P. Shawn McCann
SODORO, DALY LAW FIRM
7000 Spring Street
Omaha, NE 68106
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Email: smccann@sodorolaw.com
ATTORNEY TO BE NOTICED

Plaintiff**Robert Lee Lott**

represented by **Robert Lee Lott**
P.O. Box 80735
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P. Shawn McCann
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

James Brandon
TERMINATED: 01/10/1994

represented by **James Brandon**
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ATTORNEY TO BE NOTICED

Plaintiff

Mark Pearce

represented by **Mark Pearce**
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Plaintiff

Cedric Levi Hamilton

represented by **Cedric Levi Hamilton**
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Plaintiff

John Horn

represented by **John Horn**
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Plaintiff

Donald Earl Atkinson

represented by **Donald Earl Atkinson**

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Plaintiff

Michael Day
TERMINATED: 01/10/1994

represented by **Michael Day**
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ATTORNEY TO BE NOTICED

Plaintiff

Luke J. Soule

represented by **Luke J. Soule**
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ATTORNEY TO BE NOTICED

Plaintiff

George L. Shepard

represented by **George L. Shepard**
SPR-NEBRASKA, Nebraska State
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PRO SE

Plaintiff

Eric McCain

represented by **Eric McCain**
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ATTORNEY TO BE NOTICED

Plaintiff

Cornel Burnett

represented by **Cornel Burnett**
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Lincoln, NE 68502
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P. Shawn McCann
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TERMINATED: 01/10/1994
ATTORNEY TO BE NOTICED

Plaintiff

James Monie

represented by **James Monie**
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ATTORNEY TO BE NOTICED

Plaintiff

Nate Jacobs

represented by **Nate Jacobs**
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Columbus, NE 68601
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Plaintiff

Charles Campbell

represented by **Charles Campbell**
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ATTORNEY TO BE NOTICED

Plaintiff

Paul D. Kavan

represented by **Paul D. Kavan**
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Plaintiff

Terrance Johnson

represented by **Terrance Johnson**
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P. Shawn McCann
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TERMINATED: 01/10/1994
ATTORNEY TO BE NOTICED

Plaintiff

Phillip Bowen

represented by **Phillip Bowen**
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Plaintiff

William Toney

represented by **William Toney**
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Center
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P. Shawn McCann
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ATTORNEY TO BE NOTICED

Plaintiff

Edward Ellison

TERMINATED: 01/10/1994

represented by **Edward Ellison**
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P. Shawn McCann
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TERMINATED: 01/10/1994
ATTORNEY TO BE NOTICED

Plaintiff

Chris Bazer

TERMINATED: 01/10/1994

represented by **Chris Bazer**
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P. Shawn McCann
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TERMINATED: 01/10/1994
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Plaintiff

Dana Jones

TERMINATED: 01/10/1994

represented by **Dana Jones**
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P. Shawn McCann
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TERMINATED: 01/10/1994
ATTORNEY TO BE NOTICED

Plaintiff

Jacqaus L. Martin

TERMINATED: 01/10/1994

represented by **Jacqaus L. Martin**

40992

SPR-TECUMSEH, Tecumseh State
Prison

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PRO SE

P. Shawn McCann

(See above for address)

TERMINATED: 01/10/1994

ATTORNEY TO BE NOTICED

Plaintiff

David Ware

represented by **David Ware**

35781

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Correctional Center

P.O. Box 22800

Lincoln, NE 68542-2800

PRO SE

P. Shawn McCann

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ATTORNEY TO BE NOTICED

Plaintiff

George Kohtz

TERMINATED: 01/10/1994

represented by **George Kohtz**

40886

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P.O. Box 22800

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P. Shawn McCann

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TERMINATED: 01/10/1994

ATTORNEY TO BE NOTICED

Plaintiff

Larry Douglas

TERMINATED: 01/10/1994

represented by **Larry Douglas**

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P. Shawn McCann
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TERMINATED: 01/10/1994
ATTORNEY TO BE NOTICED

Plaintiff

Cornell Kellogg
TERMINATED: 01/10/1994

represented by **Cornell Kellogg**
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P. Shawn McCann
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TERMINATED: 01/10/1994
ATTORNEY TO BE NOTICED

