

**U.S. District Court  
Southern District of Florida (Miami)  
CIVIL DOCKET FOR CASE #: 1:23-cv-20208-RNS**

Evans v. Hyppolite et al  
Assigned to: Judge Robert N. Scola, Jr  
Referred to: Magistrate Judge Jonathan Goodman  
Demand: \$200,000  
Case in other court: 11th Judicial Circuit, 22-16863-CA-01  
Cause: 28:1443cv Notice of Removal - Civil Rights Cases

Date Filed: 01/18/2023  
Jury Demand: Defendant  
Nature of Suit: 555 Habeas Corpus (Prison Condition)  
Jurisdiction: Federal Question

**Plaintiff****Jimmie M. Evans**

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

V.

**Defendant**

**S. Hyppolite**  
*in official and individual capacities*

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**

**C. Lattibeaudiere**  
*in official and individual capacities*  
*TERMINATED: 03/07/2023*

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

**Defendant**

**Miami-Dade County**  
*in official and individual capacities*  
*TERMINATED: 03/07/2023*

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

Date Filed	#	Docket Text
------------	---	-------------

06/12/2023	<a href="#">35</a>	ORDER REFERRING CASE to Volunteer Attorney Program. The paperless order (ECF No. 30) denying Plaintiff's motion for referral to the volunteer attorney program is vacated. Signed by Judge Robert N. Scola, Jr on 6/12/2023. <i>See attached document for full details.</i> (cds) (Entered: 06/12/2023)
06/08/2023	<a href="#">34</a>	POST-DISCOVERY HEARING ADMINISTRATIVE ORDER. Signed by Magistrate Judge Jonathan Goodman on 6/8/2023. <i>See attached document for full details.</i> (cpa) (Entered: 06/08/2023)
06/08/2023	33	PAPERLESS Minute Entry for proceedings held before Magistrate Judge Jonathan Goodman: Zoom Discovery Hearing held on 6/8/2023. Post-Hearing Administrative Order to follow. Total time in court: 15 minutes. Attorney Appearance(s): Zachary Edward Vosseler, Other appearances: Jimmie M. Evans. (Digital JG_01_06-08-2023/Zoom) (fbn) (Entered: 06/08/2023)
06/01/2023	32	<p>PAPERLESS ORDER setting a Zoom Discovery Hearing set for 6/8/2023 at 1:30 PM in the Miami Division before Magistrate Judge Jonathan Goodman. All parties will need to download the Zoom App for cell phone, tablet (iPad), and for those using a desktop or a laptop equipped with a webcam to click on the meeting link and install the plug-in when prompted. Then enter the Meeting ID and Password. Each participant needs to log in 10 minutes early, to make sure there are no glitches. The hearing will be conducted via ZOOM, as follows Join ZoomGov Meeting <a href="https://www.zoomgov.com/j/1608673400?pwd=anVSeDViK0NESjNzSlBBY2dmemNVZz09">https://www.zoomgov.com/j/1608673400?pwd=anVSeDViK0NESjNzSlBBY2dmemNVZz09</a>. Meeting ID: 160 867 3400. Passcode: 026493.</p> <p>This Zoom hearing is the digital equivalent of an actual, in-court hearing, so counsel are expected to dress as though they are in an actual federal courtroom.</p> <p><b>Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court. Signed by Magistrate Judge Jonathan Goodman on 6/1/2023. (fbn) (Entered: 06/01/2023)</b></p>
05/31/2023	<a href="#">31</a>	<b>NOTICE of Hearing</b> by ATTORNEY: Discovery Hearing set for 6/8/2023 01:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Vosseler, Zachary) (Entered: 05/31/2023)
05/09/2023	30	(VACATED PER DE# <a href="#">35</a> ) PAPERLESS ORDER denying <a href="#">29</a> Motion for Referral to Volunteer Attorney Program. Signed by Judge Robert N. Scola, Jr on 5/9/2023. (kcb) Modified Text on 6/12/2023 (cds). (Entered: 05/09/2023)
05/09/2023	<a href="#">29</a>	MOTION for Referral to Volunteer Attorney Program by Jimmie M. Evans. (scn) (Entered: 05/09/2023)
05/09/2023	<a href="#">28</a>	MAGISTRATE JUDGE GOODMAN'S DISCOVERY PROCEDURES ORDER. Signed by Magistrate Judge Jonathan Goodman on 5/9/2023. <i>See attached document for full details.</i> (fbn) (Entered: 05/09/2023)
04/12/2023	<a href="#">27</a>	ORDERGranting: <a href="#">25</a> MOTION to Refer Mediation to Magistrate Judge. APPOINTING MEDIATOR: United States Magistrate Judge Jonathan Goodman.

