

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:20-cv-23668-DPG**

Davis v. Jose Colon et al
Assigned to: Judge Darrin P. Gayles
Referred to: Ch. Magistrate Judge Edwin G. Torres
Cause: 42:1983 State Prisoner Civil Rights

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

Plaintiff

Dionte Jermaine Davis

represented by **Dionte Jermaine Davis**
E28747
Union Correctional Institution
Inmate Mail/Parcels
PO Box 1000
Raiford, FL 32083
PRO SE

V.

Defendant

Warden, Dade County C.I.
*Jose Colon, in his individual and official
capacity*

represented by **Christopher Kondziela**
Office of the Attorney General
110 S.E. 6th Street, 10th Floor (Civil)
Fort Lauderdale, FL 33301
(954) 712-4684
Email:
Christopher.Kondziela@myfloridalegal.com
ATTORNEY TO BE NOTICED

Emomotimi S. Brisibe
Office of the Attorney General
110 SE 6th Street, 10th floor
Fort Lauderdale, FL 33301
954-712-4600
Email:
Emomotimi.Brisibe@myfloridalegal.com
ATTORNEY TO BE NOTICED

Defendant

J. Love
*Dade County C.I. Correctional Officer, in
his individual and official capacity*

represented by **Christopher Kondziela**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emomotimi S. Brisibe

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

M. Corrales

Dade County C.I. Correctional Officer, in his individual and official capacity

represented by **Christopher Kondziela**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emomotimi S. Brisibe
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Major Rodriguez

Dade County C.I. Correctional Officer, in his individual and official capacity

represented by **Christopher Kondziela**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emomotimi S. Brisibe
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Lieutenant Lane

Dade County C.I. Correctional Officer, in his individual and official capacity

represented by **Christopher Kondziela**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emomotimi S. Brisibe
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Martinez

Assistant Warden, in his individual and official capacity


represented by **Christopher Kondziela**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED


Emomotimi S. Brisibe
(See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 01/24/2023 | 90 | PAPERLESS ORDER referring case to the Court's Volunteer Attorney Program. This matter is REFERRED to the Court's Volunteer Attorney Program, where a volunteer attorney may accept representation on a <i>pro bono</i> basis if so desired. The Clerk of Court will obtain a description of the case and contact information to post on the Court's website of available <i>pro bono</i> cases seeking volunteer lawyers. |

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| | | If representation is accepted, the volunteer attorney shall enter an appearance in the case and thereafter will be eligible for reimbursement of reasonable litigation expenses pursuant to the Court's Reimbursement Guidelines for Volunteer Counsel. Signed by Judge Darrin P. Gayles on 1/24/2023. (sil) (Entered: 01/24/2023) |
| 01/24/2023 | 89 | PAPERLESS ORDER granting 87 Defendants' Expedited Motion for Continuance. Jury trial is reset for July 10, 2023 , before Judge Darrin P. Gayles. Calendar Call is reset for July 5, 2023 , at 10:00 AM, before Judge Darrin P. Gayles. The following pretrial deadlines shall now apply in this case: Plaintiff's Pretrial Statement is due on June 5, 2023 . Defendant's Pretrial Statement is due on June 12, 2023 . Deposition designations are due on June 8, 2023 , and Objections thereto are due on June 19, 2023 . Jury Instructions are due on June 22, 2023 . The Court notes that this is Defendants' fourth "expedited" motion. Expedited and emergency designations should not be used for routine motions that are not time sensitive. <i>See</i> S.D. Fla. L.R. 7.1(d). Signed by Judge Darrin P. Gayles on 1/24/2023. (sil) (Entered: 01/24/2023) |
| 01/05/2023 | 88 | NOTICE of Change of Address, Email or Law Firm Name by Emomotimi S. Brisibe (Brisibe, Emomotimi) (Entered: 01/05/2023) |
| 01/05/2023 | 87 | Defendant's EXPEDITED MOTION For Continuance of the Deadlines for Pretrial Statements re 83 Order on Expedited Motion,, by M. Corrales, Lane, J. Love, Martinez, Rodriguez, Warden, Dade County C.I.. (Attachments: # 1 Docket Sheet) (Kondziela, Christopher) (Entered: 01/05/2023) |
| 12/21/2022 | 86 | NOTICE of Attorney Appearance by Emomotimi S. Brisibe on behalf of M. Corrales, Lane, J. Love, Martinez, Rodriguez, Warden, Dade County C.I.. Attorney Emomotimi S. Brisibe added to party M. Corrales(pty:dft), Attorney Emomotimi S. Brisibe added to party Lane(pty:dft), Attorney Emomotimi S. Brisibe added to party J. Love(pty:dft), Attorney Emomotimi S. Brisibe added to party Martinez(pty:dft), Attorney Emomotimi S. Brisibe added to party Rodriguez(pty:dft), Attorney Emomotimi S. Brisibe added to party Warden, Dade County C.I.(pty:dft). (Brisibe, Emomotimi) (Entered: 12/21/2022) |
| 12/14/2022 | 85 | PAPERLESS Minute Entry for proceedings held before Ch. Magistrate Judge Edwin G. Torres: Evidentiary Hearing held on 12/14/2022. Witness Julian Rodriguez, Jose Colon testified. Order to follow and the continued evidentiary hearing will be set at a later date. Attorney Appearance(s): Christopher Kondziela, Emomotimi Brisibe. Other appearances: Dionte Jermaine Davis, J. Love, M. Corrales, Lt. Lane, Augusto Martinez. Court Reporter: Glenda Powers, 305-523-5022 / Glenda_Powers@flsd.uscourts.gov. Total time in court: 3 hour(s). (mdc) (Entered: 12/15/2022) |
| 12/09/2022 | 84 | PAPERLESS ORDER denying 81 Plaintiff's Motion for Judicial Notice of a Fact. The Motion asks the Court to take judicial notice of a contested issue regarding the ongoing discovery dispute. Such matter is not a proper subject for judicial notice under Federal Rule of Evidence 201, which applies only to facts "not subject to reasonable dispute." Fed. R. Evid. 201(b). Signed by Judge Darrin P. Gayles on 12/9/2022. (sil). (Entered: 12/09/2022) |
| 12/09/2022 | 83 | PAPERLESS ORDER granting 82 Defendants' Expedited Motion for Continuance. Jury trial is reset for March 13, 2023 , before Judge Darrin P. Gayles. Calendar Call is reset for March 8, 2023, at 10:00 AM , before Judge |

