

PETITION FOR WRIT OF CERTIORARI
(CA7 19-2794)

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APPENDIX A

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted September 2, 2020*
Decided September 3, 2020

Before

DAVID F. HAMILTON, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 19-2794

FIRAS M. AYOUBI,
Plaintiff-Appellant,

Appeal from the United States District
Court for the Southern District of Illinois.

v.

No. 18-cv-1689-NJR-GCS

WEXFORD HEALTH SOURCES, INC.,
et al.,

Nancy J. Rosenstengel,
Chief Judge.

Defendants-Appellees.

ORDER

Firas Ayoubi, an Illinois inmate who sued prison doctors for deliberate indifference to his painful neurological condition, appeals the denial of his request for a preliminary injunction. Ayoubi believes that Wexford Health Sources, Inc., and two of its doctors have ignored his condition—which he describes as a “nervous tick” that causes involuntary twitching and jerking—and sought an injunction compelling his treatment by an outside specialist. The district court denied Ayoubi’s request,

* We have agreed to decide the case without oral argument because the brief and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. See FED. R. APP. P. 34(a)(2)(C).

concluding that he had not demonstrated a reasonable likelihood of success on the merits. We see no error in the district court's decision and affirm.

Upon his arrival at Pinckneyville Correctional Center in early 2018, Ayoubi did not identify any current medical needs. But several weeks later, he told a nurse that he was experiencing involuntary movement in his torso and left leg—a condition that he said had persisted for a year and a half. He later was seen by Dr. Percy Meyers, a Wexford physician, who noted some involuntary movement in Ayoubi's upper body, opined that he may have a movement disorder, and recommended a neurology consultation. But when he observed Ayoubi during normal activities, the doctor saw no abnormal body movements so he backed off his prior recommendation for an outside consultation. The prison's collegial review board, which included Wexford's regional medical director and Pinckneyville's medical director, agreed on an alternative treatment plan that encompassed an onsite neurology examination.

Under the alternative treatment plan, Ayoubi was admitted to the infirmary for three days in mid-2018 and monitored closely. According to the nurses' notes, he twitched or shrugged his right shoulder during two assessments, but otherwise they saw no outward signs of uncontrollable muscle movement. In a second collegial review, the doctors found Ayoubi's subjective complaints unsupported by objective findings, and thus they decided to continue to monitor and treat him at the prison.

Ayoubi submitted a grievance to Pinckneyville officials requesting a transfer to an outside medical facility for a neurology consultation. That grievance was denied.

Ayoubi then sued Wexford and three doctors for deliberate indifference to his serious medical needs by failing to authorize a neurology consultation. He principally sought a preliminary injunction compelling an outside neurology consultation, as well as an adjustment in housing conditions (either a single cell or a bottom bunk).

The district judge, adopting the recommendation of a magistrate judge who had conducted a hearing on the matter, denied Ayoubi's request for an injunction.¹ The district judge determined that Ayoubi failed to make the requisite showing for such extraordinary and drastic relief. Ayoubi failed not only to demonstrate a reasonable

¹ After requesting an injunction, Ayoubi transferred from Pinckneyville to Dixon Correctional Center. Given this transfer, the parties agreed that the motion for a preliminary injunction applied only to Wexford.

likelihood of success on the merits (because he had not shown that his treatment plan departed significantly from professional standards), but also to show he would suffer irreparable harm if the relief were not granted (because his symptoms had not escalated to a point where drastic intervention was necessary).

In this interlocutory appeal, Ayoubi first challenges the conclusion that he failed to demonstrate a reasonable likelihood of success on the merits—one of the requirements for obtaining a preliminary injunction. *See Courthouse News Serv. v. Brown*, 908 F.3d 1063, 1068 (7th Cir. 2018). To succeed on a deliberate-indifference claim, Ayoubi had to show that he suffered from an objectively serious medical condition and that prison officials knew of and disregarded an excessive risk to his health. *Farmer v. Brennan*, 511 U.S. 825, 834 (1994); *Petties v. Carter*, 836 F.3d 722, 728 (7th Cir. 2016) (en banc). Although the parties dispute whether Ayoubi has supplied evidence of a serious medical condition, we assume for the sake of discussion that his neurological condition poses a substantial risk to his health.

We turn, then, to whether Ayoubi presented enough evidence to allow a reasonable factfinder to infer that his medical providers acted with deliberate indifference. We understand him to argue that the cumulative medical record compels the conclusion that the refusal of his request for an outside specialist could have been made only with malice.

The record does not support this contention. As the district court determined, no factfinder could conclude the defendants deliberately ignored or seriously aggravated Ayoubi's condition. The record reflects that, in response to his complaints of pain, the defendants placed him under close observation for several days in the infirmary, where he was given laboratory tests and prescribed Motrin for pain relief. Based on the assessments from that time and other records, the doctors concluded that the appropriate treatment plan was to continue to monitor his condition rather than refer him to an outside specialist. Ayoubi has not countered this by pointing to anything in the record to suggest that his care was "so blatantly inappropriate as to evidence intentional mistreatment likely to seriously aggravate a medical condition." *See Edwards v. Snyder*, 478 F.3d 827, 831 (7th Cir. 2007).

Because Ayoubi cannot show a likelihood of success on the merits, we need not address the other prerequisites to obtain a preliminary injunction. *See Girl Scouts of Manitou Council, Inc. v. Girl Scouts of U.S. of Am., Inc.*, 549 F.3d 1079, 1086 (7th Cir. 2008).

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We have considered his remaining arguments, and none has merit.

AFFIRMED

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

October 5, 2020

Before

DAVID F. HAMILTON, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 19-2794

FIRAS M. AYOUBI,
Plaintiff-Appellant,

Appeal from the United States District
Court for the Southern District of
Illinois.

v.

WEXFORD HEALTH SOURCES, INC.,
et al.,
Defendants-Appellees.

No. 18-cv-1689-NJR-GCS

Nancy J. Rosenstengel,
Chief Judge.

ORDER

On consideration of the petition for rehearing and for rehearing en banc filed by Plaintiff-Appellant on September 18, 2020, no judge in active service has requested a vote on the petition for rehearing en banc, and the judges on the original panel have voted to deny rehearing.

Accordingly, the petition for rehearing is DENIED.

APPENDIX B

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FIRAS M. AYOUBI,)
vs.)
Plaintiff,)
WEXFORD HEALTH SOURCES,)
INC,)
CHRISTINE BROWN,)
SCOTT THOMPSON,)
ALBERTO BUTALID,)
PERCY MEYERS,)
STEPHEN RITZ)
and ALISA DEARMOND,)
Defendants.)
No. 3:18-CV-01689-NJR-GCS

REPORT AND RECOMMENDATION

SISON, Magistrate Judge:

INTRODUCTION

Now before the Court is Ayoubi's motion for preliminary injunction (Docs. 2, 23, Exhibit A, 31, 56 and 97). Ayoubi requests that Defendants be ordered to send him to an outside specialist to diagnose and treat his condition. Defendants oppose the motion (Docs. 18, 66 and Exhibits 1, 2). This matter has been referred to United States Magistrate Judge Gilbert C. Sison by United States Chief District Judge Nancy J. Rosenstengel pursuant to 28 U.S.C. §§ 636(b)(1)(B) and (c), Federal Rule of Civil Procedure 72(b), and Local Rule 72.1(a). Based on the following, the undersigned

RECOMMENDS that the Court DENY the motion for preliminary injunction.

BACKGROUND

Pursuant to 42 U.S.C. § 1983, *pro se* Plaintiff Firas M. Ayoubi filed his complaint for deprivations of his constitutional rights. After conducting the preliminary review of Ayoubi's complaint pursuant to 28 U.S.C. § 1915A, the following claim survived:

Count 1: Eighth Amendment claim against Wexford, Brown, Thompson, Dr. Butalid, Dr. Meyers, Dr. Ritz (substituted for Unknown Party Dr. A) and (substituted for Unknown Party Dr. B) and for exhibiting deliberate indifference to Ayoubi's serious medical needs (worsening neurological symptoms associated with pain).¹

Before the Court is Ayoubi's motion for preliminary injunction. Ayoubi alleges he suffers from a "nervous tic" which causes involuntary twitching and jerking, and places him in "constant" pain and "severe discomfort" (Doc. 1). Defendants oppose the motion. On June 21, 2019, the Court held a hearing on the motions for preliminary injunction, heard testimony from Dr. Butalid, Dr. Meyers and Dr. Ritz and took the matter under advisement (Doc. 96).²

¹ Ayoubi's state law medical malpractice claim (Count 2, against Butalid, Meyers, Brown and Ritz) was dismissed without prejudice for failure to file the necessary affidavits or reports pursuant to 735 ILCS §5/2-622(b) (Doc. 4, p. 5). Ayoubi was given 35 days to file the required affidavits/certificates. *Id.* On March 29, 2019, Ayoubi, after receiving several extensions of time, filed a motion to reinstate the medical malpractice claims against Butalid and Ritz (Doc. 59). The Wexford Defendants oppose this motion (Doc. 63). This motion is under advisement.

² Since the filing of the motion for preliminary injunction, Ayoubi transferred from Pinckneyville to Dixon Correctional Center ("Dixon"). The parties agreed during the hearing that the motion for preliminary injunction applies only to Defendant Wexford due to Ayoubi's transfer.

LEGAL STANDARDS

A preliminary injunction is “an extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion.” *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997). *Accord Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008)(noting that “[a] preliminary injunction is an extraordinary remedy never awarded as of right”). To obtain a preliminary injunction, a plaintiff must show (1) that he is likely to succeed on the merits, (2) that he is likely to suffer irreparable harm without the injunction, (3) that the harm he would suffer is greater than the harm a preliminary injunction would inflict on defendants, and (4) that the injunction is in the public interest. *See Judge v. Quinn*, 612 F.3d 537, 546 (7th Cir. 2010)(citing *Winter*, 555 U.S. at 20). The “considerations are interdependent: the greater the likelihood of success on the merits, the less net harm the injunction must prevent in order for preliminary relief to be warranted.” *Judge*, 612 F.3d at 546.

In the context of prisoner litigation, there are further restrictions on a court’s remedial power. The scope of a court’s authority to enter an injunction in the corrections context is circumscribed by the Prison Litigation Reform Act (“PLRA”). *See Westefer v. Neal*, 682 F.3d 679, 683 (7th Cir. 2012). Under the PLRA, preliminary injunction relief “must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm.” 18 U.S.C. § 3626(a)(2). *See also Westefer*, 682

F.3d at 683 (noting that the PLRA “enforces a point repeatedly made by the Supreme Court in cases challenging prison conditions: prison officials have broad administrative and discretionary authority over the institutions they manage”) (internal quotation marks and citation omitted).

The Seventh Circuit has described injunctions like the one sought here, where an injunction would require an affirmative act by the defendant, as a *mandatory* preliminary injunction. *See Graham v. Medical Mutual of Ohio*, 130 F.3d 293, 295 (7th Cir. 1997). Mandatory injunctions are “cautiously viewed and sparingly issued,” because they require the court to command a defendant to take a particular action. *Id. See also W.A. Mack, Inc., v. Gen. Motors Corp.*, 260 F.2d 886, 890 (7th Cir. 1958)(stating that “[a] preliminary injunction does not issue which gives to a plaintiff the actual advantage which would be obtained in the final decree.”).

ANALYSIS

Ayoubi seeks a preliminary injunction in the form of a visit to an outside specialist for a physical examination to diagnose the nature of his involuntary movements. Ayoubi argues that without an independent medical examination, he will suffer irreparable harm due to the continued pain that he suffers from the movements which he describes as continuous and something along the lines of a “Charley Horse” type of pain.

The undersigned finds that Ayoubi has not met his burden of demonstrating that he is entitled to a preliminary injunction. Ayoubi seeks treatment by a

neurologist for his condition. The undersigned first notes that Ayoubi has not provided the Court with verifiable evidence that his condition presents a serious medical need requiring immediate attention. The record contains diagnoses from various doctors/Defendants who have seen Ayoubi and determined that the movements are not neurological and one diagnosis from a neurologist in Chicago, Illinois that has not seen Ayoubi *personally* but feels that he should be seen by a neurologist. While Ayoubi argues that he will suffer irreparable harm as the involuntary movements cause him pain, the undersigned notes that Ayoubi's symptoms have persisted for nearly two and a half years while he has been incarcerated, and he has not provided evidence that his symptoms have escalated or that his health has deteriorated. For example, Dr. Meyers testified that he personally observed Ayoubi in the courtyard (after seeing him on sick call) and that he did not observe any involuntary movements from Ayoubi. Specifically, Dr. Meyers testified that as of September 2018 Ayoubi had no gait problem, that Ayoubi had no abnormal function and that he appeared normal while he was in the courtyard.

After his transfer to Dixon, Ayoubi, on November 2, 2018, told a nurse he had a twitch. The nurse found no twitching upon entry. Throughout the exam, Ayoubi began pulling the left side of his shirt and making jerking motions with his upper body which progressively worsened throughout the exam. However, the nurse observed Ayoubi walking back to his cell with a steady gait and without any external signs of twitching. Moreover, the Court observed Ayoubi during the lengthy hearing,

and Ayoubi did not appear to be experiencing the type of "continuous pain" or "Charley Horse" type of pain that Ayoubi described.

Next, the Court notes that Ayoubi has not shown a likelihood of success on the merits as to his claim regarding Defendants' alleged deliberate indifference towards his serious medical needs relating to his upper torso involuntary movements. To succeed on this claim, Ayoubi must show: (1) that he suffers from an objectively serious medical need, and (2) that the prison officials knew of and disregarded an excessive risk to Ayoubi's health. *See Farmer v. Brennan*, 511 U.S. 825, 834 (1994). Ayoubi believes he suffers from Huntington's disease or Parkinson's Disease, both of which are objectively serious and debilitating medical conditions that would satisfy the first prong of the deliberate indifference two-part test. However, the record is not clear that Ayoubi suffers from either of these conditions and the record does not reveal that the Defendants knew of and disregarded an excessive risk to his health. To the contrary, the records shows that the doctors/Defendants treated Ayoubi based on their objective findings after evaluating him. The record reveals that in response to Ayoubi's complaints he was placed in the infirmary and monitored for three days from June 7, 2018 to June 10, 2018. The record also reveals that Ayoubi's symptoms did not support a diagnosis of a neurological issue. Additionally, the record reveals that Ayoubi was referred to behavioral health, prescribed Motrin for pain and had a panel of tests performed. Because there was no objective evidence of Ayoubi's reported symptoms, the doctors/Defendants agreed to an alternative treatment plan of

continuing to monitor Ayoubi instead of referring him to a neurologist.

The relief Ayoubi seeks, *i.e.*, an evaluation/diagnosis by an outside medical provider for care, is the type of relief that he could obtain if he is ultimately successful at the conclusion of his case. Such injunctive relief is not warranted when the order would give “to plaintiff the actual advantage which would be obtained in a final decree.” *W.A. Mack, Inc., v. General Motors Corp.*, 260 F.2d 866, 890 (7th Cir. 1958). Further, inmates cannot demand specific medical care. *See Johnson v. Doughty*, 433 F.3d 1001, 1013 (7th Cir. 2006). Thus, the undersigned RECOMMENDS that the Court FIND that a preliminary injunction is not warranted at this stage of the litigation process.

