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United States Court of Appeals
for the Fifth Circuit

No. 22-10447
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 30, 2024

Lyle W. Cayce
Clerk

THOMAS SAWYER,

Plaintiff—Appellant,

versus

CARYN DIE; TAMMY MESSIMER; DANIEL A. LAKIN;
RUBEN SAPIN; MARCIA ODAL; PEPPER BRADBERRY,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:15-CV-92

Before SMITH, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Thomas Sawyer, Texas prisoner #579557, appeals the dismissal of his 42 U.S.C. § 1983 suit after the district court had granted summary judgment. Sawyer alleged that the defendants were deliberately indifferent to his serious medical needs and used excessive force because they continued to back-cuff him despite being aware that he had an injury that caused his shoulder to

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

" APPENDIX A "

dislocate when he was restrained in that manner. On appeal, Sawyer maintains that the court erred in denying him leave to proceed IFP on appeal and in granting summary judgment.

Sawyer also avers that the district court violated his due process and equal protection rights and his right to access to the courts because it included a racial designator, BL, in the caption of his case; erred in dismissing any new claims that were unrelated to his allegation that he was in imminent danger because guards used excessive force in back-cuffing him; abused its discretion in severing his claims; abused its discretion in not concluding that 28 U.S.C. § 1915's three-strikes provision is unconstitutional; abused its discretion by rejecting his second amended complaint; improperly denied him access to the courts; violated his Fifth and Fourteenth Amendment due process rights by dismissing some parties to the suit; and abused its discretion by refusing to grant various motions for a temporary restraining order or an injunction.

Sawyer's notice of appeal does not mention these rulings or evince an intent to appeal them. *See In re Hinsley*, 201 F.3d 638, 641 (5th Cir. 2000). Moreover, requiring the defendants to address these issues would be unduly prejudicial. *Id.* Accordingly, we lack jurisdiction to consider them, given that they are outside the scope of Sawyer's appeal. *Id.*

To the extent that Sawyer is challenging the denials of his IFP motions, he presented the same or substantially similar arguments in his IFP motion before this court. Because this court has already denied Sawyer's IFP motion and because he has paid the filing fee, we need not readdress these issues. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

We review a summary judgment *de novo*. *McFaul v. Valenzuela*, 684 F.3d 564, 571 (5th Cir. 2012). Regarding his deliberate-indifference claims, Sawyer did not allege facts that establish that defendants Marcia

Odal, M.D., and Pepper Bradberry, a nurse, "refused to treat him, ignored his complaints, intentionally treated him incorrectly, or engaged in any similar conduct that would clearly evince a wanton disregard for any serious medical needs." *Domino v. Tex. Dep't of Crim. Justice*, 239 F.3d 752, 756 (5th Cir. 2001) (internal quotation marks and citation omitted). Sawyer's mere disagreement with the course of his medical treatment and his insistence that he should have received further treatment in the form of the issuance of a handcuff-modification pass are not sufficient to support a claim of deliberate indifference.¹ See *Gobert v. Caldwell*, 463 F.3d 339, 346 (5th Cir. 2006); *Domino*, 239 F.3d at 756.

Regarding his excessive-force claim, Sawyer did not allege facts that establish that defendants Tammy Messimer, Caryn Die, Ruben Sapin, and Daniel Lakin, correctional officers, applied malicious and sadistic force with the intent to cause harm rather than in a good-faith effort to maintain discipline. See *Hudson v. McMillian*, 503 U.S. 1, 6-7 (1992). Moreover, Sawyer does not allege facts that demonstrate that the district court erred in concluding that the defendants were entitled to qualified immunity because he had not demonstrated that they violated a clearly established constitutional right. See *Morgan v. Swanson*, 659 F.3d 359, 371 (5th Cir. 2011) (en banc).

The judgment is AFFIRMED. Sawyer's motions for a temporary injunction pending appeal and appointment of counsel are DENIED.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

THOMAS SAWYER,
TDCJ No. 579557,

Plaintiff,

v.

CARYN DIE, et al.,

Defendants.

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Civil Action No. 7:15-cv-092-O

JUDGMENT

This action came on for consideration by the Court, and the issues having been duly considered and decisions duly rendered,

It is **ORDERED, ADJUDGED, and DECREED** that Plaintiff's civil right complaint is **DISMISSED** with prejudice.

To the extent that Plaintiff presents claims of negligence, such claims are **DISMISSED** without prejudice.