Plaintiff

Michael Prim
TERMINATED: 01/10/1994

represented by **Michael Prim**
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P. Shawn McCann
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TERMINATED: 01/10/1994
ATTORNEY TO BE NOTICED

Plaintiff

Keith Jury

represented by **Keith Jury**
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P. Shawn McCann
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ATTORNEY TO BE NOTICED

Plaintiff**Richard Hatterman***TERMINATED: 01/10/1994*represented by **Richard Hatterman**

42954

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PRO SE

P. Shawn McCann

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*TERMINATED: 01/10/1994**ATTORNEY TO BE NOTICED***Plaintiff****Calvin White**represented by **Calvin White**

43696

SPR-LINC CORR CTR, Lincoln

Correctional Center

P.O. Box 22800

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PRO SE

P. Shawn McCann

(See above for address)

*TERMINATED: 01/10/1994**ATTORNEY TO BE NOTICED*

V.

Defendant**Harold W. Clarke****Defendant****John Dahm****Defendant****Robert P. Houston**

Date Filed	#	Docket Text
08/10/1993	1	COMPLAINT: (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	1	MOTION by plaintiff for appointment of counsel (ICMSUSER) Modified on 08/16/1993 (Entered: 08/13/1993)
08/10/1993	2	MOTION by plaintiff William Toney to proceed in forma pauperis (ICMSUSER) Modified on 08/13/1993 (Entered: 08/13/1993)

08/10/1993	3	MOTION by plaintiff Robert Lee Lott to proceed in forma pauperis (ICMSUSER) Modified on 08/13/1993 (Entered: 08/13/1993)
08/10/1993	4	MOTION by plaintiff Calvin White to proceed in forma pauperis (ICMSUSER) Modified on 08/13/1993 (Entered: 08/13/1993)
08/10/1993	5	MOTION by plaintiff Richard Hatterman to proceed in forma pauperis (ICMSUSER) Modified on 08/13/1993 (Entered: 08/13/1993)
08/10/1993	6	MOTION by plaintiff Keith Jury to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	7	MOTION by plaintiff Michael Prim to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	8	MOTION by plaintiff Kelly Flemming to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	9	MOTION by plaintiff Chris Bazer to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	10	MOTION by plaintiff Edward Ellison to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	11	MOTION by plaintiff Paul D. Kavan to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	12	MOTION by plaintiff George L. Shepard to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	13	MOTION by plaintiff Luke J. Soule to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	14	MOTION by plaintiff Donald Earl Atkinson to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	15	MOTION by plaintiff Phillip Bowen to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	16	MOTION by plaintiff Terrance Johnson to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	17	MOTION by plaintiff Charles Campbell to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	18	MOTION by plaintiff Nate Jacobs to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	19	MOTION by plaintiff James Monie to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	20	MOTION by plaintiff Cornel Burnett to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	21	MOTION by plaintiff Eric McCain to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)

08/10/1993	22	MOTION by plaintiff Michael Day to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	23	MOTION by plaintiff John Horn to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	24	MOTION by plaintiff Cornell Kellogg to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	25	MOTION by plaintiff Larry Douglas to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	26	MOTION by plaintiff George Kohtz to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	27	MOTION by plaintiff David Ware to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	28	MOTION by plaintiff Jacquas L. Martin to proceed in forma pauperis (ICMSUSER) Modified on 08/13/1993 (Entered: 08/13/1993)
08/10/1993	29	MOTION by plaintiff Dana Jones to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	30	MOTION by plaintiff Cedric Levi Hamilton to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	31	MOTION by plaintiff Mark Pearce to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	32	MOTION by plaintiff James Brandon to proceed in forma pauperis (ICMSUSER) (Entered: 08/13/1993)
08/10/1993	33	MEMORANDUM AND ORDER: by Magistrate David L. Piester prov granting Ps' motions to proceed in forma pauperis & dir clk to req stmt from inmate trust account officer - CCAP 8/13/93 (ICMSUSER) (Entered: 08/16/1993)
08/13/1993	34	LETTER to inmate trust officer (ICMSUSER) (Entered: 08/16/1993)
08/17/1993	35	MAIL Returned [33-1] addressed to plaintiff James Brandon (ICMSUSER) (Entered: 08/19/1993)
08/20/1993	36	CERTIFICATE by plaintiff Kelly Flemming, plaintiff Robert Lee Lott, plaintiff James Brandon, plaintiff Mark Pearce, plaintiff Cedric Levi Hamilton, plaintiff John Horn, plaintiff Donald Earl Atkinson, plaintiff Michael Day, plaintiff Luke J. Soule, plaintiff George L. Shepard, plaintiff Eric McCain, plaintiff Cornel Burnett, plaintiff James Monie, plaintiff Nate Jacobs, plaintiff Charles Campbell, plaintiff Paul D. Kavan, plaintiff Terrance Johnson, plaintiff Phillip Bowen, plaintiff William Toney, plaintiff Edward Ellison, plaintiff Chris Bazer, plaintiff Dana Jones, plaintiff Jacquas L. Martin, plaintiff David Ware, plaintiff George Kohtz, plaintiff Larry Douglas, plaintiff Cornell Kellogg, plaintiff Michael Prim, plaintiff Keith Jury, plaintiff Richard Hatterman, plaintiff Calvin White and filing of financial stmt (ICMSUSER) (Entered: 08/20/1993)

