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LR16.2 TR4,PSN

**U.S. District Court**  
**Western District of Tennessee (Memphis)**  
**CIVIL DOCKET FOR CASE #: 2:18-cv-02201-MSN-tmp**

Malone et al v. Shelby County et al  
Assigned to: Judge Mark S. Norris  
Referred to: Magistrate Judge Tu M. Pham  
Cause: 42:1983 Civil Rights Act

Date Filed: 03/23/2018  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**April Malone**

represented by **April Malone**  
596 Arbor Hollow Circle # 207  
Cordova, TN 38018  
901-708-0215  
Email: Aprilmalone99@yahoo.com  
PRO SE

**Plaintiff**

**Celitria Watson**

represented by **Celitria Watson**  
P.O. Box 1332  
Cordova, TN 38088  
901-612-0850  
Email: watsoncelitria@yahoo.com  
PRO SE

V.

**Defendant**

**Shelby County**

represented by **John Marshall Jones**  
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Memphis, TN 38103  
901-222-2100  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Emmett Lee Whitwell**  
Shelby County Attorney's Office  
160 N. Main Street  
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901-222-2100

Email: lee.whitwell@shelbycountyttn.gov

*ATTORNEY TO BE NOTICED*

**Defendant**

**Paul Hagerman**

*Assistant District Attorney. Individually  
and in his Official Capacity.*

**Defendant**

**Austin Scholfield**

*Assistant Attorney General. Individually  
and in his Official Capacity.*

**Defendant**

**Chris Scruggs**

*Assistant Attorney General. Individually  
and in his Official Capacity.*

**Defendant**

**City of Memphis**

represented by **Barbaralette G. Davis**  
CITY OF MEMPHIS, CITY  
ATTORNEY'S OFFICE  
125 North Main Street  
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Memphis, TN 38103  
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*ATTORNEY TO BE NOTICED*

**Darius Walker , Jr**

CITY OF MEMPHIS

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Memphis, TN 38103

901-636-6614

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*ATTORNEY TO BE NOTICED*

**Defendant**

**Thurmond Richardson**

*OCU Police Officer. Individually and in  
his Official Capacity.*

**Defendant**

**Jonathan Overly**

*OCU Police Officer. Individually and in his Office Capacity.*

**Defendant****William Acred**

*OCU Police Officer. Individually and in his Official Capacity.*

<b>Date Filed</b>	<b>#</b>	<b><a href="#">clear</a></b>	<b>Docket Text</b>
03/23/2018	<a href="#">1</a>	<input type="checkbox"/> 269.43KB	PRO SE COMPLAINT Pursuant to 42 U.S.C. § 1983 filed by Celitria Watson, April Malone against All Defendants. (Attachments: # <a href="#">1</a> Judicial Cards)(csf) (Entered: 03/26/2018)
03/23/2018	<a href="#">2</a>	<input type="checkbox"/> 121.25KB	Pro Se MOTION for Leave to Proceed in forma pauperis by April Malone. (csf) (Entered: 03/26/2018)
03/23/2018	<a href="#">3</a>	<input type="checkbox"/> 139.55KB	Pro Se MOTION for Leave to Proceed in forma pauperis by Celitria Watson. (csf) (Entered: 03/26/2018)
03/23/2018	<a href="#">4</a>	<input type="checkbox"/> 19.58KB	NOTICE: Signed agreement to receive notice of electronic filing (NEF) by April Malone (csf) (Entered: 03/26/2018)
03/23/2018	<a href="#">5</a>	<input type="checkbox"/> 20.01KB	NOTICE: Signed agreement to receive notice of electronic filing (NEF) by Celitria Watson (csf) (Entered: 03/26/2018)
03/23/2018	6		NOTICE OF CASE TRACKING ASSIGNMENT PURSUANT TO LOCAL RULE 16.2: Pursuant to Local Rule 16.2, this case has been assigned to the Standard track. <a href="http://www.tnwd.uscourts.gov/pdf/content/LocalRules.pdf">http://www.tnwd.uscourts.gov/pdf/content/LocalRules.pdf</a> (csf) (Entered: 03/26/2018)
03/23/2018	7		NOTICE OF RIGHT TO CONSENT TO THE EXERCISE OF CIVIL JURISDICTION BY A MAGISTRATE JUDGE Pursuant to 28 U.S.C. 636(c), Fed.R.Civ.P.73, and Local Rule 72.1, this Court has designated the Magistrate Judges of this District to conduct trials and otherwise dispose of any civil case that is filed in this Court. Your decision to consent, or not consent, to the referral of your case to a United States Magistrate Judge for trial and entry of a final judgment must be entirely voluntary. The judge or magistrate judge to whom the case has been assigned will not be informed of your decision unless all parties agree that the case may be referred to a magistrate judge for these specific purposes. A less than unanimous decision will not be communicated by this office to either the judge or magistrate judge. The consent form is available on the courts website at <a href="https://www.tnwd.uscourts.gov/forms-and-applications.php">https://www.tnwd.uscourts.gov/forms-and-applications.php</a> (csf) (Entered: 03/26/2018)
03/23/2018	8		NOTICE TO COMPLY WITH PLAN FOR ALTERNATE DISPUTE RESOLUTION (ADR): Pursuant to Section to 2.1 of the ADR Plan, all civil cases filed on or after Sept. 1, 2014, shall be referred automatically for ADR. For compliance requirements, refer to the ADR Plan at: <a href="http://www.tnwd.uscourts.gov/pdf/content/ADRPlan.pdf">http://www.tnwd.uscourts.gov/pdf/content/ADRPlan.pdf</a> (csf) (Entered: 03/26/2018)

