

**U.S. District Court [LIVE]  
 Eastern District of TEXAS LIVE (Lufkin)  
 CIVIL DOCKET FOR CASE #: 9:05-cv-00032-JKG**

Shaw v. Director of TDCJ-CID  
 Assigned to: Magistrate Judge Judith K. Guthrie  
 Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 02/14/2005  
 Jury Demand: None  
 Nature of Suit: 530 Habeas Corpus  
 (General)  
 Jurisdiction: Federal Question

**Petitioner**

**Desiree Ann Shaw**

represented by **Desiree Ann Shaw**  
 769352  
 Gatesville Unit  
 1401 State School Road  
 Gatesville, TX 76599  
 PRO SE

V.

**Respondent**

**Director of TDCJ-CID**

represented by **Tommy L Skaggs**  
 Attorney General's Office  
 PO Box 12548  
 Postconviction Litigation Div  
 Austin, TX 78711  
 512/936-1400  
 Fax: 15129361280  
 Email: tommy.skaggs@oag.state.tx.us  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/31/2005	3	ORDER transferring case to ED/TX Lufkin Division. Signed by Judge Walter S Smith Jr on 1/31/05. (djh, ) (Entered: 02/17/2005)
02/14/2005	4	Case transferred in from Western District of Texas; Case Number W-05-CA-028. Original file with documents numbered 1-3, certified copy of transfer order and docket sheet received., filed by Desiree Ann Shaw. (Attachments: # 1 Affidavit from WD/TX Waco Division)(djh, ) (Entered: 02/17/2005)
02/14/2005	1	PETITION for Writ of Habeas Corpus (28;2254 STATE) , filed by Desiree Ann Shaw.(djh, ) (Entered: 02/17/2005)

02/14/2005	● <u>2</u>	BRIEF filed in support of <u>1</u> petition for writ of habeas corpus by Desiree Ann Shaw. (Attachments: # <u>1</u> Affidavit)(djh, ) (Entered: 02/17/2005)
02/14/2005	● <u>5</u>	ORDER REFERRING CASE to Magistrate Judge Judith K. Guthrie. Signed by Judge Ron Clark on 2/14/05. (djh, ) (Entered: 02/17/2005)
02/17/2005	●	Magistrate Consent Form Mailed to Desiree Ann Shaw (djh, ) (Entered: 02/17/2005)
02/22/2005	● <u>6</u>	RESPONSE to <u>3</u> Order by Desiree Ann Shaw. (djh, ) (Entered: 02/22/2005)
02/24/2005	● <u>7</u>	ORDERED that the Clerk shall forward to Petitioner a copy of this Order along with an ifp application and Petitioner must submit either the \$5.00 filing fee or a proper ifp application within 30 days of receipt of this Order. Signed by Judge Judith K. Guthrie on 2/24/05. (kjr, ) (Entered: 02/25/2005)
02/24/2005	● <u>8</u>	OPPOSITION to <u>3</u> Order of Transfer by Desiree Ann Shaw. (received in WD/TX 2/18/05, forwarded by WD/TX & received ED/TX 2/24/05) (kjr, ) (Entered: 02/25/2005)
02/25/2005	●	Forwarded Petitioner <u>7</u> Order & ifp application with acknowledgment card (kjr, ) (Entered: 02/25/2005)
03/03/2005	●	Filing fee: \$ 5, receipt number 9-1-0023 (djh, ) (Entered: 03/03/2005)
03/04/2005	● <u>9</u>	ACKNOWLEDGEMENT OF RECEIPT by Desiree Ann Shaw as to <u>7</u> Order received on 3/5/05. (djh, ) (Entered: 03/04/2005)
03/07/2005	● <u>10</u>	MOTION for Leave to Proceed in forma pauperis by Desiree Ann Shaw. (djh, ) (Entered: 03/07/2005)
03/29/2005	● <u>11</u>	REPORT AND RECOMMENDATIONS that the <u>10</u> MOTION for Leave to Proceed in forma pauperis filed by Desiree Ann Shaw be denied as moot. Objections to R&R due by 4/12/2005. Signed by Judge Judith K. Guthrie on 3/29/05. (kjr, ) (Entered: 03/30/2005)
03/29/2005	● <u>12</u>	ORDER TO SHOW CAUSE. Show Cause Response due within 40 days. Signed by Judge Judith K. Guthrie on 3/29/05. (kjr, ) (Entered: 03/30/2005)
04/08/2005	● <u>13</u>	ACKNOWLEDGEMENT OF RECEIPT by Desiree Ann Shaw as to <u>12</u> Order to Show Cause, <u>11</u> Report and Recommendations received on 4/5/05. (djh, ) (Entered: 04/08/2005)
04/11/2005	● <u>14</u>	ACKNOWLEDGEMENT OF RECEIPT as to <u>12</u> Order to Show Cause, <u>4</u> Case Transferred In - District Transfer <u>1</u> Petition for Writ of Habeas Corpus, <u>2</u> Brief received on 4/7/05. (djh, ) (Entered: 04/11/2005)
05/10/2005	● <u>15</u>	MOTION for Extension of Time to File Answer by Director of TDCJ-CID. (Attachments: # <u>1</u> Text of Proposed Order)(Skaggs, Tommy) (Entered: 05/10/2005)
05/11/2005	● <u>16</u>	ORDER granting <u>15</u> Motion for Extension of Time to Answer . The time