SIGNED this 30th day of March, 2022.


Reed O'Connor

UNITED STATES DISTRICT JUDGE

" APPENDIX B "

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

**THOMAS SAWYER,
TDCJ No. 579557,**

Plaintiff,

v.

CARYN DIE, et al.,

Defendants.

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Civil Action No. 7:15-cv-092-O

ORDER

Before the Court are Defendants Messimer, Die, Sapin, and Lakin's Motion for Summary Judgment and Plaintiff's Response thereto. ECF Nos. 99, 115. Upon review of the motion, the response, the record in this case, and the summary judgment evidence presented, the Court finds that the Motion for Summary Judgment should be **GRANTED**.

Background

This is an action brought pursuant to 42 U.S.C. § 1983 by an inmate who, at the time of the incidents giving rise to this action, was confined in the James V. Allred Unit of the Texas Department of Criminal Justice in Iowa Park, Texas.¹ Plaintiff claims that Defendants Messimer, Die, Sapin, and Lakin used excessive force against him when handcuffing him with his hands behind his back. *See* Amended Complaint, ECF No. 8. Plaintiff claims that every time he was cuffed with his hands behind his back, his shoulder was dislocated. *Id.* He seeks monetary damages and injunctive relief. *Id.* at 8, 26.

¹ Plaintiff originally set forth a variety of unrelated claims. On June 14, 2019, the Court severed unrelated claims into new cases. *See* Order, ECF No. 42. The claims remaining in the instant case are (1) Plaintiff's claim that his shoulder is dislocated when he is handcuffed behind his back, (2) his claim that he was denied medical care for his dislocated shoulder, and (3) his claim that he was wrongfully denied a front handcuffing pass.

Defendants deny Plaintiff's allegations and argue that they did not use excessive force when handcuffing Plaintiff. *See* Defendants' Memorandum, ECF No. 100-2 at 12-14. Defendants also argue that they are entitled to qualified immunity from suit. *Id.* at 8-11.

Legal Standards for Review

Summary judgment is proper when the pleadings and evidence illustrate that no genuine issue exists as to any material fact and that the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c); *Slaughter v. Southern Talc Co.*, 949 F.2d 167, 170 (5th Cir. 1991). Disputes concerning material facts are genuine if "the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1429 (5th Cir. 1996) (en banc) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)). Substantive law provides that an issue is "material" if it involves a fact that might affect the outcome of the suit under the governing law. *Anderson*, 477 U.S. at 248; *Burgos v. Southwestern Bell Telephone Co.*, 20 F.3d 633, 635 (5th Cir. 1994). The nonmovant is not required to respond to the motion until the movant properly supports his motion with competent evidence. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *Tubacex, Inc. v. M/V Risan*, 45 F.3d 951, 954 (5th Cir. 1995). However, once the movant has carried his burden of proof, the nonmovant may not sit idly by and wait for trial. *Page v. DeLaune*, 837 F.2d 233, 239 (5th Cir. 1988).

When a movant carries his initial burden, the burden then shifts to the nonmovant to show that the entry of summary judgment is inappropriate. *Celotex*, 477 U.S. at 322-24; *Duckett v. City of Cedar Park, Tex.*, 950 F.2d 272, 276 (5th Cir. 1992). Although the nonmovant may satisfy this burden by tendering depositions, affidavits, and other competent evidence, "conclusory allegations, speculation, and unsubstantiated assertions are inadequate to satisfy

the nonmovant's burden," *Douglass*, 79 F.3d at 1429, as "the adverse party's response . . . must set forth specific facts showing that there is a genuine issue for trial." Fed. R. Civ. P. 56(e). Merely colorable evidence or evidence not significantly probative, however, will not defeat a properly supported motion for summary judgment. *Anderson*, 477 U.S. at 249-50. Furthermore, a mere scintilla of evidence will not defeat a motion for summary judgment. *Anderson*, 477 U.S. at 252; *Davis v. Chevron U.S.A., Inc.*, 14 F.3d 1082, 1086 (5th Cir. 1994).

