

**U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)
CIVIL DOCKET FOR CASE #: 5:11-ct-03118-D**

Heyer et al v. United States Bureau of Prisons et al
Assigned to: District Judge James C. Dever, III
Case in other court: 15-06826
19-07027
Cause: 28:1331 Federal Question: Bivens Act

Date Filed: 06/20/2011
Jury Demand: None
Nature of Suit: 555 Prisoner
Petitions (Prison Condition)
Jurisdiction: U.S. Government
Defendant

Plaintiff

Thomas Heyer

represented by **Ian S. Hoffman**

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Seth Morgan Wood

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Defendant

Ike Eichenlaub
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Defendant

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Defendant

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Date Filed	#	Docket Text
06/20/2011	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 0417-1653669.), filed by Thomas Heyer, Robert Paul Boyd. (Attachments: # <u>1</u> Civil Cover Sheet with attachment, # <u>2</u> summons for issuance, # <u>3</u> ummons for issuance, # <u>4</u> ummons for issuance, # <u>5</u> ummons for issuance, # <u>6</u> ummons for issuance) (Riemann, Neil) (Entered: 06/20/2011)
06/21/2011	<u>2</u>	NOTICE of Appearance by Philip J. Fornaci on behalf of All Plaintiffs (Fornaci, Philip) (Entered: 06/21/2011)
06/22/2011	<u>3</u>	ORDER REASSIGNING CASE - All future pleadings should reflect the revised case number of: 5:11-CT-3118-D. Signed by Julie Richards, Chief Deputy Clerk for Dennis P. Iavarone, Clerk of Court on 6/22/11. (Blankenship, T.) (Entered: 06/22/2011)
06/22/2011		NOTICE OF CORRECTION re: <u>1</u> Complaint. Since this action alleges claims regarding conditions of confinement the nature of suit has been changed to 555 and the cause of action has been changed to 28:1331. (Blankenship, T.) (Entered: 06/22/2011)
07/29/2011	<u>4</u>	NOTICE of Appearance by Ian S. Hoffman on behalf of All Plaintiffs. (Hoffman, Ian) (Entered: 07/29/2011)
08/03/2011	<u>5</u>	ORDER DIRECTING CLERK TO CONTINUE MANAGEMENT OF CASE - Plaintiff's claims are not clearly frivolous. Accordingly, the clerk is DIRECTED to continue management of the action. Signed by US District Judge James C. Dever III on 8/3/2011. (Taylor, B.) (Entered: 08/03/2011)

08/04/2011	<u>6</u>	Summons Issued as to: Ike Eichenlaub, Tracy W. Johns, Thomas R Kane, Sara M. Revell, and United States Bureau of Prisons. (Taylor, B.) (Entered: 08/04/2011)
09/28/2011	<u>7</u>	NOTICE of Appearance by Carolyn A. Pearce on behalf of All Plaintiffs. (Pearce, Carolyn) (Entered: 09/28/2011)
10/17/2011	<u>8</u>	AFFIDAVIT of Service for summons and complaint served on all defendants on various dates, filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit 1 - Proof for Eichenlaub, # <u>2</u> Exhibit 2 - Proof for BoP and Kane, # <u>3</u> Exhibit 3 - Proof for Johns, # <u>4</u> Exhibit 4 - Proof for Revell, # <u>5</u> Exhibit 5 - Proof for AG, # <u>6</u> Exhibit 6 - Proof for US Atty) (Riemann, Neil) (Entered: 10/17/2011)
10/25/2011	<u>9</u>	AFFIDAVIT of Service for Summons and Complaint served on Ike Eichenlaub, Thomas Kane, U.S. Bureau of Prisons on October 18, 2011 and October 20, 2011, filed by Robert Paul Boyd and Thomas Heyer. (Attachments: # <u>1</u> Exhibit 1 - Proof for Ike Eichenlaub, # <u>2</u> Exhibit 2 - Proof for Bureau of Prisons, # <u>3</u> Exhibit 3 - Proof for Thomas Kane) (Pearce, Carolyn) (Entered: 10/25/2011)
11/09/2011	<u>10</u>	NOTICE of Change of Address by Neil A. Riemann (Riemann, Neil) (Entered: 11/09/2011)
12/12/2011	<u>11</u>	NOTICE of Appearance by Seth Morgan Wood on behalf of Ike Eichenlaub, Tracy W. Johns, Thomas R Kane, Sara M. Revell and United States Bureau of Prisons. (Wood, Seth) (Entered: 12/12/2011)
12/12/2011	<u>12</u>	MOTION for Extension of Time to File Response/Reply as to <u>1</u> Complaint, by Ike Eichenlaub, Tracy W. Johns, Thomas R Kane, Sara M. Revell and United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Wood, Seth) (Entered: 12/12/2011)
12/13/2011	<u>13</u>	ORDER granting <u>12</u> Motion for Extension of Time to File Response re <u>1</u> Complaint; Responses due by 1/11/2012. Signed by Dennis P. Iavarone, Clerk of Court on 12/13/2011. Copy mailed to plaintiff. (McDowell, G.) (Entered: 12/13/2011)
01/11/2012	<u>14</u>	MOTION to Dismiss by Ike Eichenlaub, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Wood, Seth) (Entered: 01/11/2012)
01/11/2012	<u>15</u>	Memorandum in Support re <u>14</u> MOTION to Dismiss filed by Ike Eichenlaub, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Exhibit (A) Declaration of Lynnell Cox with Attachments 1 through 5, # <u>2</u> Exhibit (B) Declaration

		of Mina Raskin, # 3 Exhibit (C) Declaration of Nicole C. Weaver) (Wood, Seth) (Entered: 01/11/2012)
01/30/2012	16	Consent MOTION for Extension of Time to File Response/Reply as to 14 MOTION to Dismiss by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Text of Proposed Order) (Hoffman, Ian) (Entered: 01/30/2012)
02/01/2012	17	ORDER - GRANTING 16 Motion for Extension of Time to File Response re 14 MOTION to Dismiss. Plaintiff's response due by 3/7/2012. Signed by Dennis P. Iavarone, Clerk of Court on 2/1/2012. (Indig, A.) (Entered: 02/01/2012)
02/20/2012	18	Consent MOTION for Extension of Time to File Response/Reply as to 14 MOTION to Dismiss by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Text of Proposed Order) (Hoffman, Ian) (Entered: 02/20/2012)
02/21/2012	19	ORDER - GRANTING 18 Motion for Extension of Time to File Response re 14 MOTION to Dismiss. Plaintiff's response due by 3/28/2012. Signed by Dennis P. Iavarone, Clerk of Court on 2/21/2012. (Indig, A.) (Entered: 02/21/2012)
03/23/2012	20	Consent MOTION for Extension of Time to File Response/Reply as to 14 MOTION to Dismiss by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Text of Proposed Order) (Hoffman, Ian) (Entered: 03/23/2012)
03/26/2012	21	ORDER - GRANTING 20 Motion for Extension of Time to File Response re 14 MOTION to Dismiss. Plaintiffs' response due by 4/11/2012. Signed by Julie A. Richards, Clerk of Court on 3/26/2012. (Indig, A.) (Entered: 03/26/2012)
04/04/2012	22	MOTION for Leave to File <i>First Amended Complaint</i> by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Exhibit A -- Proposed First Amended Complaint, # 2 Text of Proposed Order) (Hoffman, Ian) (Entered: 04/04/2012)
04/04/2012		NOTICE OF DEFICIENCY re: 22 Motion for Leave to File: IN FUTURE FILINGS counsel is to refer to the WESTERN DIVISION in the case caption on all documents filed in this case. There is not a Raleigh division. (Fogle, L.) (Entered: 04/04/2012)
04/06/2012		Motion Submitted to Staff Counsel III: 22 MOTION for Leave to File <i>First Amended Complaint</i> . (Indig, A.) (Entered: 04/06/2012)

04/10/2012	<u>23</u>	ORDER - GRANTING <u>22</u> Motion for Leave to File and directs plaintiffs to file their proposed amended complaint on or before April 17, 2012, and to present summonses to the Clerk for issuance. DENYING as moot <u>14</u> Motion to Dismiss. Signed by Chief Judge James C. Dever III on 4/10/2012. (Indig, A.) (Entered: 04/10/2012)
04/11/2012	<u>24</u>	***REFER TO DE # 25 FOR CORRECTED SUMMONS AMENDED COMPLAINT against All Defendants, filed by Thomas Heyer, Robert Paul Boyd. (Attachments: # <u>1</u> Summons for Issuance) (Hoffman, Ian) (Entered: 04/11/2012)
04/12/2012		NOTICE OF DEFICIENCY re: <u>24</u> Amended Complaint: Failure to Flatten Form (Summons for Issuance). The court prefers flattened pdf fillable forms, as stated in Section B(3) of the Administrative Policies and Procedures Manual. Counsel is directed to re-file the summons as a "Flattened Document." (Fogle, L.) (Entered: 04/12/2012)
04/12/2012	<u>25</u>	***CORRECTED SUMMONS - AMENDED DOCUMENT by Robert Paul Boyd, Thomas Heyer. <i>Summons for Issuance</i> . (Hoffman, Ian) (Entered: 04/12/2012)
04/12/2012	<u>26</u>	Summons Issued as to Eric H. Holder, Jr, U.S. Attorney and U.S. Attorney General. (Blankenship, T.) (Entered: 04/12/2012)
04/23/2012	<u>27</u>	NOTICE of Appearance by Seth Morgan Wood on behalf of Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Wood, Seth) (Entered: 04/23/2012)
04/23/2012	<u>28</u>	MOTION for Extension of Time to File Response/Reply as to <u>24</u> Amended Complaint by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Wood, Seth) (Entered: 04/23/2012)
04/24/2012	<u>29</u>	ORDER - GRANTING <u>28</u> Motion for Extension of Time to File Response to Plaintiff's First Amended Complaint up to and including 6/11/2012. Signed by Julie A. Richards, Clerk of Court on 4/24/2012. (Indig, A.) (Entered: 04/24/2012)
06/06/2012	<u>30</u>	Second MOTION for Extension of Time to File Answer or Response as to <u>24</u> Amended Complaint (<i>Unopposed</i>) by Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Wood, Seth) (Entered: 06/06/2012)