03/23/2018			Pursuant to Administrative Order 2013-05, this case has been assigned to the United States magistrate judge for management of all pretrial matters, including screening of the complaint to determine whether or not summons shall be issued by the Clerk pursuant to 28 U.S.C. § 1915(e)(2)(B) and Local Rule 4.1(b)(2)(csf) (Entered: 03/26/2018)
03/30/2018	<a href="#">9</a>	<input type="checkbox"/> 149.00KB	ORDER granting <a href="#">2</a> Motion for Leave to Proceed <i>in forma pauperis</i> ; granting <a href="#">3</a> Motion for Leave to Proceed <i>in forma pauperis</i> ; and ORDER to Issue and Effect Service of Process. Signed by Magistrate Judge Tu M. Pham on 3/30/2018. (Pham, Tu) (Entered: 03/30/2018)
04/02/2018	<a href="#">10</a>	<input type="checkbox"/> 426.61KB	Summons Issued as to Shelby County. (Main Document 10 replaced on 4/2/2018) (jld). (Entered: 04/02/2018)
04/02/2018	<a href="#">11</a>	<input type="checkbox"/> 426.66KB	Summons Issued as to Thurmond Richardson. (Entered: 04/02/2018)
04/02/2018	<a href="#">12</a>	<input type="checkbox"/> 395.77KB	Summons Issued as to Paul Hagerman. (jld) (Entered: 04/02/2018)
04/02/2018	<a href="#">13</a>	<input type="checkbox"/> 399.00KB	Summons Issued as to Chris Scruggs. (Entered: 04/02/2018)
04/02/2018	<a href="#">14</a>	<input type="checkbox"/> 426.65KB	Summons Issued as to Austin Scholfield. (jld) (Entered: 04/02/2018)
04/02/2018	<a href="#">15</a>	<input type="checkbox"/> 426.66KB	Summons Issued as to William Acred. (jld) (Entered: 04/02/2018)
04/02/2018	<a href="#">16</a>	<input type="checkbox"/> 426.66KB	Summons Issued as to Jonathan Overly. (jld) (Entered: 04/02/2018)
04/02/2018	<a href="#">17</a>	<input type="checkbox"/> 395.80KB	Summons Issued as to City of Memphis. (jld) (Entered: 04/02/2018)
06/26/2018	<a href="#">18</a>	<input type="checkbox"/> 90.98KB	NOTICE of Appearance by John Marshall Jones on behalf of Shelby County (Jones, John) (Entered: 06/26/2018)
06/26/2018	<a href="#">19</a>	<input type="checkbox"/> 91.65KB	NOTICE of Appearance by Emmett Lee Whitwell on behalf of Shelby County (Whitwell, Emmett) (Entered: 06/26/2018)
06/26/2018	<a href="#">20</a>	<input type="checkbox"/> 48.49KB	NOTICE of Change of Address by April Malone (Attachments: # <a href="#">1</a> envelope)(jae) (Entered: 06/26/2018)
07/06/2018	<a href="#">21</a>	<input type="checkbox"/> 97.42KB	SUMMONS Returned Executed as to City of Memphis. (vp) (Entered: 07/06/2018)
07/06/2018	<a href="#">22</a>	<input type="checkbox"/> 97.05KB	SUMMONS Returned Executed as to Shelby County. (vp) (Entered: 07/06/2018)
07/06/2018	<a href="#">23</a>	<input type="checkbox"/> 97.07KB	Summons Returned Unexecuted as to Jonathan Overly. (vp) (Entered: 07/06/2018)
07/06/2018	<a href="#">24</a>	<input type="checkbox"/> 97.44KB	Summons Returned Unexecuted as to Thurmond Richardson. (vp) (Entered: 07/06/2018)
07/06/2018	<a href="#">25</a>	<input type="checkbox"/> 98.33KB	Summons Returned Unexecuted as to Chris Scruggs. (vp) (Entered: 07/06/2018)
07/06/2018	<a href="#">26</a>	<input type="checkbox"/> 96.55KB	Summons Returned Unexecuted as to Paul Hagerman. (vp) (Entered: 07/06/2018)

