

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:99-cv-02713-ESH**

BRACE v. DEPT OF THE TREASURY, et al
Assigned to: Judge Ellen S. Huvelle
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 10/15/1999
Date Terminated: 11/29/2000
Jury Demand: None
Nature of Suit: 550 Prisoner Petition:
Civil Rights (Other)
Jurisdiction: U.S. Government
Defendant

Plaintiff

DAVID BRACE

represented by **DAVID BRACE**
R# 64278-080
TEXARKANA FEDERAL
CORRECTIONAL INSTITUTION
P.O. Box 7000
Texarkana, TX 75505-7000
PRO SE

V.

Defendant

DEPARTMENT OF TREASURY
U.S. Customs

represented by **Michael Anthony Humphreys**
U.S. ATTORNEY'S OFFICE
Judiciary Center Building
555 Fourth Street, NW
Room 4209
Washington, DC 20530
(202) 514-7238
Fax: 202-616-2296
Email:
michael.humphreys@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF JUSTICE
Drug Enforcement Administration

represented by **Michael Anthony Humphreys**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

INTERNAL REVENUE SERVICE

represented by **D. Brian Simpson**
DEPARTMENT OF JUSTICE
Ben Franklin Station
P.O. Box 227
Washington, DC 20044
(202) 514-9641
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Anthony Humphreys
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION**

represented by **Michael Anthony Humphreys**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**DEPARTMENT OF JUSTICE,
OFFICE OF INFORMATION AND
PRIVACY**

represented by **Michael Anthony Humphreys**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**DEPARTMENT OF JUSTICE, TAX
DIVISION**

represented by **D. Brian Simpson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Anthony Humphreys
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

US POSTAL SERVICE

represented by **Michael Anthony Humphreys**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**DEPARTMENT OF JUSTICE,
EXECUTIVE OFFICE FOR U.S.
ATTORNEYS**

represented by **Michael Anthony Humphreys**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**DEPARTMENT OF JUSTICE,
ORGANIZED CRIME &
RACKETEERING SECTION**

represented by **Michael Anthony Humphreys**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/15/1999	1	COMPLAINT filed by plaintiff DAVID BRACE (lkn) (Entered: 10/20/1999)
10/15/1999		SUMMONS (11) issued to federal party(s) federal defendant DEPT OF THE TREASURY, federal defendant DOJ, federal defendant IRS, federal defendant DOJ/CRIMINAL DIV, federal defendant DOJ/OFFICE OF INFO, federal defendant DOJ/TAX DIVISION, federal defendant UNITED STATES POSTAL, federal defendant DOJ/EOUSA, federal defendant DOJ/ORG CRIME , and non-parties: U.S. Attorney and U.S. Attorney General. (lkn) (Entered: 10/20/1999)
10/15/1999	2	APPLICATION by plaintiff DAVID BRACE to proceed in forma pauperis (lkn) (Entered: 10/20/1999)
10/15/1999	3	PRISON ACCOUNT STATEMENT filed by plaintiff DAVID BRACE pursuant to order . (lkn) (Entered: 10/20/1999)
10/15/1999	4	ORDER by Judge Gladys Kessler : granting motion to proceed in forma pauperis [2-1] by DAVID BRACE directing that monthly payments be made from the prisoner account of DAVID BRACE . (N) (lkn) (Entered: 10/20/1999)
11/01/1999	5	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 10/25/99 upon federal defendant DOJ/EOUSA (lkn) (Entered: 11/03/1999)
11/01/1999	6	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 10/25/99 upon federal defendant DOJ/CRIMINAL DIV (lkn) (Entered: 11/03/1999)
11/01/1999	7	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 10/25/99 upon federal defendant DOJ (lkn) (Entered: 11/03/1999)
11/01/1999	8	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 10/25/99 (lkn) (Entered: 11/03/1999)
11/01/1999	9	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 10/25/99 upon federal defendant DOJ/ORG CRIME (lkn) (Entered: 11/03/1999)
11/01/1999	10	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 10/27/99 upon federal defendant IRS (lkn) (Entered: 11/03/1999)
11/01/1999	11	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 10/27/99 upon federal defendant DEPT OF THE TREASURY (lkn) (Entered: 11/03/1999)
11/01/1999	12	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 10/25/99 upon federal defendant DOJ/TAX DIVISION (lkn) (Entered: 11/03/1999)

