

**U.S. District Court  
Western District of Pennsylvania (Erie)  
CIVIL DOCKET FOR CASE #: 1:22-cv-00289-RAL**

BUTLER v. LITTLE et al  
Assigned to: Magistrate Judge Richard A. Lanzillo  
Cause: 42:1983pr Prisoner Civil Rights

Date Filed: 10/11/2022  
Jury Demand: Both  
Nature of Suit: 555 Prisoner Civil Rights  
(Prison Condition)  
Jurisdiction: Federal Question

**Plaintiff**

**DERRICK BUTLER**

represented by **DERRICK BUTLER**  
NZ-4224  
SCI FOREST  
P.O. Box 945  
286 Woodland Drive  
Marienville, PA 16239  
PRO SE

V.

**Defendant**

**GEORGE LITTLE**  
*SECRETARY OF DOC*  
*TERMINATED: 01/29/2025*

represented by **Dalia Aboraya**  
1251 Waterfront Place, Mezzanine Level  
Pittsburgh, PA 15222  
412-565-7653  
Email: daboraya@attorneygeneral.gov  
*ATTORNEY TO BE NOTICED*

**Scott A. Bradley**  
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Litigation Section  
1251 Waterfront Place  
Mezzanine Level  
Pittsburgh, PA 15222  
(412) 565-3586  
Email: sbradley@attorneygeneral.gov  
*ATTORNEY TO BE NOTICED*

**Defendant**

**JAKE BEACH**  
*MAILROOM SUPERVISOR AT SCI*  
*FOREST*

represented by **Scott A. Bradley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dalia Aboraya**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

| Date Filed | #                  | Select<br><a href="#">all</a> / <a href="#">clear</a> | Docket Text   |
|------------|--------------------|---|---|
| 10/11/2022 | <a href="#">1</a>  | <input type="checkbox"/>                              | MOTION for Leave to Proceed in forma pauperis by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Envelope) (jd) (Additional attachment(s) added on 10/13/2022: # <a href="#">3</a> Complaint) (ept). (Entered: 10/11/2022)   |
| 10/11/2022 | <a href="#">2</a>  | <input type="checkbox"/>                              | Authorization permitting withdrawal of prison account funds to pay filing fee by DERRICK BUTLER. (jd) (Entered: 10/11/2022)   |
| 10/11/2022 | <a href="#">3</a>  | <input type="checkbox"/>                              | Prisoner Trust Fund Account Statement by DERRICK BUTLER. (jd) (Entered: 10/11/2022)   |
| 10/11/2022 | <a href="#">4</a>  | <input type="checkbox"/>                              | CONSENT to Trial/Jurisdiction by US Magistrate Judge OR District Judge Option, by DERRICK BUTLER. (jd) (Entered: 10/11/2022)  |
| 10/31/2022 | <a href="#">5</a>  | <input type="checkbox"/>                              | STANDING PRACTICE ORDER FOR PRO SE CIVIL RIGHTS CASES. Signed by Magistrate Judge Richard A. Lanzillo on 10/31/2022. (dlh) (Entered: 10/31/2022)  |
| 02/13/2023 | <a href="#">6</a>  | <input type="checkbox"/>                              | MOTION to Appoint Counsel by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Envelope) (elt) (Entered: 02/14/2023)   |
| 02/23/2023 | <a href="#">7</a>  | <input type="checkbox"/>                              | ORDER denying without prejudice <a href="#">6</a> Petitioner's Motion to Appoint Counsel. Signed by Chief Magistrate Judge Richard A. Lanzillo on February 23, 2023. (jbh) (Entered: 02/23/2023)  |
| 03/16/2023 | <a href="#">8</a>  | <input type="checkbox"/>                              | MOTION for Service by U.S. Marshal by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Envelope) (sdp) (Entered: 03/17/2023)   |
| 03/24/2023 | 9                  |   | ORDER granting <a href="#">1</a> Motion for Leave to Proceed in forma pauperis. Signed by Chief Magistrate Judge Richard A. Lanzillo on 3/24/23. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jdg) (Entered: 03/24/2023)  |
| 03/24/2023 | 10                 |   | ORDER granting <a href="#">8</a> Motion for Service by U.S. Marshal. The Court has received the necessary service documents from the Plaintiff, as well as a check in the amount of \$400.00. However, because Plaintiff has been granted leave to proceed in forma pauperis, see ECF No. 8, the correct amount of the filing fee is \$350.00. Plaintiff's check will be returned with instructions to resubmit the correct amount. Once the Court has received his payment, the U.S. Marshal will be directed to serve the Complaint. Signed by Chief Magistrate Judge Richard A. Lanzillo on 3/24/23. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jdg) (Entered: 03/24/2023) |
| 03/27/2023 | <a href="#">11</a> | <input type="checkbox"/>                              | <b>COMPLAINT</b> against JOHN/JANE DOE, GEORGE LITTLE, filed by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Exhibit) (jd) (Entered: 03/27/2023)   |
| 03/27/2023 | <a href="#">12</a> | <input type="checkbox"/>                              | Filing fee: \$350, receipt number 10000175 (jd) (Entered: 03/27/2023)   |
| 03/30/2023 | <a href="#">13</a> | <input type="checkbox"/>                              | ORDER that the United States Marshal is directed to mail a copy of the complaint, notice of lawsuit, request for waiver of service of summons, waiver, and this order to defendant as directed by plaintiff. Costs shall be advanced by the government. Signed by Chief Magistrate Judge Richard A. Lanzillo on 3/30/2023. (dlh) (Entered: 03/30/2023)  |