Nor does the undersigned find that Ayoubi’s case will be significantly impaired if the preliminary injunction is not granted. Ayoubi, in essence, seeks a Court order for his condition to be reviewed by an outside doctor. The undersigned is “reluctant to interfere with the internal administration of state prisons because [it is] less qualified to do so than prison authorities.” *Thomas v. Ramos*, 130 F.3d 754, 764 (7th Cir. 1997)(citations omitted). This is especially true in light of the fact that Ayoubi has not made a showing that examination by an outside neurologist is necessary. To the extent that Ayoubi is able to obtain his own expert to review his condition, the undersigned would have no problem entering an order to allow any such expert into Dixon to examine Ayoubi.

CONCLUSION AND RECOMMENDATION

For the foregoing reasons, it is **RECOMMENDED** that the Court **DENY** Ayoubi's motion for preliminary injunction (Doc. 2).

Pursuant to 28 U.S.C. § 636(b)(1) and SDIL-LR 73.1(b), the parties shall have fourteen (14) days after service of this Report and Recommendation to file written objections thereto. The failure to file a timely objection may result in the waiver of the right to challenge this Report and Recommendation before either the District Court or the Court of Appeals. *See, e.g., Snyder v. Nolen*, 380 F.3d 279, 284 (7th Cir. 2004). Objections shall be filed on or before August 5, 2019.

IT IS SO ORDERED.

Date: July 19, 2019.

Digitally signed
by Judge Sison

Gilbert C. Sison
Date:
2019.07.19
08:11:14 -05'00'

GILBERT C. SISON
United States Magistrate Judge

APPENDIX C

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FIRAS M. AYOUBI,

Plaintiff,

v.

Case No. 18-cv-1689-NJR-GCS

WEXFORD HEALTH SOURCES, INC.,
CHRISTINE BROWN, SCOTT
THOMPSON, ALBERTO BUTALID,
PERCY MEYERS, STEPHEN RITZ and
ALISA DEARMOND,

Defendants.

MEMORANDUM AND ORDER

ROSENSTENGEL, Chief Judge:

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Gilbert C. Sison (Doc. 99), which recommends denying the Motion for Preliminary Injunction filed by Plaintiff Firas Ayoubi ("Ayoubi") (Docs. 2 and 23-1). The Report and Recommendation was entered on July 19, 2019 (Doc. 99), and Ayoubi filed a timely objection (Doc. 103). For the following reasons, the Court adopts the Report and Recommendation and denies the Motion for Preliminary Injunction.

BACKGROUND

On September 6, 2018, Ayoubi, a former inmate at Pinckneyville Correctional Center, filed a *pro se* Complaint alleging that Defendants have been deliberately indifferent to a serious medical condition (Doc. 1). Ayoubi alleges that he suffers from a "nervous tic" which causes involuntary twitching and jerking, and places him in "constant" pain and "severe discomfort." (Doc. 1). The following claim survived threshold review:

Count 1: Eighth Amendment claim against Wexford Health Sources, Inc., Christine Brown, Scott Thompson, Dr. Alberto Butalid, Dr. Percy Meyers, Dr. Stephen Ritz, and Alisa Dearmond for exhibiting deliberate indifference to Ayoubi's serious medical needs (worsening

neurological symptoms associated with pain).¹

On September 6, 2018, Ayoubi filed a motion for preliminary injunction, requesting a referral to a neurologist (Doc. 2). He also requests specialized housing until treated by the neurologist (*Id.*). On November 2, 2018, Ayoubi requested to supplement his motion for preliminary injunction, and Judge Sison granted that request (*See* Docs. 23 and 24). Judge Sison held a hearing on this motion on June 21, 2019, and heard testimony from Ayoubi, Defendant Butalid, Defendant Myers and Defendant Ritz.²

In Judge Sison's Report and Recommendation currently before the Court (Doc. 99), he recommends that the request for a preliminary injunction be denied. Judge Sison reasoned that Ayoubi has not provided the Court with verifiable evidence that his condition presents a serious medical need requiring immediate attention. He noted that, although Ayoubi believes he suffers from Huntington's Disease or Parkinson's Disease, both of which would satisfy the first prong, the record is not clear that Ayoubi actually suffers from either of these conditions. Judge Sison further found that the record does not reveal that Defendants knew of and disregarded an excessive risk to his health. In light of the fact that Ayoubi had not made a showing that examination by an outside neurologist is necessary, Judge Sison did not feel it appropriate to "interfere with the internal administration of state prisons." (Doc. 99, p. 7).

DISCUSSION

Where timely objections are filed, this Court must undertake a *de novo* review of the Report and Recommendation. 28 U.S.C. § 636(b)(1)(B), (C); FED. R. CIV. P. 72(b); SDIL-LR 73.1(b); *Harper v. City of Chicago Heights*, 824 F. Supp. 786, 788 (N.D. Ill. 1993); *see also Govas v. Chalmers*, 965 F.2d 298, 301 (7th Cir. 1992). The Court may accept, reject, or modify the magistrate judge's recommended

¹ Dr. Stephen Ritz was substituted for Unknown Party Dr. A. and Alisa Dearmond was substituted for Unknown party Dr. B (*See* Docs. 26 and 83).

² Subsequent to the filing of the motion for preliminary injunction, Ayoubi was transferred to Dixon Correctional Center. The parties agreed during the hearing that the motion for preliminary injunction applies only to Wexford in light of Ayoubi's transfer (Doc. 99, n. 2).

decision. *Harper*, 824 F. Supp. at 788. In making this determination, the Court must look at all of the evidence contained in the record and give fresh consideration to those issues to which specific objections have been made. *Id.*, quoting 12 Charles Alan Wright *et al.*, *Federal Practice and Procedure* § 3076.8, at p. 55 (1st ed. 1973) (1992 Pocket Part).

As noted above, Ayoubi has filed an objection to the Report and Recommendation (Doc. 103). This timely objection requires the Court to undertake a *de novo* review of the Report and Recommendation. Ayoubi argues that the Report and Recommendation fails to adequately state the facts and apply the applicable law to the facts and circumstances of this case.

A preliminary injunction is “an extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion.” *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997). The purpose of a preliminary injunction is “to minimize the hardship to the parties pending the ultimate resolution of the lawsuit.” *Faheem-El v. Klincar*, 841 F.2d 712, 717 (7th Cir. 1988). To obtain a preliminary injunction, a plaintiff has the burden of establishing that: (1) he is likely to succeed on the merits of his claim; (2) he has no adequate remedy at law; and (3) he is likely to suffer irreparable harm without the injunction. *Planned Parenthood of Indiana, Inc. v. Comm'r of Indiana State Dep't Health*, 699 F.3d 962, 972 (7th Cir. 2012), citing *Am. Civil Liberties Union of Ill. v. Alvarez*, 679 F.3d 583, 589–90 (7th Cir. 2012).

Once the plaintiff has met his burden, the Court must weigh “the balance of harm to the parties if the injunction is granted or denied and also evaluate the effect of an injunction on the public interest.” *Roland Mach. Co. v. Dresser Indus., Inc.*, 749 F.2d 380, 386 (7th Cir. 1984); *Korte v. Sebelius*, 735 F.3d 654, 665 (7th Cir. 2013). “This equitable balancing proceeds on a sliding-scale analysis; the greater the likelihood of success on the merits, the less heavily the balance of harms must tip in the moving party’s favor.” *Korte*, 735 F.3d at 665.

In the context of prisoner litigation, the scope of the Court’s authority to enter an injunction is circumscribed by the Prison Litigation Reform Act (“PLRA”). *Westefer v. Neal*, 682 F.3d 679, 683 (7th Cir. 2012). Under the PLRA, preliminary injunctive relief “must be narrowly drawn, extend no further

than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm." 18 U.S.C. § 3626(a)(2).

Ayoubi argues that the Report and Recommendation fails to adequately state the facts and apply the applicable law to the facts and circumstances of this case. The Court has considered all of Ayoubi's arguments and finds the Report and Recommendation to be sound.

For instance, Ayoubi argues that Judge Sison's conclusion that he did not see any evidence from Ayoubi's face that he was in pain at the preliminary injunction hearing is in contravention of Seventh Circuit law, citing *Ayoubi v. Dart*, 729 F. App'x 455 (7th Cir. 2018) and *Greeno v. Daley*, 414 F.3d 645, 655 (7th Cir. 2005). But Judge Sison merely noted his own observations, along with considering the observations of others, such as Dr. Meyers and a nurse who treated Ayoubi on November 2, 2018, to conclude that Ayoubi did not provide the Court with verifiable evidence that his condition presents a serious medical need.

Even if Ayoubi can establish that his condition presents a serious medical need, he has not established that he is likely to succeed on the merits of the second element. The second element a plaintiff must establish for a deliberate indifference claim is that a state official acted with the requisite culpable state of mind. *Dunigan ex rel. Nyman v. Winnebago Cnty.*, 165 F.3d 587, 590 (7th Cir. 1999). Federal courts will not interfere with a physician's decision to pursue a particular course of treatment unless that decision represents so significant a departure from accepted professional standards or practices that it calls into question whether the physician was actually exercising professional judgment. *Pyles v. Fahim*, 711 F.3d 403, 409 (7th Cir. 2014).

As Judge Sison recognized, the records show that Defendants treated Ayoubi based on their objective findings after evaluating him. In response to Ayoubi's complaints, he was placed in the infirmary and monitored for three days in June 2019. Ayoubi was referred to behavioral health, prescribed Motrin for pain, and had a panel of tests performed. At this point in time, the doctors believe the appropriate treatment plan is to monitor Ayoubi, rather than refer him to a neurologist. Ayoubi has not shown that a fact finder would conclude that this treatment was "so blatantly

inappropriate as to evidence intentional mistreatment likely to seriously aggravate' a medical condition." *Edwards v. Snyder*, 478 F.3d 827, 831 (7th Cir. 2007).

Ayoubi also argues that there is evidence of progression or deterioration of his medical condition in the record, as set forth in his sworn affidavit and corroborated by Dr. Kohn. Ayoubi mentions in his affidavit that, in the last eight months, laying down, running, or walking does not help to slow down the frequency or brevity of the symptoms. Dr. Kohn wrote in his report that, based on the record, Ayoubi's movements, as described, have become more frequent, more readily seen on routine observation and more bothersome. But this does not give the Court reason to believe that Ayoubi's symptoms have escalated to a point or his health has deteriorated to a point that such drastic relief is necessary.

In sum, the Court finds no justification for the "extraordinary and drastic remedy" of injunctive relief. *Mazurek*, 520 U.S. at 972. Ayoubi has failed to reach the threshold burden for injunctive relief, and the Court finds no reason to reject Judge Sison's recommendation.

CONCLUSION

For the reasons set forth above, the Court **OVERRULES** the Objection to Judge Sison's Report and Recommendation (Doc. 103), **ADOPTS** Judge Sison's Report and Recommendation (Doc. 99), and **DENIES** the Motion for Preliminary Injunction (Docs. 2 and 23-1).

IT IS SO ORDERED.

DATED: September 5, 2019


NANCY J. ROSENSTENGEL
Chief U.S. District Judge

APPENDIX D

NORMAN V. KOHN MD

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October 3, 2018

Mr. Firas Ayoubi
Illinois Department of Corrections
ID number 66956
Pinckneyville Correctional Center
5835 State Route 154
Pinckneyville, IL 62274

Dear Mr. Ayoubi:

At your request, I have reviewed medical records that you sent me. These records reflect staff notes concerning your status and your symptoms; spanning portions of 2017 and 2018. You sent them to me in the hope that I might shed some light on your complaints, and assist you in seeking specialty consultation. I have not examined you personally. You sought me out because I am an experienced neurologist; and I have reviewed your records, from that perspective.

The available records include your handwritten notes (and hence, samples of handwriting); as well as notes of various medical staff. The records reflect your complaint of involuntary movements. These are variously described as spastic or twitching. In 2017, staff members wrote that they had not themselves seen the movements. Notes from 2018 report observations of the movements. They are described as increased in frequency, and perhaps in amplitude or severity. A note from 1/13/2018 describes your report of spastic, twitching, and uncontrollable movements involving the torso; causing the upper body to twitch and twist. The author of the note describes having observed twisting of your body in a counterclockwise fashion, and records your report that you are unable to sit still.

The movements are described as disturbing rather than painful, and disruptive (as in, for example, preventing you from sitting still). Based on the available handwriting samples, they are not accompanied by any progressive change or distortion in handwriting. A note from 4/22/2018 describes you as being in constant movement, with continuous involuntary upper extremity and trunk movements. The author of that note speculated that the movements might represent a form of chorea.

The available records do not include detailed description by a neurologist, or by any other physician with specialty or subspecialty expertise relevant to the diagnosis of movement disorders.

The notes continue through June, and are consistent with the above description. A nursing note from 6/8/2018 reports apparent absence of movements during one observation. On 6/9/2018, a nursing note describes frequent shrugging movement of the left shoulder. A note from 6/10/2018 describes

Norman V. Kohn MD

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Firas Ayoubi
October 3, 2018

involuntary trunk and extremity movements, sometimes described as twitching. A note from 6/16/2018, by an LPN, references a physician's suggested diagnosis of Huntington's Disease, but I identify no corresponding physician's note.

Available laboratory reports include a vitamin B12 level of 97 -- distinctly low -- on 2/2/2018. Later levels (perhaps after administration of vitamin B12?) were normal, e.g. 653 etc. Other blood work included ALT 202, AST 62, and MCV 70.6 -- abnormal but nonspecific.

The blood work is inconclusive. I haven't seen all corresponding progress notes and orders. If your B12 level was 97, unless there was a lab error (or an unusual diet), there would be a clear indication to evaluate for possible causes. While the other blood abnormalities are nonspecific, in light of the B12 level, a careful review and evaluation appears indicated. Occasionally, such a B12 level in mid-life can be a sign of a serious underlying disorder. I can't rule it out as a cause of abnormal movements, yet the movements seem to have persisted or worsened with restoration of normal B12 levels.

Movements are not easy to diagnose from a description alone, especially when the reporter is not versed in movement disorders. The record reports that a physician recognized the movements as choreiform, and thought about Huntington's Disease. Huntington's patients don't generally complain of their movements. Nevertheless, a physician reportedly thought the movements at least chorea-like. Chorea describes a category of movement disorder. Such movements are abnormal, involuntary, and are caused by disorders of brain function. Based on the record, your movement disorder has been progressive: the movements, as described, have become more frequent, more readily seen on routine observation, as well as more bothersome to you.

From the record I can't make a specific diagnosis, but, based on the description and the evidence of progression, I find that neurologic evaluation is warranted. Non-neurologists don't, in general, have the training or experience to diagnose and treat these relatively rare conditions. Without a more specific diagnosis, I can't tell if delay in diagnosis and treatment puts you at additional risk; or what treatment might be possible. Ignoring this symptom, and not obtaining a suitable specialty consultation, is akin to ignoring chest pain or blood in the stool: it would be outside of reasonable medical practice in the US, in 2018.

Sincerely,



Norman V. Kohn, MD

NORMAN V. KOHN MD

SUITE 1300
122 SOUTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60603-6184

NEUROSCIENCES LTD.

TEL 312.443.0099
FAX 312.896.5174
email nvk@normankohn.com

March 18, 2019

Medical Opinion (Neurology)

Re: Firas Ayoubi #R66956

I am a neurologist. I have practiced continuously in Illinois since 1980. I have for many years been a medical faculty member, teaching medical students and residents in Chicago. I am experienced in the diagnosis and treatment of neurologic disease, including movement disorders; and in the standards for medical decisionmaking, documentation, and care.

