

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS

Richard James Johnson v. Michael Venable, et al.

Johnson v. Venable · No. 07-15-00332-CV · Decided December 16, 2015

SUMMARY

This document is a pro se appellant's brief in Richard James Johnson v. Michael Venable, et al., an appeal arising from a Potter County, Texas, civil action. The brief challenges the trial court's grant of defendants' motion for summary judgment and raises issues concerning evidentiary rulings, alleged due-process violations, and the application of Texas civil-practice statutes. The document includes or reproduces the defendants' summary-judgment order dismissing the claims with prejudice.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                                                               |
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| COURT              | Court of Appeals for the Seventh District of Texas                                                                                                                                                                                                                                                                                                            |
| JURISDICTION       | Texas                                                                                                                                                                                                                                                                                                                                                         |
| DECIDED            | December 16, 2015                                                                                                                                                                                                                                                                                                                                             |
| DOCKET             | 07-15-00332-CV                                                                                                                                                                                                                                                                                                                                                |
| DISPOSITION        | other                                                                                                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE | Johnson appealed pro se from an order granting defendants' motion for summary judgment and dismissing his claims with prejudice.                                                                                                                                                                                                                              |
| STANDARD OF REVIEW | Summary judgment is reviewed under the applicable no-genuine-issue-of-material-fact and entitlement-to-judgment-as-a-matter-of-law standard. The document also argues that evidentiary and procedural rulings were reviewed for abuse of discretion, but the appellate court's definitive articulation of the standard is not available in the supplied text. |
| PRECEDENTIAL VALUE | Published status is indicated by the supplied metadata, but the document text appears primarily to contain appellate briefing and a trial-court summary-judgment order rather than a complete appellate opinion.                                                                                                                                              |
| PARTIES            | Richard James Johnson v. Michael Venable, et al.                                                                                                                                                                                                                                                                                                              |

TOPICS

- summary judgment
- civil rights
- evidence
- appellate procedure
- civil procedure

## PRACTICE AREAS

civil rights

civil procedure

appellate procedure

evidence

remedies

## QUESTIONS PRESENTED

1. Whether the trial court improperly granted defendants' motion for summary judgment.
2. Whether the trial court abused its discretion in making evidentiary or procedural rulings during the summary judgment proceedings.
3. Whether the trial court was required to conduct a factual hearing concerning the scope of defendants' employment or authority in connection with an immunity-related defense.

## KEY QUOTATIONS

*"It is hereby ORDERED that Defendants' Motion for Summary Judgment is GRANTED."*

*"All claims against Defendants are dismissed with prejudice."*

## FACTUAL BACKGROUND

Johnson, an inmate, asserted claims arising from conditions or treatment during his confinement and challenged conduct by prison-related defendants. The record reflects disputes concerning testimony, documentary evidence, expert testimony, and restrictions imposed during confinement. The trial court resolved the claims by granting defendants' motion for summary judgment and dismissing them with prejudice.

## PROCEDURAL HISTORY

Johnson filed civil-rights-related claims against Michael Venable and other defendants in the 320th Judicial District Court of Potter County, Texas. The trial court granted defendants' motion for summary judgment and dismissed all claims with prejudice. The document contains appellate filing materials and arguments concerning the summary judgment proceedings, but it does not contain a clearly stated appellate disposition.

## DISPOSITION

other

## CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574 (1986)
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993)

## OPINION

PER CURIAM.

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Forn--. o~ Aft~(!"',\~. FUR1H£~ 1ES1\MO~Y- 1 ';A~Of~t"1a."J oppossl~glif~i!cw\f.t  
5~tA\t 6e tv\ e.!(,! on.

Pt.:RSOI\Al KNDWLt.DC,E.. S\,li\ Se.} ~ott\.. ~tJC.h ~i.i.(+-~ as Wou.\J be. d~ i'\li~a,\-e "" -  
tviJe,ce) O.Y\}:. ~-'-o.\ \k~:>W tAUh~IAh~r~\y.\-k! ~le. uU\ur.+ i.s to~Je"~ +<> -\eS.\-l- fy -l-  
o ~h.e\_ t""-a-1--!~ttS S,~o.l~ hHt.\ i\,U p \ ll~t~t~ Cl~t~f\J 4--c. obt. ~ ~LfS.bi\Q\.  
k(IDW\ul~L- Al~ ~IA(~~( 4 s.\t~al'f' ~q'u 'IM ~x..tr~ W~Y'.t~S. - ~Wu lo(r~cJ{o,...  
bu.v~ ~, -l:h CA.~ wo""-~j ht>.vlt L:rr~ bc.lf'oJ.t~.\-h!L fL\.\vv\~tU.' ~ U..V\ D  
pros.\J..tt.t""Ja.-1-h.tL Su\1\~""IA'Y J U. d ~tv\ t.IV~ · \h.e....