		is extended to 6/10/05. Signed by Judge Judith K. Guthrie on 5/11/05. (kjr, ) (Entered: 05/11/2005)
05/11/2005	● 16	Answer Due Deadline Updated for Director of TDCJ-CID to 6/10/2005. (kjr, ) (Entered: 05/11/2005)
05/24/2005	● 17	ORDER denying as moot 10 Motion for Leave to Proceed in forma pauperis . Signed by Judge Ron Clark on 5/23/05. (kjr, ) (Entered: 05/24/2005)
06/03/2005	● 18	RESPONSE to Petition for Writ of Habeas Corpus by Director of TDCJ-CID.(Skaggs, Tommy) (Entered: 06/03/2005)
06/06/2005	● 19	State Court Records received from AAG and forwarded to Judge Guthrie (1 box approx 1200 pgs) (djh, ) (Entered: 06/06/2005).
06/07/2005	● 20	Magistrate Consent Form emailed to Director of TDCJ-CID (kjr, ) (Entered: 06/07/2005)
06/15/2005	● 19	MOTION for Leave to File to file response to answer by Desiree Ann Shaw: (djh, ) (Entered: 06/15/2005)
06/20/2005	● 20	Reply in support of 1 Petition for Writ of Habeas Corpus by Desiree Ann Shaw. (djh, ) (Entered: 06/20/2005)
06/22/2005	● 21	AFFIDAVIT in Support re 22 MOTION for extension of time to file response by Desiree Ann Shaw. (djh, ) Modified on 6/22/2005 (djh, ). (Entered: 06/22/2005)
06/22/2005	● 22	MOTION for Extension of Time to File response by Desiree Ann Shaw. (djh, ) (Entered: 06/22/2005).
06/23/2005	● 23	ORDER granting 22 Motion for Extension of Time to Reply to Director's Response. Petitioner shall have until 7/22/05. Signed by Judge Judith K. Guthrie on 6/23/05. (kjr, ) (Entered: 06/24/2005)
06/27/2005	● 24	AFFIDAVIT in Support of 1 complaint filed by Nelda Joyce Burgess Godwin . (djh, ) (Entered: 06/27/2005)
06/27/2005	● 25	CONSENT to Proceed Before US Magistrate Judge by Desiree Ann Shaw, Director of TDCJ-CID. Case reassigned to Magistrate Judge Judith K. Guthrie. (kjr, ) (Entered: 06/27/2005)
06/27/2005	● 26	ORDER assigning case to Judge Guthrie by consent of the parties for all further proceedings and entry of judgment. Signed by Judge Ron Clark on 6/22/05. (kjr, ) (Entered: 06/27/2005)
07/05/2005	● 27	MOTION to Compel Discovery by Desiree Ann Shaw. (djh, ) (Entered: 07/05/2005)
07/05/2005	● 28	ACKNOWLEDGEMENT OF RECEIPT by Desiree Ann Shaw as to 23 Order on Motion for Extension of Time to File received by 6/29/05. (djh, ) (Entered: 07/05/2005)
07/14/2005	● 29	MOTION to Appoint Counsel by Desiree Ann Shaw. (djh, ) (Entered: 07/14/2005)