I have reviewed medical records of Mr. Firas Ayoubi, with particular attention to the medical treatment he received for ongoing complaints of involuntary movements and pain. The records reflect inability of his physicians to make a specific diagnosis, and their clear, reasonable decision to obtain neurologic consultation. Notes describe awaiting the report of a neurologist. The plan to obtain consultation was later cancelled. The record offers no clinical reasoning in support of that clinical decision. The decision not to obtain the planned specialty consultation bears the signatures of Dr. Butalid and Ritz. Failure to pursue diagnosis and treatment of a recognized clinical problem, and knowing disregard for recognized relevant specialty opinion, is outside of accepted standards for medical care.

I find that Mr. Ayoubi has reasonable and meritorious cause for a lawsuit against Drs. Butalid and Ritz.

Sincerely,



Norman V. Kohn, MD

Norman V. Kohn MD

- 2 -

Firas Ayoubi

October 3, 2018

involuntary trunk and extremity movements, sometimes described as twitching. A note from 6/16/2018, by an LPN, references a physician's suggested diagnosis of Huntington's Disease, but I identify no corresponding physician's note.

Available laboratory reports include a vitamin B12 level of 97 -- distinctly low -- on 2/2/2018. Later levels (perhaps after administration of vitamin B12?) were normal, e.g. 653 etc. Other blood work included ALT 202, AST 62, and MCV 70.6 – abnormal but nonspecific.

The blood work is inconclusive. I haven't seen all corresponding progress notes and orders. If your B12 level was 97, unless there was a lab error (or an unusual diet), there would be a clear indication to evaluate for possible causes. While the other blood abnormalities are nonspecific, in light of the B12 level, a careful review and evaluation appears indicated. Occasionally, such a B12 level in mid-life can be a sign of a serious underlying disorder. I can't rule it out as a cause of abnormal movements, yet the movements seem to have persisted or worsened with restoration of normal B12 levels.

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From the record I can't make a specific diagnosis, but, based on the description and the evidence of progression, I find that neurologic evaluation is warranted. Non-neurologists don't, in general, have the training or experience to diagnose and treat these relatively rare conditions. Without a more specific diagnosis, I can't tell if delay in diagnosis and treatment puts you at additional risk; or what treatment might be possible. Ignoring this symptom, and not obtaining a suitable specialty consultation, is akin to ignoring chest pain or blood in the stool: it would be outside of reasonable medical practice in the US, in 2018.

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I find that Mr. Ayoubi has reasonable and meritorious cause for a lawsuit against Drs. Butalid and Ritz.

Sincerely,



Norman V. Kohn, MD

APPENDIX E

ILLINOIS DEPARTMENT OF CORRECTIONS
Medical Special Services Referral and Report

Pinckneyville

(Facility)

Offender's Name: A. K. B. E. Kras ID# R 66956

Reason for Referral: Consult Non-Formulary Medications Medical Equipment
 Evaluation Management
 Procedure/service (specify) _____
 Other (specify) _____

Urgent: Yes No

Referred to: Neurologist

Rationale for Referral: In His involuntary Trunk + RT upper extremity movement is not 2 url side = RT shoulder and has no arrest in entire arm and trunk. continuous and associated = pain.

Perri M. M.
Print Referring Practitioner's Name

Referring Practitioner's Signature

4/22/18
Date

Findings: _____

Assessment: _____

Recommendations/Plans: Denial of request

Create a my care plan for complete
medication & pain management

Print Practitioner's Name

Practitioner's Signature

4/22/18
Date

Facility Medical Director Use Only

I have reviewed the recommendations and:

Approve.

Deny or revise as indicated on the Notification of Medical Service Referral Denial or Revision, DOC 0255.

04/27

WEXFORD HEALTH SOURCES INC.

To: Site Medical Director & HSA
From: Utilization Management
Date/Time: 04/27/2018 15:49:01

Subject: Inmate Name: AYOUBI, FIRAS
Inmate Number: R66956
Site: PINCKNEYVILLE
Service:

DELIVERED APR 30 2018

99203 OFFICE/OUTPATIENT VISIT NEW

Based upon a review of the information provided, it is my medical opinion that:
1. The above requested service is not authorized at this time based on the following:

OTHER TREATMENT PLAN

Comments:

4-23-18 Received urgent request for Neurology Eval r/t a 32 y/o male having involuntary trunk and right upper extremity movement. Onset was 2 years ago with right shoulder and has progressed to his entire arm and trunk. It is continuous and associated with pain. 4/6/18 labs: (vitamin B12, CMP, T4, TSH, CBC/diff) abnormalities: AST 62, anion gap 202, RBC 6.25, MCV 70.6, MCH 23.0. No past records provided. Reviewed by Dr. Ritz and ATP'd to discuss in collegial.

From:

Dedicated Utilization Management Physician

2. Appeal Filed (Date/Time) 04/27/2018 14:56:48

a. Appeal Information

4-26-18 Neurology Eval re-presented in collegial with Dr. Ritz and Dr. Butalid. Agreed to ATP request to place patient in the infirmary for monitoring of symptoms. Perform a full neuro exam onsite and obtain any medical records from prior to incarceration.

Signature of Appellant

b. Appealed Decision: DENIAL 04/24/2018

From:

Dedicated Utilization Management Physician

5. I want a second opinion of the denied appeal.
Signature:

6. I will re-consult upon completion of alternate medical plan, if indicated.
Signature: Date/Time: Date/Time:
Signature: Date/Time:

INFORMATION CONTAINED IN THIS DOCUMENT IS PRIVILEGED AND CONFIDENTIAL

Foster Plaza 4 - 501 Holiday Drive - Pittsburgh, PA 15220
877-939-2884 or 800-353-8384 - Phone 412-937-9151 - Fax
WWW.WEXFORDHEALTH.COM

MD Review

Date: 5/3

Nurse: Bnt

Doctor: Bnt

Pull Chart: Bnt

See patient: Bnt

WEXFORD HEALTH SOURCES INCORPORATED

To: Site Medical Director & HSA
From: Utilization Management
Date/Time: 02/21/2019 13:40:54
Subject: Inmate Name: AYOUBI, FIRAS
Inmate Number: R66956
Site: PINECRESTVILLE DIXON
Service: 99203 OFFICE/OUTPATIENT VISIT NEW

Based upon a review of the information provided, it is my medical opinion that:

1. The above requested service is not authorized at this time based on the following:
OTHER TREATMENT PLAN

Comments:

02/20 Represented to collegial with Dr. Ritz and Dr. Zathz. ATP: the abnormal movements have not been directly observed., no supported evidence. Continue to monitor onsite.

From: D.L.H.
Dedicated Utilization Management Physician

2. Appeal Filed (Date/Time) 06/15/2018 11:00:38
a. Appeal Information

6-14-18 Neurology Eval re-presented in collegial with Dr. Ritz and Dr. Butalid. He was placed in the infirmary 6/7-6/10 for observation. The patient's subjective complaints are not supported by the objective findings. Agreed to ATP to continue to treat and monitor onsite. Re-present PRN.

WJ
Merrill J. Zathz M.D.
MEDICAL DIRECTOR

Signature of Appellant

From: Dedicated Utilization Management Physician

5. I want a second opinion of the alternate plan.
Signature: _____ Date/Time: _____

6. I will re-consult upon completion of alternate medical plan, if indicated.
Signature: _____ Date/Time: _____

INFORMATION CONTAINED IN THIS DOCUMENT IS PRIVILEGED AND CONFIDENTIAL

Foster Plaza 4 - 501 Holiday Drive - Pittsburgh, PA 15220
877-939-2884 or 800-353-8384-Phone 412-937-9151 -Fax
WWW.WEXFORDHEALTH.COM

ALTERNATE TREATMENT PLAN

To: Site Medical Director and HSA
From: Utilization Management
Date/Time: 06/18/2020 / 13:33:58

Inmate Name / HSN: FIRAS AYOUBI / R66956

Date of Birth: 12/17/1985

Site: DIXON

Based upon a review of the information provided, it is my medical opinion that:

1. The above requested service is not authorized at this time based on the following:

Comments: 06/17 Request for UIC Neurology eval- represented r/t 34 y/o male- 1st presented 04/23/18 r/t having involuntary trunk and right upper extremity movement. Onset was 2 years ago with right shoulder and has progressed to his entire arm and trunk. It is continuous and associated with pain. ATP at that time to place patient in the infirmary for monitoring of symptoms. Perform a full neuro exam onsite and obtain any medical records from prior to incarceration. 2nd present 06/14/18- He was placed in the infirmary 6/7-6/10 for observation. The patient's subjective complaints are not supported by the objective findings. Agreed to ATP to continue to treat and monitor onsite. Re-present PRN. Presented today- per progress note on 05/25/20 patient seen for sick call "A &O x3, speech clear, gait steady, upper body arms and torso involuntary movements noted." Seen on sick call again 05/30, progress notes involuntary movements noted". Placed on doctor line. Seen by MD on 06/09/20 progress note states "chronic chorea movements of upper torso and extremities. reports it is getting worse. Vit B12 on 04/06/20- 334 Reviewed and ATP'd by Dr. Ritz. ATP: need old records- I believe this pt was at Pinckneyville before and has undergone extensive evaluation for this issue in the past.

Merrill J. Zahtz M.D.

From: MERRILL J. ZAHTZ
MEDICAL DIRECTOR

Dedicated Utilization Management Physician

6/22/20

2. ATP Revisited (Date)
a. ATP Information

Signature of Appellant

b.Appealed Decision: / /

From: _____
Dedicated Utilization Management Physician

3. I want a second opinion of the Alternate Treatment Plan.

Signature: _____ Date/Time: _____

*BEGIN USING FROM BOTTOM UP

PMET

PNKCC

IB12

State of Illinois
Dept. of Corrections

PRESCRIPTION ORDER
Chart Copy (Not a prescription)

Patient Ayoubi, Firas

Reg. # R66956

Date:

6/11/18

Problem recent erosion

ORDER: (Physician's Signature After Last Order)

Artificial tears, Iclap 0.1%, TID & 6 months

DEA/Illinois Lic. #

May Substitute

May Not Substitute

DCA 7000
IL 426-1417

Physician (Print)

M.D.

Noted by: FMW

Date: 6/17/18

State of Illinois
Dept. of Corrections

PRESCRIPTION ORDER
Chart Copy (Not a prescription)

AMOX
IB12

Patient Ayoubi, Firas

Reg. # R66956

Date:

4/27/18

Problem

ORDER: (Physician's Signature After Last Order)

DC B12 injection, filati + immtabs

DEA/Illinois Lic. #

May Substitute

May Not Substitute

DCA 7000
IL 426-1417

Physician (Print)

M.D.

Noted by: Amelie

Date: 4/27/18

IB12

State of Illinois
Dept. of Corrections

PRESCRIPTION ORDER
Chart Copy (Not a prescription)

PNKCC

Amoxicillin

Patient Ayoubi, Firas

Reg. # R66956

Date:

2/26/18

Problem

ORDER: (Physician's Signature After Last Order)

Cyanocobalamin 1000 mcg IM - week x 6 months
Folic Acid 1 mg B.i.d x 6 months
400 mg Potassium Bicarbonate 3 days then DC
Fe Calc 200 mg 3x6

*BEGIN USING FROM BOTTOM UP

PNKCC

all: Amoxicillin
SA38

State of Illinois
Dept. of Corrections

PRESCRIPTION ORDER
Chart Copy (Not a prescription)

Patient Ayoubi, Firas

Reg. # R66956

Date: 9/14/18

Problem

ORDER: (Physician's Signature After Last Order)

Mehr TU young DO BS 29X6 wif

DEA/Illinois Lic. #

May Substitute

May Not Substitute

DCA 7000
IL 426-1417

Physician (Print)

AJ

M.D.

Noted by: Bohincar

M.D.

Date: 9/14/18

AMOX

3D19

State of Illinois
Dept. of Corrections

PRESCRIPTION ORDER
Chart Copy (Not a prescription)

Patient Ayoubi, Firas

Reg. # R66956

Date: 8/27/18

Problem

dry eyes

ORDER: (Physician's Signature After Last Order)

Artificial tears ointment, instill in both eyes, BID X 14
Artificial tears solution, dropper QID X 14

DEA/Illinois Lic. #

May Substitute

May Not Substitute

DCA 7000
IL 426-1417

Physician (Print)

AJ

M.D.

Noted by: CMC

M.D.

Date: 8/27/18

Amox

3D19

State of Illinois
Dept. of Corrections

PRESCRIPTION ORDER
Chart Copy (Not a prescription)

Patient Ayoubi, Firas

Reg. # R66956

Date: 6/15/18

Problem

ORDER: (Physician's Signature After Last Order)

Mehr TU young BID + 10 PRN

APPENDIX F



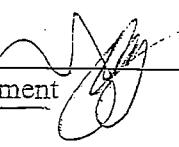
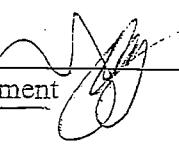
NOTICE OF APPROVAL

To: Site Medical Director and HSA
From: Utilization Management
Date/Time: 07/17/2020 / 10:45:25

Inmate Name / HSN: FIRAS AYOUBI / R66956
Date of Birth: 12/17/1985
Site: DIXON
Service: 70552-MRI BRAIN STEM W/DYE
Authorization No: 841547284

Based upon a review of the information provided, Service is Approved.

Comments: IDOC Dr. Conway approved MRI of brain.

