

**U.S. District Court
Southern District of Florida (Ft Pierce)
CIVIL DOCKET FOR CASE #: 2:22-cv-14066-JEM**

Pullen v. Cunzo et al
Assigned to: Judge Jose E. Martinez
Referred to: Magistrate Judge Shaniek Mills Maynard
Cause: 42:1983 State Prisoner Civil Rights

Date Filed: 02/15/2022
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Terry T. Pullen

represented by **Terry T. Pullen**
789351
Bay Correctional Facility
Inmate Mail/Parcels
5400 Bayline Drive
Panama City, FL 32404
PRO SE

V.

Defendant

Paul Cunzo
Officer, Fort Pierce Police Department

represented by **Gail C. Bradford**
Dean, Ringers, Morgan & Lawton, PA
201 E. Pine Street
Suite 1200
Orlando, FL 32802-2928
407-422-4310
Fax: 407-648-0233
Email: gbradford@drml-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Thayer
Detective, Fort Pierce Police Department

represented by **Donovan Adam Roper**
Roper , Roper PA
PO Box 161832
Apopka, FL 32703
407-884-9944
Fax: 407-884-4343
Email: email@roperandroper.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Fort Pierce Police Department
TERMINATED: 03/14/2022

Date Filed	#	Docket Text
06/22/2023	34	ORDER denying 33 MOTION to Appoint Counsel filed by Terry T. Pullen. This matter is REFERRED to the Southern District of Florida's Volunteer Attorney Program, where a volunteer attorney may accept the representation on a pro bono basis. Signed by Judge Jose E. Martinez on 6/22/2023. <i>See attached document for full details.</i> (pcs) (Entered: 06/23/2023)
06/21/2023	33	MOTION to Appoint Counsel by Terry T. Pullen. Responses due by 7/5/2023 (pcs) (Entered: 06/21/2023)
06/14/2023	32	Certificate of Other Affiliates/Corporate Disclosure Statement - NONE disclosed by Thayer (Roper, Donovan) (Entered: 06/14/2023)
06/12/2023	31	Corporate Disclosure Statement <i>and Certificate of Interested Parties</i> by Paul Cunzo (Bradford, Gail) (Entered: 06/12/2023)
05/31/2023	30	ORDER SETTING CIVIL TRIAL DATE AND PRETRIAL SCHEDULE, REQUIRING SETTLEMENT CONFERENCE, AND REFERRING CERTAIN MOTIONS TO MAGISTRATE JUDGE: JURY TRIAL set for 5/20/2024 at 09:30 AM in Fort Pierce Division before Judge Jose E. Martinez. CALENDAR CALL set for 5/16/2024 at 01:30 PM in Miami Division before Judge Jose E. Martinez. ORDER REFERRING CASE to Magistrate Judge Shaniek Mills Maynard for Discovery Matters. Signed by Judge Jose E. Martinez on 5/31/2023. <i>See attached document for full details.</i> (caw) Pattern Jury Instruction Builder - To access the latest, up to date changes to the 11th Circuit Pattern Jury Instructions go to https://pji.call.uscourts.gov or click here. (Entered: 06/01/2023)
02/07/2023	29	REPLY to 26 Answer to Complaint by Terry T. Pullen. (scn) (Entered: 02/07/2023)
02/07/2023	28	REPLY to 27 Answer to Complaint by Terry T. Pullen. (scn) (Entered: 02/07/2023)
01/26/2023		Answer Deadline terminated per DE#27. (scn) (Entered: 01/26/2023)
01/26/2023	27	ANSWER and Affirmative Defenses to Complaint with Jury Demand by Thayer. (Roper, Donovan) (Entered: 01/26/2023)
01/24/2023	26	ANSWER and Affirmative Defenses to Complaint with Jury Demand by Paul Cunzo. (Bradford, Gail) (Entered: 01/24/2023)
01/10/2023	25	CLERK'S NOTICE of compliance re 24 Order. Copy of Order mailed to Plaintiff. (daa) (Entered: 01/10/2023)
01/09/2023	24	ORDER DENYING MOTIONS TO DISMISS. Defendant Officer Paul Cunzo's Motion to Dismiss, (ECF No. 14), is DENIED. Defendant Detective Benjamin Thayer's Motion to Dismiss, (ECF No. 15), is DENIED. The Clerk is DIRECTED to mail a copy of this Order to Plaintiff Teny T. Pullen. Signed by Judge Jose E. Martinez on 1/9/2023. <i>See attached document for full details.</i> (daa) (Entered: 01/10/2023)
08/01/2022	23	NOTICE of Inquiry by Terry T. Pullen. Docket sheet mailed to Terry T. Pullen. (scn) (Entered: 08/01/2022)