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| | | Darrin P. Gayles. The following pretrial deadlines shall now apply in this case: Plaintiff's Pretrial Statement is due on February 6, 2023 . Defendant's Pretrial Statement is due on February 13, 2023 . Deposition designations are due on February 9, 2022 , and Objections thereto are due on February 20, 2023 . Jury Instructions are due on February 22, 2023 . Signed by Judge Darrin P. Gayles on 12/9/2022. (sil) (Entered: 12/09/2022) |
| 12/08/2022 | 82 | Defendant's EXPEDITED MOTION For Continuance of the Deadlines for Trial Date and Pretrial Schedule re 70 Order on Motion for Summary Judgment,,,,, Order on Motion for Miscellaneous Relief,,,,, Order on Motion to Stay,,,,, 40 Scheduling Order,,,,,, Set/Reset Deadlines/Hearings,,,,,, Order Referring Case to Magistrate Judge,,,,, 77 Order on Expedited Motion,,,,, Order on Motion to Appoint Counsel,, 79 Order Setting/Cancelling Hearing, by M. Corrales, Lane, J. Love, Martinez, Rodriguez, Warden, Dade County C.I.. (Kondziela, Christopher) (Entered: 12/08/2022) |
| 12/07/2022 | 81 | MOTION for Judicial Notice of a Fact by Dionte Jermaine Davis. (cds) (Entered: 12/07/2022) |
| 12/05/2022 | 80 | RESPONSE in Opposition re 75 MOTION for Sanctions filed by M. Corrales, Lane, J. Love, Martinez, Rodriguez, Warden, Dade County C.I.. Replies due by 12/12/2022. (Kondziela, Christopher) (Entered: 12/05/2022) |
| 12/02/2022 | 79 | Order Setting Hearing: An Evidentiary Hearing is set for 12/14/2022 at 02:00 PM in Miami Division before Ch. Magistrate Judge Edwin G. Torres via ZOOM. Signed by Ch. Magistrate Judge Edwin G. Torres on 12/2/2022. <i>See attached document for full details and ZOOM information.</i> (mdc) (Entered: 12/02/2022) |
| 11/28/2022 | 78 | Defendant's REPLY to Response to Motion re 63 Defendant's MOTION in Limine filed by M. Corrales, Lane, J. Love, Martinez, Rodriguez, Warden, Dade County C.I.. (Kondziela, Christopher) (Entered: 11/28/2022) |
| 11/22/2022 | 77 | PAPERLESS ORDER GRANTING 71 Expedited Motion for Continuance of Evidentiary Hearing; DENYING 73 Motion for Appointment Counsel. In light of the good cause shown in Defendants' Motion, the Evidentiary Hearing 69 is reset for 12/14/2022 at 02:00 PM. This hearing will be conducted via Zoom (Meeting ID: 160 413 8485; Passcode: 735914). Plaintiff's Motion for Appointment of Counsel 73 , on the other hand, is denied. District courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. See Mallard v. United States Dist. Ct., 490 U.S. 296, 298 (1989). In exceptional circumstances, the Court may request an attorney to voluntarily represent such a plaintiff. See 28 U.S.C. § 1915(e)(1). At this time, however, Plaintiff has not shown exceptional circumstances warranting the appointment of counsel. Signed by Ch. Magistrate Judge Edwin G. Torres on 11/22/2022. (jfz) (Entered: 11/22/2022) |
| 11/22/2022 | 76 | REPLY to 60 MOTION Requesting re 56 Defendant's MOTION for Summary Judgment MOTION to Stay by Dionte Jermaine Davis. (scn) (Entered: 11/22/2022) |