Summary judgment evidence is viewed in the light most favorable to the party opposing the motion. *Matsushita Elec. Indus. Co., Ltd., v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986); *Rosado v. Deters*, 5 F.3d 119, 123 (5th Cir. 1993). In addition, factual controversies are resolved in favor of the nonmovant, but only when both parties have submitted evidence of contradictory facts, thus creating an actual controversy. *Little v. Liquid Air Corp.*, 37 F.3d 1069, 1075 (5th Cir. 1994) (en banc). In the absence of any proof, however, the Court does not assume that the nonmovant could or would prove the necessary facts. *Id.*

In making its determination on the motion, the Court looks at the full record including the pleadings, depositions, answers to interrogatories, admissions, and affidavits. Fed. R. Civ. P. 56(c); *Williams v. Adams*, 836 F.2d 958, 961 (5th Cir. 1988). However, "the [Court's] function is not [] to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial." *Anderson*, 477 U.S. at 249. The movant's motion for summary judgment will be granted if he meets his burden and the nonmovant fails to make the requisite showing that a genuine issue exists as to any material fact. Fed. R. Civ. P. 56(e)(2).

Excessive Force

"To prevail on an eighth amendment excessive force claim, a plaintiff must establish that force was not 'applied in a good-faith effort to maintain or restore discipline, [but]

maliciously and sadistically to cause harm’ ” *Eason v. Holt*, 73 F.3d 600, 601-02 (5th Cir. 1996) (quoting *Hudson v. McMillian*, 503 U.S. 1, 7 (1992)). In *Wilkins v. Gaddy*, 559 U.S. 34 (2010), the United States Supreme Court confirmed that the standard established in *Hudson* remains the law.

Plaintiff claims that Correctional Officers Messimer, Die, Sapin, and Lakin used excessive force when handcuffing him behind his back which caused dislocation of his shoulder. See Amended Complaint, ECF No. 8. The summary judgment evidence submitted reflects that, although Plaintiff suffered chronic shoulder pain, there was no medical finding of a shoulder dislocation and no indication of the need for a front handcuff pass despite Plaintiff’s repeated complaints. See ECF No. 100-3 at 4-6, 8, 10. The prison medical department determined that Plaintiff did “not meet criteria for handcuff pass modification.” *Id.* at 10; see *id.* at 11-12, 15-16. The evidence further reflects that, due to Plaintiff’s history of assaults on staff, Major Harris would not approve a handcuff modification. *Id.* at 20. Thus, the evidence shows that there was no medical indication for a front handcuff pass and that Plaintiff was handcuffed behind his back for the purpose of maintaining discipline and prison security.

In situations such as this, “[prison officials] are entitled to wide-ranging deference.” See *Baldwin v. Stalder*, 137 F.3d 836, 840 (5th Cir. 1998) (finding that the use of mace to quell a disturbance caused by inmates on a bus did not constitute excessive force). “The amount of force that is constitutionally permissible . . . must be judged by the context in which that force is deployed.” *Id.* (quoting *Ikerd v. Blair*, 101 F.3d 430, 434 (5th Cir. 1996)). The use of force does not constitute cruel and unusual punishment when reasonably necessary to subdue a recalcitrant prisoner. *Clemmons v. Greggs*, 509 F.2d 1338, 1340 (5th Cir. 1975); see *Williams v. Hoyt*, 556 F.2d 1336, 1339-40 (5th Cir. 1977) (affirming jury verdict for the defendants where

evidence was sufficient to show that mace was used only for the control of unruly prisoners and was, therefore, not excessive). To the extent that Defendants' compliance with prison handcuffing policy may be considered a use of force, Plaintiff cannot prevail under the circumstances of his case. The summary judgment evidence demonstrates that Plaintiff did not qualify for a front handcuff pass and that he was cuffed behind his back in order to maintain discipline, not maliciously and sadistically in an effort to cause him harm.

Qualified Immunity

Government officials are entitled to qualified immunity from suit when performing discretionary functions unless their conduct violated statutory or constitutional rights, clearly established at the time of the alleged incident, of which a reasonable person would have known. *Gibson v. Rich*, 44 F.3d 274, 277 (5th Cir. 1995). "Qualified immunity is a defense from both liability and suit." *Heitschmidt v. City of Houston*, 161 F.3d 834, 840 (5th Cir. 1998) (citing *Vander Zee v. Reno*, 73 F.3d 1365, 1368 (5th Cir. 1996)). As such, the question of qualified immunity should be resolved at the earliest possible stage of litigation. *Hunter v. Bryant*, 502 U.S. 224, 226 (1991); accord *Gibson v. Rich*, 44 F.3d 274, 277 (5th Cir. 1995).

