

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:15-cv-00831-bbc**

Jones, Christopher v. Nelson, Andrea et al
Assigned to: District Judge Barbara B. Crabb
Referred to: Magistrate Judge Stephen L. Crocker
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 12/28/2015
Date Terminated: 07/24/2017
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Christopher Jones

represented by **Christopher Jones**
#528671
Jackson Correctional Institution
N6500 Haipek Rd.
P.O. Box 233
Black River Falls, WI 54615-0232
PRO SE

V.

Defendant

Andrea Nelson

represented by **Corey Francis Finkelmeyer**
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707
(608) 266-7342
Fax: (608) 267-8906
Email: federalorderscl@doj.state.wi.us
TERMINATED: 05/23/2016
LEAD ATTORNEY

Monica A. Burkert – Brist
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707
608-266-1795
Fax: 608-267-8906
Email: burkert-bristm@doj.state.wi.us
ATTORNEY TO BE NOTICED

Defendant

John Doe
*unknown Restrictive Housing Unit Staff
at Columbia Corr. Inst.*

represented by **Monica A. Burkert – Brist**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Dr. Baird

represented by **Monica A. Burkert – Brist**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

C/O Br. Neumaier

represented by **Monica A. Burkert – Brist**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

C/O Millard

represented by **Monica A. Burkert – Brist**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

C/O Howell

represented by **Monica A. Burkert – Brist**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

C/O Veiter

represented by **Monica A. Burkert – Brist**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/28/2015	<u>1</u>	COMPLAINT against All Defendants, filed by Christopher Jones. (Case randomly assigned to District Judge Barbara B. Crabb.) (Attachments: # <u>1</u> Envelope) (jef) (Entered: 12/29/2015)
12/28/2015	<u>2</u>	Motion for Leave to Proceed in forma pauperis by Plaintiff Christopher Jones. (jef),(ps) (Entered: 12/29/2015)
12/29/2015	<u>3</u>	ORDER on ifp request: Initial partial filing fee of \$ 36.25 assessed. Initial partial filing fee due 1/20/2016. Signed by Magistrate Judge Peter A. Oppeneer on 12/29/2015. (jef),(ps) (Entered: 12/29/2015)
01/11/2016		Partial Filing fee received : \$ 36.25, receipt number 34690024966 (elc),(ps) (Entered: 01/11/2016)
01/11/2016	<u>4</u>	Warden PLRA Letter. (elc),(ps) (Entered: 01/11/2016)
02/22/2016	<u>5</u>	ORDER on Leave to Proceed: Plaintiff granted leave to proceed against Defendants Andrea Nelson and John Doe. Materials delivered to DOJ for acceptance of service. Signed by District Judge Barbara B. Crabb on 2/22/2016. (elc),(ps) (Entered: 02/22/2016)
03/07/2016	<u>6</u>	Notice of Appearance (<i>Special Appearance for Identification of Doe Defendant</i>) filed by Monica A. Burkert – Brist for Defendant John Doe. (Attachments: # <u>1</u> Certificate of Service) (Burkert – Brist, Monica),(ps) (Entered: 03/07/2016)
03/21/2016	<u>7</u>	ORDER Directing USMS to Serve Complaint on defendant Andrea Nelson. Signed by Magistrate Judge Peter A. Oppeneer on 3/21/2016. (jef),(ps) (Entered: 03/21/2016)
03/22/2016	<u>8</u>	Summons Issued as to Andrea Nelson. Forwarded to USMS for service. (nlm),(ps) (Entered: 03/22/2016)
03/31/2016	<u>9</u>	Notice Regarding Identification of John Doe Defendant and Filing of Answer, (Attachments: # <u>1</u> Certificate of Service) (Burkert – Brist, Monica),(ps) Modified on 4/1/2016. (lak) (Entered: 03/31/2016)
05/05/2016	<u>10</u>	Marshal Service Return Executed. Andrea Nelson served on 5/3/2016. (jef),(ps) (Entered: 05/05/2016)
05/23/2016	<u>11</u>	Notice of Appearance filed by Monica A. Burkert – Brist for Defendant Andrea Nelson. (Attachments: # <u>1</u> Certificate of Service) (Burkert – Brist, Monica),(ps) (Entered: 05/23/2016)
05/23/2016	<u>12</u>	ANSWER by Defendant Andrea Nelson. (Burkert – Brist, Monica),(ps) (Entered: 05/23/2016)
05/23/2016		Set Telephone Pretrial Conference: Telephone Pretrial Conference set for 6/15/2016 at 01:00 PM before Magistrate Judge Stephen L. Crocker. Counsel for Defendant responsible for setting up the call to chambers at (608) 264-5153. [<u>Notice Regarding the Telephone Preliminary Pretrial Conference</u> attached] (nlm),(ps) (Entered: 05/23/2016)