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| 11/21/2022 |  75 | MOTION for Sanctions on Defendants by Dionte Jermaine Davis. (scn) (Entered: 11/22/2022) |
| 11/21/2022 | 74 | Pretrial Statement by Dionte Jermaine Davis. (scn) (Entered: 11/22/2022) |
| 11/21/2022 | 73 | MOTION to Appoint Counsel by Dionte Jermaine Davis. Responses due by 12/5/2022. (scn) (Entered: 11/22/2022) |
| 11/21/2022 | 72 | RESPONSE to Motion re 63 Defendant's MOTION in Limine filed by Dionte Jermaine Davis. Replies due by 11/28/2022. (scn) (Entered: 11/22/2022) |
| 11/18/2022 | 71 | Defendant's EXPEDITED MOTION For Continuance re 69 Notice re Hearing,,,,, by M. Corrales, Lane, J. Love, Martinez, Rodriguez, Warden, Dade County C.I.. (Attachments: # 1 Exhibit Bench Trial Notice ECF No.207)(Kondziela, Christopher) (Entered: 11/18/2022) |
| 11/17/2022 | 70 | ORDER. Plaintiff's Motion Requesting Defendants' Summary Judgment Motion be Stayed, Suspended, or Denied for More Time and Discovery [ECF No. 60] is GRANTED IN PART to the extent that discovery is extended to allow Plaintiff to request the video taken by Defendant Julian Rodriguez on July 31, 2020 described in the Incident Report. The discovery deadline in this case is extended through December 9, 2022, for the limited purpose of giving Defendants additional time to either produce the above mentioned video or provide a detailed explanation as to why they are unable to do so. Pursuant to Fed. R. Civ. P. 56(d), Defendants' Motion for Summary Judgment [ECF No. 56] is DENIED WITHOUT PREJUDICE as premature. Chief United States Magistrate Judge Edwin G. Torres shall take all necessary and proper action consistent with this Order, including the holding of an evidentiary hearing to resolve the discovery dispute identified in this Order. Signed by Judge Darrin P. Gayles on 11/17/2022. <i>See attached document for full details.</i> (daa) (Entered: 11/17/2022) |
| 11/16/2022 | 69 | <p>PAPERLESS NOTICE Setting Evidentiary Hearing re 59 Order Granting Motion to Compel Discovery:</p> <p>Defendants represent that they are not aware of the existence of any video recordings of the incidents that took place on July 31, 2020. [D.E. 66-6]. However, the Incident Report attached to Defendants' Statement of Facts acknowledges the existence of such video. [D.E. 55-5] (report by Defendant Rodriguez explaining that: "[o]n Friday July 31, 2020, at approximately 4:28pm, I assisted Lieutenant Ermon Lane by being utilized as the camera operator to capture the organized use of force events concerning Inmate Davis, Dionte [].... I retrieved the camera, returned and began recording.... The camera then captured Officer Julian Perez administering three one second bursts of OC chemical agents from the MK-9 canister towards Inmate Davis' upper torso."). In light of the factual discrepancies on the record, an evidentiary hearing is necessary to resolve this evidentiary dispute.</p> <p>Accordingly, an Evidentiary Hearing is set for 11/30/2022 at 02:00 PM before Ch. Magistrate Judge Edwin G. Torres. This evidentiary hearing will be conducted via Zoom. Each participant needs to log in 10 minutes early, to make sure his/her connection is stable. Meeting ID: 160 413 8485; Passcode: 735914.</p> <p>(jfz) (Entered: 11/16/2022)</p> |