11/01/1999	13	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 10/25/99 upon federal defendant DOJ/OFFICE OF INFO (lkn) (Entered: 11/03/1999)
11/05/1999	14	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 11/2/99 (jf) (Entered: 11/09/1999)
11/12/1999	15	ATTORNEY APPEARANCE for federal defendant DEPT OF THE TREASURY, federal defendant DOJ, federal defendant IRS, federal defendant DOJ/CRIMINAL DIV, federal defendant DOJ/OFFICE OF INFO, federal defendant DOJ/TAX DIVISION, federal defendant US POSTAL SERVICE, federal defendant DOJ/EOUSA, federal defendant DOJ/ORG CRIME by Michael Anthony Humphrey (lkn) (Entered: 11/15/1999)
11/30/1999	16	ATTORNEY APPEARANCE for federal defendant IRS, federal defendant DOJ/TAX DIVISION by D. Brian Simpson (lkn) (Entered: 12/01/1999)
11/30/1999	17	ANSWER TO COMPLAINT [1-1] by federal defendant DOJ/TAX DIVISION . (lkn) (Entered: 12/01/1999)
11/30/1999	18	MOTION filed by federal defendant IRS to dismiss complaint [1-1] ; Exhibit. (lkn) (Entered: 12/01/1999)
12/02/1999	19	ANSWER TO COMPLAINT [1-1] by federal defendant DEPT OF THE TREASURY, federal defendant DOJ, federal defendant DOJ/CRIMINAL DIV, federal defendant DOJ/OFFICE OF INFO, federal defendant US POSTAL SERVICE, federal defendant DOJ/EOUSA, federal defendant DOJ/ORG CRIME . (jf) (Entered: 12/04/1999)
12/10/1999	20	ORDER by Judge Thomas F. Hogan : directing plaintiff to file his response to defendant's motion to dismiss is due 1/10/00 ; (N) (jf) (Entered: 12/10/1999)
12/14/1999	21	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 12/6/99 upon federal defendant US POSTAL SERVICE (tb) (Entered: 12/14/1999)
12/22/1999		REASSIGNMENT OF CIVIL CASE from Judge Hogan to Judge Ellen S. Huvelle by direction of the Calendar Committee. Emergency matters will continue to be handled by Judge Hogan until Judge Huvelle takes the oath of office. (N) (jeb) (Entered: 12/22/1999)
01/04/2000	22	MOTION filed by plaintiff DAVID BRACE to extend time to respond to motion to dismiss under Fed.R.Civ.P. 12(b)(1) (tth) (Entered: 01/06/2000)
02/18/2000	23	ORDER by Judge Ellen S. Huvelle: directing that Defendants United States Department of Treasury Customs Service, United States Postal Service, and the following subdivisions of the United States Department of Justice: Tax Division, Drug Enforcement Agency, Office of Information and Privacy, Criminal Division, Executive Office of United States Attorneys, and Organized Crime and Racketeering Sections, shall have 45 days from the date of this order within which to file a dispositive motion, or, in the alternative, to file a report setting forth the schedule according to which they will complete production of all non-privileged documents to Plaintiff and a Vaughn index for any withheld documents (N) (gdf) (Entered: 02/20/2000)

