

APPEAL

U.S. District Court
District of New Mexico - Version 4.0.3 (Albuquerque)
CIVIL DOCKET FOR CASE #: 1:08-cv-01041-MCA-LFG

Doe v. City of Albuquerque	Date Filed: 11/06/2008
Assigned to: District Judge M. Christina Armijo	Date Terminated: 03/31/2010
Referred to: Magistrate Judge Lorenzo F. Garcia	Jury Demand: None
Case in other court: Tenth Circuit Court of Appeals, 10-02102	Nature of Suit: 440 Civil
Second Judicial District Court, CV 08-10657	Rights: Other
Cause: 28:1441 Petition for Removal- Civil Rights Act	Jurisdiction: Federal Question

Plaintiff**John Doe**represented by **Brendan K. Egan**

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Date Filed	#	Docket Text
11/06/2008	<u>1</u>	NOTICE OF REMOVAL by Albuquerque, City of from Second Judicial District Court, case number CV 2008-10657. (Filing Fee - Deliver Payment), filed by Albuquerque, City of. (Attachments: # <u>1</u> Exhibit Exhibit A - Complaint)(Wheeler, Gregory) (Entered: 11/06/2008)
11/06/2008	<u>2</u>	NOTICE by Albuquerque, City of <i>Notice of Filing of State Court Record</i> (Attachments: # <u>1</u> Exhibit State Court Record, # <u>2</u> Exhibit Civil Cover Sheet)(Wheeler, Gregory) (Entered: 11/06/2008)
11/06/2008	<u>3</u>	MOTION to Dismiss <i>and Consolidated Memorandum</i> by Albuquerque, City of. (Wheeler, Gregory) (Entered: 11/06/2008)
11/06/2008		Magistrate Judge Lourdes A. Martinez and Magistrate Judge Lorenzo F. Garcia assigned. (nm) (Entered: 11/06/2008)
11/06/2008	<u>4</u>	Letter re: Consent to Proceed before a US Magistrate Judge (nm) (Entered: 11/06/2008)
11/07/2008	<u>5</u>	NOTICE of Refusal to Proceed Before US Magistrate Judge by John Doe (Bach, George) (Entered: 11/07/2008)
11/07/2008	<u>6</u>	Filing fee: \$ 350.00, receipt number 5384 (nm) (Entered: 11/07/2008)
11/10/2008	<u>7</u>	MINUTE ORDER by Matthew J. Dykman, District Judge M. Christina Armijo added Magistrate Judge Lourdes A. Martinez no longer assigned to case. (ctd) (Entered: 11/10/2008)
11/17/2008	<u>8</u>	Unopposed MOTION for Protective Order by John Doe. (Bach, George) (Entered: 11/17/2008)

11/20/2008	9	RESPONSE in Opposition re 3 MOTION to Dismiss <i>and Consolidated Memorandum</i> filed by John Doe. (Bach, George) (Entered: 11/20/2008)
11/26/2008	10	ORDER by Magistrate Judge Lorenzo F. Garcia granting 8 Motion for Protective Order Permitting Plaintiff to Proceed Under Pseudonym (lmg) (Entered: 11/26/2008)
12/01/2008	11	INITIAL SCHEDULING ORDER by Chief Magistrate Judge Lorenzo F. Garcia. Joint Status Report due by 1/12/09. Scheduling Conference set for 1/15/09 at 9:00. (clm) (Entered: 12/01/2008)
12/03/2008	12	REPLY to Response to Motion re 3 MOTION to Dismiss <i>and Consolidated Memorandum</i> filed by City of Albuquerque. (Wheeler, Gregory) (Entered: 12/03/2008)
12/09/2008	13	NOTICE of Briefing Complete by City of Albuquerque re 3 MOTION to Dismiss <i>and Consolidated Memorandum</i> filed by City of Albuquerque (Wheeler, Gregory) (Entered: 12/09/2008)
12/12/2008	14	NOTICE by John Doe of UNAVAILABILITY of counsel from December 26, 2008 through January 2, 2009 (Bach, George) Modified dates on 12/16/2008 (ln). (Entered: 12/12/2008)
01/05/2009	15	CERTIFICATE OF SERVICE by John Doe of <i>Initial Disclosures pursuant to Fed.R.Civ.P. 26(a)(1)</i> (Egan, Brendan) (Entered: 01/05/2009)
01/15/2009	18	CLERK'S MINUTES. Scheduling Conference conducted by Chief Magistrate Judge Lorenzo F. Garcia on 1/15/09 at 9:00. (clm) (Entered: 01/15/2009)
01/15/2009	19	SCHEDULING ORDER by Chief Magistrate Judge Lorenzo F. Garcia. Discovery 4/15/09; Discovery Motions 5/5/09; Pretrial Motions 5/15/09. (clm) (Entered: 01/15/2009)