07/06/2018	<a href="#">27</a>	<input type="checkbox"/> 98.55KB	Summons Returned Unexecuted as to Austin Scholfield. ((vp) (Entered: 07/06/2018))
07/06/2018	<a href="#">28</a>	<input type="checkbox"/> 97.26KB	Summons Returned Unexecuted as to William Acred. (vp) (Entered: 07/06/2018)
07/09/2018	<a href="#">29</a>	<input type="checkbox"/> 14.29KB	NOTICE of Appearance by Barbaralette G. Davis on behalf of City of Memphis (Davis, Barbaralette) (Entered: 07/09/2018)
07/12/2018	<a href="#">30</a>	<input type="checkbox"/> 113.74KB	ANSWER to Complaint by Shelby County.(Jones, John) (Entered: 07/12/2018)
07/12/2018	<a href="#">31</a>	<input type="checkbox"/> 1.34MB	MOTION for Judgment on the Pleadings ( <i>combined with Supporting Memorandum</i> ) by Shelby County. (Attachments: # <a href="#">1</a> 1982 Tenn. Pub. Acts., chapter 772)(Jones, John) (Entered: 07/12/2018)
07/25/2018	<a href="#">32</a>		*Sealed* Docketed in Error. Modified on 7/25/2018 (csf). (Entered: 07/25/2018)
07/25/2018	<a href="#">33</a>	<input type="checkbox"/> 81.39KB	NOTICE of Appearance by Darius Walker, Jr on behalf of City of Memphis (Walker, Darius) (Entered: 07/25/2018)
08/03/2018	<a href="#">34</a>	<input type="checkbox"/> 107.47KB	ANSWER to Complaint by City of Memphis.(Davis, Barbaralette) (Entered: 08/03/2018)
08/07/2018	<a href="#">35</a>	<input type="checkbox"/> 41.56KB	SETTING LETTER:Scheduling Conference set for 10/12/2018 at 09:30 AM in Courtroom 3 - Memphis, before Judge John T. Fowlkes Jr. A JOINT proposed scheduling order in WORD format should be submitted at least 4 days prior to the scheduling conference to the ECF propdocs email address, ECF_Judge_Fowlkes@tnwd.uscourts.gov. Please follow Judge Fowlkes scheduling guidelines at https://connection.tnwd.circ6.dcn. Counsel should be prepared to set case deadlines and discuss case status and all pending motions at the conference. Following the scheduling conference, the approved order will be filed by the Case Manager. (pyb) (Entered: 08/07/2018)
08/21/2018	<a href="#">36</a>	<input type="checkbox"/> 127.01KB	ORDER TO SHOW CAUSE. Signed by Magistrate Judge Tu M. Pham on 8/21/2018. (Pham, Tu) (Entered: 08/21/2018)
08/30/2018	<a href="#">37</a>	<input type="checkbox"/> 270.97KB	Alias Summons Issued as to Austin Scholfield. (vup). (Entered: 08/31/2018)
08/30/2018	<a href="#">38</a>	<input type="checkbox"/> 271.45KB	Alias Summons Issued as to Chris Scruggs. (vup) (Entered: 08/31/2018)
08/30/2018	<a href="#">39</a>	<input type="checkbox"/> 278.64KB	Alias Summons Issued as to Thurmond Richardson. (vup) (Entered: 08/31/2018)
08/30/2018	<a href="#">40</a>	<input type="checkbox"/> 278.17KB	Alias Summons Issued as to Jonathan Overly. (vup) (Entered: 08/31/2018)
08/30/2018	<a href="#">41</a>	<input type="checkbox"/> 271.11KB	Alias Summons Issued as to William Acred. (vup) (Entered: 08/31/2018)
08/30/2018	<a href="#">42</a>	<input type="checkbox"/> 257.61KB	Alias Summons Issued as to Paul Hagerman. (vup) (Entered: 08/31/2018)
09/04/2018	<a href="#">43</a>	<input type="checkbox"/> 92.13KB	RESPONSE to Motion re <a href="#">31</a> MOTION for Judgment on the Pleadings(combined with Supporting Memorandum) TITLED: Response to Motion to Dismiss filed by April Malone, Celitria Watson. (agj) (Entered: 09/05/2018)
09/04/2018	<a href="#">44</a>	<input type="checkbox"/> 78.30KB	RESPONSE TO ORDER TO SHOW CAUSE by April Malone, Celitria Watson. (agj) (Entered: 09/05/2018)