		08/31/1993)
09/21/1993	37	PRISONER PAYMENT MEMORANDUM AND ORDER by Magistrate David L. Piester : prev ord prov grant plas Pearce, Hamilton, Horn, Burnett, Monie, Jacobs, Campbell, Johnson and White lv to procifp withdrwn and these plas may procd ifp; following plas to pay partial fil fee by 12/22/93 as follows: Flemming \$5.35; Lott \$5.32; Brandon \$3.48; Atkinson \$4.47; Day \$12.92; Soule \$4.02; Shepard \$3.05; McCain \$3.68; Kavan \$7.10; Bowen \$10.95; Toney \$3.96; Ellison \$5.27; Bazer \$4.74; Jones \$3.92; Martin \$4.96; Ware \$2.63; Kohtz \$2.97; Douglas \$5.36; Kellog \$2.38; Prim \$4.39; Jury \$2.07; Hatterman \$5.46; and White \$1.59 (ICMSUSER) (Entered: 09/22/1993)
09/21/1993	38	MAIL Returned [37-1] addressed to plaintiff James Brandon (CCB) (Entered: 09/27/1993)
10/06/1993	39	FILING FEE PAID: on 10/6/93 in the amount of \$ 4.47, receipt # 9563, by Donald E. Atkinson (ICMSUSER) (Entered: 10/06/1993)
10/19/1993	40	RECEIPT for plaintiff re: filing fee of \$5.27 paid on 10/19/93 (ADB) (Entered: 10/22/1993)
11/05/1993	41	MOTION by plaintiff Edward Ellison to proceed in forma pauperis and for copy of orig petn (DEEMED STRICKENED FROM THE FILE PURSUANT TO MEMO AND ORDER #51, FILED 12/3/93) (ICMSUSER) Modified on 12/06/1993 (Entered: 11/08/1993)
11/15/1993	42	MEMORANDUM, OPINION, AND ORDER: by Magistrate David L. Piester granting motion for appointment of counsel [1-1] and appting Shawn P. McCann to rep plas ; ddl for amended complaint set for 12/14/93 ; all furth pldings to be made through counsl, etc - CCAP (ICMSUSER) (Entered: 11/16/1993)
11/16/1993		FILE SENT to Omaha for Atty McCann (ICMSUSER) (Entered: 11/16/1993)
11/17/1993	43	MAIL Returned [42-2] addressed to plaintiff James Brandon (ICMSUSER) (Entered: 11/22/1993)
11/22/1993		FILE SENT to Clk's ofc in L, c/o Kathy Nelson per request (PLW) (Entered: 11/22/1993)
11/22/1993	44	FILING FEE PAID: on 11/22/93 by Flemming in the amount of \$ 5.35, receipt # 11102. (ICMSUSER) Modified on 12/06/1993 (Entered: 11/24/1993)
11/22/1993	45	FILING FEE PAID: on 11/22/93 by Kavan in the amount of \$ 7.10, receipt # 11100. (ICMSUSER) Modified on 12/06/1993 (Entered: 11/24/1993)
11/22/1993	46	FILING FEE PAID: on 11/22/93 in the amount of \$ 3.05, receipt # 11099, by pla Geo Shepard (ICMSUSER) (Entered: 11/26/1993)
11/22/1993	47	FILING FEE PAID: on 11/22/93 in the amount of \$ 4.02, receipt #