01/15/2009	20	ORDER ADOPTING JOINT STATUS REPORT and Provisional Discovery Plan 16 by Chief Magistrate Judge Lorenzo F. Garcia. (clm) (Entered: 01/15/2009)
01/15/2009	21	CERTIFICATE OF SERVICE by John Doe <i>First Set of Interrogatories and Requests for Production to Defendant City of Albuquerque</i> (Egan, Brendan) (Entered: 01/15/2009)
02/13/2009	24	STIPULATED PROTECTIVE ORDER 22 by Chief Magistrate Judge Lorenzo F. Garcia. (clm) (Entered: 02/13/2009)
02/26/2009	25	CERTIFICATE OF SERVICE by John Doe <i>of Second Set of Interrogatories and First Set of Requests for Admission</i> (Egan, Brendan) (Entered: 02/26/2009)
03/03/2009	26	NOTICE of Hearing: Tel. Status Conference set for 3/18/09 at 10:00 before Chief Magistrate Judge Lorenzo F. Garcia. The Court will initiate the call. (clm) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 03/03/2009)
03/11/2009	27	NOTICE of Hearing: Tel. Status Conference REset for 3:00 on 3/18/09 before Chief Magistrate Judge Lorenzo F. Garcia. (clm) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 03/11/2009)
03/11/2009	28	2nd NOTICE Resetting Hearing: Tel. Status Conference re-set for 3/19/09 at 2:00 before Chief Magistrate Judge Lorenzo F. Garcia. (clm) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 03/11/2009)
03/13/2009	30	CERTIFICATE OF SERVICE by John Doe <i>of Plaintiff John Doe's Third Set of Interrogatories to Defendant City of Albuquerque</i> (Egan, Brendan) (Entered: 03/13/2009)
03/19/2009	31	DOCUMENT FILED IN ERROR 3rd NOTICE Re-

		Setting Hearing:(clm) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] Modified on 3/19/2009 (kd). (Entered: 03/19/2009)
03/20/2009	<u>32</u>	Clerk's Minutes for telephonic status conference held before Chief Magistrate Judge Lorenzo F. Garcia on 3/19/2009. (mw) (Entered: 03/20/2009)
04/06/2009	<u>35</u>	CERTIFICATE OF SERVICE by John Doe <i>Answers and Responses to Defendant's First Set of Interrogatories and Requests for Production</i> (Egan, Brendan) (Entered: 04/06/2009)
04/10/2009	<u>36</u>	STIPULATION of Dismissal of <i>Counts III and VII in the Complaint for Injunctive and Declaratory Relief</i> by John Doe (Egan, Brendan) (Entered: 04/10/2009)
04/12/2009	<u>37</u>	NOTICE by John Doe of <i>Unavailability of Counsel</i> from May 21, 2009-June 2, 2009 (Bach, George) Modified/inserted on 4/13/2009 (ln). (Entered: 04/12/2009)
05/04/2009	<u>38</u>	NOTICE by John Doe of <i>Unavailability of Counsel</i> May 28 and May 29, 2009 (Egan, Brendan) Modified/inserted unavailable dates on 5/5/2009 (ln). (Entered: 05/04/2009)
05/05/2009	<u>40</u>	PROTECTIVE ORDER 39 by Chief Magistrate Judge Lorenzo F. Garcia. (clm) (Entered: 05/05/2009)
05/07/2009	<u>41</u>	Unopposed MOTION for Leave to File Excess Pages for <i>Plaintiff's forthcoming Memorandum in Support of his Motion for Summary Judgment</i> by John Doe. (Egan, Brendan) (Entered: 05/07/2009)
05/08/2009	<u>42</u>	ORDER by District Judge M. Christina Armijo granting <i>41 Unopposed Motion to Exceed Page Limitations</i> . (jab) (Entered: 05/08/2009)
05/15/2009	<u>43</u>	Opposed MOTION for Summary Judgment by John Doe.

