

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:20-cv-23885-CMA**

McNeely v. Sergeant Salmon
Assigned to: Judge Cecilia M. Altonaga
Referred to: Magistrate Judge Alicia O. Valle
Cause: 42:1983 State Prisoner Civil Rights

Date Filed: 09/22/2020
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff**Stephen Brent McNeely**

represented by **Stephen Brent McNeely**
956866
Zephyrhills Correctional Institution
Inmate Mail/Parcels
2739 Gall Boulevard
Zephyrhills, FL 33541
PRO SE

V.


Defendant

**South Florida Reception Center,
Sergeant**
FNU Sgt. Salmon, in official capacity
TERMINATED: 10/27/2020

represented by **Mike Joseph Gordon**
Gossett Law Offices, P.A.
2221 U.S. 27 South
Sebring, FL 33870
(863) 471-1119
Fax: (863) 471-2234
Email: trielx13@gmail.com
ATTORNEY TO BE NOTICED

Defendant**Sergeant Salmon**

Date Filed	#	Docket Text
06/25/2021	30	ORDER. Plaintiff's Motion to Appoint Counsel [ECF No. 29] is DENIED. This matter is referred to the Courts Volunteer Attorney Program, where a volunteer attorney may accept the representation on a pro bono basis if so desired. The Clerk of Court is directed to obtain a

		description of the case and contact information from the file to post on the Court's website of available pro bono cases seeking volunteer lawyers. Signed by Judge Cecilia M. Altonaga on 6/25/2021. <i>See attached document for full details.</i> (daa) (Entered: 06/25/2021)
06/25/2021	29	MOTION to Appoint Counsel by Stephen Brent McNeely. Responses due by 7/9/2021 (drz) (Entered: 06/25/2021)
06/17/2021	28	CLERK'S NOTICE of compliance re 27 Order. Copy of ECF Nos. 25 and 26 documents mailed to defendant's address listed on the sealed return of service. (daa) (Entered: 06/17/2021)
06/17/2021	27	ORDER. The Clerk of Court is directed to forward a copy of Plaintiff's Motion and Affidavit [ECF Nos. 25 , 26], along with a copy of this Order, to the address listed on the sealed return of service (see [ECF No. 20]). Defendant has until July 2, 2021 to move to set aside the Clerk's Default or respond to Plaintiff's Motion. If Defendant fails to do so, default final judgment may be entered. Signed by Judge Cecilia M. Altonaga on 6/17/2021. <i>See attached document for full details.</i> (daa) (Entered: 06/17/2021)
06/17/2021	26	AFFIDAVIT/DECLARATION in Support re 25 MOTION for Default Judgment filed by Stephen Brent McNeely. (drz) (Entered: 06/17/2021)
06/17/2021	 25	MOTION for Default Judgment by Stephen Brent McNeely. (drz) (Entered: 06/17/2021)
05/26/2021	24	ORDER. Plaintiff must file a motion for default final judgment by June 21, 2021. The motion for default final judgment must include an affidavit of any sum certain due by Defendant and any other supporting documentation necessary to establish Plaintiff's measure of damages as reasonable under the circumstances. Plaintiff's failure to file for a motion for default final judgment within the specified time will result in a dismissal of this case without prejudice. Signed by Judge Cecilia M. Altonaga on 5/26/2021. <i>See attached document for full details.</i> (daa) (Entered: 05/27/2021)
05/26/2021	23	Clerks Entry of Default as to Sergeant Salmon - Motions Terminated: 22 Motion for Clerks Entry of Default Signed by DEPUTY CLERK on 5/26/2021. (drz) (Entered: 05/26/2021)
05/26/2021	22	MOTION for Clerks Entry of Default as to Salmon by Stephen Brent McNeely. (drz) (Entered: 05/26/2021)
05/06/2021	21	ORDER. It is ORDERED that if Plaintiff intends to request the entry of a default against Defendant, he shall do so by filing a motion for entry of clerk's default against Defendant on or before June 7, 2021. Plaintiff is cautioned that failure to move for default or otherwise prosecute this case within the specified time may result in dismissal of this case