From: Merrill J. Zahtz  
MEDICAL DPT 
Dedicated Utilization Management

INFORMATION CONTAINED IN THIS DOCUMENT IS PRIVILEGED AND CONFIDENTIAL

Wexford Health Sources
Phone: 877-939-2884 -or- 800-353-8384
Fax: 412-937-9151
www.wexfordhealth.com

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Outpatient Progress Notes

Dixon Correctional Center

Offender Information:

A. A. B. P.

Last Name

FIRAS

21456

1D
卷

Date/Time	Subjective, Objective, Assessment	Plans																		
	<table border="1"> <tr> <td colspan="2">MANDATORY PPD</td> </tr> <tr> <td>DATE/TIME GIVEN</td> <td>12/24/19 2pm</td> </tr> <tr> <td>SITE</td> <td>OPEN</td> </tr> <tr> <td>LOT#</td> <td>516000</td> </tr> <tr> <td>EXP DATE</td> <td>4/1/22</td> </tr> <tr> <td>SIGNED</td> <td>RTHKE</td> </tr> <tr> <td>DATE/TIME READ</td> <td>12/24/19 2pm</td> </tr> <tr> <td>RESULTS</td> <td>Normal</td> </tr> <tr> <td>SIGNED</td> <td>RTHKE</td> </tr> </table>	MANDATORY PPD		DATE/TIME GIVEN	12/24/19 2pm	SITE	OPEN	LOT#	516000	EXP DATE	4/1/22	SIGNED	RTHKE	DATE/TIME READ	12/24/19 2pm	RESULTS	Normal	SIGNED	RTHKE	Date <u>12/24/19</u> Time <u>2pm</u> Food Handler Screening Approved <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Signed <u>RTHKE</u>
MANDATORY PPD																				
DATE/TIME GIVEN	12/24/19 2pm																			
SITE	OPEN																			
LOT#	516000																			
EXP DATE	4/1/22																			
SIGNED	RTHKE																			
DATE/TIME READ	12/24/19 2pm																			
RESULTS	Normal																			
SIGNED	RTHKE																			
3-19-2020	RN Note: S: "The movements, they're getting worse. I was told the doctor line for re-evaluation was going to present it and new assessment to the board and now it's been a while"	DE: Discussed to MD Zantac. Add to MD Pt. vlu.																		
	O: Pt. to sick call for Ongoing issue of involuntary movements of mainly this upper body. Pt. Ataxia 3 Vitals stable wt# 166 lbs P/18																			
	E/G 1/84 T/96.0 Gait																			

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Outpatient Progress Notes

Dixon Correctional Center

Offender Information:

Ayoubi

Last Name

firas

First Name

ID#: 1206950

4

Offender Outpatient Progress Notes

Dixon Correctional

Center

Offender Information:

Ayoubi

Last Name

Firas

First Name

R 66956

ID#:

Date/Time	Subjective, Objective, Assessment	Plans
	LAB NOTE 4-6-20 0500	
	LABS Bi2	
	E Bassett MLT	
5/25/20	<p>rn note: "Yeah I have ^(PE) I'm to Flu at 10:00AM these movements with my body and Dr. Zahz mentioned putting me in the infirmary for 3 days and they are getting worse" ^(b) I'm seen in housing unit for sick call. I'm A to X3, speech clear, but steady upper body arms and torso involuntary movements</p> <p>NOTED: VS: T 97.4, P 98, R 20, BP 120/82 - cont.</p>	<p>sick call with any future concerns.</p> <p>added to ml line for Flu.</p>

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Outpatient Progress Notes

Dixon Correctional Center

Offender Information:

Ayoubi Fias R66952
 Last Name First Name MI ID#:

Date/Time	Subjective, Objective, Assessment	Plans
7/18/09 1:00pm	Provider Line: <u>MD</u> <u>PA</u> <u>NP</u> <u>DO</u> <u>B/P 112/70</u> <u>TPR 1680</u> <u>R/B 172</u>	
	cc: <u>EV INVAOLNTARY MOVEMENT/PAIN</u>	
	<u>S- do what's best for Kines</u> <u>given motor & muscle spasm</u> <u>lessin abnormal choreiform</u> <u>like movements - states it's</u> <u>githy worse - esp excited</u>	
	<u>Spasms have been</u> <u>non approved for Kines</u> <u>never had any studies</u>	
	<u>Brain labs all O.K.; no</u>	
	<u>genetic studies done</u>	
	<u>O = V & stable spastic -</u>	
	<u>Choreiform movements BUE</u> <u>& pain</u>	
	<u>A - Abnormal involuntary movements of</u> <u>mykrometabolgy disease in detail & will</u> <u>attempt to discuss & colleague re appropriate evaluation</u> <u>Pt - V.v. of all observed agreed & plan</u>	

Offender Outpatient Progress Notes

Dixon Correctional

Center

Offender Information:

Fracture,
Dislocation, Sprains

Ayoubi

Last Name

Firas

First Name

MI ID#: R66952

Date/Time	Subjective, Objective, Assessment	Plans
7/10/19 9 AM	<p>RN NOTE</p> <p>LPN/CMT NOTE</p> <p>S) - When did the injury occur? 1/29/19</p> <p>- How did it happen? "Slipped coming up" - Location of injury? The top bunk & C "D knee" - Any restriction in range of motion?</p> <p>② ROM WNL</p> <p>- Pain scale 1-10? "7/10"</p> <p>97.4 P R BP 116/80 WT</p> <p>- Inspection for anatomical alignment Alignment WNL</p> <p>- Presence of swelling 8 noted.</p> <p>- Presence of discoloration 8 noted.</p> <p>- Skin integrity In fact.</p> <p>- Check for circulatory integrity WNL</p> <p>- Capillary refill WNL</p> <p>- Distil pulses WNL</p> <p>- Assess for active ROM ROM WNL</p> <p>8/R Pain upon assessment 8/R More pain on inner aspect of ② knee - Reddened</p> <p>A) R/O Skeletal Injury</p>	<p>P) Refer to MD if:</p> <ul style="list-style-type: none"> - Any deformity, severe pain or swelling, discoloration, limited motion, lack of warmth to touch, pulses diminished or absent (symptoms of impaired circulation) <p>No MD Referral:</p> <ul style="list-style-type: none"> - Cold pack PRN for 24 hrs. <ul style="list-style-type: none"> - Splint and elevate extremity - Discuss management of injury with MD on-call if necessary - FIRST GIVE - Ibuprofen 200mg 1-2 tabs t.i.d. PRN X 3 days (18 tabs) <ul style="list-style-type: none"> - Acetaminophen 325 mg, 1 - 2 tablets t.i.d. PRN X 3 days (18 tablets) OR <p>Patient Teaching:</p> <ul style="list-style-type: none"> - Medication use - Application of cold - No weight bearing, elevation - Crutch walking if applicable - Safety measures - Importance of follow up <p>Follow-Up:</p> <ul style="list-style-type: none"> Return to sick call for increased pain, numbness or skin color changes. <p>Nurse Signature</p> <p>Payment voucher</p> <p>YES NO</p>

APPENDIX G

UI HOSPITAL
833 S Wood St, Suite B52
CHICAGO IL 60612-7232

Ayoubi, Firas
MRN: 200189245, DOB: 12/17/1985, Sex: M
Visit date: 1/4/2021

01/04/2021 - Ancillary Procedure in OCC MR Imaging**Reason for Visit**

Visit diagnosis: Musculoskeletal symptom

Visit Information**Provider Information****Referring Provider**

Merrill Jordan Zahtz, MD

Department

Name	Address	Phone
OCC MR Imaging	1801 W Taylor St, 1A Chicago IL 60612-4319	312-996-8402

Medication List**Medication List**

This report is for documentation purposes only. The patient should not follow medication instructions within. For accurate instructions regarding medications, the patient should instead consult their physician or after visit summary.

Active at the End of Visit

None

Stopped in Visit

None

Imaging**Imaging****MR Brain With And Without Contrast (Final result)****MR Brain With And Without Contrast**

Resulted: 01/04/21 1740, Result status: Final result

Order status: Completed

Resulted by

Burce Ozgen Mocan, MD

Thomas Lienhoop, MD

Filed by: Interface, Radiology Results In 01/04/21 1743
Accession number: 1001055246

Performed: 01/04/21 0916 - 01/04/21 0950

Narrative:

Resulting lab: FOUNDATION RADIOLOGY SYSTEM

PROCEDURE: MR examination of the brain with and without contrast.

EXAMINATION DATE: January 4, 2021 at 09:12 hours.

CLINICAL HISTORY: 35-year-old male for "movement of torso and upper extremity problems worsening, decreased movement of upper extremity."

COMPARISON STUDIES: None available.

TECHNIQUE: Routine MR imaging of the brain was performed with and without the intravenous administration of 14 cc MultiHance contrast. Diffusion weighted imaging was performed through the brain with calculation of the ADC map.

FINDINGS:

There are widened sulci at the bilateral parietal convexities suggest of focal parenchymal volume loss, slightly more pronounced on the left than on the right. The ventricles are appropriate for age. There is no signal abnormality in the gray or white matter. Specifically, there is no signal abnormality or atrophy of the brainstem. There is no evidence of susceptibility artifact or signal abnormality involving the deep gray nuclei

Common-Law Record Index
C1 - C165

Appellate Record Index
AC1 - ACS1

General Docket
Seventh Circuit Court of Appeals

Court of Appeals Docket #: 19-2794

Docketed: 09/18/2019

Nature of Suit: 3555 Prison Condition

Termed: 09/03/2020

Firas Ayoubi v. Wexford Health Sources, Inc., et al

Appeal From: Southern District of Illinois

Fee Status: PLRA fee waived

Case Type Information:

- 1) prisoner
- 2) state
- 3) civilRights

Originating Court Information:

District: 0754-3 : 3:18-cv-01689-NJR-GCS

Court Reporter: Barbara Kniepmann, Court Reporter

Trial Judge: Nancy J. Rosenstengel, Chief District Court Judge

Trial Judge: Gilbert C. Sison, Magistrate Judge

Date Filed: 09/06/2018

Date Order/Judgment:

09/05/2019

Date NOA Filed:

09/18/2019

Prior Cases:

17-1561 **Date Filed:** 03/16/2017 **Date Disposed:** 02/02/2018 **Disposition:** AFFIRMED

Current Cases:

	Lead	Member	Start	End
Related	19-2794	<u>19-3206</u>	11/05/2019	01/21/2020

FIRAS M. AYOUBI (State Prisoner: #R66956)
 Plaintiff - Appellant

Firas M. Ayoubi
 [NTC Pro Se]
 DIXON CORRECTIONAL CENTER
 2600 N. Brinton Avenue
 P.O. Box 1200
 Dixon, IL 61021-0000

v.

WEXFORD HEALTH SOURCES, INC.
 Defendant - Appellee

Gregory C. Flatt
Terminated: 10/31/2019
 Direct: 618-656-4646
 [COR LD NTC Retained]
 HEYL, ROYSTER, VOELKER & ALLEN, P.C.
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CHRISTINE BROWN
Defendant - Appellee

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FIRAS M. AYOUBI,
Plaintiff - Appellant

v.

WEXFORD HEALTH SOURCES, INC., et al.,
Defendants - Appellees

09/18/2019 1 State prisoner's civil rights case docketed. IT IS ORDERED that this appeal is subject to the Prison Litigation Reform Act. Proceedings are SUSPENDED pending notification by the district court that any necessary fee has been assessed, and if assessed, paid. PLRA Fee due. Docketing Statement due for Appellant Firas M. Ayoubi by 09/25/2019. PLRA Fee/Motion/Memorandum due on 10/18/2019. Transcript information sheet due by 10/02/2019. [1] [7031181] [19-2794] (CG) [Entered: 09/18/2019 01:54 PM]

09/18/2019 2 THIS CAUSE CONSISTS OF MORE THAN 5 PARTIES FOR EITHER SIDE. The following are those parties to this cause as reflected on the District Court docket, yet are not reflected on the Appellate docket/caption for administrative purposes:
APPELLEES: Dr. Stephen Ritz, Alisa Dearmond. [2] [7031192] [19-2794] (CG) [Entered: 09/18/2019 02:11 PM]

09/30/2019 3 Docketing Statement filed by Appellant Firas M. Ayoubi. Prior or Related proceedings: No. [3] [7033710] [19-2794] (AG) [Entered: 10/01/2019 09:17 AM]

09/30/2019 4 Filed Seventh Circuit Transcript Information Sheet by Appellant Firas M. Ayoubi. [4] [7033711] [19-2794] (AG) [Entered: 10/01/2019 09:18 AM]

10/21/2019 5 Notification from the District Court that a motion to proceed on appeal in forma pauperis is pending. [5] [7038065] [19-2794] (CM) [Entered: 10/21/2019 01:14 PM]

10/21/2019 6 Pro se motion filed by Appellant Firas M. Ayoubi to extend time to file motion for leave to appeal in forma pauperis or otherwise PLRA fee deadline extention. [6] [7038308] [19-2794] (MM) [Entered: 10/22/2019 09:01 AM]

10/22/2019 7 ORDER re: Plaintiff's motion for extension of time to file motion for leave to appeal informa pauperis or otherwise PLRA fee deadline extension. A review of the docket indicates that the appellant's motion for leave to proceed on appeal in forma pauperis is currently pending before the district court. In the event that the district court denies the motion, the appellant will have 30 days to either pay the required appellate fees in the district court or renew the motion, together with a PLRA memorandum in support, with this court. Accordingly, IT IS ORDERED that the motion for an extension of time is DENIED as unnecessary at this time. [6] [7] [7038420] CMD [19-2794] (AG) [Entered: 10/22/2019 12:32 PM]

10/29/2019 8 Filed District Court order GRANTING Appellant Firas M. Ayoubi leave to proceed on appeal in forma pauperis. Date IFP granted: 10/28/2019. District Court has assessed a \$485.55 initial partial filing fee. [8] [7039962] PLRA initial partial filing fee due by 11/29/2019. [19-2794] (CM) [Entered: 10/29/2019 10:33 AM]

10/31/2019 9 NOTICE: Circuit Rule 46(a) requires lead counsel be admitted to practice within 30 days of the date the appeal/petition was docketed. The rule also requires any attorney wishing to present oral argument to be admitted. Our records indicate as of this date Attorney Gregory C. Flatt for Appellees Wexford Health Sources, Inc., Alberto Butalid and Percy Myers has/have not been admitted to practice in this court. Within 21 days, please file your application for admission by going to: <http://www.ca7.uscourts.gov/forms/forms7.htm> and choosing the link, "Application for Admission to Practice in the Seventh Circuit". [9] [7040579] [19-2794] (LJ) [Entered: 10/31/2019 10:41 AM]

10/31/2019 10 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Keith B. Hill for Appellees Alberto Butalid, Percy Myers and Wexford Health Sources, Inc.. [10] [7040776] (L-Yes; E-Yes; R-Yes) [19-2794]--[Edited 10/31/2019 by FP to term atty. Flatt and atty. Hill is added to the docket.] (Hill, Keith) [Entered: 10/31/2019 02:48 PM]

11/05/2019 11 Pro se motion filed by Appellant Firas M. Ayoubi to consolidate cases. [11] [7041712] [19-3206, 19-2794] (AG) [Entered: 11/05/2019 01:01 PM]

11/05/2019 12 ORDER re: Notice of Appeal and Motion to Consolidate Appeals. [11] These appeals are subject to the Prison Litigation Reform Act and, therefore, all proceedings are suspended pending the assessment and payment of any necessary fees. See Newlin v.