09/07/2018	<a href="#">45</a>	<input type="checkbox"/> 124.38KB	REPLY to Response to Motion re <a href="#">43</a> Response to Motion ( <i>Reply in Support of Motion for Judgment on the Pleadings</i> ) filed by Shelby County. (Jones, John) (Entered: 09/07/2018)
10/01/2018	<a href="#">46</a>	<input type="checkbox"/> 110.58KB	REPORT of Rule 26(f) Planning Meeting . (Jones, John) (Entered: 10/01/2018)
10/04/2018	<a href="#">47</a>	<input type="checkbox"/> 222.56KB	Second RESPONSE TO ORDER TO SHOW CAUSE by April Malone. (vup) Modified on 10/9/2018 to correct date filed. (jae). (Entered: 10/05/2018)
10/12/2018	48		Minute Entry for proceedings held before Judge John T. Fowlkes, Jr.: Scheduling Conference held on 10/12/2018. Both Parties present in Court. Parties updated the Court as to the status of the case; the City plans to file a Motion to Dismiss; the Court sets a Motion to Dismiss deadline 11/07/2018. Plaintiff is attempting to retain counsel & request additional time. The Court will hold off on entering the Scheduling Order at this time. Case continued to Monday, 11/26/2018 at 9:30 a.m. for Scheduling Conference / Attorney Status. (Plaintiff: Pro Se)(Defense: John Marshall Jones, Barberlette G. Davis, Darius Walker, Jr.) (Court Reporter Lynn Dudley.) (wrh) (Entered: 10/12/2018)
10/12/2018	49		SETTING LETTER: [TEXT ONLY - NO IMAGE ATTACHED] Scheduling Conference / Attorney Status set for Friday, 11/26/2018 09:30 AM in Courtroom 3 - Memphis before Judge John T. Fowlkes Jr.. (wrh) (Entered: 10/12/2018)
11/07/2018	<a href="#">50</a>	<input type="checkbox"/> 0.79MB	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by City of Memphis. (Attachments: # <a href="#">1</a> Memorandum Memorandum in Support of Motion to Dismiss)(Davis, Barbaralette) (Entered: 11/07/2018)
11/09/2018	<a href="#">51</a>	<input type="checkbox"/> 93.46KB	MOTION to Appoint Counsel by April Malone, Celitria Watson. (agj) (Entered: 11/09/2018)
11/13/2018	<a href="#">52</a>	<input type="checkbox"/> 135.47KB	ORDER denying <a href="#">51</a> plaintiffs' Motion for Appointment of Counsel. Signed by Magistrate Judge Tu M. Pham on 11/13/2018. (Pham, Tu) (Entered: 11/13/2018)
11/20/2018	53		NOTICE OF CACELATION: The Scheduling Conference set Monday, 11/26/2018 before Judge Fowlkes is CANCELED. Case to be transferred to Judge Norris. Case will be reset via separate notice at a later date. (wrh) (Entered: 11/20/2018)
11/26/2018	<a href="#">54</a>	<input type="checkbox"/> 43.38KB	ORDER REASSIGNING CASE. Case reassigned to Judge Mark S. Norris for all further proceedings. Judge John T. Fowlkes, Jr no longer assigned to case. Signed by Judge John T. Fowlkes, Jr on 11/26/2018. (jae) (Entered: 11/26/2018)

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