

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:97-cv-01156-GK**

RZESLAWSKI v. DOJ  
Assigned to: Judge Gladys Kessler  
Demand: \$0  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/22/1997  
Date Terminated: 05/19/2000  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****MARCO ANTONIO RZESLAWSKI**

represented by **MARCO ANTONIO RZESLAWSKI**  
R31726-008  
BEHAVIORAL SYSTEM  
SOUTHWEST  
6420 South Park Avenue  
Tucson, AZ 85706  
PRO SE

V.

**Defendant**

**U.S. DEPARTMENT OF JUSTICE**  
*FOIA & Records Management  
Section*

represented by **David T. Smorodin**  
AMERICAN CHEMICAL SOCIETY  
Office of the Secretary & General Counsel  
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*TERMINATED: 05/10/1999*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Lisa Barsoomian**

**\*\*See Ms. Barsoomian file**  
Email: Lisa.Barsoomian@nih.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/22/1997	1	COMPLAINT filed by plaintiff MARCO ANTONIO RZESLAWSKI; attachments (cjp) (Entered: 05/22/1997)

05/22/1997		SUMMONS NOT ISSUED. (cjp) (Entered: 05/22/1997)
05/22/1997	2	APPLICATION by plaintiff MARCO ANTONIO RZESLAWSKI to proceed in forma pauperis (cjp) (Entered: 05/22/1997)
05/22/1997	3	ORDER by Judge James Robertson : directing prisoner plaintiff to provide a trust fund statement to the court by 6/23/97 for MARCO ANTONIO RZESLAWSKI . (N) (cjp) (Entered: 05/22/1997)
07/07/1997	4	TRUST FUND ACCOUNT filed by plaintiff MARCO ANTONIO RZESLAWSKI pursuant to order [3-2] . (mjk) (Entered: 07/11/1997)
07/21/1997	5	ORDER by Judge Aubrey E. Robinson : granting motion to proceed in forma pauperis [2-1] by MARCO ANTONIO RZESLAWSKI directing that monthly payments be made from the prisoner account of MARCO ANTONIO RZESLAWSKI . (N) (cjp) (Entered: 07/21/1997)
07/21/1997		CASE REASSIGNED from Unassigned Status to Judge Gladys Kessler (tth) (Entered: 07/22/1997)
08/07/1997	6	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 7/31/97 (tth) (Entered: 08/08/1997)
08/07/1997	7	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 7/31/97 upon defendant DOJ (tth) (Entered: 08/08/1997)
08/07/1997	8	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 7/29/97 (tth) (Entered: 08/08/1997)
09/03/1997	9	ORDER by Judge Gladys Kessler : directing that within 30 days from the date of this order, the deft. shall file a dispositive motion or, in the alternative, to file a report setting forth the schedule according to which it will complete production of documents to plaintiff (N) (jaw) (Entered: 09/09/1997)
09/05/1997	10	ANSWER TO COMPLAINT [1-1] by defendant DOJ; "Leave to file granted", KESSLER, J. (tth) (Entered: 09/09/1997)
09/19/1997	11	RESPONSE (OPPOSITIONS) by plaintiff MARCO ANTONIO RZESLAWSKI to U.S. Department of Justice pursuant to F.O.I.A. and request for this case not to be dismissed with prejudice and grant plaintiffs' materials listed in claim. (kmk) (Entered: 09/22/1997)
10/09/1997	12	MOTION filed by defendant DOJ to extend time to 11/5/97 to file their dispositive motion (tth) (Entered: 10/10/1997)
10/14/1997	13	ORDER by Judge Gladys Kessler: granting motion, Nunc Pro tunc, to extend time to 11/5/97 to file their dispositive motion [12-1] by DOJ; dispositive motions due by 11/5/97 ; No further continuances will be granted. (N) (kmk) (Entered: 10/14/1997)
11/05/1997	14	MOTION filed for summary judgment by the EXECUTIVE OFFICE FOR U.S. ATTORNEY. (pob) (Entered: 11/06/1997)
11/05/1997	15	MOTION filed to dismiss or in the alternative, for summary judgment by the UNITED STATES CUSTOMS SERVIE. (pob) (Entered: 11/06/1997)
11/05/1997	16	MOTION filed for summary judgment by defendant FBI; Exhibits (3) (pob) (Entered: 11/06/1997)

