

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:20-cv-23669-JEM**

Evans v. Frezin,Jr.
Assigned to: Judge Jose E. Martinez
Referred to: Magistrate Judge Jacqueline Becerra
Case in other court: Eleventh Judicial Circuit, 19-29123-
CA-01
Cause: 28:1443cv Notice of Removal - Civil Rights Cases

Date Filed: 09/02/2020
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Jimmie Evans

represented by **Jimmie Evans**
180138414
Miami-Dade County-PDC
Pretrial Detention Center
Inmate Mail/Parcels
1321 NW 13th Street
Miami, FL 33125
PRO SE

V.

Defendant



Jean Frezin, Jr.

represented by **Zachary Edward Vosseler**
Miami-Dade County Attorney's
Office
111 N.W. 1st Street, Suite 2810
Miami, FL 33128
(305) 375-5151
Email: zach@miamidade.gov
ATTORNEY TO BE NOTICED

Defendant

Ariel Louis

represented by **Zachary Edward Vosseler**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|-------------------|--|---|
| 07/20/2021 | 71 | NOTICE of Non-Election for final disposition of motions by Jimmie Evans (lbc) (Entered: 07/20/2021) |
| 07/20/2021 | 70 | NOTICE of scheduling conference report by Jimmie Evans (lbc) (Entered: 07/20/2021) |
| 07/19/2021 | 69 | ORDER REFERRING CASE to Volunteer Attorney Program. (For Image See DE# 67) Signed by Judge Jose E. Martinez on 7/19/2021. (cds) Modified Text on 7/19/2021 (cds). Modified text on 7/19/2021 (asl). (Entered: 07/19/2021) |
| 07/19/2021 | 68 | ORDER REVISING PRETRIAL DEADLINES. Granting 62 Motion for Extension of Time. Signed by Judge Jose E. Martinez on 7/19/2021. <i>See attached document for full details.</i> (cds) (Entered: 07/19/2021) |
| 07/19/2021 | 67 | ORDER Denying 58 Motion to Appoint Counsel. This case is REFERRED for listing on the Courts website of available pro bono cases seeking volunteer lawyers. Signed by Judge Jose E. Martinez on 7/19/2021. <i>See attached document for full details.</i> (cds) (Entered: 07/19/2021) |
| 07/15/2021 |  66 | MOTION for Service to Enter an Order Issue of Subpoena's by Jimmie Evans. (cds) (Entered: 07/15/2021) |
| 07/12/2021 | 65 | NOTICE by Jimmie Evans (cqs) (Entered: 07/12/2021) |
| 07/12/2021 | 64 | NOTICE To The Court by Jimmie Evans (cqs) (Entered: 07/12/2021) |
| 07/12/2021 | 63 | Witness List by Jimmie Evans.. (cqs) (Entered: 07/12/2021) |
| 06/29/2021 | 62 | MOTION for Extension of Time to Exchange Expert Witness Summaries and Reports re 55 Scheduling Order,,,, Order Referring Case to Mediation,,,, Order Referring Case to Magistrate Judge,,, by Jean Frezin, Jr, Ariel Louis. Responses due by 7/13/2021 (Attachments: # 1 Text of Proposed Order)(Vosseler, Zachary) (Entered: 06/29/2021) |
| 06/29/2021 | 61 | Certificate of Other Affiliates/Corporate Disclosure Statement - NONE disclosed by Jean Frezin, Jr, Ariel Louis (Vosseler, Zachary) (Entered: 06/29/2021) |
| 06/29/2021 |  60 | MOTION to Take Deposition from Jimmie Evans by Jean Frezin, Jr, Ariel Louis. (Attachments: # 1 Text of Proposed Order)(Vosseler, Zachary) (Entered: 06/29/2021) |
| 06/29/2021 | 59 | ANSWER and Affirmative Defenses to Amended Complaint with Jury Demand by Ariel Louis. (Vosseler, Zachary) (Entered: 06/29/2021) |
| 06/29/2021 | 58 | MOTION for Appointment of Counsel by Jimmie Evans. Responses due by 7/13/2021 (cds) (Entered: 06/29/2021) |