The first step in evaluating a government official's entitlement to a defense of qualified immunity is to determine both what the current applicable law is and whether it was clearly established at the time of the events giving rise to the lawsuit. *Schultea v. Wood*, 47 F.3d 1427, 1432 (5th Cir. 1995) (citing *Siegert v. Gilley*, 500 U.S. 226, 231 (1991)). If the Plaintiff has stated a violation of a constitutional right which was clearly established at the time, the Court should then determine whether a reasonable official would have understood that his or her conduct violated that right. *Anderson v. Creighton*, 483 U.S. 635, 640 (1987). The law relating to the use of excessive force was well established at the time of the events giving rise to this

lawsuit. But the Court has determined that Defendants did not use excessive force against Plaintiff. Because Plaintiff has failed to state a claim, he cannot overcome Defendants' entitlement to qualified immunity.

Conclusion

The summary judgment evidence presented in this case establishes that there are no genuine issues of material fact and that Defendants Messimer, Die, Sapin, and Lakin are entitled to summary judgment as a matter of law.

For the foregoing reasons and in light of the summary judgment evidence submitted, Defendants Messimer, Die, Sapin, and Lakin's Motion for Summary Judgment (ECF No. 99) is **GRANTED**. Plaintiff's claims against Defendants Messimer, Die, Sapin, and Lakin are **DISMISSED** with prejudice.

SO ORDERED this 30th day of March, 2022.


Reed O'Connor
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 16-10238

United States Court of Appeals
Fifth Circuit

FILED

May 25, 2017

Lyle W. Cayce
Clerk

THOMAS SAWYER,

Plaintiff-Appellant

v.

CARYN DIE; TAMMY MESSIMER; LAWRENCE DOTY; DANIEL A. LAKIN;
JOSEPH C. BOYLES; ET AL,

Defendants-Appellees

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:15-CV-92

Before CLEMENT, PRADO, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Thomas Sawyer, Texas prisoner # 579557, moves for leave to proceed in forma pauperis (IFP) on appeal from the dismissal without prejudice of his civil rights lawsuit. Sawyer has three strikes under 28 U.S.C. § 1915(g) and therefore may not proceed IFP in a civil action or in an appeal of a judgment in a civil action unless he is "under imminent danger of serious physical

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

" APPENDIX C "

No. 16-10238

injury.” § 1915(g). Also, the district court certified that Sawyer’s appeal was not taken in good faith for the reasons set forth in the order of dismissal.

The district court’s order of dismissal noted that Sawyer is subject to § 1915(g) and to a court-ordered sanction from the Southern District of Texas that requires him to obtain permission from a judicial officer before filing complaints, pleadings, or other documents. The district court denied Sawyer permission to proceed and dismissed the case without prejudice pursuant to § 1915(g) and the court-ordered sanction after finding that Sawyer failed to allege sufficient facts to state a claim that he was in imminent danger of serious physical injury and likewise failed to state a claim for violation of his civil rights.

By moving to proceed IFP in this court, Sawyer is challenging the district court’s certification. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). The determination whether a prisoner is under “imminent danger” must be made at the time the prisoner seeks to file his suit in district court or to proceed with his appeal, or when he files a motion to proceed IFP. *Baños v. O’Guin*, 144 F.3d 883, 885 (5th Cir. 1998).

Sawyer’s IFP application shows that he qualifies financially to proceed IFP. *See Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339-40 (1948). In addition, his allegations regarding the dislocation of his shoulder warrant a determination that he was under imminent danger of serious physical injury, as required to proceed under § 1915(g). Further, Sawyer’s factual allegations regarding the dislocation of his shoulder state at least a plausible claim of excessive force amounting to unconstitutionally cruel and unusual punishment. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *McCreary v. Massey*, 366 F. App’x 516, 519 (5th Cir. 2010). We do not reach any of his other claims.

No. 16-10238

Accordingly, Sawyer's motion for leave to proceed IFP on appeal is GRANTED. *See* § 1915(g); *see also Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Sawyer's motion for a ruling on his IFP motion is DENIED as moot.

Where, as here, the merits of an appeal "are so intertwined with the [IFP] certification decision as to constitute the same issue," we may determine both. *Baugh*, 117 F.3d at 202. Therefore, we dispense with further briefing, VACATE the district court's order, and REMAND the case to the district court for further proceedings consistent with this opinion. *See Clark v. Williams*, 693 F.2d 381, 382 (5th Cir. 1982). The case remains subject to the provisions of § 1915(e)(2), and we take no position on the ultimate merits of any of Sawyer's claims or any defenses that might be raised.