11/12/1997	17	ORDER by Judge Gladys Kessler: that plaintiff file a response to the motions for summary judgment no later than 12/15/97.(N) (pob) (Entered: 11/13/1997)
12/05/1997	18	RESPONSE by plaintiff MARCO ANTONIO RZESLAWSKI to motion for summary judgment [16-1], motion for summary judgment [15-2], motion for summary judgment [14-1]; declaration (1); exhibit (1) (tth) (Entered: 12/10/1997)
07/08/1998	19	MOTION filed by plaintiff MARCO ANTONIO RZESLAWSKI for Vaughn Index (tb) (Entered: 07/09/1998)
07/08/1998	20	MOTION filed by plaintiff MARCO ANTONIO RZESLAWSKI for discovery , and production of records ; exhibits (4) (tb) (Entered: 07/09/1998)
07/23/1998	21	MEMORANDUM AND ORDER by Judge Gladys Kessler: granting in part, denying in part motion for summary judgment [14-1] denying motion to dismiss [15-1], denying motion for summary judgment [15-2] denying motion for summary judgment [16-1]; directing that defendant is to support the basis for it withholding of 13 pages of records and renewed motion for summary judgment by 8/25/98. (N) (N) (pob) (Entered: 07/24/1998)
08/25/1998	22	MOTION filed by defendant DOJ to extend time to 8/27/98 to respond to court's order 07/23/98 (tb) (Entered: 08/26/1998)
08/26/1998	23	ORDER by Judge Gladys Kessler : granting motion to extend time to 8/27/98 to respond to court's order 07/23/98 [22-1] by DOJ; defendant may file its reply to the Court's Order of 7/23/98 by 8/27/98. (N) (blj) (Entered: 08/27/1998)
08/27/1998	24	MOTION filed by defendant DOJ to extend time to 9/9/98 to respond to the Court's Order of July 23, 1998 (lkn) (Entered: 08/28/1998)
08/28/1998	25	ORDER by Judge Gladys Kessler : granting motion to extend time to 9/9/98 to respond to the Court's Order of July 23, 1998 [24-1] by DOJ (N) (rew) (Entered: 08/31/1998)
09/09/1998	26	MOTION filed by defendant DOJ to extend time to 9/11/98 to respond to the Court's order of July 23, 1998 (JMF) (Entered: 09/10/1998)
09/10/1998	27	ORDER by Judge Gladys Kessler : granting motion to extend time to 9/11/98 to respond to the Court's order of July 23, 1998 [26-1] by DOJ (N) (pob) (Entered: 09/10/1998)
09/11/1998	28	MOTION (RENEWED) filed by federal defendant DOJ for summary judgment (tlh) (Entered: 09/14/1998)
09/15/1998	29	ORDER by Judge Gladys Kessler : that the plaintiff file a response to defendant's renewed motion for summary judgment by 10/15/98. (N) (pob) (Entered: 09/15/1998)
10/19/1998	30	RESPONSE by plaintiff MARCO ANTONIO RZESLAWSKI in opposition to renewed motion for summary judgment [28-1] by DOJ; Exhibits (3); Declaration (1). (ks) (Entered: 10/20/1998)
10/30/1998	31	MOTION filed by federal defendant DOJ to extend time to 11/17/98 to reply to plaintiff's response to defendant's renewed motion for summary judgment (tb) (Entered: 11/02/1998)