| | | |
|------------|--------------------|--|
| 06/23/2021 | 57 | PAPERLESS ORDER granting 56 Defendant Ariel Louis's Motion for Extension of Time to Respond to the Final Amended Complaint. Defendant Louis shall respond to the Amended Complaint no later than July 9, 2021. Signed by Judge Jose E. Martinez on 6/23/2021. (cvl) (Entered: 06/23/2021) |
| 06/23/2021 | 56 | MOTION for Extension of Time to File Response/Reply/Answer as to 9 Amended Complaint/Amended Notice of Removal by Ariel Louis. Attorney Zachary Edward Vosseler added to party Ariel Louis(pty:dft). (Attachments: # 1 Text of Proposed Order)(Vosseler, Zachary) (Entered: 06/23/2021) |
| 06/11/2021 | 55 | ORDER SETTING CIVIL TRIAL DATE AND PRETRIAL SCHEDULE, REQUIRING MEDIATION, AND REFERRING CERTAIN MOTIONS TO MAGISTRATE JUDGE: (Jury Trial set for 2/14/2022 09:30 AM in Miami Division before Judge Jose E. Martinez., Calendar Call set for 2/10/2022 01:30 PM in Miami Division before Judge Jose E. Martinez.), ORDER REFERRING CASE to Mediation., ORDER REFERRING CASE to Magistrate Judge Jacqueline Becerra for Discovery Matters. Magistrate Judge Jared M. Strauss no longer assigned as presider judge in case. Signed by Judge Jose E. Martinez on 6/11/2021. <i>See attached document for full details.</i> (cds) Pattern Jury Instruction Builder - To access the latest, up to date changes to the 11th Circuit Pattern Jury Instructions go to https://pji.ca11.uscourts.gov or click here. (Entered: 06/14/2021) |
| 06/07/2021 | 54 | SUMMONS (Affidavit) Returned Executed on 9 Amended Complaint/Amended Notice of Removal with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 Ariel Louis served on 6/4/2021, answer due 6/25/2021. (cds) (Entered: 06/07/2021) |
| 06/02/2021 | 53 | CLERKS NOTICE REASSIGNING CASE pursuant to Administrative Order 2021-52. Case reassigned to Judge Jose E. Martinez for all further proceedings. Judge Ursula Ungaro no longer assigned to case. (jmd) (Entered: 06/02/2021) |
| 04/28/2021 | 52 | ORDER Denying 51 MOTION TO COMPEL DISCOVERY. Signed by Judge Ursula Ungaro on 4/28/2021. <i>See attached document for full details.</i> (cds) (Entered: 04/28/2021) |
| 04/26/2021 | 51 | MOTION for an Order Compelling Discovery by Jimmie Evans. Responses due by 5/10/2021 (cds) (Entered: 04/26/2021) |
| 04/02/2021 | 50 | ORDER Denying 48 Motion to Quash. Signed by Judge Ursula Ungaro on 4/2/2021. <i>See attached document for full details.</i> (cds) (Entered: 04/02/2021) |

| | | |
|------------|--------------------|--|
| 03/30/2021 | 49 | OBJECTION'S to 46 ANSWER and Affirmative Defenses by Jimmie Evans. (cds) (Entered: 03/30/2021) |
| 03/29/2021 | 48 | MOTION to Enforce/Quash Deposition or Subpoena by Jimmie Evans. (cds) (Entered: 03/29/2021) |
| 03/16/2021 | 47 | ORDER Denying as Moot 41 MOTION to Dismiss re 15 Defendant's MOTION to Dismiss 9 Amended Complaint/Amended Notice of Removal for Failure to Exhaust Administrative Remedies MOTION to Dismiss for Lack of Jurisdiction 9 Amended Complaint/Amended Notice of Removal. Signed by Judge Ursula Ungaro on 3/16/2021. <i>See attached document for full details.</i> (cds) (Entered: 03/16/2021) |
| 03/08/2021 | 46 | ANSWER and Affirmative Defenses to Amended Complaint with Jury Demand by Jean Frezin, Jr. (Vosseler, Zachary) (Entered: 03/08/2021) |
| 03/04/2021 | 45 | Summons Issued as to A. Louis. (daa) (Entered: 03/04/2021) |
| 02/16/2021 | 44 | ORDER TO U.S. MARSHAL DIRECTING PERSONAL SERVICE UPON DEFENDANT A. LOUIS. Signed by Judge Ursula Ungaro on 2/16/2021. <i>See attached document for full details.</i> (cds) (Entered: 02/16/2021) |
| 02/16/2021 | 43 | ORDER Granting 15 Motion to Dismiss AND SCREENING FINAL AMENDED COMPLAINT. Frezin SHALL file an Answer to the Plaintiffs Amended Complaint (DE 9) within twenty (20) days of the entry of this Order. Signed by Judge Ursula Ungaro on 2/16/2021. <i>See attached document for full details.</i> (cds) (Entered: 02/16/2021) |
| 02/01/2021 | 42 | ORDER Denying 39 Motion to be Permitted to Receive Legal Written Supplies. Signed by Judge Ursula Ungaro on 1/29/2021. <i>See attached document for full details.</i> (cds) (Entered: 02/01/2021) |
| 01/29/2021 | 41 | MOTION to Dismiss re 15 Defendant's MOTION to Dismiss 9 Amended Complaint/Amended Notice of Removal <i>for Failure to Exhaust Administrative Remedies</i> MOTION to Dismiss for Lack of Jurisdiction 9 Amended Complaint/Amended Notice of Removal by Jimmie Evans. (For Image See DE# 40) Responses due by 2/12/2021 (cds) (Entered: 01/29/2021) |
| 01/29/2021 | 40 | RESPONSE to 31 REPLY to Response to Motion re 15 MOTION to Dismiss 9 Amended Complaint/Amended Notice of Removal by Jimmie Evans. (cds) (Entered: 01/29/2021) |
| 01/29/2021 | 39 | MOTION to be Permitted to Receive Legal Written Supplies by Jimmie Evans. (cds) (Entered: 01/29/2021) |