		07/14/2005)
07/18/2005	● <u>30</u>	MOTION for expansion of the record by Desiree Ann Shaw. (kjr, ) (Entered: 07/19/2005)
07/20/2005	● <u>31</u>	ORDER denying <u>29</u> Motion to Appoint Counsel . Signed by Judge Judith K. Guthrie on 7/20/05. (kjr, ) (Entered: 07/21/2005)
07/20/2005	● <u>34</u>	REPLY to <u>18</u> Response to Petition for Writ of Habeas Corpus by Desiree Ann Shaw. (Attachments: # <u>1</u> Exhibit)(kjr, ) (Entered: 07/26/2005)
07/21/2005	● <u>32</u>	MOTION to Compel by Desiree Ann Shaw. (kjr, ) (Entered: 07/22/2005)
07/22/2005	● <u>33</u>	MOTION to Appoint Federal Public Defender by Desiree Ann Shaw. (kjr, ) (Entered: 07/26/2005)
07/27/2005	● <u>35</u>	MOTION to Compel Discovery by Desiree Ann Shaw. (kjr, ) (Entered: 07/27/2005)
08/03/2005	● <u>36</u>	MOTION for Reconsideration re <u>31</u> Order on Motion to Appoint Counsel by Desiree Ann Shaw. (djh, ) (Entered: 08/03/2005)
08/03/2005	● <u>37</u>	Additional Attachments to Main Document:. (pg 3 which was left out <u>34</u> response to respondent answer)(djh, ) (Entered: 08/03/2005)
08/10/2005	● <u>38</u>	MOTION leave of court to depose witnesses by Desiree Ann Shaw. (djh, ) (Entered: 08/10/2005)
08/15/2005	● <u>40</u>	MOTION for Reconsideration re <u>31</u> Order on Motion to Appoint Counsel by Desiree Ann Shaw. (djh, ) (Entered: 08/23/2005)
08/17/2005	● <u>39</u>	MOTION for witnesses to appear, respond to written depositions, or produce documents, records and communications by Desiree Ann Shaw. (Attachments: # <u>1</u> Exhibit A - Texas Dept of Public Safety Crime Lab# <u>2</u> Exhibit B Angelina County DA# <u>3</u> Exhibit C John Richard Heath, Defense Counsel# <u>4</u> Exhibit D John Tatum# <u>5</u> Exhibit E Correspondence with Gerald Piechocky# <u>6</u> Petition for Writ of Habeas Corpus# <u>7</u> Proposed subpoenas)(kjr, ) (Entered: 08/17/2005)
09/06/2005	● <u>41</u>	Letter from Desiree Ann Shaw re: appt of counsel (djh, ) (Entered: 09/06/2005)
09/06/2005	● <u>42</u>	MOTION for evidentiary hearing, MOTION for bench warrant and consideration for Julia Bond by Desiree Ann Shaw. (djh, ) (Entered: 09/06/2005)
09/06/2005	● <u>43</u>	AFFIDAVIT by Caylan Richardson . (djh, ) (Entered: 09/06/2005)
09/08/2005	● <u>44</u>	NOTICE of submission of article by Desiree Ann Shaw (kjr, ) (Entered: 09/09/2005)
09/19/2005	● <u>45</u>	NOTICE by Desiree Ann Shaw (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit)(djh, ) (Entered: 09/23/2005)
09/27/2005	● <u>46</u>	MOTION for Preliminary Injunction, MOTION for Temporary Restraining Order by Desiree Ann Shaw. (kjr, ) (Entered: 09/29/2005)