		Signed by Judge Robert N. Scola, Jr on 4/12/2023. <i>See attached document for full details.</i> (cds) (Entered: 04/12/2023)
04/11/2023	<a href="#">26</a>	PAPERLESS ORDER denying <a href="#">24</a> Motion to Appoint Counsel. A civil litigant... has no absolute constitutional right to the appointment of counsel. Poole v. Lambert, 819 F.2d 1025, 1028 (11th Cir. 1987). Rather, appointment of counsel is only justified by exceptional circumstances, such as where the facts and legal issues are so novel or complex as to require the assistance of a trained practitioner. Id. Having reviewed the record, the Court concludes that no exceptional circumstances exist in this case. Signed by Judge Robert N. Scola, Jr on 4/11/2023. (kcb) (Entered: 04/11/2023)
04/11/2023	<a href="#">25</a>	MOTION to Refer Mediation to Magistrate Judge by S. Hyppolite. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Vosseler, Zachary) (Entered: 04/11/2023)
04/11/2023	<a href="#">24</a>	MOTION for Appointment of Counsel by Jimmie M. Evans. Responses due by 4/25/2023 (cds) (Entered: 04/11/2023)
03/28/2023	<a href="#">23</a>	ORDER REFERRING CASE to Magistrate Judge Jonathan Goodman for Discovery Matters. Signed by Judge Robert N. Scola, Jr on 3/28/2023. <i>See attached document for full details.</i> (daa) (Entered: 03/28/2023)
03/28/2023	<a href="#">22</a>	SCHEDULING ORDER AND ORDER OF REFERRAL TO MEDIATION : ( Jury Trial set for 12/18/2023 in Miami Division before Judge Robert N. Scola Jr., Calendar Call set for 12/12/2023 09:00 AM in Miami Division before Judge Robert N. Scola Jr., Amended Pleadings due by 4/25/2023., Expert Discovery due by 8/22/2023., Fact Discovery due by 7/5/2023., Joinder of Parties due by 4/25/2023., Dispositive Motions due by 7/18/2023., In Limine Motions due by 10/17/2023., Pretrial Stipulation due by 11/20/2023., Status Report due by 5/30/2023.). Mediation Deadline 8/1/2023. Signed by Judge Robert N. Scola, Jr on 3/28/2023. <i>See attached document for full details.</i> (daa)  <a href="#">Pattern Jury Instruction Builder</a> - To access the latest, up to date changes to the <a href="#">11th Circuit Pattern Jury Instructions</a> go to <a href="https://pji.ca11.uscourts.gov">https://pji.ca11.uscourts.gov</a> or <a href="#">click here</a> . (Entered: 03/28/2023)
03/27/2023	<a href="#">21</a>	Defendant's SCHEDULING REPORT - <b>Rule 16.1</b> by S. Hyppolite (Vosseler, Zachary) (Entered: 03/27/2023)
03/22/2023	<a href="#">20</a>	ANSWER and Affirmative Defenses to Complaint re the Notice of Removal with Jury Demand by S. Hyppolite. (Attachments: # <a href="#">1</a> Exhibit Memorandum of Findings re: Response to Resistance IR No. K22013913)(Vosseler, Zachary) (Entered: 03/22/2023)
03/15/2023	<a href="#">19</a>	NOTICE OF CONVENTIONAL FILING (CD) by S. Hyppolite (cds) (Additional attachment(s) added on 3/16/2023: # <a href="#">1</a> Supplement) (cds). Modified Text on 3/16/2023 (cds). (Entered: 03/16/2023)
03/14/2023	<a href="#">18</a>	ORDER granting <a href="#">17</a> Defendant's Expedited Motion to Conventionally File Compact Disc Containing Surveillance Footage. Signed by Judge Robert N. Scola, Jr on 3/14/2023. <i>See attached document for full details.</i> (daa) (Entered: 03/14/2023)
03/14/2023	<a href="#">17</a>	Defendant's EXPEDITED MOTION to Conventionally File Compact Disc Containing Surveillance Footage by S. Hyppolite. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Vosseler, Zachary) (Entered: 03/14/2023)

