

**U.S. District Court
District of South Carolina (Charleston)
CIVIL DOCKET FOR CASE #: 2:04-cv-02221-HFF-RSC**

Padilla v. Hanft
Assigned to: Judge Henry F Floyd
Referred to: Magistrate Judge Robert S Carr
Demand: \$0
Cause: 28:2241 Petition for Writ of Habeas Corpus
(Federal)

Date Filed: 07/02/2004
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner

Jose Padilla

represented by **Jose Padilla**

Consolidated Naval Brig
1050 Remount Road
Charleston, SC 29406
PRO SE

Ann Briks Walsh

Federal Public Defender's Office
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TERMINATED: 07/28/2004
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V.

Respondent

Commander C T Hanft
USN

represented by **J Strom Thurmond, Jr**
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Date Filed	#	Docket Text
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07/02/2004	1	PETITION for writ of habeas corpus; FILING FEE \$ 5.00 RECEIPT # SCX200001389 HOUSTON V LACK JULY 2, 2004 (eric) (Entered: 07/02/2004)
07/06/2004	2	ORDER directing service upon the respondent; setting an answer due date; and discussing automatic referral to a US Magistrate Judge. (signed by Magistrate Judge Robert S. Carr) eod 7/6/04 (ssan) Modified on 07/07/2004 (Entered: 07/06/2004)
07/08/2004	3	RETURN OF SERVICE executed as to respondent C T Hanft 7/7/04 Answer due on 8/26/04 for C T Hanft (ssan) (Entered: 07/08/2004)
07/12/2004	4	MOTION by petitioner Jose Padilla for appointment of counsel (ssan) (Entered: 07/12/2004)
07/12/2004	5	AFFIDAVIT of Jose Padilla by petitioner Jose Padilla Re: [4-1] motion for appointment of counsel (ssan) (Entered: 07/12/2004)
07/12/2004	6	AFFIDAVIT and Memorandum of Law of Andrew G. Patel by petitioner Jose Padilla Re: [4-1] motion for continuation and appointment of counsel (ssan) (Entered: 07/12/2004)
07/12/2004	7	AFFIDAVIT of Michael P. O'Connell by petitioner Jose Padilla Re: [4-1] motion for appointment of counsel (ssan) (Entered: 07/12/2004)
07/13/2004	8	ORDER mooting [4-1] motion for appointment of counsel; appointing Federal Public Defender pursuant to CJA 18 USC 3006A (signed by Magistrate Judge Robert S. Carr) eod 7/13/04 (ssan) (Entered: 07/13/2004)
07/19/2004	9	MOTION by petitioner Jose Padilla for Andrew G. Patel to appear pro hac vice FILING FEE AMOUNT \$100.00 Receipt # SCX200001474 (ssan) (Entered: 07/20/2004)
07/19/2004	10	AFFIDAVIT of Andrew G. Patel by petitioner Jose Padilla Re: [9-1] motion for Andrew G. Patel to appear pro hac vice FILING FEE AMOUNT \$100.00 Receipt # SCX200001474 (ssan) (Entered: 07/20/2004)
07/26/2004	11	ORDER granting [9-1] motion for Andrew G. Patel to appear pro hac vice FILING FEE AMOUNT \$100.00 Receipt # SCX200001474 (signed by Judge Henry F. Floyd)eod 7/27/04 (ssan) (Entered: 07/27/2004)
07/28/2004	12	MOTION by petitioner Jose Padilla to substitute attorney Michael P. O'Connell for Ann Briks Walsh (mnew) (Entered: 07/28/2004)
07/28/2004	13	ORDER granting [12-1] motion to substitute attorney Michael P. O'Connell for Ann Briks Walsh terminated attorney Ann Briks Walsh for Jose Padilla Added Michael P. O'Connell (signed by Magistrate