United States District Court
Northern District of Texas

Wichita Falls Division

July 21, 2020

Thomas Sawyer
TDCJ No 579557
TDCJ Scott Unit
Allred Unit
6999 Retrieve

Re: Your correspondence received in the U.S. District Clerk's Office on July 21, 2020.
Case No./Style: 7:13-cv-00090-O Sawyer v. Director TDCJ-CID, et al

Magistrate Judge E. Scott Frost had the designation "BL"

Sincerely,

Deputy Clerk - sg

"APPENDIX D"

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Government Section

UNITED STATES DISTRICT JUDGES Rodney Gilstrap, Chief Judge
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Court Reporter: Shelly Holmes, Judicial Assistant: Andrea Brunson

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Sessions of Court: Continuous.

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NORTHERN DISTRICT OF TEXAS

Terms of court have been abolished, Title 28, Sec. 138, U.S.C. Sessions held at convenience of judges.

Court-related inquiries or questions about cases filed in the Northern District of Texas should be directed to the District Clerk's Office in the division where the case is filed.

"APPENDIX E"

64 UNITED STATES GOVERNMENT

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AMARILLO DIVISION

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A. Joe Fish, Senior Judge

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Sidney A. Fitzwater, Senior Judge

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UNITED STATES MAGISTRATE JUDGES

Carrillo Ramirez

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Renee Harris Toliver

Earle Cabell Federal Bldg, 1100 Commerce St, F
Case Letter Designation: (BK), Courtroom Deput

David L. Horan

Earle Cabell Federal Bldg, 1100 Commerce St, F
Case Letter Designation: (BN), Courtroom Deput

Rebecca Rutherford

Earle Cabell Federal Bldg, 1100 Commerce St, F
Case Letter Designation: (BT), Courtroom Deput

FORT WORTH DIVISION

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UNITED STATES DISTRICT JUDGES

Reed O'Connor

US Courthouse, 501 W 10th St, Rm 201 - Fort W
Case Letter Designation: (O), Courtroom Deputy

Court Reporter: Denver Roden (214) 753-2298

Terry R. Means, Senior Judge

US Courthouse, 501 W 10th St, Rm 201 - Fort W
Case Letter Designation: (Y), Courtroom Deputy

John H. McBryde, Senior Judge

US Courthouse, 501 W 10th St, Rm 401 - Fort W
Case Letter Designation: (A), Courtroom Deputy

Court Reporter: Debbie Saenz, Judicial Assista

UNITED STATES MAGISTRATE JUDGE Jeffrey L

US Courthouse, 501 W 10th St, Rm 520 - Fort W
Case Letter Designation: (BJ), Courtroom Deput

LUBBOCK DIVISION

Counties: Bailey, Borden, Cochran, Crosby, Dav
Kent, Lamb, Lubbock, Lynn, Motley, Scurry, Terry a

UNITED STATES DISTRICT CLERK'S OFFICE Er

George H Mahon Federal Bldg, 1205 Texas Ave
(806) 472-1921, FAX 472-1960

UNITED STATES DISTRICT JUDGE Sam R. Cum

George H Mahon Federal Bldg, 1205 Texas Ave
Case Letter Designation: (C), Courtroom DeputCourt Reporter: Mechelle Daniel (806) 744-766
Judicial Assistant: Delva Hernandez (806) 472-

UNITED STATES MAGISTRATE JUDGE D. Gord

George H Mahon Federal Bldg, 1205 Texas Ave
FAX 472-1963, Case Letter Designation: (BQ),

SAN ANGELO DIVISION

Counties: Brown, Coke, Coleman, Concho, Crocke
Schleicher, Sterling, Sutton and Tom Green.

UNITED STATES DISTRICT CLERK'S OFFICE Ei

Federal Bldg, 33 E Twohig St, Rm 202 - San A
FAX 658-6826

UNITED STATES MAGISTRATE JUDGE E. Scott

Federal Bldg, 33 E Twohig St, Rm 2313 - San
Case Letter Designation: (BI), Courtroom Deput

WICHITA FALLS DIVISION

Counties: Archer, Baylor, Clay, Cottle, Foard, Har
Young.