03/10/2023	<a href="#">16</a>	NOTICE to the Court by Jimmie M. Evans (cds) (Entered: 03/10/2023)
03/08/2023	<a href="#">15</a>	ORDER. Defendant Hyppolite must file his response to count three of the complaint by March 22, 2023. The parties must file a joint scheduling report by March 28, 2023. Signed by Judge Robert N. Scola, Jr on 3/8/2023. <i>See attached document for full details.</i> (daa) (Entered: 03/08/2023)
03/07/2023	<a href="#">14</a>	ORDER Granting Defendants' Motion to Dismiss. Defendant's motion to dismiss (ECF No. <a href="#">12</a> ) is granted. Claims One, Two, and Four of the Plaintiff's complaint (ECF No. 1-1) are dismissed. All official capacity claims against all Defendants are also dismissed. Accordingly, Defendants C. Lattibeaudiere and Miami-Dade County are dismissed from this action. Only Count Three remains. Signed by Judge Robert N. Scola, Jr on 3/7/2023. <i>See attached document for full details.</i> (daa) (Entered: 03/07/2023)
03/03/2023	<a href="#">13</a>	NOTICE to The Court (Address Updated) by Jimmie M. Evans (cds) (Entered: 03/03/2023)
02/15/2023	<a href="#">12</a>	MOTION TO DISMISS <a href="#">1</a> Notice of Removal (State Court Complaint), FOR FAILURE TO STATE A CLAIM by S. Hyppolite, C. Lattibeaudiere, Miami-Dade County. Responses due by 3/1/2023 (Vosseler, Zachary) (Entered: 02/15/2023)
02/06/2023	<a href="#">11</a>	NOTICE to the Court by Jimmie M. Evans (cds) (Entered: 02/06/2023)
02/01/2023	<a href="#">10</a>	SUMMONS (Affidavit) Returned Executed on <a href="#">1</a> Notice of Removal (State Court Complaint), with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 by Jimmie M. Evans. C. Lattibeaudiere served on 1/27/2023, response/answer due 2/17/2023. (cds) (Entered: 02/01/2023)
01/25/2023	<a href="#">9</a>	Summons Issued as to Officer C. Lattibeaudiere (Shield #305259). (daa) (Entered: 01/25/2023)
01/24/2023	<a href="#">8</a>	ORDER OF INSTRUCTIONS TO PRO SE LITIGANT. Signed by Judge Robert N. Scola, Jr on 1/24/2023. <i>See attached document for full details.</i> (daa) (Entered: 01/25/2023)
01/24/2023	<a href="#">7</a>	ORDER Granting Defendants' Expedited Motion for Extension of Time to Respond to the Complaint. The Defendants shall answer or otherwise respond to the Complaint on or before February 15, 2023. Signed by Judge Robert N. Scola, Jr on 1/24/2023. <i>See attached document for full details.</i> (daa) (Entered: 01/25/2023)
01/24/2023	<a href="#">6</a>	ORDER to U.S. Marshal Directing Personal Service Upon Defendant. Signed by Judge Robert N. Scola, Jr on 1/24/2023. <i>See attached document for full details.</i> (daa) (Entered: 01/25/2023)
01/24/2023	<a href="#">5</a>	SCREENING ORDER. Over plaintiff's objection (see ECF No. [1-4] at 6) and upon careful review, the Court accepts and retains removal jurisdiction over this action. The Court further orders that the case shall proceed as to all defendants and claims in plaintiff's complaint. The defendant confirms that Miami Dade County and Officer Hyppolite have been served. See ECF No. <a href="#">1</a> at <a href="#">12</a> . The Court will thus direct the U.S. Marshal to serve process on the remaining defendant, Officer C. Lattibeaudiere. Signed by Judge Robert N. Scola, Jr on 1/24/2023. <i>See attached document for full details.</i> (daa) (Entered: 01/25/2023)

01/24/2023	<a href="#">4</a>	EXPEDITED MOTION for Extension of Time to Respond to Complaint re <a href="#">1</a> Notice of Removal (State Court Complaint), by S. Hyppolite, Miami-Dade County. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Vosseler, Zachary) (Entered: 01/24/2023)
01/19/2023	3	Amended Clerks Notice of Judge Assignment to Judge Robert N. Scola, Jr. Judge Jose E. Martinez no longer assigned to case. (daa) (Entered: 01/19/2023)
01/18/2023	2	Clerks Notice of Judge Assignment to Judge Jose E. Martinez. (nwn) (Entered: 01/19/2023)
01/18/2023	<a href="#">1</a>	NOTICE OF REMOVAL (STATE COURT COMPLAINT - Civil Rights Complaint) Filing fee \$ 402.00 receipt number AFLSDC-16249546, filed by Miami-Dade County, Shyller Hyppolite. (Attachments: # <a href="#">1</a> State Court Complaint, # <a href="#">2</a> Returns of Service (composite), # <a href="#">3</a> Civil Cover Sheet, # <a href="#">4</a> Additional Filings (composite)) (Vosseler, Zachary) No Answer/Motion To Dismiss Filed. Modified Text/Attachment Description on 1/19/2023 (nwn). (Entered: 01/18/2023)