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| 05/15/2023 | <a href="#">14</a> | <input type="checkbox"/> | WAIVER OF SERVICE Returned Executed by GEORGE LITTLE. GEORGE LITTLE waiver sent on 4/18/2023, answer due 6/20/2023. (Defelice, Chase) (Entered: 05/15/2023)  |
| 05/30/2023 | <a href="#">15</a> | <input type="checkbox"/> | MOTION for Personal Service by U.S. Marshal by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Envelope) (jma) (Entered: 05/30/2023)   |
| 05/30/2023 | 16                 |                          | ORDER denying <a href="#">15</a> Motion for Service by U.S. Marshal. Because Defendants filed timely waivers of service on May 15, 2023, <i>see</i> ECF No. 14, it is unnecessary to order personal service. As noted at ECF No. 14, the Defendants' Answers are due on or before June 30, 2023. Signed by Chief Magistrate Judge Richard A. Lanzillo on May 30, 2023. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jbh) (Entered: 05/30/2023)   |
| 05/30/2023 | <a href="#">17</a> | <input type="checkbox"/> | NOTICE of Appearance by Scott A. Bradley on behalf of GEORGE LITTLE. (Bradley, Scott) (Entered: 05/30/2023)  |
| 06/06/2023 | <a href="#">18</a> | <input type="checkbox"/> | MOTION for Default Judgment against JOHN/JANE DOE, GEORGE LITTLE by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Envelope) (jd) (Entered: 06/07/2023)   |
| 06/06/2023 | <a href="#">19</a> | <input type="checkbox"/> | MOTION to Quash Motion for Service by Marshal and Judgment by Default by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Envelope) (jd) (Entered: 06/07/2023)  |
| 06/07/2023 | <a href="#">20</a> | <input type="checkbox"/> | ORDER denying <a href="#">18</a> Motion for Default Judgment. No entry of default has been placed on the docket. Signed by Chief Magistrate Judge Richard A. Lanzillo on June 7, 2023. (jbh) (Entered: 06/07/2023)   |
| 06/07/2023 | 21                 |                          | ORDER denying as moot <a href="#">19</a> Motion to Quash. Inasmuch as service of the complaint in this matter has been effectuated and the motion for default judgment has been denied, Plaintiff's motion to "quash" both of those motions is denied as moot. Signed by Chief Magistrate Judge Richard A. Lanzillo on June 7, 2023. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jbh) (Entered: 06/07/2023)   |
| 06/09/2023 | <a href="#">22</a> | <input type="checkbox"/> | MOTION for Leave to File Amended Complaint by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Envelope) (jd) (Entered: 06/09/2023)   |
| 06/09/2023 | 23                 |                          | ORDER denying <a href="#">22</a> Motion for Leave to File Amended Complaint without prejudice. The motion is denied because Plaintiff has failed to attach his proposed Amended Complaint. The Court of Appeals for the Third Circuit has a "longstanding amendment rule" that "to request leave to amend a complaint, the plaintiff must submit a draft amended complaint to the court so that it can determine whether amendment would be futile." <i>Fletcher-Harlee Corp., v. Pote Concrete Contractors, Inc.</i> , 482 F.3d 247 (3d Cir. 2007). The "failure to submit a draft amended complaint is fatal to a request for leave to amend." <i>Id.</i> (citing <i>Ranke v. SanofiSynthelabo, Inc.</i> , 436 F.3d 197, 206 (3d Cir. 2006); <i>Ramsgate Court Townhome Ass'n v. West Chester Borough</i> , 313 F.3d 157, 161 (3d Cir. 2002); <i>Lake v. Arnold</i> , 232 F.3d 360, 374 (3d Cir. 2000); <i>Kelly v. Del. River Joint Comm'n</i> , 187 F.2d 93, 95 (3d Cir. 1951)). "[A] district court need not worry about amendment when the plaintiff does not properly request it." <i>Fletcher-Harlee</i> , 482 F.3d at 252. In other words, properly requesting leave to amend a complaint requires submitting a draft amended complaint. <i>Id.</i> Here, Plaintiff did not attach a proposed amended complaint to his motion for leave |