Helman, 123 F.3d 429, 434 (7th Cir. 1997). Because the appellant's fee status in these appeals remains pending, the motion is DENIED without court action, pursuant to the court's fee notices and orders dated September 18, 2019 and November 5, 2019. [12] [7041788] CMD [19-2794, 19-3206] (AD) [Entered: 11/05/2019 03:29 PM]

11/22/2019 13 Filed Notice of Granting of Motion for Leave to Appeal In Forma Pauperis by the District Court by Appellant Firas M. Ayoubi. [13] [7045747] [19-2794] (CAH) [Entered: 11/22/2019 03:08 PM]

11/22/2019 14 Pro se motion filed by Appellant Firas M. Ayoubi to expedite briefing. [14] [7045749] [19-2794] (CAH) [Entered: 11/22/2019 03:10 PM]

11/25/2019 15 ORDER re: 1. Plaintiff-appellant's notice of granting of motion for leave to appeal in forma pauperis by the District Court. 2. Plaintiff-appellant's motion for expedited briefing. [13] [14] This appeal is subject to the Prison Litigation Reform Act and, therefore, all proceedings are suspended pending the assessment and payment of any necessary fees. See Newlin v. Helman, 123 F.3d 429, 434 (7th Cir. 1997). Because the appellant has not yet paid the \$485.55 initial partial filing fee, any requested relief is DENIED without court action, pursuant to the court's fee notice and order dated September 18, 2019. CMD [15] [7046107] [19-2794] (PS) [Entered: 11/25/2019 02:47 PM]

11/25/2019 16 Notification from the District Court that a motion to proceed on appeal in forma pauperis is pending. [16] [7046153] [19-2794] (CM) [Entered: 11/25/2019 03:39 PM]

12/10/2019 17 Filed District Court order DENYING Appellant Firas M. Ayoubi leave to proceed on appeal in forma pauperis and finds his motion for extension of time to be MOOT. The court also GRANTS in part and DENIES in part Ayoubi's motion to alter/amend IFP order. Date IFP denied: 12/09/2019. [17] [7048939] PLRA Fee/Motion/Memorandum due on 01/09/2020 [19-2794] (CAH) [Entered: 12/10/2019 08:46 AM]

12/19/2019 18 Pro se motion filed by Appellant Firas M. Ayoubi to correct 12/10/2019 order and set briefing. [18] [7051345] [19-2794] (CAH) [Entered: 12/19/2019 03:04 PM]

12/26/2019 19 ORDER re: Plaintiff-appellant's Motion to Correct Order and Set Briefing Pursuant to the District Court's Granting Ifp under the Imminent Danger Exception to the PLRA, which the court construes as a motion to waive the initial partial payment assessed by the district court. [18] The motion is DENIED. Further, to the extent the appellant is seeking any relief related to appeal No. 19-3206, no action will be taken pursuant to the court's fee notices and orders issued in that case. The appellant is reminded that he must pay the filing fee for appeal No. 19-3206 or move for leave to proceed in forma pauperis by January 9, 2020, or else the appeal is subject to dismissal for failure to prosecute. Sent Certified Mail. Receipt Number: 7017 2680 0001 1549 7033. [19] [7052347] WLS [19-2794, 19-3206] (AD) [Entered: 12/26/2019 04:23 PM]

01/06/2020 20 Pro se motion filed by Appellant Firas M. Ayoubi for reconsideration of commencement of appeal and request for panel decision. [20] [7054300] [19-2794] (CM) [Entered: 01/07/2020 10:44 AM]

01/16/2020 21 ORDER re: Plaintiff-Appellant's Motion to Reconsider Commencement of Appeal and Request for Panel Decision Pursuant to 28 USC § 1915(b)(4). [20] The motion is GRANTED to the extent that this appeal will proceed notwithstanding the appellant's failure to pay the initial partial filing fee. The appellant remains obligated to pay the entirety of the filing fee under the mechanism set forth in 28 U.S.C. § 1915(b)(2). WLS [21] [7056730] [19-2794] (MM) [Entered: 01/16/2020 03:11 PM]

01/17/2020 22 ORDER: The appellant has been GRANTED leave to proceed on appeal in forma pauperis. Briefing will proceed as follows: Appellant's brief due on or before 02/18/2020 for Firas M. Ayoubi. Appellee's brief due on or before 03/17/2020 for Christine Brown, Alberto Butalid, Percy Myers, Scott Thompson and Wexford Health Sources, Inc.. Appellant's reply brief, if any, is due on or before 04/07/2020 for Appellant Firas M. Ayoubi. [22] [7056874] [19-2794] (JK) [Entered: 01/17/2020 10:52 AM]

01/31/2020 23 10 copies of appellant's brief filed by Appellant Firas M. Ayoubi. Disk not required. [23] [7059744] [19-2794] (PNR) [Entered: 01/31/2020 02:26 PM]

02/10/2020 24 Appearance form filed by Attorney Alexandrina Shrove for Appellees Christine Brown and Scott Thompson. [24] [7061397] (L-Yes; E-Yes; R-Yes) [19-2794] [Edited 02/10/2020 by CG to reflect the termination and addition of counsel.] (Shrove, Alexandrina) [Entered: 02/10/2020 03:08 PM]

03/10/2020 25 Motion filed by Appellees Christine Brown and Scott Thompson to extend time to file appellee brief. [25] [7067782] [19-2794] (Shrove, Alexandrina) [Entered: 03/10/2020 02:19 PM]

03/11/2020 26 Order issued GRANTING motion to extend time to file appellees briefs. [25] Appellee's brief due on or before 04/16/2020 for Christine Brown, Alberto Butalid, Percy Myers, Scott Thompson and Wexford Health Sources, Inc.. Appellant's reply brief, if any, is due on or before 05/07/2020 for Appellant Firas M. Ayoubi. SCR [26] [7067899] [19-2794] (FP) [Entered: 03/11/2020 09:50 AM]

03/18/2020 27 Pro se motion filed by Appellant Firas M. Ayoubi to expedite appeal. [27] [7069317] [19-2794] (CM) [Entered: 03/18/2020 01:46 PM]

03/19/2020 28 ORDER re: Plaintiff-Appellant's motion for expedited appeal. IT IS ORDERED that the motion is DENIED. This appeal will be decided in the ordinary course as this court's schedule permits. The court trusts that counsel for appellee will make this case a priority. [27] WLS [28] [7069638] [19-2794] (AG) [Entered: 03/19/2020 02:59 PM]

04/09/2020 29 Motion filed by Appellees Christine Brown and Scott Thompson to extend time to file appellee brief. [29] [7073817] [19-2794] (Shrove, Alexandrina) [Entered: 04/09/2020 12:00 PM]

04/09/2020 30 Order issued GRANTING motion to extend time to file appellees briefs. [29] Appellee's brief due on or before 05/18/2020 for Christine Brown, Alberto Butalid, Percy Myers, Scott Thompson and Wexford Health Sources, Inc.. Appellant's reply brief, if any, is due on or before 06/08/2020 for Appellant Firas M. Ayoubi. CMD [30] [7073901] [19-2794] (FP) [Entered: 04/09/2020 02:44 PM]

04/17/2020 31 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Ryan A. Kemper for Appellees Alberto Butalid, Percy Myers and Wexford Health Sources, Inc.. for Dr. Steven Ritz, Alisa Dearmond. [31] [7075576] (L-Yes; E-Yes; R-No) [19-2794] [Edited 04/17/2020 by AG to reflect addition of counsel] (Kemper, Ryan) [Entered:

04/17/2020 11:29 AM]

05/04/2020 32 Submitted appellee brief by Ryan A. Kemper for Appellees Alberto Butalid, Percy Myers and Wexford Health Sources, Inc.. [32] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [7078570] [19-2794] (Kemper, Ryan) [Entered: 05/04/2020 01:16 PM]

05/04/2020 33 Appellee's brief filed by Appellees Alberto Butalid, Percy Myers and Wexford Health Sources, Inc. Electronically Transmitted. [33] [7078586] [19-2794] (GW) [Entered: 05/04/2020 02:15 PM]

05/11/2020 34 Motion filed by Appellees Christine Brown and Scott Thompson to extend time to file appellee brief. [34] [7080299] [19-2794] (Shrove, Alexandrina) [Entered: 05/11/2020 04:09 PM]

05/12/2020 35 Order issued GRANTING motion to extend time to file appellees' brief. [34] Appellees' brief due on or before 06/17/2020 for Christine Brown and Scott Thompson. Appellant's reply brief, if any, is due on or before 07/08/2020 for Appellant Firas M. Ayoubi. CMD [35] [7080550] [19-2794] (ER) [Entered: 05/12/2020 02:33 PM]

05/18/2020 36 Filed Objection by Appellant Firas M. Ayoubi to to appellee's third motion for extension of time to file brief. [36][7081612] [19-2794] (CAH) [Entered: 05/18/2020 03:42 PM]

05/18/2020 38 10 copies of appellant's reply brief filed by Appellant Firas M. Ayoubi. Disk not required. [38] [7081841] [19-2794] (PNR) [Entered: 05/19/2020 12:21 PM]

05/19/2020 37 ORDER re: Plaintiff-appellant's objection to state defendant's third motion for extension of time to file brief, filed on May 18, 2020, which the court construes as a motion for reconsideration of its order dated May 12, 2020. The motion for reconsideration is DENIED. Counsel for the appellees Christine Brown and Scott Thompson should make this matter a priority. [36] CMD [37] [7081704] [19-2794] (FP) [Entered: 05/19/2020 08:56 AM]

06/17/2020 39 Submitted appellee brief by Alexandrina Shrove for Appellees Christine Brown and Scott Thompson. [39] NOTE: Access to this entry is limited to counsel of record. Once the document is approved by the court, it will be filed onto the court's docket as a separate entry which will be open to the public. [7087606] [19-2794] (Shrove, Alexandrina) [Entered: 06/17/2020 12:16 PM]

06/17/2020 40 Appellee's brief filed by Appellees Christine Brown and Scott Thompson. Electronically Transmitted. [40] [7087614] [19-2794] (CAH) [Entered: 06/17/2020 12:33 PM]

06/18/2020 41 Paper copies of appellee brief filed by Appellees Christine Brown and Scott Thompson. [41] [7087887] [19-2794] (SK) [Entered: 06/18/2020 03:17 PM]

06/25/2020 42 Pro se motion filed by Appellant Firas M. Ayoubi to incorporate his reply brief previously filed to Wexford appellees as reply to state appellees response brief. [42] [7089262] [19-2794] (MAN) [Entered: 06/25/2020 11:35 AM]

06/29/2020 43 ORDER: Upon consideration of the MOTION TO INCORPORATE HIS REPLY BRIEF PREVIOUSLY FILED TO WEXFORD APPELLEES AS REPLY TO STATE APPELLEES RESPONSE BRIEF, filed on June 25, 2020, by the pro se appellant. The clerk takes note that the appellant will stand on his reply brief filed on May 18, 2020.

		CMD [43] [7089984] [19-2794] (CG) [Entered: 06/29/2020 03:17 PM]
07/15/2020	<u>44</u>	TEXT ORDER: The court directs Appellees Alberto Butalid, Percy Myers and Wexford Health Sources, Inc. to submit paper copies of the appellee brief filed on 05/04/2020. Paper copies due on 07/22/2020 [44][7093863] [19-2794] (SK) [Entered: 07/15/2020 03:21 PM]
07/20/2020	<u>45</u>	Paper copies of appellee brief filed by Appellees Alberto Butalid, Percy Myers, Scott Thompson and Wexford Health Sources, Inc. [45] [7094604] [19-2794] (DRS) [Entered: 07/20/2020 09:31 AM]
09/03/2020	<u>46</u>	Filed Nonprecedential Disposition PER CURIAM. AFFIRMED. David F. Hamilton, Circuit Judge; Michael B. Brennan, Circuit Judge and Amy J. St. Eve, Circuit Judge. [46] [7105460] [19-2794] (AP) [Entered: 09/03/2020 11:31 AM]
09/03/2020	<u>47</u>	ORDER: Final judgment filed per nonprecedential disposition. With costs: yes. [47] [7105464] [19-2794] (AP) [Entered: 09/03/2020 11:34 AM]
09/18/2020	<u>48</u>	30 copies Filed Petition for Rehearing and Petition for Rehearing Enbanc by Appellant Firas M. Ayoubi. DIST. [48] [7109071] [19-2794] (CAH) [Entered: 09/18/2020 04:04 PM]
10/05/2020	<u>49</u>	ORDER: Appellant Firas M. Ayoubi Petition for Rehearing and Petition for Rehearing Enbanc is DENIED. [49] [7112564] [19-2794] (FP) [Entered: 10/05/2020 02:54 PM]
10/13/2020	<u>50</u>	Mandate issued. No record to be returned. [50] [7114022] [19-2794] (MAN) [Entered: 10/13/2020 10:54 AM]
10/13/2020	<input checked="" type="checkbox"/>	FOR COURT USE ONLY: Certified copy of 09/03/2020 Nonprecedential Disposition and judgment with Mandate sent to the District Court Clerk. [7114025-2] [7114025] [19-2794] (MAN) [Entered: 10/13/2020 10:58 AM]
10/22/2020	<u>51</u>	Pro se motion filed by Appellant Firas M. Ayoubi to recall the mandate. [51] [7116707] [19-2794] (CM) [Entered: 10/22/2020 03:46 PM]

U.S. District Court
Southern District of Illinois (East St. Louis)
CIVIL DOCKET FOR CASE #: 3:18-cv-01689-NJR

Ayoubi v. Wexford health Sources, Inc., et al
Assigned to: Chief Judge Nancy J. Rosenstengel
Case in other court: USCA-7, 19-02794
USCA-7, 19-03206(T)
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/06/2018
Jury Demand: Both
Nature of Suit: 555 Prison Condition
Jurisdiction: Federal Question

Plaintiff

Firas M. Ayoubi

represented by **Firas M. Ayoubi**

R66956
DIXON CORRECTIONAL CENTER
2600 North Brinton Ave
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PRO SE

V.

Defendant

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ATTORNEY TO BE NOTICED

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Defendant

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TERMINATED: 05/31/2019

Defendant

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Warden, Pinckneyville CC

represented by **Tara Marie Barnett**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sierra Senor-Moore

(See above for address)

TERMINATED: 05/31/2019

Defendant

Dr. Alberto Butalid

represented by **Gregory C Flatt**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Keith B. Hill

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Dr. Percy Myers

represented by **Gregory C Flatt**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Keith B. Hill

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Dr. Stephen Ritz

represented by **Keith B. Hill**
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ATTORNEY TO BE NOTICED

Gregory C Flatt

Defendant

Alisa Dearmond
formerly "Unknown Dr. B"- see Doc. 4

represented by **Keith B. Hill**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregory C Flatt
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/06/2018	1	COMPLAINT against All Defendants filed by Firas M. Ayoubi.(jaj) (Entered: 09/06/2018)
09/06/2018	2	MOTION for Temporary Restraining Order, MOTION for Preliminary Injunction by Firas M. Ayoubi. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Appendix part 1, # <u>3</u> Appendix part 2, # <u>4</u> Appendix part 3)(jaj) (Entered: 09/06/2018)
09/06/2018	3	Letter from USDC/SDIL to Plaintiff informing him of case number and filing fee requirements. (Attachments: # <u>1</u> Motion to Proceed IFP, # <u>2</u> Consent to Magistrate Judge) (jaj) (Entered: 09/06/2018)
09/07/2018	4	ORDER REFERRING CASE to Magistrate Judge Stephen C. Williams. IT IS ORDERED the Motion for a Temporary Restraining Order or Preliminary Injunction (Doc. 2) is DENIED with respect to Plaintiff's request for a temporary restraining order. With respect to Plaintiff's request for a preliminary injunction, the Motion is REFERRED United States Magistrate Judge Stephen C. Williams, who shall resolve the request for injunctive relief as soon as practicable and issue a Report and Recommendation. Signed by Chief Judge Michael J. Reagan on 9/7/2018. (tjk) (Entered: 09/07/2018)
09/07/2018	5	REQUEST FOR WAIVER of Service sent to Wexford on 9/7/2018. Waiver of Service due by 10/9/2018. (tjk) (Entered: 09/07/2018)
09/07/2018	6	REQUEST FOR WAIVER of Service sent to Brown, Butaslid, Meyers, and Thompson on 9/7/2018. Waiver of Service due by 10/9/2018. (tjk) (Entered: 09/07/2018)
09/11/2018	7	CONSENT/NON-CONSENT TO U.S. MAGISTRATE JUDGE - sealed pending receipt from all parties. (jaj) (Entered: 09/11/2018)
09/14/2018		Filing fee: \$ 400.00, receipt number 34625086885. (cjo) (Entered: 09/14/2018)
09/21/2018	8	MOTION for Confidentiality and Protective Order by Firas M. Ayoubi. Proposed Order received and under review. (jaj) (Entered: 09/21/2018)
09/26/2018	9	WAIVER OF SERVICE Returned Executed Dr. Meyers waiver sent on 9/7/2018, answer due 11/6/2018. (tjk) (Entered: 09/26/2018)
09/26/2018	10	WAIVER OF SERVICE Returned Executed Christine Brown waiver sent on 9/7/2018, answer due 11/6/2018. (tjk) (Entered: 09/26/2018)
09/26/2018	11	WAIVER OF SERVICE Returned Executed Scott Thompson waiver sent on 9/7/2018, answer due 11/6/2018. (tjk) (Entered: 09/26/2018)
10/03/2018	12	ORDER directing Defendants to respond to <u>2</u> MOTION for Preliminary Injunction filed by Firas M. Ayoubi no later than October 18, 2018. Signed by Magistrate Judge Stephen C. Williams on 10/3/2018. (jmb) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/03/2018)

