

REPRODUCED AT NARA

NASH. CIVIL DOCKET  
UNITED STATES DISTRICT COURT

6TH CCA NO. 71-1751

Jury demand date:

D. C. Form No. 106 Rev.

At Issue: 1-18-71

TITLE OF CASE	ATTORNEYS
WILLIE LEE HENDERSON	For plaintiff: pro se
v. LEWIS S. TOLLETT, WARDEN, BRUSHY MOUNTAIN STATE PRISON	H. Fred Hoefle 409 SEcond National Building 830 Main Street Cincinnati, Ohio 45202
	Russell Ennix 1414 Parkway Towers 404 James Robertson Parkway Nashville, Tennessee
BASIS OF ACTION: Petition for Writ of Habeas Corpus. Constitutional Rights, Illegally confined	For defendant: <del>R. Jackson Rose Assistant Attorney General Supreme Court Building Nashville, Tennessee 37219</del>
	Robert L. Jolley, Jr., Asst. Atty Gen. 450 James Robertson Parkway Nashville, Tennessee 37203

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 12-29-70 <i>reopened 6-11-73</i>	Clerk		Forma Pauperis <i>4-30-71 Jackson Rose</i>	500	500
J.S. 6 mailed 4-12-71 <i>reopened 6-30-73</i>	Marshal		<i>5-7-71 Mess CD 49</i>		
Basis of Action:	Docket fee Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-29-70	✓ Order Entered: Clerk to file petition of Willie Lee Henderson in forma pauperis; Respondent to Show Cause.	
12-29-70	✓ Filed: Petition for Writ of Habeas Corpus, with Exhibits.	
12-29-70	Attested copy of Order to Show Cause with xerox copy of Petition delivered to U. S. Marshal for service on Respondent; Att. copy of Order mailed to petitioner, - Brushy Mtn. State Prison, P.O. Box 73, Petros, Tenn. 37845.	
1-14-71	M/R - Order to Show Cause executed as to Respondent.	
1-18-71	✓ Filed: Respondent's Notice of Filing Documents, with Documents #1 through 7.	
1-18-71	✓ Filed: Respondent's Motion to Dismiss; Memorandum of Points & Authorities in Support of Motion, c/s.	
2-3-71	✓ Order Entered: Respondent's Motion to Dismiss is Denied; Writ of Habeas Corpus to issue returnable March 2, 1971, 2:00 p.m. Attested copy to R. Jackson Rose, Asst. Atty. Gen., State of Tenn., and to Petitioner Henderson, Brushy Mtn. State Prison, Petros.	
2-3-71	Writ of Habeas Corpus issued, delivered to Marshal with copy of Order for service upon Lewis S. Tollett, Warden, Brushy Mountain.	
2-8-71	✓ Filed: Respondent's Memorandum of Authorities, c/s.	
2-9-71	M/S Lewis S. Tollett, Warden, Brushy Mtn. State Prison, Petros.	
4-12-71	✓ Order Entered: Indictment and all proceedings based thereupon are void and of no legal effect; incarceration repugnant to U.S. Constitution; Petitioner released from custody of respondent. Two att. copies delivered to U.S. Marshal for service upon Warden, Brushy Mountain Prison; att. copies mailed to Petitioner and to R. Jackson Rose, Esquire.	
4-12-71	✓ Order Entered: Order of this Court entered this date-stayed until April 14, 1971 on motion of respondent, pending hearing to set bond for petitioner. Att. copy to Petitioner, General Rose, and the Warden, Brushy Mountain Pen. Petros.	
4-14-71	✓ Order Entered: On motion of Respondent, Petitioner is required to post \$5,000. security bond pending determination of this cause; previous order of this Court granting release stayed pending the making of bond. Att. copy to attys. and to petitioner, and respondent warden.	
4/26/71	✓ Filed: Motion for Reduction of Bond. C/S	
4-30-71	✓ Filed: Notice of Appeal filed on behalf of Respondent, c/s.	
5/6/71	Filed: M/S as follows: Executed as to instructions on 4/12/71 upon Lewis S. Tollett (Serve on Tom Y. Richardson, State Office Bldg.) (See Sheet No. 2)	

WILLIE LEE HENDERSON v. LEWIS S. TOLLETT, WARDEN,  
BRUSHY MTN. PRISON

D. C. 110A Rev. Civil Docket Continuation Sheet No. 2

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-8-71	Certified Record on Appeal mailed to 6th C.C.A. with \$25.00 FF; copies of Clerk's Certificate and Docket Entries to Petitioner Henderson, and to R. Jackson Rose, Esq.	
6/11/73	✓ Filed: 6th CCA remands to District Court for further proceedings.	
7/9/73	✓ Filed: Amended Petition for a Writ of Habeas Corpus. C/S	
7/9/73	✓ Filed: Supreme Court of the United States October Term, 1972, Opinion on Writ of Cert in Tollett v. Henderson.	
7/19/73	✓ Filed: Motion and Affidavit to Proceed in Forma Pauperis and for Appointment of Counsel. C/S	
7/19/73	✓ Filed: Supplement to Amended Petition for a Writ of Habeas Corpus. C/S	
5/26/78	Filed: Notice of Appearance for Lewis S. Tollett behalf Robert L. Jolley, Jr., Asst. Atty. Gen.	
6/2/78	Filed: Clerk's Resume of Court Proceedings. Deft's Attorney: Robert L. Jolley, Jr. Briefs to be filed in 15 days by deft; Plf respond within 15 days after receipt Deft's brief; hearing on effectiveness of counsel.	
6/16/78	Filed: Memorandum behalf defendant. C/S	
6/30/78	ENTERED: Memorandum & Order ORDERED petitioner's petition for writ of habeas corpus is hereby dismissed Cy Mr. Henderson & Atty Jolley, Atty General's Office 7/3/78 Atty Hoefle & Atty Ennix	