11/12/1998	32	ORDER by Judge Gladys Kessler : granting motion to extend time to 11/17/98 to reply to plaintiff's response to defendant's renewed motion for summary judgment [31-1] by DOJ; reply to renewed motion for summary judgment due by 11/17/98 (N) (pob) (Entered: 11/12/1998)
11/17/1998	33	MOTION filed by federal defendant DOJ to extend time to 11/18/98 to file its reply to plaintiff's response to defendant's renewed motion for summary judgment (tth) (Entered: 11/18/1998)
11/18/1998	34	ORDER by Judge Gladys Kessler : granting motion to extend time to 11/18/98 to file its reply to plaintiff's response to defendant's renewed motion for summary judgment [33-1] by DOJ (N) (pob) (Entered: 11/18/1998)
11/18/1998	35	MOTION filed by federal defendant DOJ to extend time to 11/19/98 to reply to plaintiff response to defendant's renewed motion for summary judgment (tb) (Entered: 11/19/1998)
11/19/1998	36	REPLY by federal defendant DOJ to motion for summary judgment [28-1] by DOJ; declaration (1); exhibits (4) (tb) (Entered: 11/20/1998)
11/23/1998	37	ORDER by Judge Gladys Kessler: granting motion to extend time to 11/19/98 to reply to plaintiff response to defendant's renewed motion for summary judgment [35-1] by DOJ reply to motion for summary judgment due by 11/19/98 ; (N) (pob) (Entered: 11/23/1998)
12/30/1998	39	NOTICE OF SUPPLEMENTAL AUTHORITY RE: response to defendant's renewed motion for summary judgment by plaintiff MARCO ANTONIO RZESLAWSKI (tb) (Entered: 01/07/1999)
01/04/1999	38	ORDER by Judge Aubrey E. Robinson : filing fee is paid in full (N) (pt) Modified on 01/19/1999 (Entered: 01/05/1999)
01/06/1999	40	NOTICE OF FILING RE: plaintiff's latest response to defendant's renewed motion for summary judgment filed on 09/11/98 by federal defendant DOJ (tb) (Entered: 01/07/1999)
01/06/1999		DEPOSIT of \$150.00 filing fee by plaintiff (tb) (Entered: 01/07/1999)
02/08/1999	41	ORDER by Judge Gladys Kessler: that defendant file with the Court a complete Supplemental Declaration of Bonnie Gay by 2/12/99; plaintiff have until 2/26/99 in which to supplement his prior responses related to the Supplemental Declaration of Bonnie Gay. (N) (pob) (Entered: 02/09/1999)
02/10/1999	42	REPLY (SUPPLEMENTAL) by federal defendant DOJ to response to response reply [36-1] by DOJ; exhibits (2) (tb) (Entered: 02/11/1999)
02/10/1999	43	ENTERED IN ERROR - NOTICE OF FILING RE: response to court's 02/08/99 order by federal defendant DOJ; attachment (tb) Modified on 03/04/1999 (Entered: 02/11/1999)
02/10/1999	44	RESPONSE by federal defendant DOJ to order [41-1]; attachment (1) (tb) (Entered: 03/04/1999)
03/03/1999	45	REPLY by plaintiff MARCO ANTONIO RZESLAWSKI to the third declaration by Bonnie L. Gay and defendant's response order [44-1] by DOJ (tb) (Entered: 03/04/1999)