U.u~..\ -..\-lu ~t,rt.. A'bi.)..sJ \FS J~\_St.rQ...,l..~!./'1 Wh.~ ~.\- ~V~r~J l-kfs Mo-l~o~ ~.\. u:\-  
~I'!J \, 'T'T\~IRE WO\l1 ' &t ANY 1E~l\f\Q~Y \A~EN." R~ porl~h ~ec.c.rai "f'd~t- 25.. t)n-t.S  
CJ.ll>1 11. \-low i{\llLr, \JT Ptt. lVtL P~At1ltE.& RtM£.0~\$ C.ODc ~ J;~ o. li); IE~ "THt.  
t'LE~ INF>~. A'bM\SSio~, Aff\OAVIT~n Sll PUUXTtON.~ Df 11-tE.

PART ANt\ AUT~Ef\l"flC.ATED ~R LERTIFIEO PUI3UL RfC6R05.!t=' nNY. bl\fil£ A'l THf. t\  
Mt: Of i~<r \-litt)-R\l\f,, L)R 1=lf£~ 1""..lt~AfT£~ AND BEft)~£ JUDGMENT WITH  
PERM\SS\DN Dt T"£.. LDU~T.. ~t~W THAT, Exc.E~T A!;, TD T#E.. AMDi.J.NfTAM01lt£  
MOVtl\~ t>F OPtM~r.,~ ~ \.lR t \~ ND G:~U\l\£. \S5U£ A~ TO ANY Mtt1'E~ tJIL fA.C.

fRRTY t s t;NTITLED 1 o"JUD~E.MEJ\\T fl5 ~ MATTER OF LAW OI\\ ·1~E \\S~\\ES  
EXPRESSLY Sfl OUT IM 1\\-IE MO\\Ot\\ DR \\hl rihl t\\i~Wf.R 0~ A~~ 01\\tt.R RB~D~t.\\ \\~)\\£5  
NOI UPN: Il ~bT B£ Ss\\.l P1ttSENT£0 TD 1\\-t1t\\t:t:L tOUR1 ~l WRltffhl MDTIOt\\t.A~WER  
OR OntEJ( RtsPON~ES 5\\-\\A CM\\5\\Dm.~J D~ AtpPt.AL AS (;ROUNDS FOR Rt.VER\$t\\L.

A5UMM~RY JU~bM.£\\tT MA¥ BE Bf\\SiD 0~ U~CM~\\\\~E~1£t) TE51\\MOt\\\\IAL E.VIDE~t£  
Df AN ~ 6f f/K.\\ EX?E~T WtTNE.,~.4S TD SU13J"ttr MA~fER t~\\{E:R\\\\.'f:, W\\t\\t 7JE IBif  
MUS,\\ BE (U \\DID 5DLtL'{ 1)Y IHE OP\\~tDN. 1~~1lM.ONy OF EXPER\\S. IF THE  
EVtorN(£!5 CLEAR. PoSI\\!VE AMD OtRef.,1. 0\\-\\E.RW\\St:\_ C.R&..n~l£ AMD FREE FR6M  
CDMTRAD\\(1l6l\\-.S AND IDULD l-1 A-VE. l:JE..E\\\\ RF.Ab!L~ tDI\\1CVERT£0.- ThQ.. +wo  
c.z.r~<Jf~i'\\J Ga..u.c\\s -t-hc..l.l-t..t tA.~~dlo.tJ. re.~{fe\_~.i-o r, Rt\*(or+els Re..cor~ i?a~~ 25 \\  
("~~ 3-'t- 5, 1.)\\iJy~ l:\_)~(r+ Wi~-'-\\tt.~~t~ OS..\\-e ~-kt ~-'bjtd· h\\o.J.~r.. ~lhe.y ColA\\d ~o..u~  
p('.:sV~e) u.nto~~co:ve.-r+u 4~t5.-\\-\\f\\''''''\\''\\ ~vftk'''c..c ~)lh.ey ea\\.t\\~ ~0..\\~ prcvl~2.~  
L\\e.a.r, u\\A?oS.\\-\\{v(\_ CA.l\\~ dir~c..h r-tCA~ ny o.+~h~rwts~ tn~h\\-t.