| | | |
|------------|--------------------|---|
| 01/26/2021 | 38 | RESPONSE to 31 REPLY to Response to Motion re 15 MOTION to Dismiss 9 Amended Complaint/Amended Notice of Removal by Jimmie Evans. (cds) (Entered: 01/26/2021) |
| 12/28/2020 | 37 | NOTICE Of Filing Exhibits by Jimmie Evans re 9 Amended Complaint/Amended Notice of Removal (cqs) (Entered: 12/28/2020) |
| 12/03/2020 | 36 | NOTICE to the Court by Jimmie Evans (cds) (Entered: 12/03/2020) |
| 12/03/2020 | 35 | NOTICE of Filing Proposed Order to Show Cause for Preliminary Injunction by Jimmie Evans (cds) (Entered: 12/03/2020) |
| 12/03/2020 | 34 | Notice to the Court (Address Previously Updated) by Jimmie Evans (cds) (Entered: 12/03/2020) |
| 12/03/2020 | 33 | Declaration signed by: Jimmie Evans by Jimmie Evans (cds) (Entered: 12/03/2020) |
| 11/24/2020 | 32 | Notice to the Court (Address Updated) by Jimmie Evans (cds) (Entered: 11/24/2020) |
| 11/23/2020 | 31 | REPLY to Response to Motion re 15 MOTION to Dismiss 9 Amended Complaint/Amended Notice of Removal <i>for Failure to Exhaust Administrative Remedies</i> MOTION to Dismiss for Lack of Jurisdiction 9 Amended Complaint/Amended Notice of Removal filed by Jean Frezin, Jr. (Vosseler, Zachary) (Entered: 11/23/2020) |
| 11/23/2020 | 30 | NOTICE to the Court by Jimmie Evans (Attachments: # 1 Notice of Lawsuit and Request to Waive Service of Summons) (cds) (Entered: 11/23/2020) |
| 11/19/2020 | 29 | ORDER Granting 23 Motion for Leave to Proceed in forma pauperis. Plaintiff to Proceed without Prepayment of Filing Fee but Establishing Debt to Clerk of \$350.00. USM Service NOT Ordered . Signed by Judge Ursula Ungaro on 11/19/2020. <i>See attached document for full details.</i> (cds) (Entered: 11/20/2020) |
| 11/18/2020 | 28 | RESPONSE to Motion re 15 MOTION to Dismiss 9 Amended Complaint/Amended Notice of Removal <i>for Failure to Exhaust Administrative Remedies</i> MOTION to Dismiss for Lack of Jurisdiction 9 Amended Complaint/Amended Notice of Removal filed by Jimmie Evans. Replies due by 11/25/2020. (cds) (Entered: 11/18/2020) |
| 11/18/2020 | 27 | NOTICE to the Court by Jimmie Evans (cds) (Entered: 11/18/2020) |
| 11/18/2020 | 26 | NOTICE of Filing Waiver of Summons by Jimmie Evans (cds) (Entered: 11/18/2020) |
| 11/18/2020 | 25 | AFFIDAVIT signed by: Jimmie M. Evans by Jimmie Evans (cds) (Entered: 11/18/2020) |