03/16/1999	46	MEMORANDUM OPINION by Judge Gladys Kessler (N) (pob) (Entered: 03/16/1999)
03/16/1999	47	ORDER by Judge Gladys Kessler : granting motion for summary judgment [28-1] by DOJ denying motion for discovery [20-1] by MARCO ANTONIO RZESLAWSKI, denying motion production of records [20-2] by MARCO ANTONIO RZESLAWSKI, denying motion for Vaughn Index [19-1] by MARCO ANTONIO RZESLAWSKI (N) (pob) (Entered: 03/16/1999)
04/05/1999	48	MOTION filed by plaintiff MARCO ANTONIO RZESLAWSKI for reconsideration of order entered on March 16, 1999 pursuant to Rule 59(e) of the Federal Rules of Civil Procedure [47-1] ; affidavit (1) (tw) (Entered: 04/06/1999)
04/07/1999	49	RESPONSE by federal defendant DOJ in opposition to motion for reconsideration of order entered on March 16, 1999 pursuant to Rule 59(e) of the Federal Rules of Civil Procedure [47-1] [48-1] by MARCO ANTONIO RZESLAWSKI. (tth) (Entered: 04/09/1999)
04/20/1999	51	REPLY by plaintiff MARCO ANTONIO RZESLAWSKI to motion for reconsideration of order entered on March 16, 1999 pursuant to Rule 59(e) of the Federal Rules of Civil Procedure [47-1] [48-1] by MARCO ANTONIO RZESLAWSKI (COPY) (tth) (Entered: 04/30/1999)
04/30/1999	50	MEMORANDUM AND ORDER by Judge Gladys Kessler : granting motion for reconsideration of order entered on March 16, 1999 pursuant to Rule 59(e) of the Federal Rules of Civil Procedure [47-1] [48-1] by MARCO ANTONIO RZESLAWSKI; case reopened; the Court's order of 3/16/99 is amended to grant plaintiff's motion to add as a defendant the U.S. Customs Service; the U.S. Customs Service shall send plaintiff a copy of its response to his FOIA request and all records previously disclosed within 10 days of this order; case stayed for 90 days pending exhaustion of all administrative remedies, at which time the Customs Service shall file a renewed motion for summary judgment. as to plaintiff, federal defendant (N) (N) (pob) (Entered: 04/30/1999)
04/30/1999		Case Reopened (pob) (Entered: 04/30/1999)
05/10/1999	52	SUBSTITUTION OF COUNSEL for federal defendant DOJ , substituting Lisa Barsoomian for attorney David T. Smorodin for DOJ (tw) (Entered: 05/11/1999)
07/16/1999	53	MOTION filed by federal defendant DOJ to extend time to 9/13/99 to file its renewed motion for summary judgment (st) (Entered: 07/19/1999)
07/20/1999	54	ORDER by Judge Gladys Kessler: granting motion to extend time to 9/13/99 to file its renewed motion for summary judgment [53-1] by DOJ; motion for summary judgment due by 9/13/99 (N) (pob) (Entered: 07/20/1999)
07/26/1999	55	MOTION filed by plaintiff MARCO ANTONIO RZESLAWSKI to amend the U.S. Custom Service Agency and to be subject to the complaint request this action caption as exhaustion of all administrative remedies as been exhausted. (tw) (Entered: 07/27/1999)

09/13/1999	56	MOTION filed by federal defendant DOJ to extend time to 9/13/99 to file its renewed motion for summary judgment on behalf of the USCS. (tw) (Entered: 09/14/1999)
09/17/1999	57	MOTION (RENEWED) filed by federal defendant DOJ for summary judgment (st) (Entered: 09/20/1999)
10/01/1999	58	ORDER by Judge Gladys Kessler: that plaintiff file a response to defendant USCS's renewed motion for summary judgment by 10/31/99. (N) (pob) (Entered: 10/01/1999)
10/12/1999	59	RESPONSE (OPPOSITIONS) by federal defendant DOJ to plaintiff's motion for Vaughn Index (bjsp) (Entered: 10/13/1999)
10/21/1999	60	MOTION filed by plaintiff MARCO ANTONIO RZESLAWSKI for discovery ; Exhibit (2) (tth) (Entered: 10/22/1999)
11/01/1999	61	RESPONSE by federal defendant DOJ in opposition to plaintiff's motion for discovery [60-1] by MARCO ANTONIO RZESLAWSKI . (tw) (Entered: 11/03/1999)
11/05/1999	62	RESPONSE by plaintiff MARCO ANTONIO RZESLAWSKI to motion for summary judgment [57-1] by DOJ; exhibit (1) (bjsp) (Entered: 11/08/1999)
11/10/1999	63	REPLY by federal defendant DOJ to response to motion for summary judgment [57-1] by DOJ (st) (Entered: 11/12/1999)
11/12/1999	64	MEMORANDUM AND ORDER by Judge Gladys Kessler: denying motion for discovery [60-1] by MARCO ANTONIO RZESLAWSKI, denying as moot motion to extend time to 9/13/99 to file its renewed motion for summary judgment on behalf of the USCS. [56-1] DOJ, denying as moot motion to amend the U.S. Custom Service Agency and to be subject to the complaint request this action caption as exhaustion of all administrative remedies as exhausted [55-1] by MARCO ANTONIO RZESLAWSKI (N) (N) (pob) (Entered: 11/15/1999)
11/15/1999	65	RESPONSE by plaintiff MARCO ANTONIO RZESLAWSKI to defendants opposition to plaintiff's motion for discovery [61-1] by DOJ (tw) (Entered: 11/16/1999)
11/29/1999	66	NOTICE OF CHANGE OF ADDRESS by MARCO ANTONIO RZESLAWSKI representing plaintiff MARCO ANTONIO RZESLAWSKI . New address: Behavioral System Southwest 6420 S. Park Avenue Tucson Arizona 85706 . (tw) (Entered: 11/30/1999)
12/15/1999	67	MOTION filed by federal defendant DOJ to extend time to 12/24/99 to file supplemental reply pursuant to court's order of 11/12/99 (tb) (Entered: 12/16/1999)
12/16/1999	68	ORDER by Judge Gladys Kessler : granting motion to extend time to 12/24/99 to file supplemental reply pursuant to court's order of 11/12/99 [67-1] by DOJ (N) (pob) (Entered: 12/16/1999)
12/23/1999	69	REPLY (SUPPLEMENTAL) by federal defendant DOJ to response to motion for summary judgment [57-1] by DOJ.; attachment (dam) Modified on 12/27/1999 (Entered: 12/27/1999)