CA.l\\~ ~r{ll)rCI'''' Lot\\.~rQ~kHc '''s.. cu,~ t:ov.U ha.\\1{ 'bt.ey, U, Y\\ \\- r~;> Vtr kttA • 4).\\ hL  
~Wb C.,<ko.~S. t.~p(f~ Wt~ne.\_~S.f,&, toe ctl..c.\\Cl.t\\G.\\ C..Ou\\),\_ ~'''''' \\?NVt~t...~.~-  
~\\'10i\\'f a.S \\-o w t.-\\~u Cf' \\c.\\- Pr.f{ \_'''e\_o.rf 1\\~ dt.l..(A.~'e.l\\, L-d( ('{ ~.~r,~(.+ldl1;~~' rt--  
~ry t~nt}'f!~<'')r. o.." ~ /).~ VV\\A~<.:\\-ro.At V'L ~~~te ~l).hc''' wzc~ ~ \\''~<.:~ S(MIJ \\~t 0 r  
b~e~11 4k-t ~til~''<.. \\(\\ o..r...y ('(.S~Q~..

A P;--1~lL o..riLo. o£... l.P,t.~t'tor. a''~ ~ rs a ~r'~t.''''''' \\- tl.t~L u."\\ p \\o..\\1\\~lll... ~r~~.\\~o  
&:x~ut w\\~~~~ toil ~rti~}- tou\\~ huVL~rovM~..\\..e.i\\-f''-'~1\\Y et~4c Who..\\- o.. C.Q...\\  
S..tOJrof ~"re.c.\\-tD"a\\ G:..o...u..c~1 ~ -:eob dUtf~f'\\-fo'''. \\ op~oifll\\~ pov.\\-(~e\_S. (A A~)..~"  
u..Pr\\1\\--.fL tkf~6.. o..(\\.. d.fs.o~f.(ilW\\~~~~ b'L'+W~U.II.. ~) ·r ~JL.\\-we !:..~~~r~ w ~ku ~es  
t:Au\\ ha\\llt fJruvM~~ ~~~~tt'''''.a''''t us~ ~mper ~-f:tsc.A{(cJV? \\?0 ho~,\\.\\,~.o\_~ qav..r~r art..+u  
ts-\\otrJ ~((.oi\\..~Yl\\J ~-roc. s. A(J.\\-..z( ~rtG... ol. ~''~tl\\~(~n • WhtLA ~ \\...~ C-ov.l't d~''\\~  
·(}\_~~t \\o.~+.\\.\\-~ w\\.\\nti~L5 - /J<.:cer~(1 ~..\\-~ ~-\\..

1.b ~'' ~ l''-L to~l'}-1}.\\oV...£>~~ t.\\~ J't ~(\_'''~\\-~bA • 3.By r~~(,tf''~ ~ hLo.r t'l(\\t(\\~k.s.\\-  
f~ti''Y -\\-l-t. l.ov.r\\- V,o\\a~~~ VTAC.l(\\fiL fRAt\\K€. ~ RfM tDIIS CODE 5lbb Q ( ( ). lf. T rfaJ  
tcv..r\\. Abv..stl \\+s de.sc.rJ\\t>l\\ h'f 1j"crt"9 ruh"~ of CA'ffe.\\~ Cow~: 0 \\ po..3t. '3\\b o~ to~r\\- \\  
r~~o.~''<Str\\ p-h 0.1\\~ e.r. ~u.~.t. lf ot +he. M-tt'l\\'.6f0\\~IAIM () pL'tO -" +r c. yv...\_.\\-\\-..e.

