

CASREF,PAW

**U.S. District Court**  
**Southern District of Florida (Ft Pierce)**  
**CIVIL DOCKET FOR CASE #: 2:13-cv-14467-DLG**

Luciano v. Irick et al  
Assigned to: Judge Donald L. Graham  
Referred to: Magistrate Judge Patrick A. White  
Cause: 42:1983 State Prisoner Civil Rights

Date Filed: 12/05/2013  
Jury Demand: Defendant  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff****Samuel Phillip Luciano**

represented by **Samuel Phillip Luciano**  
376381  
Graceville Correctional Facility  
Inmate Mail/Parcels  
5168 Ezell Road  
Graceville, FL 32440  
PRO SE

V.

**Defendant****Vance Irick**  
*Martin County Deputy Sheriff*

represented by **Christy Michelle Runkles**  
Purdy, Jolly, Giuffreda & Barranco, P.A.  
2455 E. Sunrise Blvd  
Suite 1216  
Fort Lauderdale, FL 33304  
954-462-3200  
Fax: 954-462-3861  
Email: christy@purdylaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Adriana Mihaela Jisa**  
Purdy Jolly Giuffreda & Barranco PA  
2455 E Sunrise Boulevard  
Suite 1216  
Fort Lauderdale, FL 33304  
954-462-3200X109  
Fax: 462-3861  
Email: Adriana@purdylaw.com  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Ernie Hester**  
*Martin County Deputy Sheriff*

represented by **Christy Michelle Runkles**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/03/2015	<a href="#">50</a>	ORDER REFERRING CASE to Volunteer Attorney Program Signed by Judge Donald L. Graham on 7/30/2015. (vp) (Entered: 08/03/2015)
07/29/2015	<a href="#">49</a>	Minute Entry for proceedings held before Judge Donald L. Graham: Status Conference held on 7/29/2015. Court Reporter: Patricia Sanders, 305-523-5548 / Patricia_Sanders@flsd.uscourts.gov (cf) (Entered: 07/29/2015)
07/29/2015	<a href="#">48</a>	NOTICE of Attorney Appearance by Adriana Mihaela Jisa on behalf of Vance Irick. Attorney Adriana Mihaela Jisa added to party Vance Irick(pty:dft). (Jisa, Adriana) (Entered: 07/29/2015)
07/29/2015	<a href="#">47</a>	NOTICE of Attorney Appearance by Christy Michelle Runkles on behalf of Vance Irick (Runkles, Christy) (Entered: 07/29/2015)
07/21/2015	<a href="#">46</a>	ORDER denying as moot <a href="#">45</a> Motion to Continue. Signed by Judge Donald L. Graham on 7/21/2015. (tp) (Entered: 07/21/2015)
07/13/2015	<a href="#">45</a>	MOTION to Continue <i>Telephonic Status Conference</i> by Vance Irick. Responses due by 7/30/2015 (Attachments: # <a href="#">1</a> Exhibit Order)(Runkles, Christy) (Entered: 07/13/2015)
07/10/2015	<a href="#">44</a>	AMENDED ORDER/NOTICE Setting Status Conference: Telephonic Status Conference set for 7/29/2015 02:00 PM in Miami Division before Judge Donald L. Graham. Signed by Judge Donald L. Graham on 7/10/15. (gfw) (Entered: 07/10/2015)
07/10/2015	<a href="#">43</a>	ORDER/NOTICE Setting Status Conference: Telephonic Status Conference set for 7/29/2015 02:00 PM in Miami Division before Judge Donald L. Graham. Signed by Judge Donald L. Graham on 7/10/15. (gfw) Modified on 7/10/2015: image restricted, see DE# <a href="#">44</a> for correct image (wc). (Entered: 07/10/2015)
05/13/2015	<a href="#">42</a>	ORDER Adopting <a href="#">40</a> Report and Recommendations ; Adopting <a href="#">41</a> Report and Recommendations ; granting <a href="#">36</a> Motion for Summary Judgment; denying <a href="#">37</a> Motion for Summary Judgment. Signed by Judge Donald L. Graham on 5/12/2015. (lh) (Entered: 05/14/2015)
03/31/2015	<a href="#">41</a>	REPORT AND RECOMMENDATIONS on 42 USC 1983 case re <a href="#">1</a> Complaint 42 USC 1983 or Bivens filed by Samuel Phillip Luciano Recommending that this case be placed on the trial calendar of the District Judge. Objections to R&R due by 4/17/2015. Signed by Magistrate Judge Patrick A. White on 3/31/2015. (br) (Entered: 03/31/2015)
03/31/2015	<a href="#">40</a>	REPORT AND RECOMMENDATIONS on 42 USC 1983 case re <a href="#">37</a> Defendant's MOTION for Summary Judgmentk, <a href="#">36</a> Final MOTION for Summary Judgment;