10/03/2018	Case Se19-2792 Document 2 MOTION for Preliminary Injunction. Defendants response due by 10/18/2018 (lmb) (Entered: 10/04/2018)
10/09/2018	<u>13</u> AFFIDAVIT and MOTION (Request)for Extension of Time to File Physicians Report by Firas M. Ayoubi. (jaj) (Entered: 10/09/2018)
10/10/2018	<u>14</u> NOTICE of Appearance by Seirra Senor-Moore on behalf of Christine Brown, Scott Thompson (Senor-Moore, Seirra) (Entered: 10/10/2018)
10/16/2018	<u>15</u> MOTION for Extension of Time to File Response/Reply as to <u>1</u> Complaint <i>Motion for Preliminary Injunction</i> by Christine Brown, Scott Thompson. (Senor-Moore, Sierra) (Entered: 10/16/2018)
10/19/2018	<u>16</u> NOTICE of Change of Address by Firas M. Ayoubi from Pinckneyville CC to Dixon CC. (jaj) (Entered: 10/19/2018)
10/19/2018	DOCKET ANNOTATION - Scanning Pinckneyville terminated as to electronic transmissions. (jaj) (Entered: 10/19/2018)
10/19/2018	<u>17</u> ORDER granting <u>15</u> Motion for Extension of Time to File Response/Reply re <u>2</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction. Responses due by 10/25/2018. Signed by Magistrate Judge Stephen C. Williams on 10/19/2018. (jmb)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/19/2018)
10/25/2018	<u>18</u> RESPONSE in Opposition re <u>2</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by Christine Brown, Scott Thompson. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit A-1)(Senor-Moore, Sierra) (Entered: 10/25/2018)
10/29/2018	<u>19</u> Plaintiff's MOTION Request to Supplement Motion for Preliminary Injunction by Firas M. Ayoubi. (tkm) (Entered: 10/29/2018)
11/02/2018	<u>20</u> ORDER granting <u>13</u> Motion for Extension of Time. Plaintiff shall submit the required documents no later than December 5, 2018. Signed by Magistrate Judge Stephen C. Williams on 11/2/2018. (jmb)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/02/2018)
11/02/2018	<u>23</u> MOTION to Supplement Record in Regards to Motion for Preliminary Injunction by Firas M. Ayoubi. (Attachments: # <u>1</u> Exhibit A)(jaj) (Entered: 11/06/2018)
11/05/2018	Set Deadlines: Action due (Plaintiff to submit affidavits or reports as to Count 2) by 12/5/2018. (kek) (Entered: 11/05/2018)
11/05/2018	<u>21</u> MOTION to Substitute Unknown Doctor A for Dr. Ritz by Firas M. Ayoubi. (jaj) (Entered: 11/05/2018)
11/05/2018	<u>22</u> ANSWER to <u>1</u> Complaint <i>and Affirmative Defenses</i> by Christine Brown, Scott Thompson. (Senor-Moore, Sierra) (Entered: 11/05/2018)
11/07/2018	<u>24</u> ORDER granting <u>23</u> Motion to Supplement. The Court will consider Plaintiff's Exhibit A attached to his <u>23</u> Motion to Supplement. Signed by Magistrate Judge Stephen C. Williams on 11/7/2018. (jmb)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/07/2018)
11/07/2018	<u>25</u> ORDER granting in part and denying as moot in part <u>19</u> Motion to Supplement. Defendants Brown and Thompson have filed a timely response to Plaintiff's Motion. To the extent Plaintiff seeks an order directing these Defendants to respond to Plaintiff's Motion, that relief is DENIED AS MOOT. Plaintiff's request to be sent orders or notices entered after October 11, 2018 is GRANTED. The Clerk of Court is DIRECTED to send Plaintiff copies of documents on the docket entered after October 11, 2018, beginning with Docket No. 15, to his current address at Dixon Correctional Center. Signed by Magistrate Judge Stephen C.

Case: Willa2394 11/7/2018 (jmb) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/07/2018)

11/07/2018	<u>26</u>	ORDER granting <u>21</u> Motion to Substitute Party.. The Clerk of Court is DIRECTED to substitute Dr. Ritz into the case as a Defendant, and remove Unknown Doctor A from the case. The Clerk of Court is DIRECTED to effect service on Defendant Dr. Ritz as follows: The Clerk shall prepare for Defendant Dr. Ritz: (1) Form 5 (Notice of a Lawsuit and Request to Waive Service of a Summons), and (2) Form 6 (Waiver of Service of Summons). The Clerk is DIRECTED to mail these forms, a copy of the <u>1</u> Complaint (Doc. 1), and this Order to the individual or entity designated to accept service on behalf of this Defendant. If Defendant fails to return a signed copy of the Waiver of Service of Summons (Form 6) to the Clerk within 30 days from the date the forms were sent, the Clerk shall take appropriate steps to effect formal service on Defendant, and the Court will require Defendant to pay the full costs of formal service, to the extent authorized by the Federal Rules of Civil Procedure. Signed by Magistrate Judge Stephen C. Williams on 11/7/2018. (jmb)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/07/2018)
11/08/2018	<u>27</u>	REQUEST FOR WAIVER of Service sent to Dr. Ritz on 11/8/2018. Waiver of Service due by 12/8/2018. (cds) (Entered: 11/08/2018)
11/13/2018	<u>28</u>	WAIVER OF SERVICE Returned Executed Dr. Ritz waiver sent on 11/8/2018, answer due 1/7/2019. (jaj) (Entered: 11/13/2018)
12/03/2018	<u>29</u>	MOTION for Order Directing Defendants Meyers and Butalid to Answer complaint by Firas M. Ayoubi. (jaj) (Entered: 12/03/2018)
12/10/2018	<u>30</u>	Final MOTION for Extension of Time to File Physicians Report by Firas M. Ayoubi. (jaj) (Entered: 12/10/2018)
12/10/2018	<u>31</u>	REPLY to Response to Motion re <u>2</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by Firas M. Ayoubi. (Attachments: # <u>1</u> Exhibits part 1, # <u>2</u> Exhibits part 2)(jaj) (Entered: 12/10/2018)
12/11/2018	<u>32</u>	NOTICE of Appearance by Keith B. Hill on behalf of Wexford health Sources, Inc., (Hill, Keith) (Entered: 12/11/2018)
12/11/2018	<u>33</u>	NOTICE of Appearance by Keith B. Hill on behalf of Dr. Butalid (Hill, Keith) (Entered: 12/11/2018)
12/11/2018	<u>34</u>	NOTICE of Appearance by Keith B. Hill on behalf of Dr. Meyers (Hill, Keith) (Entered: 12/11/2018)
12/11/2018	<u>35</u>	MOTION for Leave to File <i>An Answer and Affirmative Defenses to Plaintiff's Complaint Instanter</i> by Dr. Meyers. (Hill, Keith) (Entered: 12/11/2018)
12/11/2018	<u>36</u>	Corporate Disclosure Statement by Wexford health Sources, Inc., identifying Corporate Parent Bantry Group Corp for Wexford health Sources, Inc., (Hill, Keith) (Entered: 12/11/2018)
12/11/2018	<u>37</u>	NOTICE of Appearance by Gregory C Flatt on behalf of Wexford health Sources, Inc., (Flatt, Gregory) (Entered: 12/11/2018)
12/11/2018	<u>38</u>	NOTICE of Appearance by Gregory C Flatt on behalf of Dr. Butalid (Flatt, Gregory) (Entered: 12/11/2018)
12/11/2018	<u>39</u>	NOTICE of Appearance by Gregory C Flatt on behalf of Dr. Meyers (Flatt, Gregory) (Entered: 12/11/2018)
12/27/2018	<u>40</u>	MOTION to Adopt <i>Defendants Christine Brown's and Scott Thompson's Response to Plaintiff's Motion for Preliminary Injunction</i> by Dr. Butalid, Dr. Meyers, Wexford health Sources, Inc., (Hill, Keith) (Entered: 12/27/2018)

12/28/2018	<u>41</u>	Case ORDER granting <u>40</u> Motion for Leave to File A <u>15/01/2019</u> Plaintiff's Affirmative Defenses to be filed by January 4, 2019. Signed by Magistrate Judge Stephen C. Williams on 12/28/2018. (jmb) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 12/28/2018)
12/28/2018	<u>42</u>	ORDER granting <u>40</u> Motion to Adopt. Signed by Magistrate Judge Stephen C. Williams on 12/28/2018. (jmb) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 12/28/2018)
12/28/2018	<u>43</u>	NOTICE of Appearance by Keith B. Hill on behalf of Dr. Ritz (Hill, Keith) (Entered: 12/28/2018)
12/28/2018	<u>44</u>	ANSWER to Complaint and <i>Affirmative Defenses to Plaintiff's Complaint</i> by Dr. Butalid, Dr. Meyers, Dr. Ritz, Wexford health Sources, Inc., (Hill, Keith) (Entered: 12/28/2018)
12/28/2018	<u>45</u>	NOTICE of Appearance by Gregory C Flatt on behalf of Dr. Ritz (Flatt, Gregory) (Entered: 12/28/2018)
01/03/2019	<u>46</u>	Case reassigned to Magistrate Judge Gilbert C. Sison. Magistrate Judge Stephen C. Williams no longer assigned to the case. (mar) (Entered: 01/03/2019)
01/14/2019	<u>47</u>	ORDER finding as moot <u>29</u> Motion for Order. Dr. Butalid and Dr. Meyers filed an answer on December 28, 2018 <u>44</u> . Signed by Magistrate Judge Gilbert C. Sison on 1/14/2019. (klh) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/14/2019)
01/14/2019	<u>48</u>	ORDER granting in part <u>30</u> final motion for Extension of Time to File physicians' report. The Court ALLOWS plaintiff up to and including March 11, 2019 to file the certificate of merit. Signed by Magistrate Judge Gilbert C. Sison on 1/14/2019. (klh) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/14/2019)
01/18/2019	<u>49</u>	ORDER granting <u>8</u> Motion for Protective Order. Signed by Magistrate Judge Gilbert C. Sison on 1/18/2019. (klh) (Entered: 01/18/2019)
02/25/2019	<u>50</u>	MOTION to Produce Defendants to Testify at Preliminary Injunction Hearing by Firas M. Ayoubi. (jaj) (Entered: 02/25/2019)
03/04/2019	<u>51</u>	RESPONSE to Motion re <u>50</u> MOTION for Order to <i>Produce Defendants to Testify</i> filed by Christine Brown, Scott Thompson. (Senor-Moore, Sierra) (Entered: 03/04/2019)
03/06/2019	<u>52</u>	Case Reassigned to Judge Nancy J. Rosenstengel. Chief Judge Michael J. Reagan no longer assigned to the case. (trb) (Entered: 03/06/2019)
03/15/2019	<u>53</u>	MOTION for Extension of Time to Submit Physicians Report and Affidavit by Firas M. Ayoubi. (jsm2) (Entered: 03/15/2019)
03/15/2019	<u>55</u>	MOTION to Supplement Reply in Support of Motion for Preliminary Injunction by Firas M. Ayoubi. (jsm2) (Entered: 03/18/2019)
03/15/2019	<u>56</u>	Sealed Exhibit re <u>55</u> Motion to Supplement. (jsm2) (Entered: 03/18/2019)
03/18/2019	<u>54</u>	ORDER granting <u>53</u> Motion for Extension of Time to File. Plaintiff may file a certificate of merit, provided that it is filed on or before April 1, 2019. Signed by Magistrate Judge Gilbert C. Sison on 3/18/2019. (kll) Modified on 3/19/2019 (trb). (Entered: 03/18/2019)
03/19/2019	<u>57</u>	NOTICE OF MODIFICATION re <u>54</u> Order on Motion for Extension of Time to File. Docket text modified to show the correct date as April 1, 2019. No further action is required by the filer in relation to this notification. (trb) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 03/19/2019)
03/25/2019	<u>58</u>	ORDER granting <u>55</u> Motion to Supplement. The record indicates that they have been filed under seal at Document 56. Signed by Magistrate Judge Gilbert C. Sison on 3/25/2019.

		Case filed. (klh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 03/25/2019)
03/29/2019	<u>59</u>	MOTION to Reinstate Medical Malpractice Claims Against Dr. Alberto Butalid and Stephen Ritz by Firas M. Ayoubi. (jaj) (Entered: 03/29/2019)
04/04/2019	<u>60</u>	ORDER Setting Hearing on Motion <u>2</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction: Motion Hearing set for 5/13/2019 at 10:00 AM in East St. Louis Courthouse before Magistrate Judge Gilbert C. Sison. IDOC and the Warden of Dixon Correctional shall arrange to have Plaintiff, Firas M. Ayoubi, R66956 present via video. Signed by Magistrate Judge Gilbert C. Sison on 4/4/2019. (dmw2) (Entered: 04/04/2019)
04/04/2019	<u>61</u>	VIDEO WRIT ISSUED as to Firas M. Ayoubi to be held 05/13/19 at 10:00 a.m. at the East St. Louis Courthouse by Magistrate Judge Gilbert C. Sison. (dmw2) (Entered: 04/04/2019)
04/05/2019	<u>62</u>	INITIAL SCHEDULING ORDER: Dispositive Motions re Exhaustion of Administrative Remedies due by 6/3/2019. Signed by Magistrate Judge Gilbert C. Sison on 4/5/2019. (Attachments: # <u>1</u> Consent)(dmw2) (Entered: 04/05/2019)
04/15/2019	<u>63</u>	RESPONSE to Plaintiff's (<u>59</u> MOTION to Reinstate Medical Malpractice Claims Against Dr. Alberto Butalid and Stephen Ritz by Firas M. Ayoubi) filed by Alberto Butalid, Percy Myers, Stephen Ritz, Wexford health Sources, Inc.. (Hill, Keith) Modified on 4/16/2019 (cjo). (Entered: 04/15/2019)
04/16/2019	<u>64</u>	NOTICE OF MODIFICATION re <u>63</u> Response filed by Stephen Ritz, Alberto Butalid, Percy Myers, Wexford health Sources, Inc.,. Filer failed to link the Response to the underlying Motion. Clerk's office to modify docket text to include the motion. No further action is required by the filer in relation to this notification. (cjo)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 04/16/2019)
04/26/2019	<u>65</u>	REPLY to Response to Motion re <u>59</u> MOTION to Reinstate filed by Firas M. Ayoubi. (jaj) (Entered: 04/26/2019)
05/09/2019	<u>66</u>	MOTION to Supplement <i>Defendants' Response to Plaintiff's Motion for Preliminary Injunction</i> by Alberto Butalid, Percy Myers, Wexford health Sources, Inc.,. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit A)(Hill, Keith) (Entered: 05/09/2019)
05/09/2019	<u>67</u>	ORDER granting <u>66</u> Motion to Supplement. Signed by Magistrate Judge Gilbert C. Sison on 5/9/2019. (klh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/09/2019)
05/09/2019	<u>68</u>	ORDER granting <u>50</u> Motion for Order to Produce Defendants to Testify at Preliminary Injunction Hearing. The Court DIRECTS defendants Myers, Ritz, Butalid and Brown to attend the May 13, 2019 preliminary injunction hearing. Signed by Magistrate Judge Gilbert C. Sison on 5/9/2019. (klh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/09/2019)
05/10/2019	<u>69</u>	MOTION to Continue <i>Hearing on Plaintiff's Motion for Preliminary Injunction, and for Leave to Attend by Video Conference</i> by Alberto Butalid, Percy Myers, Stephen Ritz, Wexford health Sources, Inc.,. (Hill, Keith) (Entered: 05/10/2019)
05/10/2019	<u>70</u>	ORDER granting <u>69</u> Motion to Continue. The Court CANCELS the hearing set for May 13, 2019. The matter will be reset at a later date. Further, the Court will allow Dr. Ritz to call into the hearing. Signed by Magistrate Judge Gilbert C. Sison on 5/9/2019. (klh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/10/2019)
05/13/2019	<u>71</u>	ORDER RESETTING Hearing on Motion <u>2</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction: Motion Hearing set for 6/3/2019 at 2:30 PM in East St. Louis Courthouse before Magistrate Judge Gilbert C. Sison. The Clerk is directed to issue a