Lou..~~ at 1\\f pe-o..\\~ S:~.~t.v~l'\\-\\.... '0 ~s\\-r rc..\\-, l~~t Arpf....\\a.+~ (aur+ «u.. \\J ~ ' AT THE \\-  
\\tnRl~C,O\\Tt-tE MDT\\DttTDD\\~~~).THE ~u~1e.a t:Jf THIS At'PE-AL Na \\1\\ \\~ts~'E..~ Wt~t\_  
C~Llt.D Al\\h ft(t) EVttYt.\\C.E W4-S AfIMITrf"D, (OUN~tl FOtLll)Wt\\C:.. A<i6UM'tN1  
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s) -t.~ 'ag~J I" waS.P\\AI'Sll~''~\\-o.\\~t ~ope. b~ t~llr ~V\\'\\'6 'f~ll'''.(-.t'Mtlth I~ A tlefENSE  
At~OROi\\1& TO Il PptLEES~ l-tDWEVfR, Tf..lfs WOULD Rfl~U'RE T-HE 'TRIALCIJUV<T  
IC MA.Kb:.

A- FAcT FThlnlftC /JS TD WHE7U'ER APPEL\,£.£.5 WEl<E Acrf N(, Wtltt.Uli 1Ht 5tDPE Ot  
Tf.fe.fR EMPLOYMENT'" AND. Tt-lfRtFOrT... A FA(1UAL J.ifA-Ril\6 WA~ RECJ.u\Ro fDR  
iT lo 0 o So.. "' l-h.n. \(\ l\...~ R.~t~r'S R~c.~rels. pu9-l" \.it\,S 9.10~ oJ\ ul +h~ A-t~ti\ S~ o-  
~eA'" W\ak.t~ -\~rz... l\ o...~W\ ~\ -h-d~ ttr'l~v-U. WO..~ \)MSv..o."~ +o.\-ktl... ~top~ o.C.  
+h..tt'lr { ~\oY...,-t'"J., ~\.\-.\-.\.t. tou.rk- Cibu~tn~ \+~s dtitre.~tten- ~\lor~A W~u~.+~q\_\_ 6.f>  
{JZiluJz C..e:~vt~ p\o..~t.d ~" ~S ('u\_!!\Ll, ~ Appt \o.f'.~ 0 b.)ecJt~ hf{ft ~ ~\o(~u~s Re.torjs  
\o.9~L12. \in~ /~,2.D.ll.

2.2.( a11~ 2.3. ~o.\-.\-rz\_ de..te.A<bll a~.\-t.~k-"); A.J:) u""o~r~trR- o..~" v-S.o.f"'{'..--~11...  
Afr~l~ Lou.r,\-rs..f.\{~1"1~ AS V...H.. lt o-S..-\- h~,\-do.\ CP""r ~s ~\ t'o r l" 9 (-k 1'h~aa.\  
~u-rl- ~tY\ 'f +~"-..e. ~\(>-t\o.l\rs t<.qu.~S~ l~ hj\|v<.....l-lst...+~..Uo l:c.tr~(.J-}Mat ~Qv.r~S.  
E.)(\u\, wn\-'t~e\_~....\-t~X..~t'f- ~\Pl ~t~\W\cs"y tLs ~c.

Wht.\-l- lt.-~ "S>c.c~ D~ t\,dr ~h'p\C)yW'en.\-~ o.<.luo.\|y tnLc.W\ye('ILct.5, Whi'A.\- 0.\| \k- t-  
0v~\, ( . -:\ \ 1\c.: rd~t\ \ 'oa-th- Mnl'l.. V. Gu~':z.o.\e..s, \G2.. \$,W. 3d G35, b33 ~t,C., App. -  
~ous+. ~t~+~Ot.s"-J 2C>05) ~~ Pre.s~u.lo 'I~ ~h(.~h.\t 2.30 5W 3d 17i (Tltt.f\fr. 2.1)05)  
s+lk~L ~h.6->r "CO<tR~t'(f)\|AL aFFICFtt\$ \ N T\~tt.R \00\|L\U~l t\~1\|t\li~ DD t\|D\ \|~ft.  
~C>JtRtC;M \W\N\AI\|1'1' -FuR liJTE.NTfDNAL ACT 5.