		Recommending that Defendant Hesters motion for summary judgment (DE# 36) be GRANTED and Defendant Iricks motion for summary judgment (DE# 37) be DENIED. Objections to R&R due by 4/17/2015. Signed by Magistrate Judge Patrick A. White on 3/31/2015. (br) (Entered: 03/31/2015)
02/11/2015	<a href="#">39</a>	NOTICE by Ernie Hester, Vance Irick re <a href="#">22</a> Scheduling Order, <a href="#">33</a> Order on Motion for Extension of Time <i>Defendants' Notice of Plaintiff's Failure to File a Pretrial Statement</i> (Runkles, Christy) (Entered: 02/11/2015)
02/04/2015	<a href="#">38</a>	ORDER INSTRUCTING PRO SE PLAINTIFF CONCERNING RESPONSE to <a href="#">36</a> Final MOTION for Summary Judgment , <a href="#">37</a> Defendant's MOTION for Summary Judgment .( Responses due by 3/3/2015) Signed by Magistrate Judge Patrick A. White on 2/4/2015. (tw) (Entered: 02/04/2015)
02/02/2015	<a href="#">37</a>	Defendant's MOTION for Summary Judgment by Vance Irick. Responses due by 2/20/2015 (Attachments: # <a href="#">1</a> Affidavit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Deposition)(Runkles, Christy) (Entered: 02/02/2015)
02/02/2015	<a href="#">36</a>	Final MOTION for Summary Judgment by Ernie Hester. Responses due by 2/20/2015 (Attachments: # <a href="#">1</a> Exhibit 'A' - Affidavit of Ernest Hester, # <a href="#">2</a> Exhibit 'B' - Plaintiff's Deposition, # <a href="#">3</a> Exhibit 'C' - Plaintiff's Trial Testimony, # <a href="#">4</a> Exhibit 'D' - Judgment)(Runkles, Christy) (Entered: 02/02/2015)
01/23/2015	<a href="#">35</a>	Paperless ORDER of clarification regarding the pretrial schedule. The Defendants have filed a notice of the Plaintiff's failure to file a pretrial statement by January 5, 2015. <a href="#">22</a> , <a href="#">34</a> . However, the pretrial schedule has been modified on several occasions. See <a href="#">31</a> , <a href="#">33</a> . Accordingly, the Plaintiff's pretrial statement is not due until February 5, 2015. <a href="#">33</a> . The parties are directed to govern themselves according to the amended pretrial scheduling dates pursuant to the Court's orders. Signed by Magistrate Judge Patrick A. White on 1/23/2015. (eky) (Entered: 01/23/2015)
01/13/2015	<a href="#">34</a>	NOTICE by Ernie Hester, Vance Irick re <a href="#">22</a> Scheduling Order <i>of Plaintiff's Failure to file a Pretrial Statement</i> (Runkles, Christy) (Entered: 01/13/2015)
10/29/2014	<a href="#">33</a>	ORDER granting <a href="#">32</a> Motion for Extension of Time. Signed by Magistrate Judge Patrick A. White on 10/29/2014. (tw) (Entered: 10/29/2014)
10/29/2014	<a href="#">32</a>	MOTION for Extension of Time to Complete Pretrial Deadlines by Ernie Hester, Vance Irick. Responses due by 11/17/2014 (Runkles, Christy) (Entered: 10/29/2014)
10/29/2014	<a href="#">31</a>	ORDER granting <a href="#">29</a> Motion for Extension of Time to Complete Discovery. Discovery due by 12/17/2014. Signed by Magistrate Judge Patrick A. White on 10/28/2014. (tw) (Entered: 10/29/2014)
10/28/2014	<a href="#">30</a>	NOTICE of Filing Discovery: Response to First Request for Production by Samuel Phillip Luciano.(lh) (Entered: 10/28/2014)
10/28/2014	<a href="#">29</a>	Defendant's MOTION for Extension of Time to Complete Discovery by Ernie Hester, Vance Irick. (Runkles, Christy) (Entered: 10/28/2014)
09/16/2014	<a href="#">28</a>	NOTICE of Filing Discovery: Defendants' First set of Interrogatories by Ernie Hester, Vance Irick.(lh) (Entered: 09/16/2014)