10/03/2005	<a href="#">47</a>	MOTION to show cause by Desiree Ann Shaw. (djh, ) (Entered: 10/04/2005)
10/11/2005	<a href="#">48</a>	MOTION for order and government funds for federal public defender, expert witness and investigator by Desiree Ann Shaw. (djh, ) (Entered: 10/11/2005)
10/13/2005	<a href="#">49</a>	Correspondence received from Desiree Ann Shaw. (bjc, ) (Entered: 10/14/2005)
10/17/2005	<a href="#">50</a>	Supplement to reply to state's recommendations to dismiss the petition for failure to timely file(djh, ) (Entered: 10/17/2005)
10/26/2005	<a href="#">51</a>	ORDER denying <a href="#">39</a> Motion, denying <a href="#">42</a> Motion for Hearing, denying <a href="#">42</a> Motion, denying <a href="#">46</a> Motion for Preliminary Injunction, denying <a href="#">46</a> Motion for TRO, granting <a href="#">19</a> Motion for Leave to File, granting in part and denying in part <a href="#">30</a> Motion . Signed by Judge Judith K. Guthrie on 10/26/05. (djh, ) (Entered: 10/28/2005)
11/04/2005	<a href="#">52</a>	ACKNOWLEDGEMENT OF RECEIPT by Desiree Ann Shaw as to <a href="#">51</a> Order on Motion for Miscellaneous Relief, Order on Motion for Hearing,, Order on Motion for Preliminary Injunction, Order on Motion for TRO, Order on Motion for Leave to File received on 11/1/05. (djh, ) (Entered: 11/04/2005)
11/09/2005	<a href="#">53</a>	Memorandum in supporting subpoena duces tecum, motion to compel discovery and production of documents, petition for judicial notice of previous motions for appt of competent habeas counsel and admissions of writ counsel by Desiree Ann Shaw. (Attachments: # <a href="#">1</a> Exhibit # <a href="#">2</a> Exhibit # <a href="#">3</a> Exhibit)(djh, ) (Entered: 11/09/2005)
11/15/2005	<a href="#">54</a>	MOTION for Leave to Proceed in forma pauperis by Desiree Ann Shaw. (djh, ) (Entered: 11/15/2005)
11/15/2005	<a href="#">55</a>	AMENDMENT to Petitioner's MOTION for production for State Bar of Texas Records filed by Desiree Ann Shaw. (djh, ) (Entered: 11/15/2005)
11/22/2005	<a href="#">56</a>	Request for Admissions by Desiree Ann Shaw (djh, ) (Entered: 11/22/2005)
11/29/2005	<a href="#">57</a>	<i>Supplemental ANSWER to Complaint in Response to Court Order</i> by Director of TDCJ-CID.(Skaggs, Tommy) (Entered: 11/29/2005)
12/01/2005	<a href="#">58</a>	NOTICE of new evidence by Desiree Ann Shaw (djh, ) (Entered: 12/01/2005)
12/14/2005	<a href="#">59</a>	Reply to response <a href="#">51</a> Order on Motion for Miscellaneous Relief, Order on Motion for Hearing, Order on Motion for Preliminary Injunction,, Order on Motion for TRO, Order on Motion for Leave to File, by Desiree Ann Shaw (djh, ) (Entered: 12/14/2005)
12/14/2005	<a href="#">60</a>	Reply to <a href="#">57</a> Answer to Complaint by Desiree Ann Shaw. (djh, ) (Entered: 12/14/2005)
12/14/2005	<a href="#">61</a>	Letter from Sharon Weaver . (djh, ) (Entered: 12/14/2005)