		11101, by pla Luke Soule (ICMSUSER) (Entered: 11/26/1993)
11/22/1993	48	MAIL Returned [42-2] addressed to plaintiff Nate Jacobs (ICMSUSER) (Entered: 11/26/1993)
11/29/1993	49	FILING FEE PAID: on 11/29/93 in the amount of \$ 2.63, receipt # 11121 by pla Dave Ware (ICMSUSER) (Entered: 12/01/1993)
12/01/1993	50	FILING FEE PAID: on 12/1/93 in the amount of \$ 5.32, receipt # 11125 by pla Robert Lott (ICMSUSER) Modified on 12/08/1993 (Entered: 12/02/1993)
12/03/1993	51	MEMORANDUM, OPINION, AND ORDER: by Magistrate David L. Piester striking motion to proceed in forma pauperis and for copy of orig petn [41-1] - CCAP (ICMSUSER) (Entered: 12/06/1993)
12/08/1993	52	FILING FEE PAID: on 12/8/93 in the amount of \$ 10.95, receipt # 11153 by pla Phillip Bowen (ICMSUSER) (Entered: 12/09/1993)
12/08/1993	53	MAIL Returned [51-1] addressed to plaintiff John Horn (ICMSUSER) (Entered: 12/09/1993)
12/08/1993	54	MAIL Returned [51-1] addressed to plaintiff James Brandon (ICMSUSER) (Entered: 12/09/1993)
12/10/1993	55	MOTION by plaintiffs to extend time to 1/31/94 to file amd cmp (CCB) (Entered: 12/13/1993)
12/10/1993	56	MAIL Returned [51-1] addressed to plaintiff George Kohtz (CCB) (Entered: 12/14/1993)
12/13/1993	58	FILING FEE PAID: on 12/13/93 in the amount of \$ 2.07, receipt # 11161, by dft Keith Jury (ICMSUSER) (Entered: 12/14/1993)
12/13/1993	59	FILING FEE PAID: on 12/13/93 in the amount of \$ 3.68, receipt # 11162, for dft Eric McCain (ICMSUSER) (Entered: 12/14/1993)
12/13/1993	60	MAIL Returned [51-1] addressed to plaintiff Nate Jacobs (ICMSUSER) (Entered: 12/14/1993)
12/14/1993	57	ORDER by Magistrate David L. Piester granting motion to extend time to 1/31/94 to file amd cmp [55-1] ; ddl for amended complaint set for 1/31/94 - CCAP (CCB) (Entered: 12/14/1993)
12/14/1993	61	MOTION by plaintiffs for leave to incur expenses (ICMSUSER) (Entered: 12/16/1993)
12/14/1993	65	MAIL Returned [57-2] addressed to plaintiff James Brandon (CCB) (Entered: 12/21/1993)
12/15/1993	62	MAIL Returned [42-2] addressed to plaintiff Cornel Burnett (ICMSUSER) (Entered: 12/16/1993)
12/15/1993	63	MAIL Returned [51-1] addressed to plaintiff Cornel Burnett (ICMSUSER) (Entered: 12/16/1993)