09/16/2014	<a href="#">27</a>	NOTICE of Change of Address by Samuel Phillip Luciano (lh)system updated (Entered: 09/16/2014)
08/06/2014	<a href="#">26</a>	ORDER permitting defendants to depose incarcerated plaintiff. Signed by Magistrate Judge Patrick A. White on 8/6/2014. (tw) (Entered: 08/06/2014)
08/05/2014	<a href="#">25</a>	MOTION to Take Deposition from Samuel P. Luciano , <i>a confined person</i> , by Ernie Hester, Vance Irick. (Runkles, Christy) (Entered: 08/05/2014)
07/24/2014	<a href="#">24</a>	ANSWER and Affirmative Defenses to Complaint with Jury Demand by Ernie Hester. Attorney Christy Michelle Runkles added to party Ernie Hester(pty:dft). (Runkles, Christy) (Entered: 07/24/2014)
07/23/2014	<a href="#">23</a>	SUMMONS (Affidavit) Returned Executed on <a href="#">1</a> Complaint 42 USC 1983 or Bivens with a 21 day response/answer filing deadline. Ernie Hester served on 7/18/2014, answer due 8/8/2014. (lh) (Entered: 07/23/2014)
07/16/2014	<a href="#">22</a>	SCHEDULING ORDER: Amended Pleadings due by 12/1/2014. Discovery due by 11/17/2014. Joinder of Parties due by 12/1/2014. Motions due by 12/22/2014. Signed by Magistrate Judge Patrick A. White on 7/15/2014. (tw) (Entered: 07/16/2014)
07/08/2014	<a href="#">21</a>	NOTICE of Change of Address by Samuel Phillip Luciano (lh)system updated (Entered: 07/08/2014)
06/30/2014	<a href="#">20</a>	ANSWER and Affirmative Defenses to Complaint with Jury Demand by Vance Irick. (Runkles, Christy) (Entered: 06/30/2014)
06/19/2014	<a href="#">19</a>	NOTICE of Attorney Appearance by Christy Michelle Runkles on behalf of Vance Irick. Attorney Christy Michelle Runkles added to party Vance Irick(pty:dft). (Runkles, Christy) (Entered: 06/19/2014)
06/12/2014	<a href="#">18</a>	SUMMONS (Affidavit) Returned Executed on <a href="#">1</a> Complaint 42 USC 1983 or Bivens with a 21 day response/answer filing deadline Vance Irick served on 6/11/2014, answer due 7/2/2014. (lh) (Entered: 06/12/2014)
05/22/2014	<a href="#">17</a>	NOTICE of Change of Address by Samuel Phillip Luciano (System Updated) (cqs) (Entered: 05/22/2014)
05/09/2014	<a href="#">16</a>	Summons Issued as to Ernie Hester. (lh) (Entered: 05/12/2014)
05/09/2014	<a href="#">15</a>	Summons Issued as to Vance Irick. (lh) (Entered: 05/12/2014)
05/08/2014	<a href="#">14</a>	ORDER that the United States Marshal shall serve a copy of the complaint and appropriate summons upon:Deputy Sheriff Vance Irick, Martin County Sheriffs Office, 800 S.E. Monterrey Road, Stuart, FL 34994, and Deputy Sheriff Ernie Hester, Martin County Sheriffs Office, 800 S.E. Monterrey Road, Stuart, FL 34994 Signed by Magistrate Judge Patrick A. White on 5/8/2014. (tw) (Entered: 05/08/2014)
03/10/2014	<a href="#">13</a>	ORDER ADOPTING REPORT AND RECOMMENDATIONS for <a href="#">1</a> Complaint 42 USC 1983 or Bivens filed by Samuel Phillip Luciano ; Adopting <a href="#">9</a> Report and Recommendations. Signed by Judge Donald L. Graham on 3/10/2014. (lh) (Entered: 03/10/2014)