| | | |
|------------|--------------------|--|
| 11/18/2020 | 24 | NOTICE to the Court by Jimmie Evans (cds) (Entered: 11/18/2020) |
| 11/17/2020 | 23 | MOTION for Leave to Proceed in forma pauperis by Jimmie Evans. (Attachments: # 1 Inmate Balance History Report)(cds) (Entered: 11/17/2020) |
| 11/17/2020 | 22 | NOTICE to the Court by Jimmie Evans (cds) (Entered: 11/17/2020) |
| 11/06/2020 | 21 | ORDER OVERRULING OBJECTIONS re 20 Response in Opposition to Motion, filed by Jimmie Evans, as to 15 MOTION to Dismiss 9 Amended Complaint/Amended Notice of Removal <i>for Failure to Exhaust Administrative Remedies</i> MOTION to Dismiss for Lack of Jurisdiction 9 Amended Complaint/Amended Notice of Removal .(Responses due by 12/2/2020) Signed by Judge Ursula Ungaro on 11/5/2020. <i>See attached document for full details.</i> (cds) (Entered: 11/06/2020) |
| 11/04/2020 | 20 | (OVERRULED PER DE# 21) Response/Objection re 15 MOTION to Dismiss 9 Amended Complaint/Amended Notice of Removal <i>for Failure to Exhaust Administrative Remedies</i> MOTION to Dismiss for Lack of Jurisdiction 9 Amended Complaint/Amended Notice of Removal filed by Jimmie Evans. Replies due by 11/12/2020. (cds) Text Modified on 11/6/2020 (cds). (Entered: 11/04/2020) |
| 10/29/2020 | 19 | ORDER denying without prejudice 14 Motion to strike. On or before DECEMBER 2, 2020, Plaintiff shall complete and file the form application to proceed in forma pauperis (attached to this Order), along with an affidavit as required by 28 U.S.C. § 1915(a). Signed by Judge Ursula Ungaro on 10/27/2020. <i>See attached document for full details.</i> (Attachments: # 1 IFP form) (daa) (Entered: 10/29/2020) |
| 10/29/2020 | 18 | Clerks Notice of Docket Correction re 16 ORDER REQUIRING PAYMENT OF FILING FEE OR APPLICATION TO PROCEED IN FORMA PAUPERIS ALONG WITH SUPPORTING FINANCIAL AFFIDAVIT, denying 14 Motion to Strike. Correction Document Stricken per Chambers. The document will be refiled by Chambers. (yar) (Entered: 10/29/2020) |
| 10/28/2020 | 17 | ORDER INSTRUCTING PRO SE PLAINTIFF TO RESPOND re 15 MOTION to Dismiss 9 Amended Complaint/Amended Notice of Removal <i>for Failure to Exhaust Administrative Remedies</i> MOTION to Dismiss for Lack of Jurisdiction 9 Amended Complaint/Amended Notice of Removal filed by Jean Frezin, Jr. (Responses due by 12/2/2020) Signed by Judge Ursula Ungaro on 10/28/2020. <i>See attached document for full details.</i> (cqs) (Entered: 10/29/2020) |
| 10/28/2020 | 16 | STRICKEN - ORDER REQUIRING PAYMENT OF FILING FEE OR APPLICATION TO PROCEED IN FORMA PAUPERIS ALONG |