11 ~ c,, J.\-k \| Tr o.r-1 !\(\ Cbl\.\-tt\ ~~ Wt. 1. uh\-' bet\'''' e..~A.u'bhs..\...~ C:a.s~S>, A{\~ 4..-L  
4'u..r"~ f.(~ W\ +lL A-p ~e.-\liA~e.. C.Ou.rk., A~t~t...tlo."~\-.ttt.A..\6 ha.VL tow+ r.t.Lb~t\|~e\_  
~L Clf'@(.U~l-e.. ~u.~\ cu.r"9 hel'tl...'. R.t~ocA~r's<R(..tordS ~fl.1tL 2.4- \1(e.\_~ 17,1~ u.n~  
rq. T\~.st.. A-no.\ C.Oo-r\, t~""~r~b ~h"~h Pt ~p-L\'''''\. 'f'<-t.~vt.~ nath..-L cS h.e.~r \'" ~l OY"  
t;.\AW\ v-....t.ty 'J.,MJ~&M~ ~ ~ n fh.rc 21 +" of- ~\y ~ b~c.c..v.SL o.p~t.\|cl~ ho.~ +  
<'C\1~~t.r~\.\o:tw~ ot~(r U'i'\~S 0\~" t.o~\~ Vlo+ Y\o~\~1/ ~u-r \- a-t\| d-L~(\1\1.:6'.1\+~  
~t\ ~\1\~t. ~ 1h4. (lc.l~cQ.

D~ l-hJt... \Ail..o.d 1'\~ wa~.C.h~+ s~+ ~ +h'L V\1, P. C.IH~\o\A~~ UIJ} \i\ AW\i).rl\|o, \ht~  
o...kw dt:Ay S to.\-~r t-o -\~h~ tRolav..\s,~"" lAII\~4- 1~ Ab;\\_1\lku~, ~h""t t'-""4~"9.\-!,...  
O~f~u""""~ on hiS YI~W i.AI'1~ '3. V, A) \r~. \II\ \AI H:~\l-a. ' tA. \~~To WCA ~ o.r k · Clh  
J.,ly 2'f, Wh.KI.. lt.e+ 0.\f~ll<M.\-.,y \_e,,R Wod,<l-, '1 ~.yt,t<.l pttl\ ' "R.t. r,\I., ~ h-L""rln ~  
\-1.-~ (-tS.\-!.. -1.- c.\o.YS U ""\ ~, M.J. '!. p~ """" + ot lf\ ~ro..l\S.\ ~.( '\_o.\tn~ A-& -\~  
'h.e\_adl~, ~Pr~\o"k wo.~ b\},~S.)'~J ~Y.tk~ ~r,~""~.

Apf-'-1\'''\- Wou.l~ r\ol.tt.L'l\~t...l,}!t<oh~oS t, ~...,\,.\_ c\_vA lou""~-- O.C o. c\_\l'\_ctL.a.\  
W\lS..\...o.~.+h~ t\~td<~ \ov\£A~lt~ ~eM.~ ""o..\{~fc..a.\-iol'l\... +o o."" lf~+z t\ o.\t\1\~d 1<. W  
AVN [ 3 0\~t NS~I T~ L1- to t:t tg:zrsc,. S.12..~ lf0..c.fj, t\pr~Ho.l\~~ D bJ~t..~r~""s o.\- 4-k~  
f.v;VV\~o.ry -:fv.J~t'"~ ~~oJ'fn ~ Cov-trS. ~hll. -C.-a\ow'f(\~ (,~...~~~ A-  
+Re.~Det~r'1fR~c~r~ fa~~ 12 H11(~ t9-2S pa 9t I3 ll ~ es 1- 2 c; p0.~ 1 \| f r"lf.. ~ ' - 2 s Q\_e  
c.t.9 e. \4 " n e. s 1- 2 s P 21.. \"" e.~\ 2> fo Q.. \5 \wv~ 1-.ZS a~~ Paa~ 2~ \,(\e\_S l ~" =Z5  
o.,9:J~~ lh \fl\ {..~ 1- 2 f. r"" '- \ 2.5 Po.9Q 2.f H\|t s t- f 3 Pa 9~ \1 H(es. "" 2 { 2.t \(\e..~ 11--

l'l Po.~L \~ \,(\~\~ \- s 10.~~ f ~ \9- \1~11ti \.-2.5 PC\~IL 2.t{: \rl\e\_~ 'Zo-23 e~-t 2.0 l\"e.~,... zs  
ra.~L 11 'f(l-t s. G-.z.s 1'n9Q.. z.~ \rV'.-e.~ \- z~ A9u\_H~f V~ ~+one... ~S SW.

