

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

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)