UNITED STATES DISTRICT CLERK'S OFFICE T

1000 Lamar St, Rm 203 76301, PO Box 1234 -
FAX 767-2526

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UNITED STATES MAGISTRATE JUDGES

Alma Carrillo Ramirez
Earle Cabell Federal Bldg, 1100 Commerce St, Rm 1567 - Dallas, TX 75242 (214) 753-2393,
FAX 753-2397, Case Letter Designation: (BH), Courtroom Deputy: Marie Castaneda

Renee Harris Toliver
Earle Cabell Federal Bldg, 1100 Commerce St, Rm 1407 - Dallas, TX 75242 (214) 753-2385
Case Letter Designation: (BK), Courtroom Deputy: Jane Amerson (214) 753-2169

David L. Horan
Earle Cabell Federal Bldg, 1100 Commerce St, Rm 1549 - Dallas, TX 75242 (214) 753-2400
Case Letter Designation: (BN), Courtroom Deputy: Shakira Todd

Rebecca Rutherford
Earle Cabell Federal Bldg, 1100 Commerce St, Rm 1312 - Dallas, TX 75242-1028 (214) 753-2410
Case Letter Designation: (BT), Courtroom Deputy: Lavenia Price (214) 753-2168

FORT WORTH DIVISION

Counties: Comanche, Erath, Hood, Jack, Palo Pinto, Parker, Tarrant and Wise.

UNITED STATES DISTRICT CLERK'S OFFICE Brian Rebeck, Division Manager
US Courthouse, 501 W 10th St, Rm 310 - Fort Worth, TX 76102-3673 (817) 850-6601,
FAX 850-6633

UNITED STATES DISTRICT JUDGES

Reed O'Connor
US Courthouse, 501 W 10th St, Rm 201 - Fort Worth, TX 76102 (817) 850-6788
Case Letter Designation: (O), Courtroom Deputy: Tyler Crowley (817) 850-6781
Court Reporter: Denver Roden (214) 753-2298

Terry R. Means, Senior Judge
US Courthouse, 501 W 10th St, Rm 201 - Fort Worth, TX 76102 (817) 850-6670
Case Letter Designation: (Y), Courtroom Deputy: Carmen Bush, Court Reporter: Ana Warren

John H. McBryde, Senior Judge
US Courthouse, 501 W 10th St, Rm 401 - Fort Worth, TX 76102 (817) 850-6650
Case Letter Designation: (A), Courtroom Deputy: Fleather Arnold
Court Reporter: Debbie Saenz, Judicial Assistant: Diane Terry

UNITED STATES MAGISTRATE JUDGE Jeffrey L. Cureton
US Courthouse, 501 W 10th St, Rm 520 - Fort Worth, TX 76102 (817) 850-6690, FAX 850-6696
Case Letter Designation: (BJ), Courtroom Deputy: Julie Harwell, Judicial Assistant: Margarita Koye

LUBBOCK DIVISION

Counties: Bailey, Borden, Cochran, Crosby, Dawson, Dickens, Floyd, Gaines, Garza, Hale, Hockley,
Kent, Lamb, Lubbock, Lynn, Motley, Scurry, Terry and Yoakum.

UNITED STATES DISTRICT CLERK'S OFFICE Erik Paltrow, Deputy-in-Charge
George H Mahon Federal Bldg, 1205 Texas Ave, Rm C209 - Lubbock, TX 79401-4091
(806) 472-1921, FAX 472-1960

UNITED STATES DISTRICT JUDGE Sam R. Cummings, Senior Judge
George H Mahon Federal Bldg, 1205 Texas Ave, Rm C210 - Lubbock, TX 79401 (806) 472-1922
Case Letter Designation: (C), Courtroom Deputy: Criss Flock (806) 472-1925
Court Reporter: Mechelle Daniel (806) 744-7667, Law Clerks (806) 472-1922
Judicial Assistant: Delva Hernandez (806) 472-7459

UNITED STATES MAGISTRATE JUDGE D. Gordon Bryant, Jr.
George H Mahon Federal Bldg, 1205 Texas Ave, Rm 211 - Lubbock, TX 79401 (806) 472-1933,
FAX 472-1963, Case Letter Designation: (BQ), Courtroom Deputy: Dianna Davis

SAN ANGELO DIVISION

Counties: Brown, Coke, Coleman, Concho, Crockett, Glasscock, Irion, Menard, Mills, Reagan, Runnels,
Schleicher, Sterling, Sutton and Tom Green.