		(Egan, Brendan) (Entered: 05/15/2009)
05/22/2009	<u>46</u>	ORDER by District Judge M. Christina Armijo Granting <u>45</u> City's <i>Unopposed Motion to Extend Deadline and Page Limit Regarding City's Forthcoming Response to Plaintiff's Motion for Summary Judgment</i> . Responses due by 6/29/2009 [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.](jab) (Entered: 05/22/2009)
07/02/2009	<u>48</u>	NOTICE by John Doe of <i>Agreed Extension of Time to File Reply in Support of Motion for Summary Judgment</i> (Egan, Brendan) (Entered: 07/02/2009)
07/10/2009	<u>49</u>	Unopposed MOTION for Leave to File Excess Pages in <i>Plaintiff's forthcoming Reply in Support of Motion for Summary Judgment</i> by John Doe. (Egan, Brendan) (Entered: 07/10/2009)
07/14/2009	<u>50</u>	ORDER by District Judge M. Christina Armijo granting <u>49</u> <i>Unopposed Motion to Exceed Page Limitations</i> [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.](jab) (Entered: 07/14/2009)
07/16/2009	<u>52</u>	NOTICE of Briefing Complete by John Doe re <u>43</u> <i>Opposed MOTION for Summary Judgment</i> filed by John Doe (Egan, Brendan) (Entered: 07/16/2009)
07/22/2009	<u>53</u>	MINUTE ORDER SCHEDULING BENCH TRIAL by District Judge M. Christina Armijo: Proposed Pretrial Order is due by 2/9/2010. Bench Trial is hereby set for 3/8/2010 09:00 AM in Albuquerque - 480 Chama Courtroom before District Judge M. Christina Armijo. Call of the Calendar is hereby set for 3/4/2010 09:00 AM in Albuquerque - 480 Chama Courtroom before District

		Judge M. Christina Armijo. Pretrial Conference is hereby set for 2/2/2010 09:00 AM in Albuquerque - 480 Chama Courtroom before District Judge M. Christina Armijo. (Attachments: # 1 Trial Prep Instructions)(jc) (Entered: 07/22/2009)
07/28/2009	<u>54</u>	Unopposed MOTION to Continue <i>Trial Setting as Set Forth in the Court's Minute Order Scheduling Bench Trial (Doc. 53, entered July 22, 2009)</i> by John Doe. (Egan, Brendan) (Entered: 07/28/2009)
07/29/2009	<u>55</u>	ORDER by District Judge M. Christina Armijo granting <u>54 Unopposed Motion to Continue Trial Setting</u> (jab) (Entered: 07/29/2009)
08/13/2009	<u>56</u>	MINUTE ORDER SCHEDULING BENCH TRIAL by District Judge M. Christina Armijo: Proposed Pretrial Order is due by 4/13/2010. Bench Trial is hereby set for 5/10/2010 09:00 AM in Albuquerque - 480 Chama Courtroom before District Judge M. Christina Armijo. Call of the Calendar is hereby set for 5/6/2010 09:00 AM in Albuquerque - 480 Chama Courtroom before District Judge M. Christina Armijo. Pretrial Conference is hereby set for 4/6/2010 09:00 AM in Albuquerque - 480 Chama Courtroom before District Judge M. Christina Armijo. (Attachments: # 1 Trial Prep Instructions)(jc) (Entered: 08/13/2009)
09/30/2009	<u>57</u>	MEMORANDUM OPINION AND ORDER by District Judge M. Christina Armijo Denying <i>Defendant City of Albuquerque's Motion and Consolidated Memorandum to Dismiss.</i> (jab) (Entered: 09/30/2009)
11/20/2009	<u>58</u>	NOTICE of Change of Address by George L Bach, Jr (Bach, George) (Entered: 11/20/2009)
01/27/2010	<u>59</u>	NOTICE of Appearance by Laura Schauer Ives on behalf