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|            |                    |                          | to file an amended pleading. Under such circumstances and in light of the foregoing authority, Plaintiff did not properly request leave to file an amended complaint to assert § 1983 claims against newly identified defendants. Thus, to the extent plaintiff requested leave to amend the complaint, the request is denied without prejudice for not being properly filed. Signed by Chief Magistrate Judge Richard A. Lanzillo on June 9, 2023. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jbh) (Entered: 06/09/2023)   |
| 06/19/2023 | <a href="#">24</a> | <input type="checkbox"/> | MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM re <a href="#">11</a> Complaint by GEORGE LITTLE. (Attachments: # <a href="#">1</a> Exhibit Nos. 1-2, # <a href="#">2</a> Proposed Order) (Bradley, Scott) (Entered: 06/19/2023)   |
| 06/19/2023 | <a href="#">25</a> | <input type="checkbox"/> | BRIEF in Support re <a href="#">24</a> Motion to Dismiss for Failure to State a Claim filed by GEORGE LITTLE. (Bradley, Scott) (Entered: 06/19/2023)  |
| 06/26/2023 | <a href="#">26</a> | <input type="checkbox"/> | MOTION for Leave to File Amended Complaint re <a href="#">11</a> Complaint by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Proposed Amended Complaint, # <a href="#">2</a> Exhibit A, # <a href="#">3</a> Envelope) (jd) Modified text on 6/27/2023. (keh) (Entered: 06/26/2023)   |
| 06/29/2023 | <a href="#">27</a> | <input type="checkbox"/> | <b>ORDER.</b> Plaintiff's Motion for Leave to File Amended Complaint <a href="#">26</a> is GRANTED. The Clerk of Court is directed to file the Amended Complaint (ECF No. 26-1), which becomes the operative pleading herein. The Defendant's Motion to Dismiss <a href="#">24</a> is DENIED AS MOOT given the filing of the amended complaint. Signed by Chief Magistrate Judge Richard A. Lanzillo on June 29, 2023. (jbh) (Entered: 06/29/2023)  |
| 06/29/2023 | <a href="#">28</a> | <input type="checkbox"/> | <b>AMENDED COMPLAINT</b> against JAKE BEACH, GEORGE LITTLE GEORGE LITTLE answer due 7/13/2023, filed by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Exhibit A) (jd) (Entered: 06/29/2023)   |
| 07/05/2023 | <a href="#">29</a> | <input type="checkbox"/> | MOTION for Extension of Time to File Objections to <a href="#">24</a> Motion to Dismiss by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Envelope) (jd) (Entered: 07/05/2023)   |
| 07/05/2023 | 30                 |                          | ORDER denying as moot <a href="#">29</a> Plaintiff's Motion for Extension of Time to File Response/Reply to motion to dismiss. By order dated June 29, 2023, Plaintiff Derrick Butler was given leave to file an Amended Complaint. See ECF No. 27. His proposed Amended Complaint was docketed the same day. See ECF No. 28. At that time, Defendant George Litle's motion to dismiss was denied as moot. Thus, Plaintiff's request for an extension of time to respond to the motion to dismiss is likewise moot and denied accordingly.. Signed by Chief Magistrate Judge Richard A. Lanzillo on July 5, 2023. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jbh) (Entered: 07/05/2023) |
| 07/07/2023 | <a href="#">31</a> | <input type="checkbox"/> | NOTICE of Appearance by Scott A. Bradley on behalf of JAKE BEACH. (Bradley, Scott) (Entered: 07/07/2023)  |
| 07/13/2023 | <a href="#">32</a> | <input type="checkbox"/> | MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM re <a href="#">28</a> Amended Complaint by JAKE BEACH, GEORGE LITTLE. (Attachments: # <a href="#">1</a> Exhibit Nos. 1-2, # <a href="#">2</a> Proposed Order) (Bradley, Scott) (Entered: 07/13/2023)   |
| 07/13/2023 | <a href="#">33</a> | <input type="checkbox"/> | BRIEF in Support re <a href="#">32</a> Motion to Dismiss for Failure to State a Claim filed by JAKE BEACH, GEORGE LITTLE. (Bradley, Scott) (Entered: 07/13/2023)  |