06/14/2022	<u>22</u>	NOTICE of Change of Address by Terry T. Pullen (Address updated in CM/ECF.) (cqs) (Entered: 06/14/2022)
06/01/2022	<u>21</u>	2nd REPLY to Motion re <u>15</u> MOTION to Dismiss with Prejudice <u>1</u> Complaint 42 USC 1983 or Bivens filed by Terry T. Pullen. Replies due by 6/8/2022. (pcs) (Entered: 06/01/2022)
05/24/2022	<u>20</u>	2nd REPLY to Response to Motion re <u>14</u> MOTION TO DISMISS <u>1</u> Complaint 42 USC 1983 or Bivens FOR FAILURE TO STATE A CLAIM filed by Terry T. Pullen. (pcs) (Entered: 05/24/2022)
05/17/2022	<u>19</u>	NOTICE by Thayer re <u>18</u> Reply to Response to Motion <i>Joinder by Co-Defendant</i> (Roper, Donovan) (Entered: 05/17/2022)
05/17/2022	<u>18</u>	REPLY to Response to Motion re <u>15</u> MOTION to Dismiss with Prejudice <u>1</u> Complaint 42 USC 1983 or Bivens filed by Terry T. Pullen. (pcs) (Entered: 05/17/2022)
05/13/2022	<u>17</u>	REPLY to Response to Motion re <u>14</u> MOTION TO DISMISS <u>1</u> Complaint 42 USC 1983 or Bivens FOR FAILURE TO STATE A CLAIM filed by Paul Cunzo. (Bradford, Gail) (Entered: 05/13/2022)
05/09/2022	<u>16</u>	RESPONSE to Motion re <u>15</u> MOTION to Dismiss with Prejudice <u>1</u> Complaint 42 USC 1983 or Bivens filed by Terry T. Pullen. Replies due by 5/16/2022. (pes) (Entered: 05/10/2022)
04/28/2022	<u>15</u>	MOTION to Dismiss with Prejudice <u>1</u> Complaint 42 USC 1983 or Bivens by Thayer. Responses due by 5/12/2022 (Roper, Donovan) (Entered: 04/28/2022)
04/20/2022	<u>14</u>	MOTION TO DISMISS <u>1</u> Complaint 42 USC 1983 or Bivens FOR FAILURE TO STATE A CLAIM by Paul Cunzo. Attorney Gail C. Bradford added to party Paul Cunzo(pty:dft). Responses due by 5/4/2022 (Attachments: # <u>1</u> Exhibit State v. Pullen Arrest Affidavit (Redacted), # <u>2</u> Exhibit State v. Pullen PC Determination, # <u>3</u> Exhibit State v. Pullen Information)(Bradford, Gail) (Entered: 04/20/2022)
04/19/2022	<u>13</u>	NOTICE by Thayer <i>Designation of Email Addresses</i> (Roper, Donovan) (Entered: 04/19/2022)
04/19/2022	<u>12</u>	NOTICE of Attorney Appearance by Donovan Adam Roper on behalf of Thayer. Attorney Donovan Adam Roper added to party Thayer(pty:dft). (Roper, Donovan) (Entered: 04/19/2022)
04/19/2022	<u>11</u>	SUMMONS (Affidavit) Returned Executed on <u>1</u> Complaint 42 USC 1983 or Bivens with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 by Terry T. Pullen. Thayer served on 4/6/2022, response/answer due 4/27/2022. (ls) (Entered: 04/19/2022)
04/08/2022	<u>10</u>	NOTICE of Temporary Change of Address by Terry T. Pullen (ls)[System Updated] (Entered: 04/08/2022)
04/04/2022	<u>9</u>	SUMMONS (Affidavit) Returned Executed on <u>1</u> Complaint 42 USC 1983 or Bivens with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 Paul Cunzo served on 3/30/2022, response/answer due 4/20/2022. (cqs) (Entered: 04/04/2022)
03/28/2022	<u>8</u>	Summons Issued as to Detective Benjamin Thayer. (daa) (Entered: 03/28/2022)

03/28/2022	<u>7</u>	Summons Issued as to Officer Paul Cunzo. (daa) (Entered: 03/28/2022)
03/28/2022	<u>6</u>	ORDER REQUIRING PERSONAL SERVICE BY THE U.S. MARSHAL. Signed by Judge Jose E. Martinez on 3/28/2022. <i>See attached document for full details.</i> (daa) (Entered: 03/28/2022)
03/28/2022	<u>5</u>	ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS AND ESTABLISHING A DEBT OF \$350. Plaintiff's motion to proceed in forma pauperis, (ECF No. <u>4</u>), is GRANTED to the extent that Plaintiff need not prepay even a partial filing fee in this case, or prepay costs, such as for service of process. Plaintiff owes the United States a debt of \$350.00 which must be paid to the Clerk of Court as funds become available. The jail/prison having custody of Plaintiff must make payments from the prisoner's account to the Clerk of this Court each time the amount in the account exceeds \$10.00 until the full filing fee of \$350.00 is paid. Signed by Judge Jose E. Martinez on 3/28/2022. <i>See attached document for full details.</i> (daa) (Entered: 03/28/2022)
03/25/2022	<u>4</u>	MOTION for Leave to Proceed in forma pauperis by Terry T. Pullen. (ls) (Entered: 03/25/2022)
03/14/2022	<u>3</u>	ORDER ALLOWING COMPLAINT TO PROCEED AND REQUIRING PLAINTIFF TO FILE MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS. Plaintiff's Complaint (ECF No. <u>1</u>) is ALLOWED PROCEED pursuant to 28 U.S.C. § 1915A as to Plaintiff's claims against Officer Paul Cunzo and Detective Benjamin Thayer. Plaintiff's claims against the Fort Pierce Police Department are DISMISSED WITHOUT PREJUDICE. On or before April 12, 2022, Plaintiff shall either pay the \$402 filing fee or file a motion for leave to proceed IFP. The Clerk is DIRECTED to provide the IFP form to Plaintiff. Signed by Judge Jose E. Martinez on 3/14/2022. <i>See attached document for full details.</i> (Attachments: # <u>1</u> IFP Form) (daa) (Entered: 03/14/2022)
02/15/2022	<u>2</u>	Judge Assignment to Judge Jose E. Martinez. (daa) (Entered: 02/15/2022)
02/15/2022	<u>1</u>	Complaint pursuant to 42 USC 1983 against Paul Cunzo, Fort Pierce Police Department, Thayer. Filing fee \$ 402.00 (Filing fee not paid/IFP Motion not filed), filed by Terry T. Pullen.(daa) (Entered: 02/15/2022)