06/07/2012	<u>31</u>	ORDER - GRANTING <u>30</u> Motion for Extension of Time to File Response as to <u>24</u> Amended Complaint (<i>Unopposed</i>). Responses due by 6/25/2012. Signed by Julie A. Richards, Clerk of Court on 6/7/2012. (Indig, A.) (Entered: 06/07/2012)
06/25/2012	<u>32</u>	MOTION to Dismiss , MOTION for Summary Judgment by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Wood, Seth) (Entered: 06/25/2012)
06/25/2012	<u>33</u>	Memorandum in Support regarding <u>32</u> MOTION to Dismiss MOTION for Summary Judgment filed by Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Exhibit List, # <u>2</u> Exhibit (A) Filed Separately Under Declaration, # <u>3</u> Exhibit (B) Declaration of Mina Raskin, # <u>4</u> Exhibit (C) Declaration of Kenneth McKoy, # <u>5</u> Exhibit (D) Declaration of Karen L. Steinour, # <u>6</u> Exhibit (E) Declaration of Amy Jacobs, # <u>7</u> Exhibit (E) Declaration of Jordan May) (Wood, Seth) (Entered: 06/25/2012)
06/25/2012	<u>34</u>	Declaration regarding <u>33</u> Memorandum in Support, (<i>Declaration of Cornelia J. Coll</i>) by Sara M. Revell, United States Bureau of Prisons, Tracy W. Johns, Thomas R Kane, Eric H. Holder, Jr., Ike Eichenlaub filed by Sara M. Revell, United States Bureau of Prisons, Tracy W. Johns, Thomas R Kane, Eric H. Holder, Jr., Ike Eichenlaub. (Wood, Seth) (Entered: 06/25/2012)
07/19/2012	<u>35</u>	RESPONSE in Opposition regarding <u>32</u> MOTION to Dismiss MOTION for Summary Judgment filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit A - Heyer Order) (Hoffman, Ian) Modified on 7/20/2012 to correct description of order. (Fogle, L.) (Entered: 07/19/2012)
07/19/2012	<u>36</u>	MOTION Pursuant to Rule 56(d) for Denial of or, in the Alternative, for Continuance to Respond to Defendants' Alternative Motion for Summary Judgment by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Declaration of Ian S. Hoffman) (Hoffman, Ian) (Entered: 07/19/2012)
07/19/2012	<u>37</u>	MOTION for Summary Judgment <i>as to Count II of the First Amended Complaint</i> by Robert Paul Boyd, Thomas Heyer. (Hoffman, Ian) (Entered: 07/19/2012)
07/19/2012	<u>38</u>	Memorandum in Support regarding <u>37</u> MOTION for Summary Judgment <i>as to Count II of the First Amended Complaint</i> filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit A - Heyer Order) (Hoffman, Ian) Modified on 7/20/2012 to correct description of order. (Fogle, L.) (Entered: 07/19/2012)

07/20/2012		NOTICE OF CORRECTION regarding: 38 Memorandum in Support, 35 Response in Opposition to Motion - These document do not comply with Section L of this court's Electronic Case Filing Administrative Policies and Procedures Manual pertaining to clear and complete identification/description of attachments. These documents have been modified. FUTURE filings without complete descriptions for the exhibits will have to be re-filed. (Fogle, L.) (Entered: 07/20/2012)
08/02/2012	39	RESPONSE regarding 35 Response in Opposition to Motion, (<i>Reply to Plaintiffs' Opposition to Defendants' Motion to Dismiss Or, In The Alternative, For Summary Judgment</i>) filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Exhibit A. Findings of Fact and Conclusions of Law) (Wood, Seth) (Entered: 08/02/2012)
08/09/2012	40	RESPONSE in Opposition regarding 36 MOTION Pursuant to Rule 56(d) for Denial of or, in the Alternative, for Continuance to Respond to Defendants' Alternative Motion for Summary Judgment filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Wood, Seth) (Entered: 08/09/2012)
08/09/2012	41	RESPONSE in Opposition regarding 37 MOTION for Summary Judgment <i>as to Count II of the First Amended Complaint</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 (A) Supplemental Declaration of Karen L. Steinour) (Wood, Seth) (Entered: 08/09/2012)
08/23/2012	42	REPLY to Response to Motion regarding 36 MOTION Pursuant to Rule 56(d) for Denial of or, in the Alternative, for Continuance to Respond to Defendants' Alternative Motion for Summary Judgment filed by Robert Paul Boyd, Thomas Heyer. (Hoffman, Ian) (Entered: 08/23/2012)
08/23/2012	43	REPLY to Response to Motion regarding 37 MOTION for Summary Judgment <i>as to Count II of the First Amended Complaint</i> filed by Robert Paul Boyd, Thomas Heyer. (Hoffman, Ian) (Entered: 08/23/2012)
08/24/2012		Motions Submitted to Staff Counsel III: 37 MOTION for Summary Judgment <i>as to Count II of the First Amended Complaint</i> , 36 MOTION Pursuant to Rule 56(d) for Denial of or, in the Alternative, for Continuance to Respond to Defendants' Alternative Motion for Summary Judgment and 32 MOTION to Dismiss MOTION for Summary Judgment . (McDowell, G.) (Entered: 08/24/2012)
10/15/2012	44	NOTICE by Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R. Kane, Sara M. Revell, United States Bureau of Prisons

		regarding 33 Memorandum in Support, 32 MOTION to Dismiss MOTION for Summary Judgment. (<i>Supplement to Defendants' Alternative Motion for Summary Judgment</i>) (Attachments: # 1 Declaration of Justin F. Andrews) (Wood, Seth) (Entered: 10/15/2012)
10/26/2012	45	RESPONSE regarding 44 Notice-(other), filed by Robert Paul Boyd, Thomas Heyer. (Pearce, Carolyn) (Entered: 10/26/2012)
03/11/2013	46	ORDER - Plaintiffs' motion for summary judgment on count two 37 is DENIED WITHOUT PREJUDICE, and defendants' motion to dismiss or for summary judgment 32 is GRANTED IN PART and DENIED IN PART. Count one under the Rehabilitation Act is DISMISSED without prejudice for failure to exhaust administrative remedies under 28 C.F.R. § 39.170. Count five under the Fifth Amendment is DISMISSED without prejudice for failure to state a claim upon which relief can be granted. Counts two, three, four, six, seven, eight, nine, and ten survive. Plaintiffs' Rule 56(d) motion 36 is GRANTED IN PART as to the remaining claims, and defendants' motion for summary judgment is DENIED without prejudice as to the remaining claims. The parties shall confer and file a proposed scheduling order (or separate proposed orders, if the parties cannot agree) no later than March 28, 2013. Signed by Chief Judge James C. Dever III on 3/11/2013. (Indig, A.) (Entered: 03/11/2013)
03/25/2013	47	MOTION for Extension of Time to File Response/Reply as to 24 Amended Complaint by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Wood, Seth) (Entered: 03/25/2013)
03/26/2013	48	ORDER - GRANTING 47 Motion for Extension of Time to Answer regarding plaintiff's amended complaint. Responses due by 4/8/2013. Signed by Chief Judge James C. Dever III on 3/26/2013. (Indig, A.) (Entered: 03/26/2013)
03/28/2013	49	REPORT of Rule 26(f) Planning Meeting by Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R. Kane, Sara M. Revell, United States Bureau of Prisons. (Wood, Seth) (Entered: 03/28/2013)
03/28/2013	50	Rule 26(f) Report (individual) by Robert Paul Boyd, Thomas Heyer. (Hoffman, Ian) (Entered: 03/28/2013)
04/08/2013	51	ANSWER to 24 Amended Complaint (<i>Plaintiff's Verified First Amended Complaint</i>) by Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Wood, Seth) (Entered: 04/08/2013)

04/22/2013	<u>52</u>	AMENDED ANSWER to <u>24</u> Amended Complaint by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Wood, Seth) (Entered: 04/22/2013)
05/01/2013	<u>53</u>	Notice of Substitution of Counsel by Deborah M. Golden on behalf of Robert Paul Boyd, Thomas Heyer substituting for Philip J. Fornaci. (Golden, Deborah) (Entered: 05/01/2013)
05/31/2013	<u>54</u>	SCHEDULING ORDER - Fact Discovery due by 9/27/2013 and all Expert Discovery due by 11/22/2013. Motions due by 12/20/2013. Signed by Magistrate Judge James E. Gates on 5/31/2013. Counsel is reminded to read the entire order for critical dates and deadlines. (Indig, A.) (Entered: 05/31/2013)
06/18/2013	<u>55</u>	MOTION for Extension of Time (<i>to respond to plaintiffs' first requests for production of documents</i>) by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Text of Proposed Order) (Wood, Seth) (Entered: 06/18/2013)
06/18/2013	<u>56</u>	MOTION for Extension of Time (<i>refiled Motion to include Exhibit A</i>) by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # <u>1</u> Exhibit A-Plaintiffs' Requests for Production of Documents to Defendants (Set One)) (Wood, Seth) (Entered: 06/18/2013)
06/18/2013	<u>57</u>	RESPONSE to Motion regarding <u>56</u> MOTION for Extension of Time (<i>refiled Motion to include Exhibit A</i>), <u>55</u> MOTION for Extension of Time (<i>to respond to plaintiffs' first requests for production of documents</i>) filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit B -- Plaintiffs' First Set of Requests for Production) (Hoffman, Ian) (Entered: 06/18/2013)
06/19/2013		MOTION REFERRED to Magistrate Judge James E. Gates as to <u>56</u> MOTION for Extension of Time. (Indig, A.) (Entered: 06/19/2013)
06/19/2013	<u>58</u>	NOTICE by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons regarding <u>56</u> MOTION for Extension of Time. (<i>refiled Motion to include Exhibit A</i>) (<i>Notice of Withdrawal of Defendant's Motion For Extension Of Time</i>) (Wood, Seth) (Entered: 06/19/2013)
06/19/2013	<u>59</u>	WITHDRAWAL of Motion by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. regarding <u>56</u> MOTION for Extension of Time (<i>refiled Motion to include Exhibit A</i>) filed by Thomas R Kane, Tracy W. Johns, Eric H.