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| 07/17/2023 | 34                 |                          | TEXT ORDER: In accordance with the case management system in place in this district, this case has been assigned to the undersigned for all pretrial matters. Therefore, it is ORDERED that on or before <b>7/31/2023</b> , the DEFENDANTS shall complete an election form either consenting to jurisdiction by the Magistrate Judge or electing to have a District Judge assigned to the case, and shall file the form with the Clerk's Office. A copy of the form can be found on this Court's website at: <a href="http://www.pawd.uscourts.gov/sites/pawd/files/Consent-to-Mag.pdf">http://www.pawd.uscourts.gov/sites/pawd/files/Consent-to-Mag.pdf</a> . Consent to Jurisdiction by Mag. Judge or electing to have a District Judge assigned due by 7/31/2023. Signed by Chief Magistrate Judge Richard A. Lanzillo on 7/17/2023. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (dlh) (Entered: 07/17/2023) |
| 07/31/2023 | <a href="#">35</a> | <input type="checkbox"/> | BRIEF in Opposition re <a href="#">32</a> Motion to Dismiss for Failure to State a Claim filed by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Envelope) (elt) (Entered: 07/31/2023)  |
| 08/09/2023 | 36                 |                          | <b>TEXT ORDER:</b> In accordance with the case management system in place in this district, this case has been assigned to the undersigned for all pretrial matters. Therefore, it is ORDERED that on or before <b>AUGUST 16, 2023</b> , <b>THE DEFENDANTS</b> shall complete an election form either consenting to jurisdiction by the Magistrate Judge or electing to have a District Judge assigned to the case, and shall file the form with the Clerk's Office. A copy of the form can be found on this Court's website at: <a href="http://www.pawd.uscourts.gov/sites/pawd/files/Consent-to-Mag.pdf">http://www.pawd.uscourts.gov/sites/pawd/files/Consent-to-Mag.pdf</a> . Signed by Chief Magistrate Judge Richard A. Lanzillo on August 9, 2023. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jbh) (Entered: 08/09/2023)  |
| 08/09/2023 | <a href="#">37</a> | <input type="checkbox"/> | CONSENT to Trial/Jurisdiction by US Magistrate Judge OR District Judge Option, by JAKE BEACH, GEORGE LITTLE. (Bradley, Scott) (Entered: 08/09/2023)   |
| 12/04/2023 | <a href="#">38</a> | <input type="checkbox"/> | MOTION for Appointment of Counsel by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Envelope) (keh) (Entered: 12/04/2023)  |
| 12/12/2023 | <a href="#">39</a> | <input type="checkbox"/> | ORDER denying, without prejudice, <a href="#">38</a> Plaintiff's Motion to Appoint Counsel. A printed copy of the Order was mailed to the Plaintiff at his address of record. Signed by Chief Magistrate Judge Richard A. Lanzillo on December 12, 2023. (jbh) (Entered: 12/12/2023)  |
| 02/06/2024 | <a href="#">40</a> | <input type="checkbox"/> | MEMORANDUM OPINION re <a href="#">32</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM re <a href="#">28</a> Amended Complaint filed by GEORGE LITTLE, JAKE BEACH. Signed by Chief Magistrate Judge Richard A. Lanzillo on 2/6/2024. (dlh) (Entered: 02/06/2024)   |
| 02/06/2024 | <a href="#">41</a> | <input type="checkbox"/> | ORDER For the reasons set forth in the Memorandum Opinion filed in this case, the Defendants' Motion to Dismiss [ECF No. <a href="#">32</a> ] is DENIED. Upon the filing of Defendants' Answer, a Case Management Order will issue. Answer Due on or before 2/20/2024. Signed by Chief Magistrate Judge Richard A. Lanzillo on 2/6/2024. (dlh) (Entered: 02/06/2024)  |
| 02/20/2024 | <a href="#">42</a> | <input type="checkbox"/> | NOTICE of Appearance by Dalia Aboraya on behalf of JAKE BEACH, GEORGE LITTLE. (Aboraya, Dalia) (Entered: 02/20/2024)  |