3d \.l-2 (ru...App,-/-lous.+,\\$s+.D'rs+)(1997) C.aw-..~'be..lt \1. \.\ehW\td,, q31 F.1J 12 l'f'-75C7H  
CJr.Jq91) tu.lp~ptf v. Pe.O>.r \ Stre.t~ 13L[]t; \_ !nc.. 877 F.z.J sn 8'02 Dtl\i-OY\ V. ~etno."je:L.  
5olf u~ ts,33)/2 5.CJ..I728,/IB Lf J.2J 3'-IO Ct112) E~~lct V.f,'er~on, If 35 F.3J lfJ 12.?2 ~Ltlkfl.  
hn 11. Wflld~d, 2 9E SW 3J 31'1. 3'1-1 (-rx.F+,worJL.

2oo9.) ~}U v. ~hpJ~i 11: ~~, '~~~q. Old JI)-f.V~2b I()~ 7/f. App,' 1987 i Gl u fill JJ~y D,s+fi bu+  
Ion Ctt' {;If 5/AI 3J b/J/.603 (R, AJ'f~ [Jf?fo.tkCAM~ zoo;) lo.g~d&-rl)rn V~ ka~,.,~5..f..o~.  
Lf&,J F.3d bll (tJ.J.. Crt'. zc:.oG) Mahch 1 V. Thaler. 111 t.3d 7b5, 7h7.. 6g (s.tt., (lt. /997) 11  
Hydrir.k V. \~v."~t..f, lf'f q F.1d 97l! {H-h (Jr. 1\_c,oG0 Go..rrt.~.\- V. \bd(~.v.....

2o2- ~t-J.'1 'b~J (1..c..tl.CD) N\M\~" \l" ~ cl\k\-. \Sb f..1 ~ 7B ~s ~D G+1.. C\r. 199-8\ s MH  
'1CA" V. l:Jre..\-k~, Lf33 f.:r~ lf5S (s.tt... c~r.l.~~) Mt>rf\\$. v. VDwd\, i.flf9 r.3.J Cc\$2... (~Or.  
2oe:IOJ \..le..itz.<e. V.W~ltFo.vv~.~.4-QO u~ 1\Q, 321. 1~9S. t+.l tl.1.1D4 L. El 2.1118 {, 95ci)  
P\c..l).rdo V. k~t\k~r. 1'!> r.?:.~ bl2.. bl1 (>+.\ u(' t9%) l>~9~e.

V: Cbl-J.u"'.:3'-f~ ~31 b1if (7.-U. Cffl.2o~~) Rtt~\f.Jt V. TD\jl 9lf r;,W, ~J b50~{-ex.Apr.:2ro2\  
MdJcH\o.\l V. SJ.~WtH~, 13'2. P.1.J 225.231. ls~" CJr. J 9 90 Gea~tnat'\.- V. \1...sha~.. ~S SW ~l  
b08, ~ IB (-,x. App. laCJ€0"> SanA" V. (oW\11-(u, 515 u.S lf-73 lt945) VTAC. (\V. P«AC.~  
R£M. WDE. A,-, %S'.u u i VTA c\_ tlV. fOf-\C\t ~fM, Co<Dt /Jn" q IJ+.oo i -c:-.cC, Yo"('g v. \.  
<elf"" q2q F.2a 13q~. tlfo3 ('l~ I c(., tq9j) There.

Is no.\. On~ CCkSe... were..+~'-~ AJtl\~e.. ~r~HI\~e~ ~" \.rs 1\to~f~" ~~' Su.w-.Mt).lf "1<-  
Ac\giM~"- a~ br\.-S- Wer(\-h.tt CAv.t~S. ~N...kr~~.\-o Pre.Ueo.r""9 t) e+..."{A\.,. AJ  
Mi"~~.j.,.,J~v~ ~~~re.0<A.\-G"""" ~6 \~(At y C.o"~~~t~t~ -tAl~ Ce...\\ «.~ ~rrt.),..' 11", I(\ hr  
c.'-' M~fibtr 1-\ /Yf ON r...-1-.ere\_~or\_ +k ~..\_c ~"t-L 'P «!OA-k! \} s. MD.\-"""" \-, bt.- J -  
t~i~"" 1't[ "I Cou ' (\ n.. ),..~...~-'If\_.,. " 'F' c.J' ~ n~ o< \ J e/)Se!;' ~~o..~"" ~ &~bu~ ~.~  
~o.r~Jll> re~d~.~+o.\.l.-.~12. \f~~ t~""""6""""bly. f-., A..o 1,,~" ~ a •l. ~ \o ~kI" ')> 'e.\<A,\... J,  
\ "" lo ~ ~ +uI.). i..