		Case entry for Plaintiff's appearance via video. The call-in instructions for Plaintiff are as follows: (1) call toll-free, 888-273-3658 ; (2) when prompted, enter the seven-digit Access Code: 5699758 ; (3) when prompted, enter the four-digit Security Code: 1689 . Signed by Magistrate Judge Gilbert C. Sison on 5/13/2019. THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (dmw2) (Entered: 05/13/2019)
05/13/2019	<u>72</u>	QUASHED - VIDEO WRIT ISSUED as to Firas M. Ayoubi to be held 06/03/19 at 2:30 p.m. at the East St. Louis Courthouse by Magistrate Judge Gilbert C. Sison. (dmw2) Modified on 5/29/2019 (dmw2). (Entered: 05/13/2019)
05/23/2019	<u>73</u>	Second MOTION to Continue <i>Hearing on Plaintiff's Motion for Preliminary Injunction, and for Leave to Attend by Video Conference</i> by Alberto Butalid, Percy Myers, Stephen Ritz, Wexford health Sources, Inc., (Hill, Keith) (Entered: 05/23/2019)
05/23/2019	<u>74</u>	NOTICE AND ORDER: A Status Conference is set for 5/28/2019 at 2:30 PM in East St. Louis Courthouse before Magistrate Judge Gilbert C. Sison. IDOC and the Warden of Dixon Correctional Center shall arrange to have Firas Ayoubi, R66956 present on 05/28/19 at 2:30 p.m. via video. Counsel may participate via telephone. Instructions for the conference call are as follows: (1) call toll-free, 888-273-3658 ; (2) when prompted, enter the seven-digit Access Code: 5699758 ; (3) when prompted, enter the four-digit Security Code: 1689 . Signed by Magistrate Judge Gilbert C. Sison on 5/23/2019. (dmw2) (Entered: 05/23/2019)
05/23/2019	<u>75</u>	VIDEO WRIT ISSUED as to Firas M. Ayoubi to be held 05/28/19 at 2:30 p.m. at the East St. Louis Courthouse by Magistrate Judge Gilbert C. Sison. (dmw2) (Entered: 05/23/2019)
05/29/2019	<u>76</u>	Minute Entry for proceedings held before Magistrate Judge Gilbert C. Sison: Status Conference held on 5/28/2019. Pro Se Plaintiff, Firas Ayoubi, present via video from Dixon CC. Attorneys Keith Hill and Sierra Senor-Moore present via telephone on behalf of Defendants. The Court discusses with the parties the pending Motion to Continue Hearing, as well as potential dates to reset the hearing. By separate Order, the Court will reset the evidentiary hearing. (dmw2) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/29/2019)
05/29/2019	<u>77</u>	ORDER RESETTING Hearing on Motion <u>2</u> MOTION for Temporary Restraining Order, MOTION for Preliminary Injunction: Evidentiary Hearing reset for 6/21/2019 at 2:00 PM in East St. Louis Courthouse before Magistrate Judge Gilbert C. Sison. The Clerk is directed to issue a writ for Plaintiff Firas Ayoubi's in-person appearance for this hearing. Further, the Court will allow Dr. Butalid, Dr. Ritz and Christine Brown to appear via telephone. The call-in information is as follows: (1) call toll-free, 888-273-3658 ; (2) when prompted, enter the seven-digit Access Code: 5699758 ; (3) when prompted, enter the four-digit Security Code: 1689 . Signed by Magistrate Judge Gilbert C. Sison on 5/29/2019. (dmw2) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/29/2019)
05/29/2019	<u>78</u>	Writ of Habeas Corpus ad Testificandum Issued as to Firas M. Ayoubi, R66956 for 06/21/19 at 2:00 p.m. (dmw2) (Entered: 05/29/2019)
05/30/2019	<u>79</u>	NOTICE of Appearance by Tara Marie Barnett on behalf of Christine Brown, Scott Thompson (Barnett, Tara) (Entered: 05/30/2019)
05/30/2019	<u>80</u>	MOTION to Substitute Attorney by Christine Brown, Scott Thompson. (Barnett, Tara) (Entered: 05/30/2019)
05/31/2019	<u>81</u>	ORDER granting <u>80</u> Motion to Substitute Attorney. Attorney Sierra Senor-Moore terminated. Signed by Magistrate Judge Gilbert C. Sison on 5/31/2019. (kh) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/31/2019)
06/03/2019	<u>82</u>	MOTION to Substitute Unknown Doctor B With Alisa Dearmond by Firas M. Ayoubi. (jaj) (Entered: 06/03/2019)

6/03/2019	83	Case ORDER granting <u>82</u> Motion to Substitute filed 6/03/2019 with Alisa Dearmond. The Clerk of Court is DIRECTED to RENAME Unknown Doctor B as Alisa Dearmond in the case as a Defendant and to remove Unknown Doctor B from the case. The Clerk of Court is DIRECTED to effect service on Defendant Alisa Dearmond as follows: The Clerk shall prepare for Defendant Alisa Dearmond: (1) Form 5 (Notice of a Lawsuit and Request to Waive Service of a Summons), and (2) Form 6 (Waiver of Service of Summons). The Clerk is DIRECTED to mail these forms, a copy of the 1 Complaint (Doc. 1), the referral Order (Doc. 4) and this Order to the individual or entity designated to accept service on behalf of this Defendant. If Defendant fails to return a signed copy of the Waiver of Service of Summons (Form 6) to the Clerk within 30 days from the date the forms were sent, the Clerk shall take appropriate steps to effect formal service on Defendant, and the Court will require Defendant to pay the full costs of formal service, to the extent authorized by the Federal Rules of Civil Procedure.Signed by Magistrate Judge Gilbert C. Sison on 6/3/2019. (klh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 06/03/2019)
6/03/2019	84	MOTION for Extension of Time by Christine Brown, Scott Thompson. (Barnett, Tara) (Entered: 06/03/2019)
6/04/2019	85	ORDER granting <u>84</u> Motion for Extension of Time. The Court allows defendants up to and including June 24, 2019 to file a Pavey motion..Signed by Magistrate Judge Gilbert C. Sison on 6/4/2019. (klh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 06/04/2019)
6/05/2019	86	REQUEST FOR WAIVER of Service sent to Dearmond on 6/5/2019. Waiver of Service due by 7/5/2019. (tjk) (Entered: 06/05/2019)
6/10/2019	87	MOTION to Add IDOC Director Baldwin as a Defendant in his Official Capacity by Firas M. Ayoubi. (jaj) (Entered: 06/10/2019)
6/14/2019	88	WAIVER OF SERVICE Returned Executed Alisa Dearmond waiver sent on 6/5/2019, answer due 8/5/2019. (jaj) (Entered: 06/14/2019)
6/20/2019	89	NOTICE of Appearance by Keith B. Hill on behalf of Alisa Dearmond (Hill, Keith) (Entered: 06/20/2019)
6/20/2019	90	ANSWER to <u>1</u> Complaint and <i>Affirmative Defenses to Plaintiff's Complaint</i> by Alisa Dearmond.(Hill, Keith) (Entered: 06/20/2019)
6/20/2019	91	NOTICE of Appearance by Gregory C Flatt on behalf of Alisa Dearmond (Flatt, Gregory) (Entered: 06/20/2019)
6/20/2019	92	OBJECTION to <u>87</u> Motion to Amend/Correct by Christine Brown, Scott Thompson <i>IDOC Director Baldwin as a Defendant in His Official Capacity</i> . (Barnett, Tara) (Entered: 06/20/2019)
6/21/2019	93	MOTION for Summary Judgment <i>On The Issue of Exhaustion of Administrative Remedies</i> by Christine Brown, Scott Thompson. Responses due by 7/25/2019 (Barnett, Tara) (Entered: 06/21/2019)
6/21/2019	94	MEMORANDUM in Support re <u>93</u> MOTION for Summary Judgment <i>On The Issue of Exhaustion of Administrative Remedies</i> filed by Christine Brown, Scott Thompson. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Barnett, Tara) (Entered: 06/21/2019)
6/21/2019	95	NOTICE by Christine Brown, Scott Thompson re <u>94</u> Memorandum in Support of Motion, <u>93</u> MOTION for Summary Judgment <i>On The Issue of Exhaustion of Administrative Remedies</i> (Barnett, Tara) (Entered: 06/21/2019)
6/21/2019	96	Minute Entry for proceedings held before Magistrate Judge Gilbert C. Sison: Preliminary Injunction Hearing held on 6/21/2019. Pro Se Plaintiff, Firas Ayoubi, present in open court.

		Case Attorney Keith Hill present on behalf of Plaintiff Defendants. Attorney Taryn Barnett present on behalf of IDOC Defendants. The Court hears testimony from Dr. Alberto Butalid, Dr. Percy Myers and Dr. Stephen Ritz. The Court takes the matter under advisement. Order to issue. (Court Reporter Barb Kniepmann.) (dmw2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 06/24/2019)
07/12/2019	<u>97</u>	AFFIDAVIT in SUPPORT re <u>2</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction by Firas M. Ayoubi. (jaj) (Entered: 07/12/2019)
07/16/2019	<u>98</u>	ORDER FOR TRANSCRIPT -It is hereby ordered that the preparation of the transcript of the Motion Hearing held on June 21, 2019 be prepared by court reporter Barb Kniepmann, and filed with the Clerk of Court, at the expense of the United States within 30 days. Signed by Magistrate Judge Gilbert C. Sison on 7/16/2019. (klh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 07/16/2019)
07/19/2019	<u>99</u>	REPORT AND RECOMMENDATIONS re <u>2</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by Firas M. Ayoubi. Objections due on or before August 5, 2019. Signed by Magistrate Judge Gilbert C. Sison on 7/19/2019. (Attachments: # <u>1</u> Objection Notice)(klh) (Entered: 07/19/2019)
07/22/2019		Objections to R&R due by 8/5/2019 (klh3) (Entered: 07/22/2019)
07/22/2019	<u>100</u>	MOTION for Extension of Time to File Response/Reply as to <u>93</u> MOTION for Summary Judgment <i>On The Issue of Exhaustion of Administrative Remedies</i> by Firas M. Ayoubi. (jaj) (Entered: 07/22/2019)
07/22/2019	<u>101</u>	ORDER granting <u>100</u> Motion for Extension of Time to File Response/Reply re <u>93</u> MOTION for Summary Judgment <i>On The Issue of Exhaustion of Administrative Remedies</i> . Responses due by 8/22/2019. Signed by Magistrate Judge Gilbert C. Sison on 7/22/2019. (klh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 07/22/2019)
07/29/2019	<u>102</u>	RESPONSE to <u>92</u> Objection filed by Firas M. Ayoubi. (jaj) (Entered: 07/29/2019)
08/05/2019	<u>103</u>	OBJECTION to <u>99</u> Report and Recommendations by Firas M. Ayoubi. (tjk) (Entered: 08/05/2019)
09/03/2019	<u>104</u>	MOTION to Direct Clerk to Provide Transcripts of Proceedings at Governments Expense by Firas M. Ayoubi. (jaj) (Entered: 09/03/2019)
09/03/2019	<u>105</u>	RESPONSE in Opposition re <u>93</u> MOTION for Summary Judgment <i>On The Issue of Exhaustion of Administrative Remedies</i> filed by Firas M. Ayoubi. (Attachments: # <u>1</u> Response to Defendants Statement of Undisputed Facts and Statement of Disputed Material Facts, # <u>2</u> Exhibits)(jaj) (Entered: 09/03/2019)
09/05/2019	<u>106</u>	Transcript of Motion Hearing held on June 21, 2019, before Judge Gilbert C. Sison. Court Reporter/Transcriber Barbara Kniepmann, Telephone number 618-482-9482. NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21 calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the website at http://www.ilsd.uscourts.gov/forms/TransPolicy.pdf Transcript may be viewed at the public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/26/2019. Redacted Transcript Deadline set for 10/7/2019. Release of Transcript Restriction set for 12/4/2019. (bkk) (Entered: 09/05/2019)

09/05/2019	107	Case 19-2794 Document 32 Filed: 05/04/2020 Pages: 75 ORDER finding as moot <u>104</u> Motion to direct the clerk to provide transcripts of proceedings at government's expense. On 07/16/2019, the Court directed the court reporter to prepare the transcript at the government's expense <u>98</u> . Today, the transcript was filed <u>106</u> . Thus, the motion is moot. Signed by Magistrate Judge Gilbert C. Sison on 9/5/2019. (klh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 09/05/2019)
09/05/2019	108	ORDER ADOPTING <u>99</u> REPORT AND RECOMMENDATION and DENYING <u>2</u> Motion for Preliminary Injunction filed by Firas M. Ayoubi. Signed by Chief Judge Nancy J. Rosenstengel on 9/5/2019. (bak) (Entered: 09/05/2019)
09/05/2019	109	Entry Stricken: Transcript of Discovery Dispute held on June 24, 2019, before Judge Gilbert C. Sison. Court Reporter/Transcriber Barbara Kniepmann, Telephone number 618-482-9482. NOTICE: Attorneys and unrepresented parties have 7 calendar days to file a Notice of Intent to Request Redaction of this transcript and 21 calendar days to file a Redaction Request. If redactions are not requested, the transcript will be made remotely available to the public without redaction after 90 calendar days. See the full Transcript Policy on the website at http://www.ilsd.uscourts.gov/forms/TransPolicy.pdf Transcript may be viewed at the public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/26/2019. Redacted Transcript Deadline set for 10/7/2019. Release of Transcript Restriction set for 12/4/2019. (bkk) Modified on 9/5/2019 (dkd). (Entered: 09/05/2019)
09/05/2019	110	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>109</u> Transcript. Document inadvertently filed in incorrect case. (dkd)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 09/05/2019)
09/06/2019	111	MOTION for Transfer of Venue by Firas M. Ayoubi. (jaj) (Entered: 09/06/2019)
09/09/2019	112	ORDER re <u>111</u> MOTION to Change Venue filed by Firas M. Ayoubi. The Court DIRECTS defendants to respond to the motion on or before September 20, 2019. Signed by Magistrate Judge Gilbert C. Sison on 9/9/2019. (klh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 09/09/2019)
09/18/2019	113	NOTICE OF APPEAL as to <u>108</u> Order Adopting Report and Recommendations by Firas M. Ayoubi. (jsm2) (Entered: 09/18/2019)
09/18/2019	114	Transmission of Short Record to USCA-7 re <u>113</u> Notice of Appeal (kls3) (Entered: 09/18/2019)
09/18/2019	115	Rule 10 Letter (kls3) (Entered: 09/18/2019)
09/19/2019	116	USCA Case Number 19-2794 for <u>113</u> Notice of Appeal filed by Firas M. Ayoubi. (Attachments: # <u>1</u> Notice of case opening, # <u>2</u> PLRA Fee Notice and Order)(trb) (Entered: 09/20/2019)
09/20/2019	117	RESPONSE to Motion re <u>111</u> MOTION to Change Venue filed by Alberto Butalid, Alisa Dearmond, Percy Myers, Stephen Ritz, Wexford Health Sources Inc. (Hill, Keith) (Entered: 09/20/2019)
09/20/2019	118	OBJECTION by Christine Brown, Scott Thompson to Plaintiff's Motion for Transfer of Venue. (Barnett, Tara) (Entered: 09/20/2019)
10/01/2019	119	TRANSCRIPT INFORMATION SHEET by Attorney/Pro Se Party. (lmt) (Entered: 10/01/2019)
10/01/2019	120	TRANSCRIPT INFORMATION SHEET by Court Reporter. (lmt) (Entered: 10/01/2019)