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| 02/20/2024 | <a href="#">43</a> | <input type="checkbox"/> | ANSWER to <a href="#">28</a> Amended Complaint by JAKE BEACH, GEORGE LITTLE. (Aboraya, Dalia) (Entered: 02/20/2024)   |
| 02/22/2024 | <a href="#">44</a> | <input type="checkbox"/> | CASE MANAGEMENT ORDER: Exchange of required Rule 26(a)(1) information due by 3/25/2024; Discovery due by 5/9/2024 Plaintiff Pretrial Statement due by 8/9/2024; Defendant Pretrial Statement due by 9/9/2024; Summary Judgment due by 6/10/2024; Response to Summary Judgment due by 7/10/2024. Signed by Chief Magistrate Judge Richard A. Lanzillo on 2/22/2024. (dlh) (Entered: 02/22/2024)  |
| 03/18/2024 | <a href="#">45</a> | <input type="checkbox"/> | MOTION for Leave to Serve Additional Discovery by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Envelope) (jd) (Entered: 03/18/2024)   |
| 03/25/2024 | <a href="#">46</a> | <input type="checkbox"/> | CERTIFICATE of Compliance re <a href="#">44</a> Case Management Order, by Dalia Aboraya on behalf of JAKE BEACH, GEORGE LITTLE (Aboraya, Dalia) (Entered: 03/25/2024)   |
| 04/10/2024 | <a href="#">47</a> | <input type="checkbox"/> | ORDER granting <a href="#">45</a> Plaintiff's Motion for Leave to Serve Additional Discovery. <u>A printed copy of this Order has been mailed this day to the Plaintiff in care of his address of record.</u> Signed by Chief Magistrate Judge Richard A. Lanzillo on April 10, 2024. (jbh) (Entered: 04/10/2024)   |
| 06/10/2024 | <a href="#">48</a> | <input type="checkbox"/> | MOTION for Extension of Time to File <i>MOTION FOR SUMMARY JUDGMENT</i> by JAKE BEACH, GEORGE LITTLE. (Attachments: # <a href="#">1</a> Proposed Order) (Aboraya, Dalia) (Entered: 06/10/2024)  |
| 06/11/2024 | <a href="#">49</a> |                          | ORDER granting <a href="#">48</a> Defendants' Motion for Extension of Time to File Motion for Summary Judgment. Accordingly, deadlines in this matter are reset as follows: Summary Judgment motions are now due by <u>July 25, 2024</u> ; Responses in Opposition to Summary Judgment are now due by <u>August 26, 2024</u> ; Plaintiff's Pretrial Statement is now due by <u>September 26, 2024</u> ; Defendants' Pretrial Statement is now due by <u>October 25, 2024</u> . Signed by Chief Magistrate Judge Richard A. Lanzillo on June 11, 2024. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jbh) (Entered: 06/11/2024) |
| 07/24/2024 | <a href="#">50</a> | <input type="checkbox"/> | MOTION for Summary Judgment by JAKE BEACH, GEORGE LITTLE. (Attachments: # <a href="#">1</a> Proposed Order) (Aboraya, Dalia) (Entered: 07/24/2024)  |
| 07/24/2024 | <a href="#">51</a> | <input type="checkbox"/> | BRIEF in Support re <a href="#">50</a> Motion for Summary Judgment filed by JAKE BEACH, GEORGE LITTLE. (Aboraya, Dalia) (Entered: 07/24/2024)   |
| 07/24/2024 | <a href="#">52</a> | <input type="checkbox"/> | CONCISE STATEMENT OF MATERIAL FACTS re <a href="#">50</a> Motion for Summary Judgment by JAKE BEACH, GEORGE LITTLE. (Aboraya, Dalia) Modified text on 7/25/2024 to correct document linkage. (kss) (Entered: 07/24/2024)  |
| 07/24/2024 | <a href="#">53</a> | <input type="checkbox"/> | Appendix to <a href="#">52</a> Concise Statement of Material Facts by JAKE BEACH, GEORGE LITTLE. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7, # <a href="#">8</a> Exhibit 8) (Aboraya, Dalia) (Entered: 07/24/2024)   |
| 07/25/2024 |                    |                          | CLERK'S OFFICE QUALITY CONTROL MESSAGE re <a href="#">52</a> Concise Statement of Material Facts. ERROR: Document incorrectly linked. CORRECTION: Linked to appropriate document. This message is for informational purposes only. (kss) (Entered: 07/25/2024)  |
| 08/02/2024 | <a href="#">54</a> | <input type="checkbox"/> | ORDER Response/Briefing Schedule re <a href="#">50</a> Motion for Summary Judgment. Responses due by 8/26/2024. Signed by Chief Magistrate Judge Richard A.   |