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| 11/15/2022 | 68 | Statement of Material Facts in Opposition by Dionte Jermaine Davis re 56 Defendant's MOTION for Summary Judgment (c ds) (Entered: 11/15/2022) |
| 11/15/2022 | 67 | MOTION/RESPONSE in Opposition re 56 Defendant's MOTION for Summary Judgment filed by Dionte Jermaine Davis. Replies due by 11/22/2022. (c ds) (Entered: 11/15/2022) |
| 11/08/2022 | 66 | RESPONSE in Opposition re 60 MOTION Requesting re 56 Defendant's MOTION for Summary Judgment MOTION to Stay filed by M. Corrales, Lane, J. Love, Martinez, Rodriguez, Warden, Dade County C.I.. Replies due by 11/15/2022. (Attachments: # 1 Exhibit Exh A - Response to Interrogatories 2022.04.14, # 2 Exhibit Exh B - Response to RFD 2022.04.27, # 3 Exhibit Exh C - Response to RFA 2022.05.16, # 4 Exhibit Exh D - Response to RFP 2022.06.16, # 5 Exhibit Exh E - Response to RFA 2022.08.10, # 6 Exhibit Exh F - Compliance with order to compel)(Kondziela, Christopher) (Entered: 11/08/2022) |
| 11/03/2022 | 65 | NOTICE by M. Corrales, Lane, J. Love, Martinez, Rodriguez, Warden, Dade County C.I. re 63 Defendant's MOTION in Limine (Kondziela, Christopher) (Entered: 11/03/2022) |
| 11/03/2022 | 64 | NOTICE of Inquiry by Dionte Jermaine Davis (docket sheet mailed) (cqs) (Entered: 11/03/2022) |
| 11/01/2022 |  63 | Defendant's MOTION in Limine by M. Corrales, Lane, J. Love, Martinez, Rodriguez, Warden, Dade County C.I.. (Kondziela, Christopher) (Entered: 11/01/2022) |
| 10/26/2022 | 62 | RESPONSE in Opposition re 53 MOTION in Limine filed by M. Corrales, Lane, J. Love, Martinez, Rodriguez, Warden, Dade County C.I.. Replies due by 11/2/2022. (Attachments: # 1 Exhibit Notices and Attachments, # 2 Deposition Plaintiff's Deposition, # 3 Docket Sheet MD FL Civil Docket, # 4 Exhibit MD FL Order)(Kondziela, Christopher) (Entered: 10/26/2022) |
| 10/25/2022 | 61 | PAPERLESS ORDER re 60 Motion Requesting Defendant's Motion for Summary Judgment be Stayed, Suspended, or Denied for More Time for Discovery. Defendants shall respond to the Motion on or before <u>November 8, 2022</u> . Signed by Judge Darrin P. Gayles on 10/25/2022. (sil) (Entered: 10/25/2022) |
| 10/25/2022 | 60 | MOTION Requesting re 56 Defendant's MOTION for Summary Judgment , to be Stayed, Suspended, or Denied For More Time and Discovery (Responses due by 11/8/2022) by Dionte Jermaine Davis. (c ds) (Entered: 10/25/2022) |
| 10/24/2022 | 59 | ORDER GRANTING 47 Plaintiff's Motion to Compel Discovery. Defendants shall produce the subject materials pursuant to and in compliance with this Order on or before November 7, 2022 . Signed by Ch. Magistrate Judge Edwin G. Torres on 10/24/2022. <i>See attached document for full details.</i> (j fz) (Entered: 10/24/2022) |
| 10/18/2022 | | Set/Reset Deadlines/Hearings as to 56 Defendant's MOTION for Summary Judgment re DE 58 . Responses due on or before 11/14/2022. (swr) (Entered: 10/18/2022) |