		Holder, Jr., Sara M. Revell, United States Bureau of Prisons, Ike Eichenlaub . (Wood, Seth) (Entered: 06/19/2013)
07/09/2013	60	MOTION for Protective Order (<i>Unopposed</i>) by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Wood, Seth) (Entered: 07/09/2013)
07/09/2013		MOTION REFERRED to Magistrate Judge James E. Gates as to: 60 MOTION for Protective Order (<i>Unopposed</i>). (Indig, A.) (Entered: 07/09/2013)
07/12/2013	61	MOTION for Protective Order (<i>Unopposed</i>) by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Wood, Seth) (Entered: 07/12/2013)
07/12/2013		MOTION REFERRED to Magistrate Judge James E. Gates as to: 61 MOTION for Protective Order (<i>Unopposed</i>). (Indig, A.) (Entered: 07/12/2013)
08/05/2013	62	PROTECTIVE ORDER. Signed by Magistrate Judge James E. Gates on 8/2/2013. (Indig, A.) (Entered: 08/05/2013)
08/05/2013	63	SECOND PROTECTIVE ORDER. Signed by Magistrate Judge James E. Gates on 8/2/2013. (Indig, A.) (Entered: 08/05/2013)
08/26/2013	64	MOTION to Stay <i>Further Proceedings Pending Exhaustion of Administrative Remedies</i> by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Wood, Seth) (Entered: 08/26/2013)
08/26/2013	65	Memorandum in Support regarding 64 MOTION to Stay <i>Further Proceedings Pending Exhaustion of Administrative Remedies</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Exhibit A - Letter to Richard Toscano, # 2 Exhibit B - Letter to Mina Raskin) (Wood, Seth) (Entered: 08/26/2013)
08/26/2013	66	MOTION to Expedite (<i>Unopposed Motion for Expedited Consideration of Motion to Stay Pending Proceedings</i>) by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Wood, Seth) (Entered: 08/26/2013)

08/27/2013	<u>67</u>	ORDER - GRANTING <u>66</u> Motion to Expedite. Plaintiffs shall respond to Defendants' motion to stay on or before September 9, 2013. Defendants will not file a reply in support of their motion. Signed by Chief Judge James C. Dever III on 8/26/2013. (Indig, A.) (Entered: 08/27/2013)
09/09/2013	<u>68</u>	RESPONSE in Opposition regarding <u>64</u> MOTION to Stay <i>Further Proceedings Pending Exhaustion of Administrative Remedies</i> filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit A (Bryant Order on Motion to Dismiss (July 11, 2011)) (Hoffman, Ian) (Entered: 09/09/2013)
09/10/2013		Motion Submitted to Staff Counsel III as to: <u>64</u> MOTION to Stay <i>Further Proceedings Pending Exhaustion of Administrative Remedies</i> . (Indig, A.) (Entered: 09/10/2013)
09/16/2013	<u>69</u>	Consent MOTION for Extension of Time to Complete Discovery by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Text of Proposed Order) (Hoffman, Ian) (Entered: 09/16/2013)
09/17/2013		Motion Submitted to Staff Counsel III as to: <u>69</u> Consent MOTION for Extension of Time to Complete Discovery. (Indig, A.) (Entered: 09/17/2013)
09/23/2013	<u>70</u>	ORDER - DENYING <u>64</u> Motion to Stay. GRANTING in PART <u>69</u> Motion for Extension of Time to Complete Discovery. Discovery due by 1/24/2014 and Motions due by 2/21/2014. Signed by Chief Judge James C. Dever III on 9/23/2013. Counsel is reminded to read the entire order for critical dates and deadlines. (Indig, A.) (Entered: 09/23/2013)
09/26/2013	<u>71</u>	NOTICE of Appearance by Jennifer D. Dannels on behalf of All Defendants. (Dannels, Jennifer) (Entered: 09/26/2013)
09/26/2013	<u>72</u>	Notice of Substitution of Counsel by R. A. Renfer, Jr on behalf of Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons substituting for Seth M. Wood. (Renfer, R.) (Entered: 09/26/2013)
09/30/2013	<u>73</u>	MOTION to Compel <i>the Production of Documents</i> by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Exhibit A (Privilege Log), # <u>2</u> Text of Proposed Order) (Hoffman, Ian) (Entered: 09/30/2013)
09/30/2013	<u>74</u>	MOTION to Expedite (<i>Motion for Expedited Consideration of Plaintiffs' Motion to Compel</i>) by Robert Paul Boyd, Thomas Heyer. (Attachments: # <u>1</u> Text of Proposed Order) (Hoffman, Ian) (Entered: 09/30/2013)

10/01/2013		Motion Submitted to Staff Counsel III: 74 MOTION to Expedite (<i>Motion for Expedited Consideration of Plaintiffs' Motion to Compel</i>). (McDowell, G.) (Entered: 10/01/2013)
10/02/2013	75	NOTICE of Appearance by Michael D. Bredenberg on behalf of Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Bredenberg, Michael) (Entered: 10/02/2013)
10/02/2013	76	ORDER - GRANTING 74 Motion to Expedite. Defendants shall file a response to the motion to compel on or before October 10, 2013. Plaintiffs shall not file any reply. The court REFERS the motion to compel [D.E. 73] to Magistrate Judge James E. Gates. Signed by Chief Judge James C. Dever III on 10/2/2013. (Indig, A.) (Entered: 10/02/2013)
10/10/2013	77	RESPONSE to Motion regarding 73 MOTION to Compel <i>the Production of Documents</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Bredenberg, Michael) (Entered: 10/10/2013)
10/10/2013		MOTION REFERRED to US Magistrate Judge James E. Gates regarding 73 MOTION to Compel <i>the Production of Documents</i> . (Blankenship, T.) (Entered: 10/10/2013)
10/22/2013	78	NOTICE of Appearance for non-district by Sean P Hennessy on behalf of all Plaintiffs. (Hennessy, Sean) (Entered: 10/22/2013)
10/29/2013	79	NOTICE of Appearance by Robert J Dodson on behalf of All Defendants. (Dodson, Robert) (Entered: 10/29/2013)
11/25/2013	80	MOTION for Extension of Time <i>for Defendants to respond to Plaintiffs' Second Request for Interrogatories and Second Request for Production of Documents</i> by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Dannels, Jennifer) (Entered: 11/25/2013)
11/26/2013	81	NOTICE of Appearance by G. Norman Acker, III on behalf of Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons (Acker, G.) (Entered: 11/26/2013)
11/27/2013	82	RESPONSE to Motion regarding 80 MOTION for Extension of Time <i>for Defendants to respond to Plaintiffs' Second Request for Interrogatories and Second Request for Production of Documents and Cross-Motion for Leave to Complete Two Depositions Regarding Videophones</i> filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Exhibit A (Rule

		30(b)(6) Notice), # 2 Exhibit B (Subpoena to VDOC), # 3 Exhibit C (Subpoena to VDOC -- Clarke), # 4 Exhibit D (Subpoena to VDOC -- Marano), # 5 Text of Proposed Order) (Hoffman, Ian) (Entered: 11/27/2013)
11/27/2013	83	Cross MOTION for Extension of Time <i>to Complete Two Depositions Regarding Videophones</i> by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Exhibit A (Rule 30(b)(6) Notice), # 2 Exhibit B (Subpoena to VDOC), # 3 Exhibit C (Subpoena to VDOC -- Clarke), # 4 Exhibit D (Subpoena to VDOC -- Marano), # 5 Text of Proposed Order) (Hoffman, Ian) (Entered: 11/27/2013)
11/27/2013	84	RESPONSE in Opposition regarding 73 MOTION to Compel <i>the Production of Documents Second</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Exhibit Privilege Log) (Bredenberg, Michael) (Entered: 11/27/2013)
11/27/2013	85	Declaration regarding 84 Response in Opposition to Motion, <i>to compel the production of documents</i> by Sara M. Revell, United States Bureau of Prisons, Tracy W. Johns, Thomas R Kane, Eric H. Holder, Jr, Ike Eichenlaub filed by Sara M. Revell, United States Bureau of Prisons, Tracy W. Johns, Thomas R Kane, Eric H. Holder, Jr, Ike Eichenlaub. (Bredenberg, Michael) (Entered: 11/27/2013)
11/27/2013	86	NOTICE of Appearance by Matthew Lee Fesak on behalf of Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Fesak, Matthew) (Entered: 11/27/2013)
11/27/2013	87	MOTION for Protective Order by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Fesak, Matthew) (Entered: 11/27/2013)
11/27/2013	88	Memorandum in Support regarding 87 MOTION for Protective Order filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Exhibit Subpoenas Served on the Virginia Department of Corrections) (Fesak, Matthew) (Entered: 11/27/2013)
11/27/2013	89	Proposed Order regarding 87 MOTION for Protective Order filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Fesak, Matthew) (Entered: 11/27/2013)
12/11/2013	90	RESPONSE to Motion regarding 83 Cross MOTION for Extension of Time <i>to Complete Two Depositions Regarding Videophones</i> filed by Ike

		Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Dannels, Jennifer) (Entered: 12/11/2013)
12/11/2013		Motion Submitted to Staff Counsel III regarding 83 Cross MOTION for Extension of Time <i>to Complete Two Depositions Regarding Videophones</i> . (Blankenship, T.) (Entered: 12/11/2013)
12/12/2013		Motion No Longer Submitted to Staff Counsel III regarding 83 Cross MOTION for Extension of Time <i>to Complete Two Depositions Regarding Videophones</i> . (Blankenship, T.) (Entered: 12/12/2013)
12/12/2013		MOTION REFERRED to US Magistrate Judge James E. Gates regarding 83 Cross MOTION for Extension of Time <i>to Complete Two Depositions Regarding Videophones</i> . (Blankenship, T.) (Entered: 12/12/2013)
12/16/2013	91	RESPONSE in Opposition regarding 87 MOTION for Protective Order filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Exhibit A - Oct. 31, 2013 VDOC subpoenas, # 2 Exhibit B - Nov. 18, 2013 VDOC subpoenas to B. Marano, # 3 Exhibit C - Nov. 18, 2013 VDOC subpoenas to H. Clarke, # 4 Exhibit D - Interrogatory Responses) (Hoffman, Ian) (Entered: 12/16/2013)
12/17/2013		MOTIONS REFERRED to Magistrate Judge James E. Gates as to: 80 MOTION for Extension of Time <i>for Defendants to respond to Plaintiffs' Second Request for Interrogatories and Second Request for Production of Documents</i> and 87 MOTION for Protective Order. (Indig, A.) (Entered: 12/17/2013)
12/19/2013	92	ORDER - GRANTING 80 Motion for Extension of Time and GRANTING 83 Motion for Extension of Time. Defendants shall respond to plaintiffs' second set of interrogatories and second request for production of documents by 25 December 2013. Plaintiffs shall be permitted to conduct the deposition of Bureau of Prisons witness Todd Craig no later than 24 January 2014. Signed by Magistrate Judge James E. Gates on 12/19/2013. (Indig, A.) (Entered: 12/19/2013)
12/31/2013	93	RESPONSE in Opposition regarding 87 MOTION for Protective Order <i>Supplemental Opposition to Defendants' Motion for Protective Order Citing Newly Produced Evidence</i> filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Exhibit A - BOP Report) (Hoffman, Ian) (Entered: 12/31/2013)
01/24/2014	94	JOINT MOTION for Extension of Time to Complete Discovery by Robert Paul Boyd, Ike Eichenlaub, Thomas Heyer, Eric H. Holder, Jr., Tracy W. Johns, Thomas R Kane, Sara M. Revell, and United States

		Bureau of Prisons. (Attachment: # 1 Text of Proposed Order) (Motion filed at Raleigh Intake due to problems with external access to CM/ECF) (McDowell, G.) (Entered: 01/27/2014)
01/27/2014		Motion referred to US Magistrate Judge James E. Gates: 94 MOTION for Extension of Time to Complete Discovery. (McDowell, G.) (Entered: 01/27/2014)
01/28/2014	95	ORDER - GRANTING 94 Motion for Extension of Time to Complete Discovery. Expert discovery shall be completed by 10 March 2014, all potentially dispositive motions shall be filed by 7 April 2014. Signed by Magistrate Judge James E. Gates on 1/27/2014. (Indig, A.) (Entered: 01/28/2014)
02/25/2014	96	STIPULATION <i>Joint</i> by Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Bredenberg, Michael) (Entered: 02/25/2014)
02/25/2014	97	STIPULATION <i>Joint - Corrected</i> by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Bredenberg, Michael) (Entered: 02/25/2014)
02/27/2014	98	ORDER - the court APPROVES and ADOPTS the stipulation. The physical examinations of plaintiffs shall proceed on the terms set out in the stipulation. Signed by Magistrate Judge James E. Gates on 2/27/2014. (Attachment: # 1 Joint Stipulation) (Indig, A.) (Entered: 02/27/2014)
04/02/2014	99	Joint MOTION for Extension of Time to File <i>Dispositive Motions</i> by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Dannels, Jennifer) (Entered: 04/02/2014)
04/03/2014		MOTION REFERRED to Magistrate Judge James E. Gates as to: 99 Joint MOTION for Extension of Time to File <i>Dispositive Motions</i> . (Indig, A.) (Entered: 04/03/2014)
04/14/2014	100	ORDER - GRANTING 99 Motion for Extension of Time. All potentially dispositive motions shall be filed by 6 June 2014. Signed by Magistrate Judge James E. Gates on 4/14/2014. (Indig, A.) (Entered: 04/14/2014)
05/13/2014	101	Joint MOTION for Extension of Time to File <i>Second Joint Motion for Extension to file Dispositive Motions</i> by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Dannels, Jennifer) (Entered: 05/13/2014)

05/15/2014	102	ORDER - GRANTING 101 Motion for Extension of Time. All potentially dispositive motions shall be filed by 21 August 2014. Signed by Chief Judge James C. Dever III on 5/15/2014. (Indig, A.) (Entered: 05/15/2014)
06/06/2014	103	Joint MOTION for Protective Order <i>Joint Motion of All Parties to Modify Protective Orders</i> by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Text of Proposed Order Ex. A -- Proposed Modified Protective Order) (Hoffman, Ian) (Entered: 06/06/2014)
06/06/2014		MOTION REFERRED to United States Magistrate Judge James E. Gates regarding 103 Joint MOTION for Protective Order <i>Joint Motion of All Parties to Modify Protective Orders</i> . (Blankenship, T.) (Entered: 06/06/2014)
06/17/2014	104	MODIFIED PROTECTIVE ORDER. Signed by US Magistrate Judge James E. Gates on 6/16/2014. (McDowell, G.) (Entered: 06/17/2014)
06/17/2014	105	ORDER - defendants' motion (D.E. 87) for a protective order is DENIED. The deposition and document production sought by the subpoenas issued by plaintiffs to the VDOC shall occur as promptly as possible on a date not later than 15 July 2014 designated by plaintiffs after conferring with and providing reasonable notice to defendants and the VDOC. Signed by US Magistrate Judge James E. Gates on 6/16/2014. (McDowell, G.) (Entered: 06/17/2014)
07/31/2014	106	MOTION for Leave to File <i>Motion for Leave to Amend to Reinstate Rehabilitation Act Claim</i> by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Exhibit A - Correspondence from Ian S. Hoffman to Richard Toscano dated 7/15/2013 regarding complaint. # 2 Exhibit B - Correspondence from Mina Raskin to Ian S. Hoffman dated 8/20/2013 regarding complaint. # 3 Exhibit C - Fax received 6/17/2014 from Debra Lynn Rosario, Secretary to the Honorable Christopher B. McNeil regarding the Recommended Decision of the Administrative Law Judge. # 4 Exhibit D - Correspondence from Ian S. Hoffman to Mark L. Gross dated 7/2/2014 regarding Complainants Exceptions to the Recommended Decision of the Administrative Law Judge (dated June 17, 2014). # 5 Exhibit E - # 6 Text of Proposed Order) (Hoffman, Ian) Modified on 8/1/2014 to add naming conventions. (Fogle, L.) (Entered: 07/31/2014)
07/31/2014	107	MOTION for Extension of Time to File <i>Dispositive Motions</i> by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Exhibit A - Email from Jennifer Dannels to Tivey Clark dated 5/15/2014 regarding Heyer v. United States Bureau of Prisons, 5:11-CT-3118-D. # 2 Text of Proposed Order) (Hoffman, Ian) Modified on 8/1/2014 to add naming conventions. (Fogle, L.) (Entered: 07/31/2014)

08/01/2014		NOTICE OF CORRECTION regarding: 106 Motion for Leave to File. Clerk's Office has corrected the naming conventions for the exhibits in the entry. For future reference, pursuant to Section L (2)(b) of the Court's Electronic Policy and Procedure Manual, counsel should use the proper naming conventions to identify each exhibit. It is not necessary to re-file. (Fogle, L.) (Entered: 08/01/2014)
08/01/2014		MOTION REFERRED to United States Magistrate Judge Robert B. Jones, Jr. regarding 107 MOTION for Extension of Time to File <i>Dispositive Motions</i> . (Blankenship, T.) (Entered: 08/01/2014)
08/01/2014		Motion No Longer Referred to United States Magistrate Judge Robert B. Jones, Jr. regarding 107 MOTION for Extension of Time to File <i>Dispositive Motions</i> . (Blankenship, T.) (Entered: 08/01/2014)
08/13/2014	108	RESPONSE in Opposition regarding 106 MOTION for Leave to File <i>Motion for Leave to Amend to Reinstate Rehabilitation Act Claim</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Exhibit Recommended Decision of the Administrative Law Judge) (Bredenberg, Michael) (Entered: 08/13/2014)
08/13/2014	109	RESPONSE in Opposition regarding 107 MOTION for Extension of Time to File <i>Dispositive Motions</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Bredenberg, Michael) (Entered: 08/13/2014)
08/21/2014	110	MOTION for Leave to File Excess Pages by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Dannels, Jennifer) (Entered: 08/21/2014)
08/21/2014	111	Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the alternative</i> , MOTION for Summary Judgment by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Dannels, Jennifer) (Entered: 08/21/2014)
08/21/2014	112	Memorandum in Support regarding 111 Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the alternative</i> MOTION for Summary Judgment filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Exhibit 1 - Index of Exhibits, # 2 Exhibit 2 - Declaration of Douglass Willis, # 3 Exhibit 3 - Excerpts from the Deposition Transcript of Robert Boyd, # 4 Exhibit 4 - Excerpts from the Deposition Transcript of Thomas Heyer, # 5 Exhibit 5 - Declaration of Vikki Evans, # 6 Exhibit 6 - Declaration of Dr. Melanie Malterer,