		Judge Robert S. Carr) (mnew) (Entered: 07/29/2004)
07/29/2004	14	MOTION by petitioner Jose Padilla for Donna R. Newman to appear pro hac vice FILING FEE AMOUNT 100.00 Receipt # SCX200001526 (mnew) (Entered: 07/29/2004)
07/29/2004	15	AFFIDAVIT of Donna R. Newman by petitioner Jose Padilla Re: [14-1] motion for Donna R. Newman to appear pro hac vice FILING FEE AMOUNT 100.00 Receipt # SCX200001526 (mnew) (Entered: 07/29/2004)
08/03/2004	16	MOTION by petitioner Jose Padilla to vacate referral to Magistrate Judge and to expedite proceedings (mnew) (Entered: 08/03/2004)
08/03/2004	17	MOTION by petitioner Jose Padilla to expedite proceedings (mnew) (Entered: 08/03/2004)
08/05/2004	18	ORDER granting [14-1] motion for Donna R. Newman to appear pro hac vice FILING FEE AMOUNT 100.00 Receipt # SCX200001526 (signed by Judge Henry F. Floyd) eod 8/5/04 (ssan) (Entered: 08/05/2004)
08/16/2004	19	ORDER denying [16-1] motion to vacate referral to Magistrate Judge and to expedite proceedings [17-1] motion to expedite proceedings referred to Magistrate Judge Robert S. Carr (signed by Judge Henry F. Floyd) eod 8/16/04 (ssan) (Entered: 08/16/2004)
08/17/2004	20	RESPONSE by respondent C T Hanft to [17-1] motion to expedite proceedings, [16-1] motion to vacate referral to Magistrate Judge and to expedite proceedings (ssan) (Entered: 08/17/2004)
08/18/2004	21	ORDER denying [17-1] motion to expedite proceedings (signed by Magistrate Judge Robert S. Carr) eod 8/18/04 (ssan) (Entered: 08/18/2004)
08/26/2004	22	ORDER extending time to answer reset answer due for 8/30/04 for C T Hanft (signed by Magistrate Judge Robert S. Carr) eod 8/26/04 (ssan) (Entered: 08/26/2004)
08/30/2004	23	ANSWER to Complaint by respondent C T Hanft (Attorney J Strom Thurmond) (ssan) (Entered: 08/31/2004)
09/08/2004	24	MOTION by petitioner Jose Padilla for Jonathan Marc Freiman to appear pro hac vice FILING FEE AMOUNT \$150.00 Receipt # SCX200001705 (ssan) (Entered: 09/09/2004)
09/08/2004	25	APPLICATION AND AFFIDAVIT of Jonathan Marc Freiman by petitioner Jose Padilla Re: [24-1] motion for Jonathan Marc Freiman to appear pro hac vice FILING FEE AMOUNT \$150.00 Receipt # SCX200001705 (ssan) (Entered: 09/09/2004)

09/10/2004	26	REPLY by petitioner Jose Padilla to [23-1] answer (ssan) (Entered: 09/10/2004)
09/14/2004	27	ORDER granting [24-1] motion for Jonathan Marc Freiman to appear pro hac vice FILING FEE AMOUNT \$150.00 Receipt # SCX200001705 (signed by Judge Henry F. Floyd) eod 9/14/04 (ssan) (Entered: 09/14/2004)
09/14/2004	28	TELEPHONE CONFERENCE held before Magistrate Judge Robert S. Carr ORAL ORDER Procedural discussions; Court to issue scheduling order at a later date Court Reporter: Gilbert O'Brien,ESR. (obri) (Entered: 09/14/2004)
09/16/2004	29	TRANSCRIPT OF TELEPHONE CONFERENCE filed for dates of 9/14/04 before Magistrate Judge Robert S. Carr held in CHARLESTON, SC Court Reporter: Gilbert O'Brien,ESR (obri) (Entered: 09/16/2004)
09/24/2004	30	LETTER of Andrew G. Patel by petitioner Jose Padilla Re: concerns raised at [28-1] telephone conference (ssan) (Entered: 09/24/2004)
09/27/2004	31	SCHEDULING ORDER setting deadlines as follows: motion for summary judgment filing by petitioner 10/18/04; stipulations of fact by both parties 10/18/04; response to motion for summary judgment by respondent 11/22/04; reply by petitioner to opposition to motion for summary judgment 12/13/04; oral arguments on motion for summary judgment 1/5/05 in chambers of U.S. District Judge Henry F. Floyd; all pleadings shall be filed in U.S. District Court in Charleston, SC and copies filed contemporaneously in Office of Judge Floyd in Spartanburg, SC (signed by Magistrate Judge Robert S. Carr) eod 9/27/04 (ssan) (Entered: 09/27/2004)
10/20/2004	32	MOTION Nunc Pro Tunc by petitioner Jose Padilla to extend time to file his motion for summary judgment (ssan) (Entered: 10/20/2004)
10/20/2004	33	AFFIDAVIT of Michael P. O'Connell by petitioner Jose Padilla Re: [32-1] motion to extend time to file his motion for summary judgment (ssan) (Entered: 10/20/2004)
10/20/2004	34	MOTION by petitioner Jose Padilla for summary judgment (ssan) (Entered: 10/20/2004)
10/20/2004	35	MEMORANDUM by petitioner Jose Padilla in support of [34-1] motion for summary judgment (ssan) (Entered: 10/20/2004)
10/20/2004	36	ORDER granting [32-1] nunc pro tunc motion to extend time to file his motion for summary judgment (signed by Magistrate Judge Robert S. Carr) eod 10/20/04 (ssan) (Entered: 10/20/2004)
10/20/2004	37	Stipulations of Fact by petitioner Jose Padilla, respondent C T Hanft