| | | |
|------------|--------------------|---|
| | | WITH SUPPORTING FINANCIAL AFFIDAVIT, denying 14 Motion to Strike. Filing Fee due by 12/2/2020. Signed by Judge Ursula Ungaro on 10/28/2020. <i>See attached document for full details.</i> (cqs) Modified to reflect stricken per chambers on 10/29/2020 (yar). (Entered: 10/29/2020) |
| 10/06/2020 | 15 | MOTION to Dismiss 9 Amended Complaint/Amended Notice of Removal <i>for Failure to Exhaust Administrative Remedies</i> , MOTION to Dismiss for Lack of Jurisdiction 9 Amended Complaint/Amended Notice of Removal (Responses due by 10/20/2020) by Jean Frezin, Jr. (Attachments: # 1 Exhibit Cell History, # 2 Exhibit Declaration of Loreta Lorfiles)(Vosseler, Zachary) (Entered: 10/06/2020) |
| 10/06/2020 | 14 | Notice to the Court/MOTION to Strike 12 Order,, (Responses due by 10/20/2020), MOTION to Service Summons on Defendant by Jimmie Evans. (cde) Modified relief on 10/7/2020 (asl). (Entered: 10/06/2020) |
| 10/01/2020 | 13 | Case Reassignment of Paired Magistrate Judge, pursuant to pro se magistrate repairing, to Magistrate Judge Jared M. Strauss. Magistrate Judge Lisette M. Reid no longer assigned to case. (bla) (Entered: 10/01/2020) |
| 09/25/2020 | 12 | ORDER REGARDING SERVICE WHEN PLAINTIFF IS NOT PROCEEDING PRO SE. Since Plaintiff is not proceeding pro se, it is his responsibility to secure service on the unserved Defendant, Officer Louis. Pursuant to Fla. R. Civ. P. 4(m), he is required to serve the Amended Complaint on Officer Louis within ninety days of the filing of the Amended Complaint with this court. Therefore, the time for service of process is due to expire on December 17, 2020. Signed by Magistrate Judge Lisette M. Reid on 9/25/2020. <i>See attached document for full details.</i> (daa) (Entered: 09/25/2020) |
| 09/25/2020 | 11 | ORDER denying 10 Motion for Extension of Time. Signed by Magistrate Judge Lisette M. Reid on 9/25/2020. <i>See attached document for full details.</i> (daa) (Entered: 09/25/2020) |
| 09/25/2020 | 10 | MOTION for Extension of Time to File Response/Reply/Answer as to 9 Amended Complaint/Amended Notice of Removal by Jean Frezin, Jr. (Attachments: # 1 Text of Proposed Order)(Vosseler, Zachary) (Entered: 09/25/2020) |
| 09/22/2020 | 9 | AMENDED COMPLAINT against Jean Frezin, Jr, Aricl Louis filed in response to Order Granting Motion for Leave, filed by Jimmie Evans.(cde) (Entered: 09/22/2020) |
| 09/22/2020 | 8 | NOTICE to the Court re Exhibit's Attachments by Jimmie Evans (cde) (Entered: 09/22/2020) |
| 09/04/2020 | 7 | SUA SPONTE ORDER REQUIRING FINAL, AMENDED COMPLAINT re 1 Notice of Removal (State Court Complaint), filed by |

| | | |
|------------|-------------------|---|
| | | Jean Frezin, Jr., (Amended Complaint due by 10/5/2020.). Signed by Magistrate Judge Lisette M. Reid on 9/4/2020. <i>See attached document for full details.</i> (Attachments: # 1 Complaint for Violation of Civil Rights Form) (daa) (Entered: 09/04/2020) |
| 09/04/2020 | 6 | ORDER granting 4 Motion for Extension of Time to File to the extent that Frezin need not file a responsive pleading to the Second Amended Complaint at this time as Plaintiff is being required, by separate court order, to file a Final Amended Complaint to cure certain deficiencies identified by the court. Signed by Magistrate Judge Lisette M. Reid on 9/4/2020. <i>See attached document for full details.</i> (br) (Entered: 09/04/2020) |
| 09/04/2020 | 5 | ORDER OF INSTRUCTIONS TO PRO SE CIVIL RIGHTS LITIGANTS. Signed by Magistrate Judge Lisette M. Reid on 9/4/2020. <i>See attached document for full details.</i> (br) (Entered: 09/04/2020) |
| 09/03/2020 | 4 | Defendant's MOTION for Extension of Time to File Response/Reply /Answer as to 1 Notice of Removal (State Court Complaint), by Jean Frezin, Jr. (Attachments: # 1 Text of Proposed Order)(Vosseler, Zachary) (Entered: 09/03/2020) |
| 09/02/2020 | 3 | Clerks Notice of Magistrate Judge Assignment to Magistrate Judge Lisette M. Reid. Pursuant to Administrative Order 2019-2 for a ruling on all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters. (Per Chambers) (cds) (Entered: 09/03/2020) |
| 09/02/2020 | 2 | Clerks Notice of Judge Assignment to Judge Ursula Ungaro. (cds) (Entered: 09/03/2020) |
| 09/02/2020 | 1 | NOTICE OF REMOVAL (STATE COURT COMPLAINT - Second Amended Civil Rights Complaint) Filing fee \$ 400.00 receipt number AFLSDC-13456000, filed by Jean Frezin. (Attachments: # 1 Summon(s), # 2 Exhibit Second Amended Complaint, # 3 Exhibit Order Dismissing Ariel Louis as Defendant, # 4 Civil Cover Sheet, # 5 Exhibit Other State Court Filings)(Vosseler, Zachary) Text Modified on 9/3/2020 (cds). No Answer/Motion to Dismiss Filed. (Entered: 09/02/2020) |