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| 10/18/2022 | 58 | ORDER TO RESPOND TO MOTION FOR SUMMARY JUDGMENT re 56 Defendant's MOTION for Summary Judgment filed by J. Love, Warden, Dade County C.I., M. Corrales, Martinez, Lane, Rodriguez Signed by Judge Darrin P. Gayles on 10/14/2022. <i>See attached document for full details.</i> (swr) (Entered: 10/18/2022) |
| 10/13/2022 | 57 | PAPERLESS ORDER denying without prejudice 54 Plaintiff's Motion for Order to Transport Prisoner to Testify at Jury Trial. The Motion is premature, as Defendants' Motion for Summary Judgment [ECF No. 56] is pending. If this case proceeds to trial, the Court will issue a Writ of Habeas Corpus Ad Testificandum to ensure Plaintiff's appearance at trial. Signed by Judge Darrin P. Gayles on 10/13/2022. (sil) (Entered: 10/13/2022) |
| 10/12/2022 | 56 | Defendant's MOTION for Summary Judgment by M. Corrales, Lane, J. Love, Martinez, Rodriguez, Warden, Dade County C.I.. Responses due by 10/26/2022 (Kondziela, Christopher) (Entered: 10/12/2022) |
| 10/12/2022 | 55 | Statement of: Facts <i>in Support of Defendants' Motion for Summary Judgment</i> by M. Corrales, Lane, J. Love, Martinez, Rodriguez, Warden, Dade County C.I. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B, # 3 Exhibit Exhibit C, # 4 Exhibit Exhibit D, # 5 Exhibit Exhibit D1, # 6 Exhibit Exhibit E, # 7 Exhibit Exhibit F, # 8 Exhibit Exhibit G, # 9 Exhibit Exhibit G1, # 10 Exhibit Exhibit H, # 11 Exhibit Exhibit I, # 12 Exhibit Exhibit J, # 13 Exhibit Exhibit K, # 14 Exhibit Exhibit L, # 15 Exhibit Exhibit M, # 16 Exhibit Exhibit N, # 17 Exhibit Exhibit O, # 18 Exhibit Exhibit P, # 19 Exhibit Exhibit Q, # 20 Exhibit Exhibit R)(Kondziela, Christopher) (Entered: 10/12/2022) |
| 10/12/2022 | 54 | MOTION for Order to Transport Prisoner to Testify at Jury Trial by Dionte Jermaine Davis. (c ds) (Entered: 10/12/2022) |
| 10/12/2022 | 53 53 | MOTION in Limine by Dionte Jermaine Davis. (c ds) (Entered: 10/12/2022) |
| 08/30/2022 | 52 | PAPERLESS ORDER denying without prejudice 50 Motion for Appointment of Counsel. District courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. <i>See Mallard v. United States Dist. Ct.</i> , 490 U.S. 296, 298 (1989). In exceptional circumstances, the Court may request an attorney to voluntarily represent such a plaintiff. <i>See</i> 28 U.S.C. § 1915(e)(1). At this time, however, Plaintiff has not shown exceptional circumstances warranting the appointment of counsel. Signed by Judge Darrin P. Gayles on 8/30/2022. (sil) (Entered: 08/30/2022) |
| 08/30/2022 | 51 | Refusal to Consent and Final Disposition NON-CONSENT to Jurisdiction by US Magistrate Judge. Filed by Dionte Jermaine Davis (c ds) (Entered: 08/30/2022) |
| 08/30/2022 | 50 | MOTION for Appointment of Counsel by Dionte Jermaine Davis. Responses due by 9/13/2022 (c ds) (Entered: 08/30/2022) |
| 08/16/2022 | 49 | RESPONSE in Opposition re 47 MOTION to Compel <i>for an Order Compelling Discovery</i> filed by M. Corrales, Lane, J. Love, Martinez, Rodriguez, Warden, Dade County C.I.. Replies due by 8/23/2022. (Attachments: # 1 Exhibit Exhibit A - Discovery Order for Magistrate Torres, # 2 Exhibit Exhibit B - Letter from Plaintiff dated 06.30.2022)(Kondziela, Christopher) (Entered: 08/16/2022) |
| 08/02/2022 | 48 | MEMORANDUM of Law Brief In Support re 47 MOTION <i>for an Order Compelling Discovery</i> by Dionte Jermaine Davis. (c ds) (Entered: 08/02/2022) |