		# 7 Exhibit 7 - Excerpts from the Deposition Transcript of Dr. Andres Hernandez, # 8 Exhibit 8 - Declaration of Stanislaw Sielicki, # 9 Exhibit 9 - Exerpts from the Deposition Transcript of Nicole Weaver, # 10 Exhibit 10 - Excerpts from the Deposition Transcript of Justin Andrews, # 11 Exhibit 11 - Declaration of Todd Craig, # 12 Exhibit 12 - Declaration of Chaplain Lynn McLaughlin, # 13 Exhibit 13 - Excerpts from the Deposition Transcript of Amy Jacobs) (Dannels, Jennifer) (Entered: 08/21/2014)
08/21/2014	113	REPLY to Response to Motion regarding 106 MOTION for Leave to File <i>Motion for Leave to Amend to Reinstate Rehabilitation Act Claim</i> filed by Robert Paul Boyd, Thomas Heyer. (Hennessy, Sean) (Entered: 08/21/2014)
08/21/2014	114	REPLY to Response to Motion regarding 107 MOTION for Extension of Time to File <i>Dispositive Motions</i> filed by Robert Paul Boyd, Thomas Heyer. (Hennessy, Sean) (Entered: 08/21/2014)
08/21/2014	115	NOTICE by Robert Paul Boyd, Thomas Heyer <i>of Reservation of Rights to File Summary Judgment Motion</i> . (Hennessy, Sean) (Entered: 08/21/2014)
08/22/2014		Motions Submitted to Chief Judge James C. Dever III: 107 MOTION for Extension of Time to File <i>Dispositive Motions</i> and 106 MOTION for Leave to File <i>Motion for Leave to Amend to Reinstate Rehabilitation Act Claim</i> . (McDowell, G.) (Entered: 08/22/2014)
09/09/2014	116	MOTION for Extension of Time to File Response/Reply as to 111 Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the alternative</i> MOTION for Summary Judgment by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Text of Proposed Order) (Hoffman, Ian) (Entered: 09/09/2014)
09/10/2014	117	RESPONSE to Motion regarding 116 MOTION for Extension of Time to File Response/Reply as to 111 Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the alternative</i> MOTION for Summary Judgment filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Dannels, Jennifer) (Entered: 09/10/2014)
09/11/2014		Motion Submitted to United States Chief Judge James C. Dever, III regarding 116 MOTION for Extension of Time to File Response as to 111 Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the alternative</i> MOTION for Summary Judgment . (Blankenship, T.) (Entered: 09/11/2014)

09/12/2014	118	ORDER - that plaintiffs' motion (D.E. 73) to compel is DENIED. Signed by US Magistrate Judge James E. Gates on 9/12/2014. (McDowell, G.) (Entered: 09/12/2014)
09/15/2014	119	RESPONSE in Opposition regarding 111 Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the alternative</i> MOTION for Summary Judgment , <i>conditionally</i> filed by Robert Paul Boyd, Thomas Heyer. (Hoffman, Ian) (Entered: 09/15/2014)
09/19/2014	120	ORDER - The court DENIES plaintiffs' motion to reinstate their Rehabilitation Act claim [D.E. 106]. The court GRANTS plaintiffs' motions for extension of time [D.E. 107, 116] and defendants' motion to file a brief which exceeds the page limitation prescribed in Local Civil Rule 7.2(e) [D.E. 110]. Plaintiff's response to motion for summary judgment is due by 10/14/2014. Plaintiff's motions deadline is 10/28/2014. Defendant's shall have 21 days thereafter to file response. Signed by Chief Judge James C. Dever, III on 9/19/2014. (Castania, M.) (Entered: 09/19/2014)
10/14/2014	121	MOTION for Leave to File Excess Pages by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Text of Proposed Order Proposed Order) (Hoffman, Ian) (Entered: 10/14/2014)
10/14/2014	122	Exhibit A - SEALED Document: (<i>Selected Participants Only</i>)by Plaintiffs (available to: Plaintiffs Robert Paul Boyd, Thomas Heyer, Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons). (Attachments: # 1 Exhibit C - Proposed Sealed Document, # 2 Exhibit D - Proposed Sealed Document, # 3 Exhibit E - Proposed Sealed Document, # 4 Exhibit FF - Proposed Sealed Document, # 5 Exhibit F - Proposed Sealed Document, # 6 Exhibit G - Proposed Sealed Document, # 7 Exhibit GG - Proposed Sealed Document, # 8 Exhibit H - Proposed Sealed Document, # 9 Exhibit T - Proposed Sealed Document, # 10 Exhibit W - Proposed Sealed Document, # 11 Exhibit X - Proposed Sealed Document, # 12 Exhibit Y - Proposed Sealed Document, # 13 Exhibit Z - Proposed Sealed Document) (Hoffman, Ian) Modified on 3/26/2015 to enter the corresponding exhibit letters (McDowell, G.) (Entered: 10/14/2014)
10/14/2014	123	MOTION to Seal Document 122 PROPOSED SEALED Document by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Memorandum, # 2 Text of Proposed Order Proposed Order) (Hoffman, Ian) (Entered: 10/14/2014)
10/14/2014	124	RESPONSE in Opposition regarding 111 Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the alternative</i> MOTION for Summary Judgment filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Exhibit A (filed under seal),

		# 2 Exhibit B, # 3 Exhibit C (filed under seal), # 4 Exhibit D (filed under seal), # 5 Exhibit E (filed under seal), # 6 Exhibit F (filed under seal), # 7 Exhibit G (filed under seal), # 8 Exhibit H (filed under seal), # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R, # 19 Exhibit S, # 20 Exhibit T (filed under seal), # 21 Exhibit U, # 22 Exhibit V, # 23 Exhibit W (filed under seal), # 24 Exhibit X (filed under seal), # 25 Exhibit Y (filed under seal), # 26 Exhibit Z (filed under seal), # 27 Exhibit AA, # 28 Exhibit BB, # 29 Exhibit CC, # 30 Exhibit EE, # 31 Exhibit FF (filed under seal), # 32 Exhibit GG (filed under seal)) (Pearce, Carolyn) (Entered: 10/14/2014)
10/15/2014	125	AMENDED DOCUMENT by Robert Paul Boyd, Thomas Heyer. Amendment to 124 Response in Opposition to Motion <i>now attaching Exhibit DD, which was inadvertently omitted from the 10/14/14 filing.</i> (Pearce, Carolyn) (Entered: 10/15/2014)
10/28/2014	126	AMENDED DOCUMENT by Robert Paul Boyd, Thomas Heyer. Amendment to 124 Response in Opposition to Motion <i>now attaching Exhibit HH, which was inadvertently omitted from the 10/14/14 filing.</i> (Pearce, Carolyn) (Entered: 10/28/2014)
10/28/2014	127	MOTION for Summary Judgment <i>as to Counts II, IV, VI, and VIII</i> by Robert Paul Boyd, Thomas Heyer. (Hoffman, Ian) (Entered: 10/28/2014)
10/28/2014	128	Memorandum in Support regarding 127 MOTION for Summary Judgment <i>as to Counts II, IV, VI, and VIII</i> filed by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Exhibit II (Boyd Deposition Excerpt), # 2 Exhibit JJ (Steinour Deposition Excerpt), # 3 Exhibit KK (PDS Note for CTP Program), # 4 Exhibit LL (Hernandez Deposition Excerpt), # 5 Exhibit MM (Baker Deposition Excerpt), # 6 Exhibit NN (Marano VDOC Deposition), # 7 Exhibit OO (Craig Deposition Excerpt), # 8 Exhibit PP (Andrews Deposition Excerpt)) (Hoffman, Ian) (Entered: 10/28/2014)
11/18/2014	129	MOTION for Leave to File Excess Pages by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Dannels, Jennifer) (Entered: 11/18/2014)
11/18/2014	130	RESPONSE in Opposition regarding 127 MOTION for Summary Judgment <i>as to Counts II, IV, VI, and VIII</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Defendants' Exhibit 14 - Revised Index of Exhibits, # 2 Defendants' Exhibit 15 - Excerpts from the Deposition Transcript of Karen Steinour, # 3 Defendants' Exhibit 16 -

		Additional Excerpts from the Deposition Transcript of Robert Boyd, # 4 Defendants' Exhibit 17 - Additional Excerpts from the Deposition Transcript of Andres Hernandez, # 5 Defendants' Exhibit 18 - Supplemental Declaration of Dr. Melanie Malterer, # 6 Defendants' Exhibit 19 - Order for Supplies or Services with Fluent Language Solutions, Inc., # 7 Defendants' Exhibit 20 - Federal Bureau of Prisons Psychology Data System, Robert Boyd, entry dated January 13, 2014, # 8 Defendants' Exhibit 21 - Excerpts from the Deposition of Tracy Johns, # 9 Defendants' Exhibit 22 - Additional Excerpts from the Deposition Transcript of Justin Andrews, # 10 Defendants' Exhibit 23 - Additional Excerpts from the Deposition Transcript of Amy Jacobs, # 11 Defendants' Exhibit 24 - Bureau of Prisons Health Services Clinical Encounters, Robert Boyd, entries dated June 6, 2014 and August 8, 2014, # 12 Defendants' Exhibit 25 - Additional Excerpts from the Deposition Transcript of Thomas Heyer, # 13 Defendants' Exhibit 26 - Additional Excerpts from the Deposition Transcript of Nicole Weaver, # 14 Defendants' Exhibit 27 - Excerpts from the Deposition Transcript of Todd Craig) (Dannels, Jennifer) (Entered: 11/18/2014)
11/21/2014	132	MOTION to Seal Document 130 Response in Opposition to Motion, 131 Notice-(other), by Ike Eichenlaub, Eric H. Holder, Jr., Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Dannels, Jennifer) (Entered: 11/21/2014)
12/02/2014		Motions Submitted to Chief Judge James C. Dever III: 111 Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the alternative</i> MOTION for Summary Judgment, 123 MOTION to Seal Document 122 PROPOSED SEALED Document, 132 MOTION to Seal Document 130 Response in Opposition to Motion, 131 Notice, 127 MOTION for Summary Judgment <i>as to Counts II, IV, VI, and VIII</i> , 129 MOTION for Leave to File Excess Pages and 121 MOTION for Leave to File Excess Pages. (Indig, A.) (Entered: 12/02/2014)
12/04/2014	133	RESPONSE in Support regarding 132 MOTION to Seal Document 130 Response in Opposition to Motion, 131 Notice-(other), filed by Robert Paul Boyd, Thomas Heyer. (Hennessy, Sean) (Entered: 12/04/2014)
01/06/2015	134	SEALED MOTION (<i>Selected Participants Only</i>)by Defendants (available to: Plaintiffs Robert Paul Boyd, Thomas Heyer, Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons). (Attachments: # 1 Report by Doctor Lara Gray at Area Hearing Center, dated March 6, 2014, # 2 Commitment and Treatment Program Diagnostic Report dated