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|            |                    |                          | Lanzillo on 8/2/2024. (Attachments: # <a href="#">1</a> Local Rule 56(C), # <a href="#">2</a> Fed. R. Civ. P. 56) (dlh) (Entered: 08/02/2024)   |
| 08/12/2024 | <a href="#">55</a> | <input type="checkbox"/> | RESPONSE IN OPPOSITION to <a href="#">52</a> Concise Statement of Material Facts, filed by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Envelope) (jd) (Entered: 08/13/2024)   |
| 08/14/2024 | <a href="#">56</a> | <input type="checkbox"/> | BRIEF in Opposition re <a href="#">50</a> Motion for Summary Judgment filed by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Appendix, # <a href="#">2</a> Envelope) (cel) (Entered: 08/15/2024)  |
| 08/19/2024 | <a href="#">57</a> | <input type="checkbox"/> | RESPONSE IN OPPOSITION to <a href="#">50</a> Motion for Summary Judgment, filed by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Affidavit, # <a href="#">2</a> Envelope) (jd) (Entered: 08/19/2024)  |
| 08/19/2024 | <a href="#">58</a> | <input type="checkbox"/> | RESPONSE IN OPPOSITION to <a href="#">52</a> Concise Statement of Material Facts, filed by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Envelope) (jd) (Entered: 08/19/2024)   |
| 01/29/2025 | <a href="#">59</a> | <input type="checkbox"/> | MEMORANDUM OPINION re <a href="#">50</a> Defendant George Little and Jack Beach's MOTION for Summary Judgment. A judgment order pursuant to Federal Rule of Civil Procedure 58 will be issued separately. <u>A printed copy of this Memorandum Opinion has been mailed to the Plaintiff in care of his address of record.</u> Signed by Chief Magistrate Judge Richard A. Lanzillo on January 29, 2025. (jbh) (Entered: 01/29/2025)   |
| 01/29/2025 | <a href="#">60</a> | <input type="checkbox"/> | <b>ORDER</b> granting in part and denying in part <a href="#">50</a> Defendants' Motion for Summary Judgment. The motion is GRANTED as to all claims against Defendant Little and judgment pursuant to Federal Rule of Civil Procedure 58 is entered on his behalf. The Clerk of Court is directed to terminate Defendant Little as a defendant on the docket. The motion is GRANTED as to Plaintiff's compensatory damages claim against Defendant Beach. The Plaintiff's claim for compensatory damages is DISMISSED. The motion is DENIED as to Plaintiff's claim for punitive damages against Defendant Beach. A scheduling order will be issued separately to advance this case to trial. <u>A printed copy of this text entry and the accompanying order have been mailed this day to the Plaintiff at his address of record.</u> Signed by Chief Magistrate Judge Richard A. Lanzillo on January 29, 2025. (jbh) (Entered: 01/29/2025) |
| 01/29/2025 | 61                 |                          | ORDER. A Status Conference is hereby scheduled for <b>February 12, 2025, at 9:30 AM by Telephone</b> before Chief Magistrate Judge Richard A. Lanzillo. Counsel for the Defendants is directed to coordinate with the appropriate correctional institution to ensure the Plaintiff's participation on the call. Instructions for accessing the Court's telephone conference system will be emailed separately. <u>A printed copy of this text order has been mailed this day to the Plaintiff at his address of record.</u> Signed by Chief Magistrate Judge Richard A. Lanzillo on January 29, 2025. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jbh) (Entered: 01/29/2025)   |
| 02/10/2025 | <a href="#">62</a> | <input type="checkbox"/> | MOTION Mediation Session by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Envelope) (jd) (Entered: 02/10/2025)  |
| 02/12/2025 | <a href="#">63</a> | <input type="checkbox"/> | Minute Entry and Order for Proceedings held before Magistrate Judge Richard A. Lanzillo: Telephonic Status Conference held on 2/12/2025. During the telephonic conference, the Court denied, without prejudice <a href="#">62</a> Plaintiff's Motion for a Mediation/Settlement Conference; and denied without prejudice Plaintiff's motion for appointment of counsel. The Parties were directed to  |