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| 08/02/2022 | 47 | MOTION <i>for an Order Compelling Discovery</i> by Dionte Jermaine Davis. Responses due by 8/16/2022 (cds) (Entered: 08/02/2022) |
| 08/01/2022 | 46 | PAPERLESS ORDER granting 44 Motion for Leave to Depose Incarcerated Plaintiff. The Defendants are instructed to coordinate with Plaintiff and the appropriate Florida Department of Corrections personnel to find an agreeable location, date, and time for the deposition. Signed by Judge Darrin P. Gayles on 8/1/2022. (cps) (Entered: 08/01/2022) |
| 08/01/2022 | 45 | PAPERLESS ORDER denying as moot 43 Motion Requesting Preliminary Report RE: Screening Plaintiffs Amended Complaint. The Court has already screened Plaintiff's Amended Complaint and allowed it proceed against all defendants. <i>See</i> [ECF No. 24]. Signed by Judge Darrin P. Gayles on 8/1/2022. (cps) (Entered: 08/01/2022) |
| 08/01/2022 | 44 | Defendant's MOTION to Take Deposition from Dionte Jermaine Davis by M. Corrales, Lane, J. Love, Martinez, Rodriguez, Warden, Dade County C.I.. (Kondziela, Christopher) (Entered: 08/01/2022) |
| 06/01/2022 | 43 | MOTION Requesting The U.S. Magistrate's Judge Preliminary Report RE: Screening Plaintiff's Amended Complaint re 20 Amended Complaint/Amended Notice of Removal by Dionte Jermaine Davis. (pcs) (Entered: 06/01/2022) |
| 05/10/2022 | 42 | Initial Disclosure by Dionte Jermaine Davis (cgs) (Entered: 05/10/2022) |
| 04/12/2022 | 41 | NOTICE of Compliance <i>with Pretrial Schedule</i> by M. Corrales, Lane, J. Love, Martinez, Rodriguez re 40 Scheduling Order,,,,,, Set/Reset Deadlines/Hearings,,,,,, Order Referring Case to Magistrate Judge,,,,,, (Kondziela, Christopher) (Entered: 04/12/2022) |
| 03/03/2022 | 40 | ORDER SETTING TRIAL DATE AND PRETRIAL SCHEDULE AND REFERRING SETTLEMENT CONFERENCE TO MAGISTRATE JUDGES. (Jury Trial set for 1/9/2023 09:00 AM in Miami Division before Judge Darrin P. Gayles., Calendar Call set for 1/4/2023 09:30 AM in Miami Division before Judge Darrin P. Gayles., Amended Pleadings due by 6/6/2022., Discovery due by 9/23/2022., Joinder of Parties due by 6/6/2022., Dispositive Motions due by 10/12/2022., In Limine Motions due by 11/1/2022.), (Jury Trial set for 1/9/2023 09:00 AM in Miami Division before Judge Darrin P. Gayles., Calendar Call set for 1/4/2023 09:30 AM in Miami Division before Judge Darrin P. Gayles., Amended Pleadings due by 6/6/2022., Discovery due by 9/23/2022., Joinder of Parties due by 6/6/2022., Dispositive Motions due by 10/12/2022., In Limine Motions due by 11/1/2022.), All discovery matters are HEREBY REFERRED to United States Chief Magistrate Edwin G. Torres. Also, in accordance with 28 U.S.C. § 636(c)(1), the Parties may consent to trial and final disposition by Judge Torres. The deadline for submitting consent is September 30, 2022. This case is HEREBY REFERRED to Judge Torres for a settlement conference. The Parties shall participate in a Settlement Conference no later than October 18, 2022. Signed by Judge Darrin P. Gayles on 3/3/2022. <i>See attached document for full details.</i> (daa) 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: 03/03/2022) |

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| 11/10/2021 | 39 | <i>Defendants'</i> ANSWER and Affirmative Defenses to Amended Complaint with Jury Demand by M. Corrales, Lane, J. Love, Martinez, Rodriguez, Warden, Dade County C.I.. Attorney Christopher Kondziela added to party Warden, Dade County C.I.(pty:dft). (Kondziela, Christopher) (Entered: 11/10/2021) |
| 11/03/2021 | 38 | SUMMONS (Affidavit) Returned Executed on 20 Amended Complaint/Amended Notice of Removal with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 Warden, Dade County C.I. served on 10/27/2021, response/answer due 11/17/2021. (pcs) (Entered: 11/03/2021) |
| 10/22/2021 | 37 | PAPERLESS ORDER granting 36 Defendants' Expedited Motion for Extension of Time to Respond to Complaint. Defendants shall respond to Plaintiff's Complaint on or before November 10, 2021. Signed by Judge Darrin P. Gayles on 10/22/2021. (sil) (Entered: 10/22/2021) |
| 10/21/2021 | 36 | Defendant's EXPEDITED MOTION For Extension of Time by M. Corrales, Lane, J. Love, Martinez, Rodriguez. Attorney Christopher Kondziela added to party M. Corrales(pty:dft), Attorney Christopher Kondziela added to party Lane(pty:dft), Attorney Christopher Kondziela added to party J. Love(pty:dft), Attorney Christopher Kondziela added to party Martinez(pty:dft), Attorney Christopher Kondziela added to party Rodriguez(pty:dft). (Kondziela, Christopher) (Entered: 10/21/2021) |
| 10/14/2021 | 35 | SUMMONS (Affidavit) Returned Executed on 20 Amended Complaint/Amended Notice of Removal with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 Rodriguez served on 10/7/2021, response/answer due 10/28/2021. (drz) (Entered: 10/14/2021) |
| 10/14/2021 | 34 | SUMMONS (Affidavit) Returned Executed on 20 Amended Complaint/Amended Notice of Removal with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 Martinez served on 10/7/2021, response/answer due 10/28/2021. (drz) (Entered: 10/14/2021) |
| 10/14/2021 | 33 | SUMMONS (Affidavit) Returned Executed on 20 Amended Complaint/Amended Notice of Removal with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 J. Love served on 10/7/2021, response/answer due 10/28/2021. (drz) (Entered: 10/14/2021) |
| 10/14/2021 | 32 | SUMMONS (Affidavit) Returned Executed on 20 Amended Complaint/Amended Notice of Removal with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 Lane served on 10/7/2021, response/answer due 10/28/2021. (drz) (Entered: 10/14/2021) |
| 10/14/2021 | 31 | SUMMONS (Affidavit) Returned Executed on 20 Amended Complaint/Amended Notice of Removal with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 M. Corrales served on 10/7/2021, response/answer due 10/28/2021. (drz) (Entered: 10/14/2021) |
| 09/17/2021 | 30 | Summons Issued as to Rodriguez, Major. (daa) (Entered: 09/17/2021) |
| 09/17/2021 | 29 | Summons Issued as to Martinez, Assistant Warden. (daa) (Entered: 09/17/2021) |
| 09/17/2021 | 28 | Summons Issued as to J. Love, Assistant Warden. (daa) (Entered: 09/17/2021) |