12/14/2005	<a href="#">62</a>	Letter from Katherine Barrett (djh, ) (Entered: 12/14/2005)
12/14/2005	<a href="#">63</a>	Letter from Johnny Weaver (djh, ) (Entered: 12/14/2005)
12/19/2005	<a href="#">64</a>	AFFIDAVIT in Support re <a href="#">4</a> complaint, by Desiree Ann Shaw. (djh, ) (Entered: 12/19/2005)
12/21/2005	<a href="#">65</a>	MOTION to supplement the record by Desiree Ann Shaw. (djh, ) (Entered: 12/21/2005)
12/21/2005	<a href="#">66</a>	MOTION to Compel discovery by Desiree Ann Shaw. (djh, ) (Entered: 12/21/2005)
12/27/2005	<a href="#">67</a>	EXHIBITS submitted by Desiree Ann Shaw re <a href="#">60</a> Petitioner's statement in opposition of respondent's request for dismissal (kjr, ) (Entered: 12/27/2005)
12/29/2005	<a href="#">68</a>	MOTION for court to take judicial notice by Desiree Ann Shaw. (kjr, ) (Entered: 12/29/2005)
01/03/2006	<a href="#">69</a>	MOTION to expand record by Desiree Ann Shaw. (Attachments: # <a href="#">1</a> Exhibit)(djh, ) (Entered: 01/03/2006)
01/04/2006	<a href="#">70</a>	MEMORANDUM AND OPINION that the above styled application for writ of habeas corpus is dismissed with prejudice and that all motions pending in this cause are denied. Signed by Judge Judith K. Guthrie on 1/4/05. (djh, ) (Entered: 01/05/2006)
01/04/2006	<a href="#">71</a>	FINAL JUDGMENT that the petitioner's case, rendered the Court's decision by opinion issued this date and orders that this action is dismissed with prejudice . Signed by Judge Judith K. Guthrie on 1/4/06. (djh, ) (Entered: 01/05/2006)
01/06/2006	<a href="#">72</a>	MOTION for Declaratory Judgment by Desiree Ann Shaw. (djh, ) (Entered: 01/06/2006)
01/06/2006	<a href="#">73</a>	BRIEF in support <a href="#">72</a> motion for declaratory judgment filed by Desiree Ann Shaw. (Attachments: # <a href="#">1</a> Exhibit # <a href="#">2</a> Exhibit # <a href="#">3</a> Exhibit # <a href="#">4</a> Exhibit # <a href="#">5</a> Exhibit # <a href="#">6</a> Exhibit # <a href="#">7</a> Exhibit)(djh, ) (Entered: 01/06/2006)
01/06/2006	<a href="#">74</a>	MOTION for correction of the record by Desiree Ann Shaw. (djh, ) (Entered: 01/06/2006)
01/09/2006	<a href="#">75</a>	ORDER denying <a href="#">72</a> Motion for Declaratory Judgment, denying <a href="#">74</a> Motion to direct this court's attention to a certain portion of respondent's response. Signed by Judge Judith K. Guthrie on 1/9/06. (kjr, ) (Entered: 01/10/2006)
01/13/2006	<a href="#">76</a>	ACKNOWLEDGEMENT OF RECEIPT by Desiree Ann Shaw on (no date indicated) as to <a href="#">70</a> Memorandum & Opinion, <a href="#">71</a> Judgment. (kjr, ) (Entered: 01/13/2006)
01/17/2006	<a href="#">77</a>	Request to file an opposition to dismissal and motion to stay and abeyance with objections to USDC dismissal of habeas corpus petition by Desiree Ann Shaw. (djh, ) (Entered: 01/17/2006)