02/18/2000	24	ORDER by Judge Ellen S. Huvelle: granting motion to extend time to 3/10/00, to respond to motion to dismiss under Fed.R.Civ.P. 12(b)(1) [22-1] by DAVID BRACE ; (N) (gdf) (Entered: 02/20/2000)
03/15/2000	25	MOTION filed by plaintiff DAVID BRACE to amend motion to extend time to respond to motion to dismiss under Fed.R.Civ.P. 12(b)(1) [22-1] by DAVID BRACE to 20 days (jf) (Entered: 03/16/2000)
03/30/2000	26	MOTION filed by federal defendant DOJ/TAX DIVISION to dismiss complaint [1-1] , and for summary judgment ; exhibits (3) (jf) (Entered: 03/31/2000)
04/03/2000	27	MOTION filed by federal defendant to extend time to 4/3/00 to file their joint dispositive motion. (kmk) (Entered: 04/04/2000)
04/06/2000	28	ORDER by Judge Ellen S. Huvelle : granting motion to extend time to 4/24/00 to file their joint dispositive motion. [27-1] by federal defendants ; (N) (gdf) (Entered: 04/10/2000)
04/06/2000	29	ORDER by Judge Ellen S. Huvelle: granting motion to amend motion to extend time to respond to motion to dismiss under Fed.R.Civ.P. 12(b)(1) [22-1] by DAVID BRACE to 20 days [25-1] by DAVID BRACE; that plaintiff shall file his response to the motion to dismiss filed by the Internal Revenue Service on or before 4/17/00 (N) (gdf) (Entered: 04/10/2000)
04/06/2000	30	ORDER by Judge Ellen S. Huvelle: directing that Plaintiff shall respond to the motion of Defendant Tax Division on or before May 17, 2000. If Plaintiff does not respond, the Court may treat the motion as conceded and dismiss the complaint or grant summary judgment for this Defendant. (N) (gdf) (Entered: 04/10/2000)
04/24/2000	31	MOTION filed by federal defendants to extend time to 5/24/00 to file joint dispositive motion (bjsp) (Entered: 04/25/2000)
04/28/2000	32	ORDER by Judge Ellen S. Huvelle: granting motion to extend time to thirty (30) days from the date of this order file joint dispositive motion [31-1] by DEPT OF THE TREASURY (N) (gdf) (Entered: 05/01/2000)
05/30/2000	33	MOTION filed by federal defendants to extend time to 6/6/00 to file dispositive motion for the criminal division (bjsp) (Entered: 05/31/2000)
05/30/2000	34	MOTION filed by federal defendant US POSTAL SERVICE for summary judgment ; declaration (1); attachments (5) (cjp) (Entered: 06/01/2000)
06/02/2000	35	ORDER by Judge Ellen S. Huvelle: granting motion to extend time to 6/6/00 to file dispositive motion for the criminal division [33-1] by DEPT OF THE TREASURY (N) (gdf) (Entered: 06/07/2000)
06/02/2000	36	ORDER by Judge Ellen S. Huvelle: directing that plaintiff shall respond to the motion of Defendant U.S. Postal Inspection Service on or before 6/30/00. If Plaintiff does not respond, the Court may treat the motion as conceded and grant summary judgment for this Defendant. (N) (gdf) (Entered: 06/07/2000)
06/06/2000	48	MOTION filed by federal defendant DOJ (Criminal Division) for summary judgment ; exhibit (1) (cjp) (Entered: 09/08/2000)