12/17/1993	64	ORDER by Magistrate David L. Piester granting motion for leave to incur expenses [61-1]; counsl authorized to incur exp up to a total of \$3,000 - CCAP (ICMSUSER) (Entered: 12/17/1993)
12/21/1993	66	FILING FEE PAID: on 12/21/93 in the amount of \$ 3.96, receipt # 11174 by P Wm. Toney. (ICMSUSER) (Entered: 12/21/1993)
12/21/1993	67	MAIL Returned [64-1] addressed to plaintiff James Brandon (CCB) (Entered: 12/22/1993)
12/21/1993	68	MAIL Returned [57-2] addressed to plaintiff Nate Jacobs (CCB) (Entered: 12/22/1993)
12/21/1993	69	MAIL Returned [64-1] addressed to plaintiff Nate Jacobs (CCB) (Entered: 12/22/1993)
12/23/1993	70	MAIL Returned [64-1] addressed to plaintiff George Kohtz (ICMSUSER) (Entered: 12/28/1993)
12/23/1993	71	MAIL Returned [64-1] addressed to plaintiff Cornel Burnett (ICMSUSER) (Entered: 12/28/1993)
12/23/1993	72	MAIL Returned [64-1] addressed to plaintiff John Horn (ICMSUSER) (Entered: 12/28/1993)
01/10/1994	73	MEMORANDUM AND ORDER: by Judge Richard G. Kopf upon court's own motion, dismissing party Calvin White, party Richard Hatterman, party Michael Prim, party Cornell Kellogg, party Larry Douglas, party George Kohtz, party Jacques L. Martin, party Dana Jones, party Chris Bazer, party Edward Ellison, party Terrance Johnson , dismissing party Charles Campbell, party Nate Jacobs, party James Monie, party Cornel Burnett, party Michael Day, party John Horn, party Cedric Levi Hamilton, party Mark Pearce, party James Brandon for failing to pay their filing fees - CCAP (CCB) (Entered: 01/10/1994)
01/12/1994	74	MAIL Returned [73-3] addressed to plaintiff Cornel Burnett (ICMSUSER) (Entered: 01/18/1994)
01/18/1994	75	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf pursuant to correspondence fm pla Monie, construed as objn to court's order of 1/7/94 #73, which clk shall file; plas Monie, Pearce, Hamilton, Horn, Burnett, Jacobs, Campbell, Johnson and White to be reinstated for the reason that these plas have previously been granted lv to procd ifp - CCAP (ICMSUSER) (Entered: 01/19/1994)
01/18/1994	76	LETTER from plaintiff James Monie, construed as objn to court's ord of 1/7/94 dismissing Monie and others fm action for failure to pay part fil fees (ICMSUSER) Modified on 01/19/1994 (Entered: 01/19/1994)
01/18/1994	81	MAIL Returned [75-2] addressed to plaintiff Nate Jacobs (CCB) (Entered: 01/26/1994)
01/19/1994	77	MAIL Returned [73-3] addressed to plaintiff Nate Jacobs (ICMSUSER) (Entered: 01/25/1994)

01/19/1994	78	LETTER from plaintiff James Monie re memo and order filed 1/10/94 (ICMSUSER) (Entered: 01/25/1994)
01/21/1994	79	MAIL Returned [75-2] addressed to plaintiff James Brandon (CCB) (Entered: 01/26/1994)
01/24/1994	80	MAIL Returned [75-2] addressed to plaintiff Cornel Burnett (CCB) (Entered: 01/26/1994)
01/31/1994	82	MOTION by plaintiffs to extend time to file amend compl (PLW) (Entered: 02/01/1994)
02/03/1994	83	ORDER by Magistrate David L. Piester granting motion to extend time to file amend compl [82-1] ; ddl for amended complaint set for 2/28/94 - CCAP (ICMSUSER) (Entered: 02/03/1994)
02/23/1994	84	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf for clk to ret to Dept of Corr ck of pla Prim in amt of \$4.39 for part fil fee, as his clms were dism'd for failure to pay fil fee by 12/22/93 ddl - CCAP (ICMSUSER) (Entered: 02/24/1994)
02/24/1994		REMARK: check in amt of \$4.39 as part pymt of fil fee returned to Correctional Services, State of NE, to be credited to pla's Prim's acct (pla Prim is no longer a party in this action) (ICMSUSER) (Entered: 02/24/1994)
03/24/1994	85	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf dismissing case - CCAP (ICMSUSER) (Entered: 03/24/1994)
03/24/1994	86	JUDGMENT: by Judge Richard G. Kopf dismissing case - CCAP and appeal form sent to plas by certif mail, ret recpt req'd (ICMSUSER) (Entered: 03/24/1994)
04/29/1994	87	NOTICE by plaintiff George L. Shepard of change of address (ICMSUSER) (Entered: 05/03/1994)
07/06/1994	88	Letter NOTICE by plaintiff Donald Earl Atkinson and fil of exhibit (ICMSUSER) (Entered: 07/06/1994)
07/02/1996	89	NOTICE by plaintiff Robert Lee Lott of change of address (ICMSUSER) (Entered: 07/02/1996)

PACER Service Center			
Transaction Receipt			
06/08/2005 15:11:25			
PACER Login:	hs0328	Client Code:	
Description:	Docket Report	Search Criteria:	4:93-cv-03262-RGK
Billable Pages:	6	Cost:	0.48