15 ((l...uS<L Ao r~\Jqrso... ~ ~u.~);~ Sv. W...lfV'IA~'/ Jv.b,~A k W h.e" Pt.C.~f ~ 0\1 ~,,.}~ tAr-  
t....\_01h f" \.."-~ f lo4J ~ • 0 u 1(\)rote.S~ f t ~ h+~ Vt'e \u.\- on L D-tt~"t\S.e. th\\b~cv.~(\y tv\l  
~tui\S~ti.A~ ~h~i~ C.\o.\~L A'jo..1\,. Af>ft.\ LAI\l- Never (\ o.\ \""~ ~e. wo.~ f lo.ce.J ~  
A& IV\""S~('O.J hJe. Se.~t e.jat.~n n (:)( ' Pr( . '-~0\1' t~ q t)~k".\r-CI", f~ S. \-tfL~ ~c,".

L\o.\~ ~o.\- h~ ~\AV\ts he~ t:::r 0~~~~~ bJ.ot-e. ~\.\-y ""or 0" (\_e \ 1\QpL\lo\^r Wo..S. C.H\  
btt \.,. 9.tb\11" \ o k 4-ha-.\. ot.C~A.H, By ~H"~ 9\CA,tl \ " SOL\7A~Y [ON.~N[ME.hl\ £v~.~. ~h"-  
~t~""e.. c\_\u..Ms o~C~""~r! hov\ \_ '\~ ~M<L f"nc.~5 ""~9 ~S~. t \icu~ \y..-\.-.~ ~"s.IL\  
~or.\-.\\_lL b~ku\Se\_ ~oe..s. 1\c+ v."~t.r} 6"~ <1-t...u-" SD\1A 1<: V (6Nf\ \\\~Mf Jrt lS  
Ata•ldlb\Sl\~\.."-ARY AttldN.. f.\c.corth"q ~o LA~t.R~\tt)M V:.. \. f.1.d b21 ('1JL.

Clr. Zoo6J, B~f.DRt\_ O.l\ 'D\SU PL\M~({y f.\t10l\ \S TtHt£.f\, 1'h ~ ~H&w) f\ ~ t>""e..  
~r~:oc{..ss (e\_q\;\re ~s h\usl b.\_ iMp \-\ 'ht'" ~~, ~ ~ f3 \l~e. 6ttt't\itc mu ~+ re.c.~t~r~  
ADVA~CE WR\Tlr:~ \ID\tl D~ T\K C.\-RRbtt..s, 1\~tt (\.Hlt\te. T\ ) P~I.StN.T Tt~TM0\1!  
AI\!) I.:IDU\ME.TAR Y E.VtDE~te. TO A\I IMPRRTU\L DECJSIDMMMAktR. B~D A  
lAfRITTE"N ExPUNATaN ~uPPDR'rfD BY AT LEAST SOME tVIDff\ \t£ 1~ T~1; fRE.

AMY 0\~C\PL\MM~Y ACTiJM t ~"TakEN. All of ~U7AJ(I tDN.Fl~EMENr~ ' '~ " '-~  
o.pp~\a-.".\'~ use. J-."u d\~ "'~.\- o~{.or~. I."'\.-k(. clllk~<.\',\ts, Mc.\.fe.'" - ~\.-Ly br-ov-~"'~  
v.p J.ku~ U..~e.S:~ · l-f\l¥1~\.\-ol\ V. Wll\ta'V\s, 2."19> S,w:~J 33lt~:Vtl C3f.J...Apf"  
i=.l-.Woc!\...2.(;)c9) 'W""h.\... rt.lv~.k e..~\ rd~t~"-~.:~, l~LY. no.\- ~\TAR'f C.ONf\M~Mh..NJ.

CELL RtSTR\Tt \OM~ Mt~N~- i\~t ~1' ~t Dfft~O£f< MX1 D\\L't LfA\1£ ~\S C.1HL ~OR  
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PO TTE R CO UN TY, TEX AS § MIC HA EL VE NA BLE, eta!., § § Defendants. § 320 th JUD  
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the Court is Def end ants ' Mo tion for Sum mar y Jud gm ent.

After considering Defendants' motion, and any response filed thereto, the Court is of the opinion that the following order should issue: It is hereby ORDERED that Defendants' Motion for Summary Judgment is GRANTED. All claims against Defendants are dismissed with prejudice as finally signed on this day of May 2015. 1450794 \ ."

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