UNITED STATES DISTRICT CLERK'S OFFICE Erik Paltrow, Deputy-in-Charge
Federal Bldg, 33 E Twohig St, Rm 202 - San Angelo, TX 76903-6451 (325) 655-4506,
FAX 658-6826

UNITED STATES MAGISTRATE JUDGE E. Scott Frost
Federal Bldg, 33 E Twohig St, Rm 2313 - San Angelo, TX 76903 (325) 655-4506, FAX 658-6826
Case Letter Designation: (BI), Courtroom Deputy: Jeanine Fish

WICHITA FALLS DIVISION

Counties: Archer, Baylor, Clay, Cottle, Foard, Hardeman, King, Knox, Montague, Wichita, Wilbarger and
Young.

UNITED STATES DISTRICT CLERK'S OFFICE Teena Timmons, Deputy in Charge
1000 Lamar St, Rm 203 76301, PO Box 1234 - Wichita Falls, TX 76307-1234 (940) 767-1902,
FAX 767-2526

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UNITED STATES MAGISTRATE JUDGE Hal R. Ray, Jr.
1000 Lamar St, Rm 214 76307-3016, PO Box 8445 - Wichita Falls, TX 76307-8445 (940) 767-2731
FAX 767-2526, Case Letter Designation: (BP), Courtroom Deputy: Paige Lessor

SOUTHERN DISTRICT OF TEXAS

Terms of Court have been abolished. Title 28, Sec. 138, U.S.C. Sessions held at convenience of Judge
UNITED STATES DISTRICT CLERK'S OFFICE David J. Bradley, Clerk of Court
Bob Casey US Courthouse, 515 Rusk St, Rm 5401 - Houston, TX 77002 (713) 250-5500
Internet: www.txs.uscourts.gov

BROWNSVILLE DIVISION

Counties: Cameron and Willacy.

UNITED STATES DISTRICT CLERK'S OFFICE Rosalinda D'Venturi, Deputy-in-Charge
Federal Bldg, 600 E Harrison St, Rm 101 - Brownsville, TX 78520-7273 (956) 548-2500

UNITED STATES DISTRICT JUDGES

J. Rolando Olvera

Federal Bldg, 600 E Harrison St, Rm 305 - Brownsville, TX 78520-7171 (956) 548-2595
Case Manager: Sandra Espinoza (956) 982-9657
Fernando Rodriguez, Jr.

Federal Bldg, 600 E Harrison St, Rm 301 - Brownsville, TX 78520-7125 (956) 548-2755
Case Manager: Balvina Campos (956) 548-2756

UNITED STATES MAGISTRATE JUDGES

Ignacio Torteya III

Federal Bldg, 600 E Harrison St, Rm 203 - Brownsville, TX 78520-7152 (956) 548-2564
Case Manager: Sally Garcia (956) 982-9639

Ronald G. Morgan

Federal Bldg, 600 E Harrison St, Rm 204 - Brownsville, TX 78520 (956) 548-2570
Case Manager: Bertha Vasquez (956) 982-9657

CORPUS CHRISTI DIVISION

Counties: Aransas, Bee, Brooks, Duval, Jim Wells, Kennedy, Kleberg, Live Oak, Nueces and San Patricio

UNITED STATES DISTRICT CLERK'S OFFICE Marianne Serpa, Deputy-in-Charge
US Courthouse, 1133 N Shoreline Blvd - Corpus Christi, TX 78401 (361) 888-3142
Internet: www.txs.uscourts.gov

UNITED STATES DISTRICT JUDGES

Nelva Gonzales Ramos

US Courthouse, 1133 N Shoreline Blvd - Corpus Christi, TX 78401 (361) 693-6455
Case Manager: Brandy Cortez (361) 693-6457

Hayden Head, Senior Judge

US Courthouse, 1133 N Shoreline Blvd - Corpus Christi, TX 78401 (361) 888-3148

Janis Graham Jack, Senior Judge

US Courthouse, 1133 N Shoreline Blvd - Corpus Christi, TX 78401 (361) 888-3525

Case Manager/Deputy Clerk: Linda Smith (361) 888-3245, Judicial Assistant: Mary Hardin

UNITED STATES MAGISTRATE JUDGES

B. Janice Ellington

US Courthouse, 1133 N Shoreline Blvd - Corpus Christi, TX 78401 (361) 888-3291
Case Manager/Deputy Clerk: Letty Garza (361) 888-3432, Secretary: Myra Alaniz (361) 888-3291

Jason B. Libby

US Courthouse, 1133 N Shoreline Blvd - Corpus Christi, TX 78401 (361) 888-3550
Case Manager/Deputy Clerk: Kendra Bledsoe (361) 888-3445, Secretary: Marie Jasso (361) 888-3550

GALVESTON DIVISION

Counties: Brazoria, Chambers, Galveston and Matagorda.