		05/23/2016)
06/15/2016		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference – Pro Se held on 6/15/2016 [:20] (cak),(ps) (Entered: 06/15/2016)
06/17/2016	<u>13</u>	Pretrial Conference Order – Amended Complaint Naming Doe Defendants due 8/30/2016. Answer to Amended Complaint due 9/21/2016. Dispositive Motions for Failure to Exhaust Administrative Remedies due 9/23/2016. Dispositive Motions due 2/10/2017. Motions in Limine due 8/4/2017. Response to Motions due 8/18/2017. Final Pretrial Conference set for 8/28/2017 at 08:30 AM. Jury Selection and Trial set for 8/28/2017 at 09:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 6/16/2016. (elc),(ps) (Entered: 06/17/2016)
07/15/2016	<u>14</u>	Response to Discovery Request from Andrea Nelson by Defendant Andrea Nelson. (Burkert – Brist, Monica),(ps) (Entered: 07/15/2016)
08/01/2016	<u>15</u>	Motion to Amend <u>1</u> Complaint by Plaintiff Christopher Jones. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 08/01/2016)
08/01/2016	<u>16</u>	AMENDED COMPLAINT by Plaintiff Christopher Jones. (elc),(ps) Modified text on 10/21/2016. (jef). (Entered: 08/01/2016)
08/01/2016	<u>17</u>	Affidavit of Christopher Jones re: <u>15</u> Motion to Amend Complaint (Attachments: # <u>1</u> Exhibits (Date of Birth redacted)) (elc),(ps) (Entered: 08/01/2016)
08/01/2016		Set Deadlines as to <u>15</u> Motion to Amend Complaint. Defendant's Brief in Opposition due 8/15/2016. Plaintiff's Brief in Reply due 8/22/2016. (elc),(ps) (Entered: 08/01/2016)
08/25/2016	<u>18</u>	Letter Stating No Reply to be Filed and requesting ruling by Plaintiff Christopher Jones re: <u>16</u> Proposed Amended Complaint <u>15</u> Motion to Amend Complaint filed by Christopher Jones. (Attachments: # <u>1</u> Envelope) (elc),(ps) (Entered: 08/25/2016)
09/20/2016	<u>19</u>	Motion for Screening of Complaint by Defendants John Doe, Andrea Nelson, (Attachments: # <u>1</u> Certificate of Service) (Burkert – Brist, Monica),(ps) Modified on 9/21/2016 (lak). (Entered: 09/20/2016)
09/23/2016	<u>20</u>	Motion to Stay <i>Dispositive Motion Deadline as to Exhaustion Defenses</i> by Defendant Andrea Nelson. (Attachments: # <u>1</u> Certificate of Service) (Burkert – Brist, Monica),(ps) (Entered: 09/23/2016)
10/21/2016	<u>21</u>	ORDER granting <u>15</u> Motion to Amend Complaint; granting <u>19</u> Motion for Screening of Complaint; denying as moot <u>20</u> Motion to Stay. Plaintiff granted leave to proceed against defendants Nelson, Neumaier, Millard, Howell, Veiter and Baird. The Wisconsin Department of Justice may have until October 31, 2016 to inform the court whether it will accept service of plaintiff's amended complaint on behalf of defendants Br. Neumaier, Millard, Howell, Veiter and Baird. If the Department accepts service for defendants Neumaier, Millard, Howell, Veiter and Baird, these defendants may have until November 14, 2016 to file and serve their answers. Defendants are free to file a motion for summary judgment on exhaustion grounds at any time before the February 10, 2017 deadline for all dispositive motions. Signed by District Judge Barbara B. Crabb on 10/21/2016. (jef),(ps) (Entered: 10/21/2016)
11/04/2016	<u>22</u>	ANSWER by Defendant Andrea Nelson, (Attachments: # <u>1</u> Certificate of Service) (Burkert – Brist, Monica),(ps) (Entered: 11/04/2016)
11/04/2016	<u>23</u>	Acceptance of Service by DOJ on behalf of Defendants Baird, Howell, Millard, Andrea Nelson, Br. Neumaier, Veiter. Service not accepted on behalf of Andrea Nelson, Brian Neumaier, Lesley Chapin, Jeremiah Millard, Andrew Howell and Jonathan Vetter, (Attachments: # <u>1</u> Certificate of Service) (Burkert – Brist, Monica),(ps) (Entered: 11/04/2016)