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| 09/17/2021 | 27 | Summons Issued as to E. Lane, Corrections Officer, Lieutenant. (daa) (Entered: 09/17/2021) |
| 09/17/2021 | 26 | Summons Issued as to M. Corrales, Assistant Warden. (daa). (Entered: 09/17/2021) |
| 09/17/2021 | 25 | Summons Issued as to Jose Colon, Warden. (daa) (Entered: 09/17/2021) |
| 09/17/2021 | 24 | ORDER DIRECTING SERVICE BY U.S. MARSHAL. This case is REOPENED. Plaintiff's Motion Requesting Service by U.S. Marshal [ECF No. 19] is GRANTED. Plaintiff's second motion to that effect [ECF No. 21] is DENIED AS MOOT. The United States Marshal shall serve a copy of the Amended Complaint [ECF No. 15] and appropriate summons upon the following Defendants: (1) Jose Colon, Warden, (2) M. Corrales, Assistant Warden,(3) J. Love, Assistant Warden, (4) E. Lane, Corrections Officer, Lieutenant,(5) Martinez, Assistant Warden, (6) Rodriguez, Major. Plaintiff s Motion for an Order Directing Defendants to Answer Complaint [ECF No. 23] is DENIED AS MOOT. Signed by Judge Darrin P. Gayles on 9/17/2021. <i>See attached document for full details.</i> (daa) (Entered: 09/17/2021) |
| 09/15/2021 | 23 | MOTION for Ordering Defendants to Answer Complaint by Dionte Jermaine Davis. (pcs) Modified on 9/15/2021 (mr1). (Entered: 09/15/2021) |
| 09/15/2021 | 22 | NOTICE of Change of Address by Dionte Jermaine Davis (System Updated) (pcs) (Entered: 09/15/2021) |
| 06/28/2021 | 21 | MOTION Requesting Service by U.S. Marshal Office or Special Appointed Person by the Court by Dionte Jermaine Davis. Responses due by 7/12/2021 (pcs) (Entered: 06/28/2021) |
| 06/28/2021 | 20 | AMENDED COMPLAINT against M. Corrales, Lane, Martinez J. Love, Rodriguez, Warden, Dade County C.I., filed by Dionte Jermaine Davis.(pcs) (Entered: 06/28/2021) |
| 05/11/2021 | 19 | MOTION Requesting Service by U.S. Marshal Office or Special Appointed Person by the Court by Dionte Jermaine Davis. Responses due by 5/25/2021 (pcs) (Entered: 05/11/2021) |
| 04/27/2021 | 18 | ORDER Administratively Closing Case pending proof of service of the Amended Complaint on Defendants (Proof of Service due 6/28/2021). Signed by Judge Darrin P. Gayles on 4/27/2021. <i>See attached document for full details.</i> (pcs) (Entered: 04/27/2021) |
| 03/16/2021 | 17 | NOTICE / Request for Documents Re: Plaintiff's Initial Complaint by Dionte Jermaine Davis (Complaint DE 1 and 15 sent). (pcs) (Entered: 03/16/2021) |
| 01/28/2021 | 16 | ORDER denying 14 Motion to Appoint Counsel. Signed by Judge Darrin P. Gayles on 1/28/2021. <i>See attached document for full details.</i> (daa) (Entered: 01/28/2021) |
| 01/12/2021 | 15 | AMENDED COMPLAINT against M. Corrales, Lane, Martinez J. Love, Rodriguez, Warden, Dade County C.I. filed in response to Order Granting Motion for Leave, filed by Dionte Jermaine Davis.(pcs) (Entered: 01/12/2021) |
| 12/17/2020 | 14 | MOTION to Appoint Counsel by Dionte Jermaine Davis. Responses due by 12/31/2020 (pcs) (Entered: 12/17/2020) |