		without prejudice and without further notice. Signed by Judge Cecilia M. Altonaga on 5/6/2021. <i>See attached document for full details.</i> (daa) (Entered: 05/07/2021)
05/04/2021		SYSTEM ENTRY - Docket Entry 20 [misc] restricted/sealed until further notice. (nc) (Entered: 05/04/2021)
03/18/2021		SYSTEM ENTRY - Docket Entry 19 [misc] restricted/sealed until further notice. (mc) (Entered: 03/18/2021)
03/18/2021		SYSTEM ENTRY - Docket Entry 18 [order] restricted/sealed until further notice. (mc) (Entered: 03/18/2021)
03/12/2021	17	ORDER. Alexandria Williams, FDOC, Office of General Counsel, SHALL OBTAIN the address where the FDOC mailed Sergeant Salmon's most recent W-2 form by March 19, 2021. After that date, the Court will contact Ms. Williams to arrange for the submission of Sergeant Salmon's address in order to effectuate service of the Summons and Complaint. Signed by Judge Cecilia M. Altonaga on 3/12/2021. <i>See attached document for full details.</i> (daa) (Entered: 03/12/2021)
02/09/2021	16	ORDER that by February 11, 2021, the U.S. Marshal shall file a status report informing the Court of the status of service upon Defendant. Signed by Judge Cecilia M. Altonaga on 2/8/2021. <i>See attached document for full details.</i> (wc) (Entered: 02/09/2021)
12/21/2020	15	NOTICE to Court Regarding Service of Process for Defendants by South Florida Reception Center, Sergeant . Attorney Mike Joseph Gordon added to party South Florida Reception Center, Sergeant (pty:dft). (Gordon, Mike) Modified text on 12/22/2020 (pes). (Entered: 12/21/2020)
12/08/2020	14	NOTICE of Compliance re 11 Summons Issued, 8 Amended Complaint/Amended Notice of Removal filed by Stephen Brent McNeely, 13 ORDER TO FLORIDA DEPARTMENT OF CORRECTIONS AND U.S. MARSHAL RE-DIRECTING PERSONAL SERVICE UPON DEFENDANT. Copies of documents have been mailed via U.S. mail and email to Alexandria Williams as directed by Order. (jao) Modified on 12/8/2020 (jao). (Entered: 12/08/2020)
12/08/2020	13	ORDER TO FLORIDA DEPARTMENT OF CORRECTIONS AND U.S. MARSHAL RE-DIRECTING PERSONAL SERVICE UPON DEFENDANT Signed by Judge Cecilia M. Altonaga on 12/8/2020. <i>See attached document for full details.</i> (jao) (Entered: 12/08/2020)
12/02/2020	12	Summons (Affidavit) Returned Unexecuted as to Salmon. (pes) (Entered: 12/02/2020)
11/05/2020	11	Summons Issued as to Sergeant Salmon. (daa) (Entered: 11/05/2020)

11/05/2020	10	ORDER TO U.S. MARSHAL DIRECTING PERSONAL SERVICE UPON defendant Sergeant Salmon. Signed by Judge Cecilia M. Altonaga on 11/5/2020. <i>See attached document for full details.</i> (daa) (Entered: 11/05/2020)
11/04/2020	9	ORDER re 8 Amended Complaint/Amended Notice of Removal filed by Stephen Brent McNeely. Plaintiff's excessive force and deliberate indifference claims against Defendant in his individual capacity shall PROCEED. Plaintiff's claims against Defendant in his official capacity are DISMISSED. Signed by Judge Cecilia M. Altonaga on 11/4/2020. <i>See attached document for full details.</i> (daa) (Entered: 11/04/2020)
10/27/2020	8	AMENDED COMPLAINT against Sergeant Salmon filed in response to 6 ORDER TO AMEND COMPLAINT, filed by Stephen Brent McNeely.(jao) (Main Document 8 replaced on 11/3/2020) (rrs). (Entered: 10/27/2020)
10/01/2020	7	Reassignment of Paired Magistrate Judge, pursuant to pro se magistrate repairing, to Magistrate Judge Alicia O. Valle. Magistrate Judge Lisette M. Reid no longer assigned to case. (yar) (Entered: 10/01/2020)
09/23/2020	6	ORDER TO AMEND COMPLAINT re 1 Complaint 42 USC 1983 or Bivens filed by Stephen Brent McNeely; (Amended Complaint due by 10/23/2020.). Signed by Magistrate Judge Lisette M. Reid on 9/23/2020. <i>See attached document for full details.</i> (Attachments: # 1 42 U.S.C. §1983 Complaint form) (daa) (Entered: 09/23/2020)
09/23/2020	5	ORDER granting 3 Motion for Leave to Proceed in forma pauperis to the extent that the plaintiff need not prepay even a partial filing fee in this case, or to prepay costs such as for service of process. The plaintiff owes the United States a debt of \$350.00 which must be paid to the Clerk of the Court as funds become available. USM Service NOT Ordered. Signed by Magistrate Judge Lisette M. Reid on 9/22/2020. <i>See attached document for full details.</i> (daa) (Entered: 09/23/2020)
09/23/2020	4	ORDER OF INSTRUCTIONS TO PRO SE CIVIL RIGHTS LITIGANTS. Signed by Magistrate Judge Lisette M. Reid on 9/22/2020. <i>See attached document for full details.</i> (daa) (Entered: 09/23/2020)
09/22/2020	3	MOTION for Leave to Proceed in forma pauperis by Stephen Brent McNeely. (daa) (Entered: 09/22/2020)
09/22/2020	2	Clerks Notice of Judge Assignment to Judge Cecilia M. Altonaga and Magistrate Judge Lisette M. Reid. Pursuant to Administrative Order 2019-2, this matter is referred to the Magistrate Judge for a ruling on all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters. (daa)

		(Entered: 09/22/2020)
09/22/2020	<u>1</u>	Complaint pursuant to 42 USC 1983 against South Florida Reception Center, Sergeant. Filing fee \$ 400.00. IFP Filed, filed by Stephen Brent McNeely.(daa) (Entered: 09/22/2020)