UNITED STATES DISTRICT CLERK'S OFFICE Lucia Smith, Deputy-in-Charge
US Post Office & Courthouse, 601 Rosenberg St, Rm 411 - Galveston, TX 77550 (409) 766-3530

Internet: www.txs.uscourts.gov

UNITED STATES DISTRICT JUDGE George C. Hanks, Jr.

US Post Office & Courthouse, 601 Rosenberg St, 6th Fl - Galveston, TX 77550 (409) 766-3737
Judicial Assistant: Jeanette Gonzalez, Case Manager: Susan Gram

UNITED STATES MAGISTRATE JUDGE Andrew M. Edison

US Post Office & Courthouse, 601 Rosenberg St, 7th Fl - Galveston, TX 77550 (409) 766-3729
Case Manager: William Bostic

HOUSTON DIVISION

Counties: Austin, Brazos, Colorado, Fayette, Fort Bend, Grimes, Harris, Madison, Montgomery, San Jacinto, Walker, Waller and Wharton.

UNITED STATES DISTRICT CLERK'S OFFICE Darle
Bob Casey US Courthouse, 515 Rusk St, Rm 5401
(713) 250-5500

UNITED STATES DISTRICT JUDGES

Lee H. Rosenthal, Chief Judge

Bob Casey US Courthouse, 515 Rusk St, Rm 1153
Case Manager/Deputy Clerk: Lisa Eddins (713) 250-5500

Lynn N. Hughes

Bob Casey US Courthouse, 515 Rusk St, Rm 1112
Case Manager: Glenda Hassan (713) 250-5516

Sim Lake

Bob Casey US Courthouse, 515 Rusk St, Rm 953E
Case Manager/Deputy Clerk: Andrew Boyd (713) 250-5503

Vanessa D. Gilmore

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Case Manager/Deputy Clerk: Byron Thomas (713) 250-5503

Keith P. Ellison

Bob Casey US Courthouse, 515 Rusk St, Rm 3716
FAX 250-5503, Case Manager: Arturo Rivera (713) 250-5503

Andrew S. Hanen

Bob Casey US Courthouse, 515 Rusk St, Rm 8613

Gray Hampton Miller

Bob Casey US Courthouse, 515 Rusk St - Houston
Case Manager: Rhonda Moore-Konieczny (713) 250-5503

Alfred H. Bennett

Bob Casey US Courthouse, 515 Rusk St, Rm 8631
Case Manager: Lisa Edwards (713) 250-5850

David Hittner, Senior Judge

Bob Casey US Courthouse, 515 Rusk St, Rm 8509
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Kenneth M. Hoyt, Senior Judge

Bob Casey US Courthouse, 515 Rusk St - Houston
Case Manager: Cynthia Horace

Ewing Werlein, Jr., Senior Judge

Bob Casey US Courthouse, 515 Rusk St, Rm 1152
Case Manager: Marilyn Flores, Law Clerks (713) 250-5503

Nancy F. Atlas, Senior Judge

Bob Casey US Courthouse, 515 Rusk St, Rm 9015
FAX 250-5994, Case Manager/Deputy Clerk: Shelli
Law Clerks (713) 250-5990

Hilda G. Tagle, Senior Judge

Bob Casey US Courthouse, 515 Rusk St, Rm 8110
Judicial Assistant: Sharon Hicks (713) 250-5066, C:

Law Clerks (713) 250-5066

Melinda Harmon, Senior Judge

Bob Casey US Courthouse, 515 Rusk St, Rm 9114
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UNITED STATES MAGISTRATE JUDGES

Christina Bryan

Bob Casey US Courthouse, 515 Rusk St, Rm 7007
FAX 250-5348, Case Manager: Cynthia Jantowski

Nancy K. Johnson

Bob Casey US Courthouse, 515 Rusk St, Rm 7019
Case Manager: Shannon V. Jones (713) 250-5703

Dena Hanovice Palermo

Bob Casey US Courthouse, 515 Rusk St - Houston
Case Manager: Carol Felchak (713) 250-5672

Frances H. Stacy

Bob Casey US Courthouse, 515 Rusk St, Rm 7525
Case Manager: Beverly White (713) 250-5565, Law

Peter Bray

Bob Casey US Courthouse, 515 Rusk St, Rm 7720
Case Manager: Jason Marchand (713) 250-5148