10/08/2019	<u>121</u>	ORDER Setting Plaintiff Motion <u>93</u> MOTION 5/9/2020 Summary J Request <u>75</u> : <i>The Issue of Exhaustion of Administrative Remedies</i> : Motion Hearing set for 11/18/2019 at 10:00 AM in East St. Louis Courthouse before Magistrate Judge Gilbert C. Sison. The Clerk is directed to issue a writ for Plaintiff's appearance via video. Signed by Magistrate Judge Gilbert C. Sison on 10/8/2019. (dmw2) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/08/2019)
10/08/2019	<u>122</u>	VIDEO WRIT ISSUED as to Firas Ayoubi, R66956 to be held 11/18/19 at 10:00 a.m. at the East St. Louis Courthouse by Magistrate Judge Gilbert C. Sison. (dmw2) (Entered: 10/08/2019)
10/15/2019	<u>123</u>	MOTION for Order to Direct Clerk to Send Plaintiff a Copy of the Transcripts of the Proceedings by Firas M. Ayoubi. (jaj) (Entered: 10/15/2019)
10/15/2019	<u>124</u>	ORDER granting <u>123</u> Motion for Order to Direct Clerk to Send Plaintiff a Copy of the Transcripts of the Proceedings. The Court DIRECTS the Clerk of the Court to send a copy of the June 21, 2019 transcript <u>106</u> to Plaintiff. Signed by Magistrate Judge Gilbert C. Sison on 10/15/2019. (klh) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/15/2019)
10/21/2019	<u>125</u>	MOTION for Leave to Appeal in forma pauperis by Firas M. Ayoubi. (jaj) (Entered: 10/21/2019)
10/23/2019		DOCKET ANNOTATION - Scanning Dixon added for receipt of electronic transmissions. (jaj) (Entered: 10/23/2019)
10/24/2019	<u>126</u>	ORDER denying <u>59</u> Motion to Reinstate Reinstate Medical Malpractice Claims Against Dr. Alberto Butalid and Stephen Ritz. Signed by Magistrate Judge Gilbert C. Sison on 10/24/2019. (klh) (Entered: 10/24/2019)
10/25/2019	<u>127</u>	ORDER denying <u>87</u> Motion to Amend/Correct to Add IDOC Director Baldwin as a Defendant in his Official Capacity. Signed by Magistrate Judge Gilbert C. Sison on 10/25/2019. (klh) (Entered: 10/25/2019)
10/28/2019	<u>128</u>	ORDER GRANTING <u>125</u> Motion for Leave to Appeal in forma pauperis filed by Firas M. Ayoubi. The Order assessing an initial partial filing fee will be entered separately. Signed by Chief Judge Nancy J. Rosenstengel on 10/28/2019. (bak) (Entered: 10/28/2019)
10/28/2019	<u>129</u>	ORDER DIRECTING PRISONER PAYMENT: Pursuant to 28 U.S.C. Section 1915(b)(1), Plaintiff is assessed an initial partial appellate filing fee of \$485.55. The agency having custody of Plaintiff is directed to forward the initial partial appellate filing fee from Plaintiff's account to the Clerk of Court upon receipt of this Order. Plaintiff shall make monthly payments of 20% of the preceding month's income credited to Plaintiff's prison trust fund account (including all deposits to the inmate account from any source) until the \$505.00 appellate filing and docketing fee is paid in full. The agency having custody of Plaintiff shall forward payments from Plaintiff's account to the Clerk of this Court each time the amount in the account exceeds \$10 until the \$505.00 filing fee is paid. Payments shall be mailed to: Clerk of the Court, United States District Court for the Southern District of Illinois, 750 Missouri Avenue, East St. Louis, Illinois 62201. The Clerk is DIRECTED to send a copy of this Order to the Trust Fund Officer at the Dixon Correctional Center and the United States Court of Appeals for the Seventh Circuit upon entry of this Order. Signed by Chief Judge Nancy J. Rosenstengel on 10/28/2019. (tjk) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/28/2019)
10/30/2019	<u>130</u>	ORDER denying <u>111</u> Motion to Change Venue. Signed by Magistrate Judge Gilbert C. Sison on 10/30/2019. (klh) (Entered: 10/30/2019)
11/04/2019	<u>131</u>	MOTION for Appointment of Neutral Expert in Neurology and Order for Physical Examination of Plaintiff at his Present Place of Confinement by Firas M. Ayoubi. (rah) (Entered: 11/04/2019)

11/04/2019	<u>162</u>	Case NOTICE OF APPEAL has to: <u>126</u> Order of Motion 04/02/2019 by Firas M. Ayoubi. (rah) (Entered: 11/04/2019)
11/04/2019	133	MOTION to Consolidate Appeals by Firas M. Ayoubi. See doc <u>132</u> . (rah) (Entered: 11/04/2019)
11/05/2019	<u>134</u>	Transmission of Short Record to US Court of Appeals re <u>132</u> Notice of Appeal (rah) (Entered: 11/05/2019)
11/05/2019	135	ORDER dismissing for lack of jurisdiction 133 Motion to Consolidate Cases. The district court does not have jurisdiction to consolidate Plaintiff's appeals. Plaintiff shall refile the motion to consolidate the appeals with the Seventh Circuit Court of Appeals. Signed by Magistrate Judge Gilbert C. Sison on 11/5/2019. (klh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/05/2019)
11/05/2019	<u>136</u>	Rule 10 Letter (rah) (Entered: 11/05/2019)
11/05/2019	<u>137</u>	USCA Case Number 19-3206 for <u>132</u> Notice of Appeal filed by Firas M. Ayoubi. (Attachments: # <u>1</u> Notice of Case Opening, # <u>2</u> PLRA Fee Notice and Order)(lmb) (Entered: 11/05/2019)
11/12/2019	<u>138</u>	RESPONSE to Motion re <u>131</u> MOTION for Appointment of Neutral Expert in Neurology and Order for Physical Examination of Plaintiff at his Present Place of Confinement filed by Alberto Butalid, Alisa Dearmond, Percy Myers, Stephen Ritz, Wexford Health Sources Inc. (Hill, Keith) (Entered: 11/12/2019)
11/15/2019	139	NOTICE OF CANCELLATION of Hearing: The Pavey Hearing scheduled for Monday, 11/18/2019 at 10:00 a.m. is hereby CANCELLED. (dmw2)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/15/2019)
11/15/2019	<u>140</u>	MOTION to Join Defendants' Response re <u>138</u> Response to Motion, by Christine Brown, Scott Thompson. (Barnett, Tara) (Entered: 11/15/2019)
11/15/2019	141	ORDER granting <u>140</u> Motion to Join Defendants' Response re <u>138</u> Response to Motion, by Christine Brown and Scott Thompson. Signed by Magistrate Judge Gilbert C. Sison on 11/15/2019. (klh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/15/2019)
11/21/2019	<u>142</u>	MOTION for Leave to File Sur-Reply to Defendants Response to Motion for Appointment of Neutral Expert by Firas M. Ayoubi. (jaj) (Entered: 11/21/2019)
11/21/2019	<u>143</u>	MOTION for Extension of Time to Submit In Forma Pauperis Application by Firas M. Ayoubi. (jaj) (Entered: 11/21/2019)
11/21/2019	144	ORDER granting <u>142</u> Motion for Leave to File. The Court ALLOWS plaintiff up to and including December 2, 2019 to file a reply brief. Signed by Magistrate Judge Gilbert C. Sison on 11/21/2019. (klh)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 11/21/2019)
11/25/2019	<u>145</u>	MOTION for Leave to Appeal in forma pauperis by Firas M. Ayoubi. (rah) (Entered: 11/25/2019)
12/03/2019	<u>146</u>	ORDER: Pursuant to Administrative Order 257, this case has been selected for reassignment to a Magistrate Judge. Within 21 days of this Order, any party not previously having filed a Notice and Consent to Proceed before a Magistrate Judge Jurisdiction form in this case must file the attached form indicating that party's consent to proceed before a Magistrate Judge or an affirmative declination to consent. The 21-day deadline set forth in this Order does not apply to unserved parties. Deadlines for newly served parties to consent or decline to consent to proceed before a Magistrate Judge will be set by the Court at a later date. Consent due by

		Case 2:18-cv-02094-S Document 147 Filed 05/04/18 Page 1 of 15 Page ID #: 147 (Attachments: # 1) Administrative Order)(amv) (Entered: 12/03/2019)
12/03/2019	<u>147</u>	MOTION to Alter/Amend Order Granting Leave to Proceed on Appeal in Forma Pauperis by Firas M. Ayoubi. (jaj) (Entered: 12/03/2019)
12/03/2019	<u>148</u>	REPLY to Response to Motion re <u>131</u> MOTION for Appointment of Neutral Expert in Neurology and Order for Physical Examination of Plaintiff at his Present Place of Confinement filed by Firas M. Ayoubi. (jaj) (Entered: 12/03/2019)
12/05/2019	<u>149</u>	TRANSCRIPT INFORMATION SHEET by Pro Se Party. (jaj) (Entered: 12/05/2019)
12/05/2019	<u>150</u>	CONSENT/NON-CONSENT TO U.S. MAGISTRATE JUDGE - sealed pending receipt from all parties. (jaj) (Entered: 12/05/2019)
12/05/2019	<u>151</u>	ENTRY STRICKEN - Notice of Declination to Consent: A party to this action has declined to consent to magistrate judge jurisdiction. Accordingly, pursuant to Administrative Order 257, this case shall REMAIN with Chief Judge Nancy J. Rosenstengel. (jaj) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. Modified on 12/5/2019 (jaj). (Entered: 12/05/2019)
12/05/2019	<u>152</u>	NOTICE: A party to this action has declined to consent to magistrate judge jurisdiction. Accordingly, pursuant to Administrative Order 257, effective immediately, this case will no longer be referred to a Magistrate Judge for pretrial proceedings. Magistrate Judge Gilbert C. Sison no longer assigned to the case. All future documents must bear case number 18-1689-NJR. (jaj) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 12/05/2019)
12/05/2019	<u>153</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking 151 Notice of Declination to Consent. Incorrect event chosen. Document stricken and correct event used at 152. (jaj) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 12/05/2019)
12/09/2019	<u>154</u>	ORDER: The Court DENIES Plaintiff's <u>145</u> Motion for Leave to Appeal in forma pauperis and finds his <u>143</u> Motion for Extension of Time to be MOOT. The Court also GRANTS in part and DENIES in part Plaintiff's <u>147</u> Motion to Amend/Correct. The motion is granted to the extent Plaintiff asks the Court to conduct an inquiry as to whether he can proceed under the imminent danger exception but denied as to his request for the Court to re-calculate the initial partial filing fee. Signed by Chief Judge Nancy J. Rosenstengel on 12/9/2019. (bak) (Entered: 12/09/2019)
12/10/2019	<u>155</u>	PLRA FEE NOTICE and ORDER of USCA as to <u>113</u> Notice of Appeal filed by Firas M. Ayoubi (trb) (Entered: 12/10/2019)
12/10/2019	<u>157</u>	PLRA FEE NOTICE AND ORDER of USCA as to <u>132</u> Notice of Appeal filed by Firas M. Ayoubi (trb) (Entered: 01/06/2020)
12/26/2019	<u>156</u>	MOTION for Recruitment of Counsel by Firas M. Ayoubi. (jaj) (Entered: 12/26/2019)
01/06/2020	<u>158</u>	ORDER of USCA-7 as to <u>132</u> Notice of Appeal filed by Firas M. Ayoubi, <u>113</u> Notice of Appeal filed by Firas M. Ayoubi (trb) (Entered: 01/06/2020)
01/14/2020	<u>159</u>	ORDER denying <u>93</u> Motion for Summary Judgment. Signed by Chief Judge Nancy J. Rosenstengel on 1/14/2020. (jrj) (Entered: 01/14/2020)
01/16/2020	<u>160</u>	ORDER of USCA as to <u>113</u> Notice of Appeal filed by Firas M. Ayoubi IT IS ORDERED that the motion is GRANTED to the extent that this appeal will proceed notwithstanding the appellants failure to pay the initial partial filing fee. The appellant remains obligated to pay the entirety of the filing fee under the mechanism set forth in 28 U.S.C. § 1915(b)(2). (ack) (Entered: 01/16/2020)
01/21/2020	<u>161</u>	MANDATE of USCA as to <u>132</u> Notice of Appeal filed by Firas M. Ayoubi (Attachments: # 1)

Case T19 ORDERED that the appeal is DISMISSED (a/c) (Entered: 02/26/2020)

02/12/2020	<u>162</u>	ORDER: Pursuant to the January 21, 2020, mandate in appellate case no. 19-3206 from the United States Court of Appeals, Seventh Circuit (Doc. <u>161</u>), the agency having custody of the plaintiff, Firas M. Ayoubi, is directed to remit the appellate filing (\$500.00) and docketing (\$5.00) fee from his prison trust fund account if such funds are available. If he does not have \$505.00 in his account, the agency must send an initial payment of 20% of the current balance or 20% of the average balance during the past six months, whichever amount is higher. Thereafter, the agency shall begin forwarding monthly payments of 20% of the preceding month's income credited to Plaintiff's trust fund account (including all deposits to the inmate account from any source) until the statutory appellate fee of \$505.00 is paid in its entirety. The agency having custody of Plaintiff shall forward payments from Plaintiff's account to the Clerk of Court each time the Plaintiff's account exceeds \$10.00 until the \$505.00 filing fee is paid. Payments shall be mailed to: Clerk of the Court, United States District Court for the Southern District of Illinois, 750 Missouri Avenue, East St. Louis, Illinois 62201. The Clerks Office is DIRECTED to send a copy of this Order to the United States Court of Appeals and the Trust Fund Officer at Dixon Correctional Center. Signed by Chief Judge Nancy J. Rosenstengel on 2/12/2020. (tjk) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 02/12/2020)
02/25/2020	<u>163</u>	MOTION to Commence Discovery by Firas M. Ayoubi. (jaj) (Entered: 02/25/2020)
03/12/2020	<u>164</u>	MOTION for Leave to Submit Bill of Costs as it Relates to Summary Judgement Expenses by Firas M. Ayoubi. (jaj) (Entered: 03/12/2020)
03/23/2020	<u>165</u>	RESPONSE in Opposition re <u>164</u> MOTION for Leave to File <i>Bill of Costs as it Relates to Summary Judgment Expenses</i> filed by Christine Brown, Scott Thompson. (Barnett, Tara) (Entered: 03/23/2020)

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