11/14/2016	<u>24</u>	ANSWER by Defendants Baird, Howell, Millard, Br. Neumaier, Veiter, (Attachments: # <u>1</u> Certificate of Service) (Burkert – Brist, Monica),(ps) (Entered: 11/14/2016)
01/27/2017	<u>25</u>	Expert Witness Disclosures (Captioned Expert Report) by Defendants Baird, Howell, Millard, Andrea Nelson, Br. Neumaier, Veiter, (Attachments: # <u>1</u> Certificate of Service) (Burkert – Brist, Monica),(ps) Modified on 1/29/2017. (lak) (Entered: 01/27/2017)
02/03/2017	<u>26</u>	MOTION FOR SUMMARY JUDGMENT <i>On Exhaustion Grounds</i> by Defendants Baird, Howell, Millard, Andrea Nelson, Br. Neumaier, Veiter, (Attachments: # <u>1</u> Certificate of Service) (Burkert – Brist, Monica),(ps) (Entered: 02/03/2017)
02/03/2017	<u>27</u>	Brief in Support of <u>26</u> Motion for Summary Judgment <i>On Exhaustion Grounds</i> by Defendants Baird, Howell, Millard, Andrea Nelson, Br. Neumaier, Veiter. (Burkert – Brist, Monica),(ps) (Entered: 02/03/2017)
02/03/2017	<u>28</u>	Proposed Findings of Fact filed by Defendants Baird, Howell, Millard, Andrea Nelson, Br. Neumaier, Veiter re: <u>26</u> Motion for Summary Judgment. (Burkert – Brist, Monica),(ps) (Entered: 02/03/2017)
02/03/2017	<u>29</u>	Declaration of Isaac Hart filed by Defendants Baird, Howell, Millard, Andrea Nelson, Br. Neumaier, Veiter re: <u>26</u> Motion for Summary Judgment, (Attachments: # <u>1</u> Exhibit 1001 – Inmate Complaint History, # <u>2</u> Exhibit 1002 – CCI–2010–20054, # <u>3</u> Exhibit 1003 – JCI–18216) (Burkert – Brist, Monica),(ps) (Entered: 02/03/2017)
02/03/2017		Set Briefing Deadlines as to <u>26</u> MOTION FOR SUMMARY JUDGMENT <i>On Exhaustion Grounds</i> . Plaintiff's Brief in Opposition due 2/24/2017. Defendants' Brief in Reply due 3/3/2017. (nlm),(ps) (Entered: 02/03/2017)
02/09/2017	<u>30</u>	Letter requesting a copy of dkt. <u>17</u> declaration by Plaintiff Christopher Jones. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 02/09/2017)
02/15/2017	<u>31</u>	Clerk's Office response to plaintiff's <u>30</u> letter requesting copies. (jef),(ps) (Entered: 02/15/2017)
02/17/2017	<u>32</u>	Brief in Opposition by Plaintiff Christopher Jones re: <u>26</u> Motion for Summary Judgment filed by Andrea Nelson, Millard, Howell, Baird, Veiter, Br. Neumaier (Attachments: # <u>1</u> Inmate Complaint documents for CCI–2010–18578, # <u>2</u> Envelope) (elc),(ps) Note: Inmate Complaint documents scanned on darkest setting, still partially illegible. (Entered: 02/17/2017)
02/17/2017	<u>33</u>	Response to Proposed Findings of Fact filed by Plaintiff Christopher Jones re: <u>26</u> Motion for Summary Judgment. (elc),(ps) (Entered: 02/17/2017)
02/17/2017	<u>34</u>	Proposed Findings of Fact filed by Plaintiff Christopher Jones re: <u>26</u> Motion for Summary Judgment (elc),(ps) (Entered: 02/17/2017)
02/17/2017	<u>35</u>	Declaration of Christopher Jones re: <u>26</u> Motion for Summary Judgment (Attachments: # <u>1</u> Medical Progress Notes, Conduct Report, Disciplinary Hearing Decision, DAI Policy) (elc),(ps) (Entered: 02/17/2017)
02/17/2017	<u>36</u>	Expert Witness Disclosures by Plaintiff Christopher Jones. (elc),(ps) (Entered: 02/17/2017)
02/17/2017	<u>37</u>	Motion for Assistance in Recruiting Counsel by Plaintiff Christopher Jones. (Attachments: # <u>1</u> Attorney Rejection Letter, # <u>2</u> Test Report) (elc),(ps) (Entered: 02/17/2017)
03/03/2017	<u>38</u>	Brief in Reply by Defendants Baird, Howell, Millard, Andrea Nelson, Br. Neumaier, Veiter in Support of <u>26</u> Motion for Summary Judgment. (Burkert – Brist, Monica),(ps) (Entered: 03/03/2017)
03/03/2017	<u>39</u>	Reply in Support of Proposed Findings of Fact filed by Defendants Baird, Howell, Millard, Andrea Nelson, Br. Neumaier, Veiter re: <u>26</u> Motion for Summary Judgment. (Burkert – Brist, Monica),(ps) (Entered: 03/03/2017)