03/06/2014	<a href="#">12</a>	NOTICE of Change of Address by Samuel Phillip Luciano (lh)system updated (Entered: 03/06/2014)
01/29/2014	11	ORDER denying <a href="#">10</a> Motion to Appoint Special Process Server. Upon the adoption of the Report and Recommendation the Court will order service.. Signed by Magistrate Judge Patrick A. White on 1/29/2014. (cz) (Entered: 01/29/2014)
01/28/2014	<a href="#">10</a>	MOTION for Appointment of Special Process Server/ Sevice Of Process by Samuel Phillip Luciano. Responses due by 2/14/2014 (cqs) (Entered: 01/28/2014)
01/22/2014	<a href="#">9</a>	REPORT AND RECOMMENDATIONS on 42 USC 1983 case re <a href="#">1</a> Complaint 42 USC 1983 or Bivens filed by Samuel Phillip Luciano. Recommending 1.The claim of use of unlawful force should continue against officers Irick and Hester. 2. Claims against the officers in their official capacities should be dismissed. Objections to R&R due by 2/10/2014 Signed by Magistrate Judge Patrick A. White on 1/22/2014. (tw) (Entered: 01/22/2014)
01/14/2014	<a href="#">8</a>	NOTICE of Compliance by Samuel Phillip Luciano re <a href="#">6</a> Order of Instructions to Pro Se Litigant (lh) (Entered: 01/14/2014)
12/19/2013	<a href="#">7</a>	ORDER PERMITTING PLAINTIFF TO PROCEED WITHOUT PREPAYMENT OF FILING FEE BUT ESTABLISHING DEBT TO CERLK OF \$350.00 and Granting <a href="#">4</a> Motion for Leave to Proceed in forma pauperis. Signed by Magistrate Judge Patrick A. White on 12/19/2013. (tw) (Entered: 12/19/2013)
12/19/2013	<a href="#">6</a>	ORDER OF INSTRUCTIONS TO PRO SE CIVIL RIGHTS LITIGANTS. Signed by Magistrate Judge Patrick A. White on 12/19/2013. (tw) (Entered: 12/19/2013)
12/10/2013	<a href="#">5</a>	SUPPLEMENTAL EXHIBITS to <a href="#">4</a> MOTION for Leave to Proceed in forma pauperis by Samuel Phillip Luciano (lh) (Entered: 12/10/2013)
12/05/2013	<a href="#">4</a>	MOTION for Leave to Proceed in forma pauperis by Samuel Phillip Luciano. (ail) (Entered: 12/05/2013)
12/05/2013	3	Clerks Notice of Magistrate Judge Assignment to Magistrate Judge Patrick A. White. Pursuant to Administrative Order 2003-19 for a ruling on all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters. (ail) (Entered: 12/05/2013)
12/05/2013	2	Judge Assignment to Judge Donald L. Graham (ail) (Entered: 12/05/2013)
12/05/2013	<a href="#">1</a>	Complaint pursuant to 42 USC 1983 against Ernie Hester, Vance Irick. Filing fee \$ 350.00. IFP Filed, filed by Samuel Phillip Luciano.(ail) (Entered: 12/05/2013)