		October 16, 2014, # 3 Text of Proposed Order) (Dannels, Jennifer) Modified on 5/30/2017 to remove the word "proposed". (Indig, A.) (Entered: 01/06/2015)
01/06/2015	135	MOTION to Seal Document 134 PROPOSED SEALED MOTION (<i>Selected Participants Only</i>)by Defendants (available to: Plaintiffs Robert Paul Boyd, Thomas Heyer, Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of P by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Dannels, Jennifer) (Entered: 01/06/2015)
01/23/2015	136	RESPONSE in Support regarding 135 MOTION to Seal Document 134 PROPOSED SEALED MOTION (<i>Selected Participants Only</i>)by Defendants (available to: Plaintiffs Robert Paul Boyd, Thomas Heyer, Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. filed by Robert Paul Boyd, Thomas Heyer. (Hennessy, Sean) (Entered: 01/23/2015)
01/23/2015	137	SEALED RESPONSE (<i>Selected Participants Only</i>)by Plaintiffs (available to: Plaintiffs Robert Paul Boyd, Thomas Heyer, Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons) regarding 134 PROPOSED SEALED MOTION (<i>Selected Participants Only</i>)by Defendants (available to: Plaintiffs Robert Paul Boyd, Thomas Heyer, Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of P. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D) (Hoffman, Ian) Modified on 5/30/2017 to remove the word "proposed". (Indig, A.) Modified on 5/30/2017 to remove the word "proposed". (Indig, A.) (Entered: 01/23/2015)
01/23/2015	138	MOTION to Seal Document 137 PROPOSED SEALED Response, by Robert Paul Boyd, Thomas Heyer. (Attachments: # 1 Memorandum in Support of Motion to Seal, # 2 Text of Proposed Order) (Hoffman, Ian) (Entered: 01/23/2015)
01/26/2015		Motions Submitted to Chief US District Judge James C. Dever III: 138 MOTION to Seal Document 137 PROPOSED SEALED Response, and 135 MOTION to Seal Document 134 PROPOSED SEALED MOTION. (McDowell, G.) (Entered: 01/26/2015)
01/26/2015		Motion No Longer Submitted to Chief US District Judge James C. Dever III: 138 MOTION to Seal Document 137 PROPOSED SEALED Response. (McDowell, G.) (Entered: 01/26/2015)

02/06/2015	139	SEALED REPLY (<i>Selected Participants Only</i>) by United States Bureau of Prisons et al (available to: Plaintiffs Robert Paul Boyd, Thomas Heyer, Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons) regarding 137 PROPOSED SEALED Response. (Dannels, Jennifer) Modified on 5/30/2017 to remove the word "proposed". (Indig, A.) (Entered: 02/06/2015)
02/06/2015	140	MOTION to Seal Document 139 PROPOSED SEALED Reply, by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Dannels, Jennifer) (Entered: 02/06/2015)
02/09/2015	141	RESPONSE in Support regarding 140 MOTION to Seal Document 139 PROPOSED SEALED Reply, filed by Robert Paul Boyd, Thomas Heyer. (Hennessy, Sean) (Entered: 02/09/2015)
03/26/2015		NOTICE OF CORRECTION regarding: 122 PROPOSED SEALED Document. Exhibit letters have entered next to each proposed sealed document for identification purposes. Pursuant to Section L(2)(b) Attachments and exhibits must be identified with a clear and complete description of the document and (c) when filing a document with more than five (5) exhibits or attachments, the first attached exhibit or attachment must be an index of all of the subsequently attached documents. (McDowell, G.) (Entered: 03/26/2015)
03/31/2015	142	ORDER - the court GRANTS IN PART defendants' motion for summary judgment [D.E. 111], and DENIES plaintiffs' motion for partial summary judgment [D.E. 127]. The court DISMISSES as moot counts nine and ten of the amended complaint. The court DENIES defendants' motion to conduct additional testing on Boyd [D.E. 134]. The court GRANTS the parties' motions for leave to file memoranda in excess of the page limit prescribed by Local Civil Rule 7.2 [D.E. 121, 129], and GRANTS IN PART AND DENIES IN PART the parties' motions to seal [D.E. 123, 132, 135, 138, 140]. This action is DISMISSED. The clerk shall unseal defendants' response in opposition to plaintiffs' motion for partial summary judgment [D.E. 130]. Signed by Chief US District Judge James C. Dever III on 3/31/2015. (McDowell, G.) (Entered: 03/31/2015)
03/31/2015	143	CLERK'S JUDGMENT - that defendants' motion for summary judgment is granted in part and this action is hereby dismissed. Signed by Julie Richards Johnston, Clerk of Court on 3/31/2015. (McDowell, G.) (Entered: 03/31/2015)
05/27/2015	144	NOTICE OF APPEAL as to 120 Order on Motion for Leave to File, Order on Motion for Extension of Time to File, Order on Motion for Leave to File Excess Pages, Order on Motion for Extension of Time to

		File Response/Reply, 118 Order on Motion to Compel, 46 Order on Motion to Dismiss, Order on Motion for Summary Judgment, Order on Motion for Miscellaneous Relief, 143 Clerk's Judgment, 142 Order on Motion for Summary Judgment, Order on Motion for Leave to File Excess Pages, Order on Motion to Seal Document, Order on PROPOSED SEALED Motion by Robert Paul Boyd, Thomas Heyer. Filing fee \$ 505, receipt number 0417-3304836. (Hoffman, Ian) (Entered: 05/27/2015)
05/28/2015	145	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals regarding 144 Notice of Appeal. (McDowell, G.) (Entered: 05/28/2015)
05/28/2015	146	US Court of Appeals Case Number 15-6826 (RJ Warren) for 144 Notice of Appeal filed by Thomas Heyer and Robert Paul Boyd. (Indig, A.) (Entered: 05/28/2015)
11/05/2015	147	Notice filed by Robert Paul Boyd . (Hoffman, Ian) (Entered: 11/05/2015)
11/05/2015	148	MOTION to Dismiss <i>Motion for Voluntary Dismissal</i> filed by Robert Paul Boyd. (Hoffman, Ian) (Entered: 11/05/2015)
11/19/2015	149	RESPONSE regarding 148 MOTION to Dismiss <i>Motion for Voluntary Dismissal</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Dannels, Jennifer) (Entered: 11/19/2015)
11/20/2015	150	MOTION for Extension of Time to File Response/Reply as to 148 MOTION to Dismiss <i>Motion for Voluntary Dismissal</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Dannels, Jennifer) (Entered: 11/20/2015)
11/20/2015		Motion Submitted to Chief Judge James C. Dever III: regarding 150 MOTION for Extension of Time to File Response as to 148 MOTION to Dismiss <i>Motion for Voluntary Dismissal</i> . (Indig, A.) (Entered: 11/20/2015)
01/04/2016	151	ORDER - the court DISMISSES plaintiff Boyd's motion for a voluntary dismissal [D.E. 148] and DENIES AS MOOT defendants' motion for an extension of time [D.E. 150]. Signed by Chief Judge James C. Dever III on 1/4/2016. (Indig, A.) (Entered: 01/04/2016)
02/23/2017	152	Published Opinion from Fourth Circuit Court of Appeals. AFFIRMED IN PART, VACATED IN PART, AND REMANDED. (Castania, M.) (Entered: 02/23/2017)

02/23/2017	153	US Court of Appeals Judgment as to 144 Notice of Appeal filed by Thomas Heyer, Robert Paul Boyd. (Castania, M.) (Entered: 02/23/2017)
04/17/2017	154	MANDATE of US Court of Appeals (certified copy) as to 144 Notice of Appeal filed by Thomas Heyer, Robert Paul Boyd. (Castania, M.) (Entered: 04/17/2017)
04/18/2017		Case Submitted to Chief Judge James C. Dever III regarding opinion from the Court of Appeals. (Indig, A.) (Entered: 04/18/2017)
04/19/2017	155	ORDER - The court DIRECTS each party to file a response to this order on or before May 19, 2017, stating whether a court-hosted settlement conference would help to resolve this case. The parties shall also confer and jointly propose three dates for a bench trial between September 11 and November 6, 2017. Signed by Chief Judge James C. Dever III on 4/19/2017. (Indig, A.) (Entered: 04/19/2017)
05/18/2017	156	RESPONSE by Plaintiff Thomas Heyer regarding 155 Order, Set Deadlines,, <i>Joint Response of Plaintiff and Defendants to Court's Order Regarding Settlement Conference and Trial Dates</i> (Hoffman, Ian) (Entered: 05/18/2017)
05/18/2017	157	ORDER - The court REFERS this case to Magistrate Judge James E. Gates for a court-hosted settlement conference. The bench trial in this case is set for Monday, November 6, 2017. The court will issue a case management order at a later date. Signed by Chief Judge James C. Dever, III on 5/18/2017. Copy sent to the chambers of US Magistrate Judge James E. Gates. (Powers, S.) (Entered: 05/18/2017)
05/23/2017	158	Notice of Substitution of Counsel filed by Philip J. Fornaci on behalf of Thomas Heyer substituting for Deborah Golden. (Fornaci, Philip) (Entered: 05/23/2017)
05/26/2017	159	ORDER - No later than 9 June 2017, the parties shall confer and determine three dates before 7 July 2017 that are mutually available for the settlement conference. Counsel for plaintiff shall file a notice setting out the three proposed dates for the settlement conference within one day after the conference provided for in the preceding paragraph. Signed by Magistrate Judge James E. Gates on 5/26/2017. (Indig, A.) (Entered: 05/26/2017)
06/08/2017	160	Notice filed by Thomas Heyer regarding 159 Order, Set Deadlines,, <i>Notice Regarding Proposed Settlement Conference Dates</i> . (Hoffman, Ian) (Entered: 06/08/2017)
06/08/2017		Notice Regarding Proposed Settlement Conference Dates Submitted to Magistrate Judge James E. Gates. (Indig, A.) (Entered: 06/08/2017)