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|            |                    |                          | exchange correspondence concerning the potential settlement of this matter. The Court will issue a pre-trial scheduling order in due course. <u>A printed copy of this text entry and the accompanying Minute Entry were mailed to the Plaintiff this day in care of his address of record.</u> (Court Reporter Janis L. Ferguson.) (jbh) (Entered: 02/12/2025)  |
| 02/14/2025 | <a href="#">64</a> | <input type="checkbox"/> | PRETRIAL ORDER: Jury selection is set for Monday, October 20, 2025 at 9:30 a.m. in Courtroom B; The trial shall begin on October 20, 2025, immediately following jury selection; Plaintiff shall file a Pretrial Narrative Statement no later than July 21, 2025; Defendants shall file a Pretrial Narrative Statement no later than August 4, 2025; A final pretrial conference shall be held Friday, October 17, 2025 at 9:30 a.m. in Courtroom B, United States Courthouse, 17 South Park Row, Erie, Pennsylvania. Signed by Chief Magistrate Judge Richard A. Lanzillo on 2/14/2025. (dlh) (Entered: 02/14/2025)   |
| 03/13/2025 | 65                 |                          | STATUS REPORT ORDER. As directed during the prior status conference, Counsel for the Defendants is ordered to file a Written Status Report updating the Court on any progress made toward settlement of this matter. The Status Report is due by 4/14/2025. <u>A printed copy of this Order has been mailed this day to the Plaintiff at his address of record.</u> Signed by Chief Magistrate Judge Richard A. Lanzillo on March 13, 2025. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jbh) (Entered: 03/13/2025)  |
| 04/14/2025 | <a href="#">66</a> | <input type="checkbox"/> | STATUS REPORT by JAKE BEACH. (Aboraya, Dalia) (Entered: 04/14/2025)  |
| 04/18/2025 | <a href="#">67</a> | <input type="checkbox"/> | MOTION in Limine by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Envelope) (keh) (Entered: 04/18/2025)  |
| 04/21/2025 | <a href="#">68</a> | <input type="checkbox"/> | MOTION to Compel DISCOVERY by DERRICK BUTLER. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Envelope) (jd) (Entered: 04/21/2025)  |
| 04/25/2025 | 69                 |                          | ORDER re <a href="#">67</a> Motion in Limine filed by DERRICK BUTLER, <a href="#">68</a> Motion to Compel filed by DERRICK BUTLER. A Motion Hearing is hereby set for 5/7/2025 at 9:00 AM in a Telephone Conference before Chief Magistrate Judge Richard A. Lanzillo. Counsel for the Defendant is directed to coordinate with the appropriate correctional institution to ensure the Plaintiff's participation on the telephone call. Instructions for accessing the Court's conference call system will be emailed separately. A printed copy of this Order has been mailed today to the Plaintiff in care of his address of record. Signed by Chief Magistrate Judge Richard A. Lanzillo on y. Text-only entry; no PDF document will be issued. This text-only entry constitutes the Order of the Court or Notice on the matter. (jbh) (Entered: 04/25/2025) |
| 05/07/2025 | <a href="#">70</a> | <input type="checkbox"/> | Minute Entry for proceedings held before Magistrate Judge Richard A. Lanzillo: Telephonic Status Conference held on 5/7/2025, Motion Hearing held on 5/7/2025 re <a href="#">67</a> MOTION in Limine filed by DERRICK BUTLER, <a href="#">68</a> MOTION to Compel DISCOVERY filed by DERRICK BUTLER. Orders on the pending motions will be entered separately. A printed copy of this text entry and the accompanying Minute Entry were mailed to the Plaintiff at his address of record. (Court Reporter: Janis L. Ferguson) (jbh) (Entered: 05/07/2025)  |
| 05/07/2025 | 71                 |                          | ORDER granting <a href="#">67</a> Plaintiff's Motion in Limine. For reasons stated on the record at the motion hearing conducted today, the motion is granted as follows: the motion is granted to the extent the Defendant will not be  |