01/12/2000	70	NOTICE OF INTERLOCUTORY APPEAL by plaintiff MARCO ANTONIO RZESLAWSKI from order [68-1], order [64-1], entered on: 11/15/99 and 12/16/99, IFP-NO FEES PAID, copies mailed to Lisa Barsoomian and Marco A. Rzeslawski (tb) Modified on 01/14/2000 (Entered: 01/14/2000)
01/14/2000		TRANSMITTED PRELIMINARY RECORD on appeal [70-1] by MARCO ANTONIO RZESLAWSKI to U.S. Court of Appeals (tb) (Entered: 01/14/2000)
01/20/2000	71	MOTION filed by plaintiff MARCO ANTONIO RZESLAWSKI for appointment of counsel , or, in the alternative to extend time to 2/20/00 to respond to defendant's supplemental reply memorandum ; attachment (1) (tb) (Entered: 01/22/2000)
01/21/2000		USCA # 00-5029 assigned for appeal [70-1] by MARCO ANTONIO RZESLAWSKI (tb) (Entered: 01/22/2000)
01/27/2000	72	ORDER by Judge Gladys Kessler: denying motion for appointment of counsel [71-1] by MARCO ANTONIO RZESLAWSKI, granting motion to extend time to 2/20/00 to respond to defendant's supplemental reply memorandum [71-2] by MARCO ANTONIO RZESLAWSKI (N) (pob) (Entered: 01/27/2000)
03/02/2000	73	SURREPLY by plaintiff MARCO ANTONIO RZESLAWSKI to response to response reply [69-1] by DOJ; "Let this be filed" J. KESSLER (tb) (Entered: 03/03/2000)
05/19/2000	74	MEMORANDUM OPINION by Judge Gladys Kessler (N) (dam) (Entered: 05/19/2000)
05/19/2000	75	ORDER by Judge Gladys Kessler: granting motion for summary judgment [57-1] by DOJ (N) (dam) (Entered: 05/19/2000)
05/19/2000	76	JUDGMENT by Judge Gladys Kessler in favor of federal defendant DOJ against plaintiff MARCO ANTONIO RZESLAWSKI; any other pending motions are denied as moot. (dam) (Entered: 05/19/2000)
06/07/2000	77	CERTIFIED COPY of order filed in USCA dated 4/11/00, on appeal [70-1] , dismissing appeal . USCA # 00-5029 (cjp) (Entered: 06/13/2000)