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| 12/07/2020 | 13 | PAPERLESS ORDER granting Plaintiff's 12 Motion for Enlargement of Time. Plaintiff shall file his amended complaint on or before January 29, 2021. Signed by Judge Darrin P. Gayles (mcy) (Entered: 12/07/2020) |
| 12/01/2020 | 12 | MOTION for Extension of Time to Amend 1 Complaint 42 USC 1983 or Bivens by Dionte Jermaine Davis. Responses due by 12/15/2020 (pcs) (Entered: 12/01/2020) |
| 11/10/2020 | 11 | ORDER re 1 Complaint 42 USC 1983 or Bivens filed by Dionte Jermaine Davis; (Amended Complaint due by 11/30/2020.). Signed by Judge Darrin P. Gayles on 11/9/2020. <i>See attached document for full details.</i> (Attachments: # 1 1983 Complaint for Violation of Civil Rights Form) (daa) (Entered: 11/10/2020) |
| 10/14/2020 | 10 | Clerks Notice of Receipt of Filing Fee received on 10/13/2020 in the amount of \$ 400.00, receipt number FLS100216674. (vt) (Entered: 10/14/2020) |
| 10/07/2020 | 9 | ORDER denying 8 Motion for Leave to Proceed in forma pauperis. Accordingly, on or before November 6, 2020, Plaintiff shall file pay the Clerk's filing fee of \$400.00. Signed by Judge Darrin P. Gayles on 10/7/2020. <i>See attached document for full details.</i> (daa) (Entered: 10/07/2020) |
| 10/06/2020 | 8 | MOTION for Leave to Proceed in forma pauperis by Dionte Jermaine Davis. (pcs) (Entered: 10/06/2020) |
| 10/01/2020 | 7 | Case Reassignment of Paired Magistrate Judge pursuant to pro se magistrate repairing to Magistrate Judge Dave Lee Brannon. Magistrate Judge Lisette M. Reid no longer assigned to case. (jmd) (Entered: 10/01/2020) |
| 09/17/2020 | 6 | NOTICE of Change of Address by Dionte Jermaine Davis (Address Updated). (pcs) (Entered: 09/17/2020) |
| 09/03/2020 | 5 | ORDER REQUIRING PAYMENT OF \$400 FILING FEE OR APPLICATION TO PROCEED IN FORMA PAUPERIS ALONG WITH SUPPORTING FINANCIAL AFFIDAVIT. Filing Fee due by 10/2/2020. Motions due by 10/2/2020. Signed by Magistrate Judge Lisette M. Reid on 9/3/2020. <i>See attached document for full details.</i> (Attachments: # 1 IFP form) (daa) (Entered: 09/03/2020) |
| 09/03/2020 | 4 | ORDER OF INSTRUCTIONS TO PRO SE CIVIL RIGHTS LITIGANTS. Signed by Magistrate Judge Lisette M. Reid on 9/3/2020. <i>See attached document for full details.</i> (daa) (Entered: 09/03/2020) |
| 09/02/2020 | 3 | NOTICE OF COURT PRACTICE. Unless otherwise specified by the Court, every motion shall be double-spaced in Times New Roman 12-point typeface. Multiple Plaintiffs or Defendants shall file joint motions with co-parties unless there are clear conflicts of position. If conflicts of position exist, parties shall explain the conflicts in their separate motions. Failure to comply with ANY of these procedures may result in the imposition of appropriate sanctions, including but not limited to, the striking of the motion or dismissal of this action. Signed by Judge Darrin P. Gayles (bfk) (Entered: 09/02/2020) |
| 09/02/2020 | 2 | Clerks Notice of Judge Assignment to Judge Darrin P. Gayles 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 |

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| | | Recommendation on any dispositive matters. (jas) (Entered: 09/02/2020) |
| 09/02/2020 | 1 | Complaint pursuant to 42 USC 1983 against M. Corrales, Jose Colon, Lane, Martinez J. Love, Rodriguez. Filing fee \$ 400.00, No IFP/Not Paid, filed by Dionte Jermaine Davis. (jas) (Entered: 09/02/2020) |