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|            |                    |                          | permitted to offer evidence or argue that the Plaintiff did not sustain a physical injury as a result of not receiving notice of his rejected mail for purposes of showing that the Plaintiff is not entitled to the recovery of compensatory damages. However, the lack of harm in general may be properly considered by the jury, and the Court will permit the Defendant to so argue and will provide the jury with an instruction to that effect. Further, the motion is granted to the extent that the Defendant will be prohibited from commenting on the Plaintiff's criminal conviction or his disciplinary record. <u>A printed copy of this Order has been mailed to the Plaintiff in care of his address of record.</u> Signed by Chief Magistrate Judge Richard A. Lanzillo on May 7, 2025. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jbh) (Entered: 05/07/2025) |
| 05/07/2025 | 72                 |                          | ORDER denying <a href="#">68</a> Plaintiff's Motion to Compel Production of Documents. As explained on the record at the hearing conducted in this matter this morning, the Plaintiff's motion is denied. The Plaintiff's motion is untimely and implicates certain privacy concerns. <u>A printed copy this text Order has been mailed to the Plaintiff at his address of record.</u> Signed by Chief Magistrate Judge Richard A. Lanzillo on May 7, 2025. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jbh) (Entered: 05/07/2025)   |
| 05/07/2025 | <a href="#">73</a> | <input type="checkbox"/> | ORDER ENTERED directing that pursuant to 28 USC 1915(e)(1) and the court order of 3/24/1999 at Misc. 99-95, the Clerk of Court is directed to request a lawyer to consider entering an appearance on behalf of the plaintiff. This case will be administratively closed pending the completion of the search for counsel. Signed by Chief Magistrate Judge Richard A. Lanzillo on 5/7/2025. (dlh) (Entered: 05/07/2025)   |

or