		of John Doe (Ives, Laura) (Entered: 01/27/2010)
03/17/2010	<u>60</u>	NOTICE of Change of Address by Brendan Egan (Egan, Brendan) (Entered: 03/17/2010)
03/31/2010	<u>61</u>	MINUTE ORDER at the direction of District Judge M. Christina Armijo: Pretrial Conference is HEREBY RESET for 4/7/2010 at 09:00 AM in Albuquerque - 480 Chama Courtroom before District Judge M. Christina Armijo. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.](cbe) (Entered: 03/31/2010)
03/31/2010	<u>62</u>	ORDER by District Judge M. Christina Armijo granting <u>43</u> Motion for Summary Judgment (cbe) Modified document type on 4/16/2010 (rw). (Entered: 04/01/2010)
03/31/2010	<u>63</u>	JUDGMENT by District Judge M. Christina Armijo in favor of Plaintiff against Defendant (cbe) (Entered: 04/01/2010)
04/14/2010	<u>64</u>	NOTICE of Appearance by John C. Bienvenu on behalf of John Doe (Bienvenu, John) (Entered: 04/14/2010)
04/15/2010	<u>65</u>	NOTICE of Appearance by Philip B. Davis on behalf of John Doe (Davis, Philip) (Entered: 04/15/2010)
04/19/2010	<u>66</u>	Unopposed MOTION for Extension of Time to File <i>PLAINTIFFS MOTION FOR ATTORNEYS FEES AND EXPENSES AND PLAINTIFFS BILL OF COSTS</i> by John Doe. (Davis, Philip) (Entered: 04/19/2010)
04/20/2010	<u>67</u>	ORDER by District Judge M. Christina Armijo Granting <i>66 Plaintiff's Unopposed Motion to Stay Proceedings Relating to Plaintiff's Motion for Attorneys' Fees and Expenses and Plaintiff's Bill of Costs</i> (jab) (Entered: 04/20/2010)
04/28/2010	<u>68</u>	NOTICE OF APPEAL as to <u>62</u> Order on Motion for Summary Judgment, <u>63</u> Judgment, <u>57</u> Memorandum Opinion and Order by City of Albuquerque. (Filing Fee -

		Deliver Payment) (Wheeler, Gregory) (Entered: 04/28/2010)
04/28/2010	<u>69</u>	Transmission of Preliminary Record for Notice of Appeal to US Court of Appeals re <u>68</u> (pg) (Entered: 04/28/2010)
04/28/2010	<u>70</u>	USCA Case Number 10-2102 for 68 Notice of Appeal filed by City of Albuquerque. (pg) (Entered: 04/28/2010)
04/29/2010	<u>71</u>	USCA Appeal Fees received \$ 455 receipt number Alb 11586 re 68 Notice of Appeal filed by City of Albuquerque (pg) (Entered: 04/29/2010)

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05/12/2010 10:08:30			
PACER Login:	ca2301	Client Code:	
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Billable Pages:	4	Cost:	0.32