		(ssan) (Entered: 10/20/2004)
11/22/2004	38	MEMORANDUM by respondent C T Hanft in opposition to [34-1] motion for summary judgment (ssan) (Entered: 11/23/2004)
11/23/2004	39	MOTION by petitioner Jose Padilla for leave to file supplemental appendix (ssan) (Entered: 11/23/2004)
11/24/2004	40	ORDER granting [39-1] motion for leave to file supplemental appendix (signed by Magistrate Judge Robert S. Carr) eod 11/24/04 (ssan) (Entered: 11/24/2004)
12/08/2004	41	NOTICE of Hearing before Judge Henry F. Floyd set Motion Hearing to 2:00 PM 1/5/05 for [34-1] motion for summary judgment (ssan) (Entered: 12/08/2004)
12/13/2004	42	REPLY Brief by petitioner Jose Padilla in support of [34-1] motion for summary judgment (ssan) (Entered: 12/13/2004)
12/22/2004	43	MOTION by petitioner Jose Padilla for Jannifer S. Martinez to appear pro hac vice FILING FEE AMOUNT 150.00 Receipt # SCX200002197 (eric) (Entered: 12/23/2004)
12/22/2004	44	AFFIDAVIT of Jennifer S. Martinez by petitioner Jose Padilla Re: [43-1] motion for Jannifer S. Martinez to appear pro hac vice FILING FEE AMOUNT 150.00 Receipt # SCX200002197 (eric) (Entered: 12/23/2004)
12/30/2004	45	ORDER granting [43-1] motion for Jannifer S. Martinez to appear pro hac vice FILING FEE AMOUNT 150.00 Receipt # SCX200002197 (signed by Judge Henry F. Floyd)eod 12/30/04 (fbos) (Entered: 12/30/2004)
01/03/2005	46	ORDER for leave to file Supplemental Appendix (signed by Judge Henry F. Floyd) eod 1/4/05 (ssan) (Entered: 01/04/2005)
01/05/2005		MOTION HEARING [34-1] motion for summary judgment held ORAL ORDER [34-1] motion for summary judgment taken under advisement (before Judge Henry F. Floyd) Court Reporter: Jean Cole. (fbos) (Entered: 01/06/2005)
01/11/2005	47	TRANSCRIPT OF MOTION HEARING filed by respondent C T Hanft, petitioner Jose Padilla for dates of 1/5/05 before Judge Henry F. Floyd held in Spartanburg, SC Court Reporter: Jean Cole (fbos) (Entered: 01/11/2005)
02/28/2005	48	ORDER granting 34 Petitioner's Motion for Summary Judgment and granting Petitioner's Petition for Writ of Habeas Corpus. Signed by Judge Henry F Floyd on 2/28/2005. (skin,) (Entered: 02/28/2005)

03/04/2005	49	JUDGMENT in favor of Petitioner Jose Padilla. (ssan,) (Entered: 03/04/2005)
03/11/2005	50	NOTICE OF APPEAL - (Shealy, Miller) (Entered: 03/11/2005)
03/11/2005	51	MOTION to Stay <i>Summary Judgement Order</i> by C T Hanft. Response to Motion due by 3/29/2005 (Shealy, Miller) (Entered: 03/11/2005)
03/11/2005		Transmittal of Notice of Appeal and Docket Sheet to US Court of Appeals re 50 Notice of Appeal Filing Fee and Docket Fee waived; IFP Granted. Court Reporters: Jean Cole, gil O'Brien. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (jwol,) (Entered: 03/15/2005)
03/28/2005	52	RESPONSE in Opposition re 51 MOTION to Stay <i>Summary Judgement Order</i> Response filed by Jose Padilla. (ssan,) (Entered: 03/28/2005)
04/06/2005	53	ORDER granting Respondent's 51 Motion to Stay. Signed by Judge Henry F Floyd on 4/6/2005. (jbro) (Entered: 04/06/2005)
04/11/2005	54	AMENDED ORDER GRANTING RESPONDENT'S MOTION TO STAY PENDING APPEAL. Signed by Judge Henry F Floyd on 4/11/05. (jbro) (Entered: 04/11/2005)

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