06/20/2017	161	Order Setting Hearing - Settlement Conference set for 6/29/2017 at 11:00 AM in Raleigh - 6th Floor Courtroom before Magistrate Judge James E. Gates. Signed by Magistrate Judge James E. Gates on 6/19/2017. (Indig, A.) (Entered: 06/20/2017)
06/20/2017	162	Notice of Writ to Produce Thomas Heyer on 6/29/2017 in Raleigh. (Bredenberg, Michael) (Entered: 06/20/2017)
06/22/2017	163	MOTION to Excuse Attendance of Local Counsel at Court-Hosted Settlement Conference (Unopposed) filed by Thomas Heyer. (Attachments: # 1 Text of Proposed Order) (Hoffman, Ian) (Entered: 06/22/2017)
06/23/2017		Motion Referred to US Magistrate Judge James E. Gates regarding: 163 MOTION to Excuse Attendance of Local Counsel at Court-Hosted Settlement Conference (Unopposed). (Indig, A.) (Entered: 06/23/2017)
06/26/2017	164	ORDER - GRANTING 163 Motion. For good cause shown, the motion is ALLOWED and the in-person attendance of Mr. Riemann is excused. Signed by Magistrate Judge James E. Gates on 6/26/2017. (Indig, A.) (Entered: 06/26/2017)
06/29/2017	165	Minute Entry for proceedings held before Magistrate Judge James E. Gates in Raleigh. Settlement Conference held on 6/29/2017. Parties present with counsel. Interpreters (sign language) affirmed. The court makes opening remarks. The parties break for settlement discussions. At 5:15 p.m. the court announced the parties have reached an impasse in this matter. (Court Reporter FTR) (Horton, B.) (Entered: 06/30/2017)
09/29/2017	166	Notice filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons (<i>Local Rule 5.2 (d) Withdrawal of Prior Counsel</i>). (Dodson, Robert) (Entered: 09/29/2017)
09/29/2017	167	MOTION to Dismiss for Lack of Jurisdiction <i>or, in the alternative</i> , MOTION for Judgment on the Pleadings filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Dodson, Robert) (Entered: 09/29/2017)
09/29/2017	168	Memorandum in Support regarding 167 MOTION to Dismiss for Lack of Jurisdiction <i>or, in the alternative</i> MOTION for Judgment on the Pleadings filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Dodson, Robert) (Entered: 09/29/2017)

10/17/2017	169	Notice of Writ to Produce Thomas Heyer on 11/6/2017 in Raleigh. (Dodson, Robert) (Entered: 10/17/2017)
10/20/2017	170	RESPONSE in Opposition regarding 167 MOTION to Dismiss for Lack of Jurisdiction <i>or, in the alternative</i> MOTION for Judgment on the Pleadings filed by Thomas Heyer. (Hoffman, Ian) (Entered: 10/20/2017)
10/23/2017		Motion Submitted to Chief Judge James C. Dever III regarding 167 MOTION to Dismiss for Lack of Jurisdiction <i>or, in the alternative</i> MOTION for Judgment on the Pleadings . (Indig, A.) (Entered: 10/23/2017)
10/24/2017	171	Notice of Appearance for non-district by Snayha M. Nath on behalf of All Plaintiffs. (Nath, Snayha) (Entered: 10/24/2017)
10/25/2017	172	Notice of Appearance filed by Christina A. Kelley on behalf of All Defendants. (Kelley, Christina) (Entered: 10/25/2017)
10/25/2017	173	Notice of Appearance for non-district by Tara L. Williamson on behalf of All Plaintiffs. (Williamson, Tara) (Entered: 10/25/2017)
10/26/2017	174	ORDER - The parties shall file a proposed joint pretrial order no later than November 1, 2017. The court will conduct a final pretrial conference beginning at 9:00 a.m. on November 6, 2017, in courtroom 1 of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27601. The bench trial will commence immediately after the final pretrial conference. Signed by Chief Judge James C. Dever III on 10/25/2017. (Indig, A.) (Entered: 10/26/2017)
10/26/2017	175	Courtroom Technology Certification of Training by Thomas Heyer (Hoffman, Ian) (Entered: 10/26/2017)
10/30/2017	176	Joint MOTION for Extension of Time to File <i>Pretrial Documents</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Attachments: # 1 Text of Proposed Order) (Bredenberg, Michael) (Entered: 10/30/2017)
10/30/2017		Motion Submitted to Chief Judge James C. Dever III regarding 176 Joint MOTION for Extension of Time to File <i>Pretrial Documents</i> . (Indig, A.) (Entered: 10/30/2017)
10/30/2017	177	ORDER - GRANTING 176 Motion for Extension of Time to File. The Proposed Joint Pretrial Order, Proposed Findings of Fact and Conclusions of Law, and Trial Briefs shall be filed no later than November 2, 2017. Signed by Chief Judge James C. Dever III on 10/30/2017. (Indig, A.) (Entered: 10/30/2017)

10/30/2017	178	MOTION in Limine to <i>Exclude Plaintiff's Proffered Expert Witnesses</i> filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Bredenberg, Michael) (Entered: 10/30/2017)
11/02/2017	179	TRIAL BRIEF by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Dodson, Robert) (Entered: 11/02/2017)
11/02/2017	180	Proposed Findings of Fact by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Dodson, Robert) (Entered: 11/02/2017)
11/02/2017	181	Joint MOTION to Dismiss <i>Joint Partial Motion to Dismiss with Prejudice</i> filed by Thomas Heyer. (Attachments: # 1 Exhibit A -- Partial Settlement Agreement, # 2 Exhibit B -- Agreed Dismissal Order) (Hoffman, Ian) (Entered: 11/02/2017)
11/02/2017	182	Proposed Pretrial Order by Thomas Heyer. (Attachments: # 1 Exhibit A - - Plaintiff's Exhibit List, # 2 Exhibit B -- Defendants' Exhibit List) (Hoffman, Ian) (Entered: 11/02/2017)
11/02/2017	183	Proposed Findings of Fact by Thomas Heyer. (Hoffman, Ian) (Entered: 11/02/2017)
11/02/2017	184	TRIAL BRIEF by Thomas Heyer. (Hoffman, Ian) (Entered: 11/02/2017)
11/03/2017	185	ORDER - GRANTING 181 Joint Partial Motion to Dismiss with Prejudice. The only claim that remains in this case is Count VIII (Violation of the U.S. Constitution, First Amendment), and the Parties have agreed that the trial on that claim shall be limited to Heyer's demand for access to a videophone that will allow him to communicate directly (point-to-point) with persons outside of Butner using ASL. That trial shall commence on November 6, 2017. Signed by Chief Judge James C. Dever III on 11/3/2017. (Indig, A.) (Entered: 11/03/2017)
11/03/2017	186	Notice filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons regarding 182 Proposed Pretrial Order - <i>Defendants' Amended Trial Exhibit List</i> . (Kelley, Christina) (Entered: 11/03/2017)
11/04/2017	187	RESPONSE in Opposition regarding 178 MOTION in Limine to <i>Exclude Plaintiff's Proffered Expert Witnesses</i> filed by Thomas Heyer. (Hoffman, Ian) (Entered: 11/04/2017)

11/04/2017	188	Notice filed by Thomas Heyer regarding 182 Proposed Pretrial Order <i>Plaintiff's Amended Trial Exhibit List</i> . (Hoffman, Ian) (Entered: 11/04/2017)
11/06/2017	189	JOINT PRETRIAL ORDER. Signed by Chief Judge James C. Dever III on 11/6/2017. (Indig, A.) (Entered: 11/06/2017)
11/06/2017	190	Minute Entry for proceedings held before Chief Judge James C. Dever III - Bench Trial held on 11/6/2017. Plaintiff's presentation of evidence completed. Defendant begins presentation of evidence. Court to reconvene at 9:00 a.m. on 11/7/2017. (Court Reporter Amy Condon) (Indig, A.) (Entered: 11/06/2017)
11/06/2017	191	Notice filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons - <i>Notice of Substitution of Public Officers</i> . (Kelley, Christina) (Entered: 11/06/2017)
11/07/2017	192	Exhibit List. (Indig, A.) (Entered: 11/07/2017)
11/07/2017	193	Minute Entry for proceedings held before Chief Judge James C. Dever III: Bench Trial completed on 11/7/2017. Counsel and parties present. Defense continues and concludes presentation of evidence. Closing arguments by both parties. The court takes the matter under advisement, written order to follow. (Court Reporter Amy Condon) (Indig, A.) (Entered: 11/07/2017)
11/08/2017	194	Notice filed by Thomas Heyer <i>Plaintiff's Closing Argument Presentation</i> . (Hoffman, Ian) (Entered: 11/08/2017)
11/12/2017	195	OFFICIAL TRANSCRIPT of BENCH TRIAL - DAY 1 held on November 6, 2017, before Chief Judge James C. Dever III. Court Reporter/Amy Condon. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's a href=http://www.nced.uscourts.gov/pdfs/transcriptRedactionRequirements.pdf target=_blank>website Redaction Request due 12/6/2017. Redacted Transcript Deadline set for 12/16/2017. Release of Transcript Restriction set for 2/13/2018. (Condon, A.) (Entered: 11/12/2017)
11/12/2017	196	OFFICIAL TRANSCRIPT of BENCH TRIAL - DAY 2 held on November 7, 2017, before Chief Judge James C. Dever III. Court Reporter/Amy Condon. Transcript may be viewed at the court public

		terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website Redaction Request due 12/6/2017. Redacted Transcript Deadline set for 12/16/2017. Release of Transcript Restriction set for 2/13/2018. (Condon, A.) (Entered: 11/12/2017)
11/12/2017		NOTICE of Filing of Official Transcript 196 Transcript, 195 Transcript. The parties have seven calendar days from the filing of the transcript to file a Notice of Intent to Request Redaction. The parties must also serve a copy on the court reporter or transcriber. After filing the Notice of Intent to Request Redaction, a party must submit to the court reporter or transcriber, within 21 calendar days of the filing of the transcript, a written statement indicating where the personal data identifiers to be redacted appear in the transcript. (Condon, A.) (Entered: 11/12/2017)
11/13/2017	197	PROPOSED SEALED Document: (<i>Selected Participants Only</i>)by Ian S. Hoffman (available to: Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons, Plaintiff Thomas Heyer). (Hoffman, Ian) (Entered: 11/13/2017)
11/13/2017	198	PROPOSED SEALED Exhibit (<i>Selected Participants Only</i>)by Ian S. Hoffman (available to: Defendants Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons, Plaintiff Thomas Heyer). (Hoffman, Ian) (Entered: 11/13/2017)
11/13/2017	199	Notice filed by Thomas Heyer regarding 198 PROPOSED SEALED Exhibit, 197 PROPOSED SEALED Document, <i>Notice of Filing Sealed Materials (Plaintiff's Post-Trial Letter Brief (D.E. 197) and Exhibit A to Plaintiff's Post-Trial Letter Brief (D.E. 198)</i> . (Hoffman, Ian) (Entered: 11/13/2017)
11/21/2017	200	Notice filed by Thomas Heyer <i>Plaintiff's Supplemental Post-Trial Letter Brief</i> . (Attachments: # 1 Exhibit A -- PX197) (Hoffman, Ian) (Entered: 11/21/2017)
05/09/2018	201	Notice filed by Thomas Heyer <i>Notice of Supplemental Authority</i> . (Attachments: # 1 Exhibit A -- Report & Recommendation in McBride, # 2 Exhibit B -- Opinion and Order in McBride) (Hoffman, Ian) (Entered: 05/09/2018)

09/12/2018	202	TEXT ORDER denying 167 Motion to Dismiss for Lack of Jurisdiction. Signed by Chief Judge James C. Dever III on 9/12/2018. (Hayes, Lyndsay) Modified on 9/12/2018 to add the word "text." (Indig, A.) (Entered: 09/12/2018)
09/12/2018	203	TEXT ORDER denying 178 Motion in Limine. Signed by Chief Judge James C. Dever III on 9/12/2018. (Hayes, Lyndsay) Modified on 9/12/2018 to add the word "text." (Indig, A.) (Entered: 09/12/2018)
09/12/2018	204	TEXT ORDER denying 167 Motion for Judgment on the Pleadings. Signed by Chief Judge James C. Dever III on 9/12/2018. (Hayes, Lyndsay) Modified on 9/12/2018 to add the word "text." (Indig, A.) (Entered: 09/12/2018)
02/12/2019	205	ORDER - After weighing the Turner factors as modified in Matherly, the court FINDS that Heyer failed to prove that the BOP's failure to install and provide Heyer the requested videophone equipment violates the First Amendment. Thus, the court enters judgment in favor of defendants and against Heyer. The clerk shall close the case. Signed by District Judge James C. Dever III on 2/12/2019. (Indig, A.) (Entered: 02/12/2019)
02/12/2019	206	CLERK'S JUDGMENT - IT IS ORDERED AND ADJUDGED that plaintiff Robert Paul Boyd was dismissed from this action by opinion of the Fourth Circuit Court of Appeals issued on February 23, 2017, mandate issued on April 17, 2017. IT IS FURTHER ORDERED AND ADJUDGED that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amendment. The court enters judgment in favor of defendants and against Heyer. Signed by Peter A. Moore, Jr., Clerk of Court on 2/12/2019. (Indig, A.) (Entered: 02/12/2019)
03/12/2019	207	MOTION to Alter Judgment <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amendment</i> , MOTION to Amend/Correct 206 Clerk's Judgment,, 205 Order, <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amendment</i> , MOTION for Reconsideration regarding 206 Clerk's Judgment,, 205 Order, <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amendment</i> filed by Thomas Heyer. (Hoffman, Ian) (Entered: 03/12/2019)
03/12/2019	208	Memorandum in Support regarding 207 MOTION to Alter Judgment <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested</i>

		<i>videophone equipment violates the First Amendment MOTION to Amend/Correct 206 Clerk's Judgment,, 205 Order, holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amen MOTION for Reconsideration regarding 206 Clerk's Judgment,, 205 Order, holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates t he First Amendment filed by Thomas Heyer. (Attachments: # 1 Exhibit Department of Justice Decision Regarding Jon TC Yeh's Rehabilitation Act Complaint, # 2 Exhibit Complaint, Yeh v. BOP, No. 3:18-cv-00943, Dkt. 1 (M.D. Pa. filed May 3, 2018), # 3 Exhibit Comprehensive Status Report Per the Courts Order of August 16, 2018, Yeh v. BOP, No. 3:18-cv-00943, Dkt. 34 (M.D. Pa. filed Dec. 4, 2018), # 4 Exhibit Comprehensive Status Report Per The Courts Order of November 27, 2018, Yeh v. BOP, No. 3:18-cv-00943, Dkt. 54 (M.D. Pa. filed Dec. 4, 2018), # 5 Exhibit Exhibit filed by United States Bureau of Prisons in Preliminary Injunction Hearing held Aug. 10, 2018, Yeh v. BOP, No. 3:18-cv-00943, Dkt. 28 (M.D. Pa. filed Aug. 10, 2018), # 6 Exhibit Joint Status Update, Yeh v. BOP, No. 3:18-cv-00943, Dkt. 55 (M.D. Pa. filed Dec. 11, 2018), # 7 Exhibit Brief in Support of Motion for Judgment on the Pleadings, Yeh v. BOP, No. 3:18-cv-00943, Dkt. 63 (M.D. Pa. filed Feb. 19, 2019), # 8 Exhibit Transcript of Hearing on Motion for Preliminary Injunction, Yeh v. BOP, No. 3:18-cv-00943 (M.D. Pa. held Aug. 10, 2018)) (Hoffman, Ian) (Entered: 03/12/2019)</i>
03/13/2019		Notice to Counsel regarding: 208 Memorandum in Support. When filing a document with more than five exhibits/attachments, the first attached exhibit/attachment must be an index of all of the subsequent attached documents. No further action is required at this time. (Indig, A.) (Entered: 03/13/2019)
04/02/2019	209	RESPONSE in Opposition regarding 207 MOTION to Alter Judgment <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amendment MOTION to Amend/Correct 206 Clerk's Judgment,, 205 Order, holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amen MOTION for Reconsideration regarding 206 Clerk's Judgment,, 205 Order, holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates t filed by Ike Eichenlaub, Eric H. Holder, Jr, Tracy W. Johns, Thomas R Kane, Sara M. Revell, United States Bureau of Prisons. (Bredenberg, Michael) (Entered: 04/02/2019)</i>

04/16/2019	210	REPLY to Response to Motion regarding 207 MOTION to Alter Judgment <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amendment</i> MOTION to Amend/Correct 206 Clerk's Judgment,, 205 Order, <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amen</i> MOTION for Reconsideration regarding 206 Clerk's Judgment,, 205 Order, <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates t he First Amendment</i> filed by Thomas Heyer. (Hoffman, Ian) (Entered: 04/16/2019)
04/16/2019		Motion Submitted to District Judge James C. Dever III regarding 207 MOTION to Alter Judgment <i>holding that plaintiff Thomas Heyer failed to prove that the Bureau of Prisons' failure to install and provide Heyer the requested videophone equipment violates the First Amendment.</i> (Indig, A.) (Entered: 04/16/2019)
06/21/2019	211	ORDER - The court DENIES Heyer's motion [D.E. 207]. Signed by District Judge James C. Dever III on 6/21/2019. (Indig, A.) (Entered: 06/21/2019)
07/11/2019	212	Notice of Appeal filed by Thomas Heyer. Filing fee, receipt number 0417-5016511. (Hoffman, Ian) (Entered: 07/11/2019)
07/12/2019	213	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals regarding 212 Notice of Appeal filed by Thomas Heyer. (Indig, A.) (Entered: 07/12/2019)
07/15/2019	214	US Court of Appeals Case Number 19-7027 (Michael Radday, Case Manager) as to 212 Notice of Appeal filed by Thomas Heyer. (Indig, A.) (Entered: 07/15/2019)
01/13/2021	215	Published Opinion from Fourth Circuit Court of Appeals - REVERSED AND REMANDED. (Indig, A.) (Entered: 01/13/2021)
01/13/2021	216	US Court of Appeals Judgment as to 212 Notice of Appeal filed by Thomas Heyer. (Indig, A.) (Entered: 01/13/2021)
01/25/2021	217	MOTION to Withdraw as Attorney filed by Thomas Heyer. (Nath, Snayha) (Entered: 01/25/2021)
01/25/2021	218	Memorandum in Support regarding 217 MOTION to Withdraw as Attorney filed by Thomas Heyer. (Nath, Snayha) (Entered: 01/25/2021)

01/25/2021		NOTICE OF DEFICIENCY regarding 217 Motion to Withdraw as Attorney. At the direction of the court, counsel shall file a proposed order. The order must be filed electronically using the event PROPOSED ORDER located in the RESPONSES AND REPLIES category. (Indig, A.) (Entered: 01/25/2021)
01/25/2021	219	Proposed Order regarding 217 MOTION to Withdraw as Attorney filed by Thomas Heyer. (Nath, Snayha) (Entered: 01/25/2021)
01/25/2021		Motion Submitted to District Judge James C. Dever III regarding 217 MOTION to Withdraw as Attorney. (Indig, A.) (Entered: 01/25/2021)
01/25/2021	220	ORDER - GRANTING 217 Motion to Withdraw as Attorney. Attorney Snayha M. Nath terminated. Signed by District Judge James C. Dever III on 1/25/2021. (Indig, A.) (Entered: 01/25/2021)
03/08/2021	221	MANDATE of US Court of Appeals (certified copy) as to 212 Notice of Appeal filed by Thomas Heyer. (Indig, A.) (Entered: 03/08/2021)
03/08/2021		Case Submitted to District Judge James C. Dever III. (Indig, A.) (Entered: 03/08/2021)

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