06/12/2000	37	ORDER by Judge Ellen S. Huvelle: directing that Plaintiff shall respond to the motion of Defendant Criminal Division on or before 7/12/00. If Plaintiff does not respond, the Court may treat the motion as conceded and grant summary judgment for this Defendant. (N) (gdf) (Entered: 06/13/2000)
07/27/2000	38	MOTION filed by federal defendants to extend time to 8/15/00 to file joint dispositive motion (bjsp) (Entered: 07/28/2000)
08/02/2000	39	ORDER by Judge Ellen S. Huvelle: granting motion to extend time to 8/15/00, to file joint dispositive motion [38-1] by DEPT OF THE TREASURY dispositive motions due by 8/15/00 ; (N) (gdf) (Entered: 08/03/2000)
08/15/2000	40	MOTION filed by federal defendant to extend time to 8/25/00 to file dispositive motion relating to Customs Service only (jf) (Entered: 08/16/2000)
08/15/2000	41	MOTION filed by federal defendant DEPT OF THE TREASURY, federal defendant DOJ for summary judgment (jf) (Entered: 08/16/2000)
08/15/2000	42	MOTION (MEMORANDUM IN SUPPORT OF MOTION) filed by federal defendant DOJ/EOUSA for summary judgment ; exhibits (2) (jf) Modified on 09/08/2000 (Entered: 08/22/2000)
08/15/2000	49	SUPPLEMENTAL MEMORANDUM by federal defendant DEPT OF THE TREASURY, federal defendant DOJ, federal defendant DOJ/EOUSA to motion for summary judgment [4 1-1] by DOJ, DEPT OF THE TREASURY (cjp) (Entered: 09/08/2000)
08/22/2000	43	ORDER by Judge Ellen S. Huvelle : granting motion to extend time to 8/25/00 to file dispositive motion relating to Customs Service only [40-1] by federal defendants; (N) (gdf) (Entered: 08/23/2000)
08/23/2000	44	ORDER by Judge Ellen S. Huvelle: directing plaintiff shall respond to the motion of defendants Drug Enforcement Administration and Executive Office for United States Attorney on or before 9/20/00. If plaintiff does not respond, the Court may treat the motion as conceded and grant summary judgment for these defendants. (N) (gdf) (Entered: 08/25/2000)
08/25/2000	45	MOTION filed by federal defendant DEPT OF THE TREASURY to extend time to 9/6/00 to file a dispositive motion (bjsp) (Entered: 08/28/2000)
09/01/2000	46	ORDER by Judge Ellen S. Huvelle: granting motion to extend time to 9/6/00 to file a dispositive motion [45-1] by DEPT OF THE TREASURY dispositive motions due by 9/6/00 ; (N) (gdf) (Entered: 09/06/2000)
09/06/2000	47	MOTION filed by federal defendants to extend time to 9/11/00 to answer complaint [1-1] as to relates to the Customs service only (cjp) (Entered: 09/07/2000)
09/11/2000	50	MOTION filed by federal defendant DEPT OF THE TREASURY for summary judgment ; exhibits (2) (bjsp) (Entered: 09/13/2000)
09/12/2000	51	MEMORANDUM OPINION by Judge Ellen S. Huvelle (N) (gdf) (Entered: 09/13/2000)

09/12/2000	52	ORDER by Judge Ellen S. Huvelle: granting motion for summary judgment [48-1] by DOJ, and complaint dismissed without prejudice; granting motion for summary judgment [34-1] by US POSTAL SERVICE, and complaint dismissed without prejudice; granting motion to dismiss complaint [1-1] [26-1] by DOJ/TAX DIVISION, motion for summary judgment [26-2] by DOJ/TAX DIVISION, and complaint dismissed without prejudice for lack of subject matter jurisdiction as to records relating the third party; granting motion to dismissed complaint [1-1] [18-1] by IRS, and complaint dismissed without prejudice for lack of subject matter jurisdiction (N) (gdf) (Entered: 09/13/2000)
09/13/2000	53	ORDER by Judge Ellen S. Huvelle: directing the plaintiff to respond to the motion of Defendant U.S. Customs Servie on or before 10/23/00. If Plaintiff does not respond, the Court may treat the motion as conceded and grant summary judgment for this Defendant. response to motion for summary judgment due 10/23/00 (N) (gdf) Modified on 09/13/2000 (Entered: 09/13/2000)
09/13/2000	54	ORDER by Judge Ellen S. Huvelle: granting motion in all of its terms [47-1] by DEPT OF THE TREASURY (N); ORDERED that the federal defendants have untill 9/11/00, to file their joint dispositive motion with regard to the Customs Service in this matter (gdf) (Entered: 09/13/2000)
11/29/2000	55	MEMORANDUM OPINION by Judge Ellen S. Huvelle (N) (gdf) (Entered: 11/30/2000)
11/29/2000	56	ORDER by Judge Ellen S. Huvelle: granting with prejudice motion for summary judgment [50-1] by DEPT OF THE TREASURY, granting with prejudice motion for summary judgment [4 1-1] by DOJ, DEPT OF THE TREASURY (N) (gdf) (Entered: 11/30/2000)