03/03/2017	<u>40</u>	Response to Proposed Findings of Fact filed by Defendants Baird, Howell, Millard, Andrea Nelson, Br. Neumaier, Veiter re: <u>26</u> Motion for Summary Judgment. (Burkert – Brist, Monica),(ps) (Entered: 03/03/2017)
03/03/2017	<u>41</u>	Certificate of Service by Defendants Baird, Howell, Millard, Andrea Nelson, Br. Neumaier, Veiter. (Burkert – Brist, Monica),(ps) (Entered: 03/03/2017)
07/24/2017	<u>42</u>	ORDER denying <u>37</u> Motion for Assistance in Recruiting Counsel; granting <u>26</u> Motion for Summary Judgment and dismissing this case without prejudice for plaintiff's failure to exhaust his administrative remedies. The clerk of court is directed to enter judgment accordingly. Signed by District Judge Barbara B. Crabb on 7/24/2017. (jef),(ps) (Entered: 07/24/2017)
07/24/2017	<u>43</u>	JUDGMENT entered in favor of defendants dismissing the case. Signed by Peter A. Oppeneer, Clerk of Court on 7/24/2017. (jef),(ps) (Entered: 07/24/2017)
08/03/2017	<u>44</u>	Motion for Reconsideration re <u>42</u> Order on Motion for Summary Judgment, by Plaintiff Christopher Jones. (Attachments: # <u>1</u> DAI Policy #500.10.29 Inmate Workers Health Services, # <u>2</u> Defendants' response to first set of interrogatories and request for production of documents, # <u>3</u> DAI Policy #309.55.01 Inmate Compensation Plan, # <u>4</u> Envelope) (jef),(ps) (Entered: 08/03/2017)
08/03/2017		Set Briefing Deadlines as to Plaintiff's <u>44</u> Motion for Reconsideration re <u>42</u> Order. Defendants' Brief in Opposition due 8/18/2017. Plaintiff's Brief in Reply due 8/28/2017. (jef),(ps) (Entered: 08/03/2017)
08/03/2017	<u>45</u>	NOTICE OF APPEAL by Plaintiff Christopher Jones as to <u>43</u> Judgment. In forma pauperis requested. No Docketing Statement filed. (jef),(ps) Modified text on 8/3/2017 (jef). (Entered: 08/03/2017)
08/03/2017	<u>46</u>	Motion for Leave to Proceed in forma pauperis on Appeal by Plaintiff Christopher Jones. (jef),(ps) (Entered: 08/03/2017)
08/03/2017	<u>47</u>	Prisoner Trust Fund Account Statement by Plaintiff Christopher Jones. (Attachments: # <u>1</u> IPP Calculation) (jef),(ps) (Entered: 08/03/2017)
08/03/2017	<u>48</u>	Appeal Information Packet. (jef),(ps) (Entered: 08/03/2017)