

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:99-cv-01244-JR**

HOLGUIN v. DEPT OF THE TREASURY, et al
Assigned to: Judge James Robertson
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 05/24/1999
Date Terminated: 03/07/2002
Jury Demand: None
Nature of Suit: 550 Prisoner Petition:
Civil Rights (Other)
Jurisdiction: U.S. Government
Defendant

Plaintiff

FERNANDO HOLGUIN

represented by **FERNANDO HOLGUIN**
R26945-037
PEKIN FEDERAL CORRECTIONAL
INSTITUTION
P.O. Box 5000
Pekin, IL 61555-5000
PRO SE

V.

Defendant

DEPARTMENT OF TREASURY

represented by **Marina Utgoff Braswell**
U.S. ATTORNEY'S OFFICE
Civil Division
555 Fourth Street, NW
Room E4824
Washington, DC 20530
(202) 252-2561
Fax: (202) 252-2599
Email: Marina.Braswell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**DRUG ENFORCEMENT
ADMINISTRATION**

represented by **Marina Utgoff Braswell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

US CUSTOMS SERVICE

represented by **Marina Utgoff Braswell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES ATTORNEY FOR
BALTIMORE MD**

represented by **Marina Utgoff Braswell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**
TERMINATED: 03/30/2001

represented by **Marina Utgoff Braswell**
(See above for address)
TERMINATED: 03/30/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF JUSTICE
Criminal Division
TERMINATED: 03/30/2001

represented by **Marina Utgoff Braswell**
(See above for address)
TERMINATED: 03/30/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**EXECUTIVE OFFICE FOR UNITED
STATES ATTORNEY**

represented by **Marina Utgoff Braswell**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/24/1999	1	COMPLAINT filed by plaintiff FERNANDO HOLGUIN (cjp) (Entered: 05/27/1999)
05/24/1999		SUMMONS NOT ISSUED. (cjp) (Entered: 05/27/1999)
05/24/1999	2	APPLICATION by plaintiff FERNANDO HOLGUIN to proceed in forma pauperis (cjp) (Entered: 05/27/1999)
05/24/1999	3	ORDER by Judge Aubrey E. Robinson : directing prisoner plaintiff to provide a trust fund statement to the court by 6/23/99 for FERNANDO HOLGUIN . (N) (cjp) (Entered: 05/27/1999)
07/16/1999	4	CASE ASSIGNED to Judge James Robertson (jf) (Entered: 07/19/1999)
08/02/1999		SUMMONS (9) issued to federal party(s) federal defendant DEPT OF THE TREASURY, federal defendant DEA, federal defendant U.S. CUSTOMS SERVICE, federal defendant US ATTY. FOR BALT/MD, federal defendant FBI, federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY , and non-parties: U.S. Attorney and U.S. Attorney General. (jf) (Entered: 08/03/1999)
08/05/1999	5	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 8/4/99 (jf) (Entered: 08/06/1999)
08/05/1999	6	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 8/4/99 (jf) (Entered: 08/06/1999)

08/05/1999	7	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 8/4/99 upon federal defendant DOJ (jf) (Entered: 08/06/1999)
08/09/1999	8	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 8/6/99 upon federal defendant EXEC. OFFICE/US ATTY (jf) (Entered: 08/11/1999)
08/09/1999	9	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 8/6/99 upon federal defendant FBI (jf) (Entered: 08/11/1999)
08/09/1999	10	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 8/6/99 upon federal defendant DEPT OF THE TREASURY (jf) (Entered: 08/11/1999)
08/09/1999	11	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 8/6/99 upon federal defendant U.S. CUSTOMS SERVICE (jf) (Entered: 08/11/1999)
08/25/1999	12	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 8/6/99 (lkn) (Entered: 08/26/1999)
08/30/1999	13	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 5/25/99 upon federal defendant DEA (lkn) (Entered: 08/31/1999)
08/31/1999	14	ATTORNEY APPEARANCE for federal defendant DEPT OF THE TREASURY, federal defendant DEA, federal defendant U.S. CUSTOMS SERVICE, federal defendant US ATTY. FOR BALT/MD, federal defendant FBI, federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY by Marina Utgoff Braswell (lkn) (Entered: 09/01/1999)
08/31/1999	15	MOTION filed by federal defendant to extend time to 09/30/99 to answer complaint [1-1] (lkn) (Entered: 09/01/1999)
09/02/1999	16	ORDER by Judge James Robertson : granting motion to extend time to 09/30/99 to answer complaint [1-1] [15-1] by federal defendants; Answer extended to 9/30/99 for EXEC. OFFICE/US ATTY, for DOJ, for FBI, for US ATTY. FOR BALT/MD, for U.S. CUSTOMS SERVICE, for DEA, for DEPT OF THE TREASURY (N) (jeb) (Entered: 09/02/1999)
09/30/1999	17	ANSWER TO COMPLAINT [1-1] by federal defendants' (jf) (Entered: 10/01/1999)
10/18/1999	18	ORDER by Judge James Robertson: defendant to file dispositive motions or, in the alternative, to file a report setting forth the schedule to which it will complete its production of documents to plaintiff due within 30 days <date not set> ; (N) (jeb) Modified on 10/27/1999 (Entered: 10/18/1999)
03/07/2000	19	ORDER by Judge James Robertson: status hearing set for 11:00 3/31/00 to determine whether appointment of counsel for pltf. is appropriate and to set discovery deadlines; counsel for deftd. shall be responsible for arranging pltf.'s attendance at the status conference by telephone. (N) (mlp) Modified on 03/16/2000 (Entered: 03/07/2000)
03/14/2000	20	MOTION filed by federal defendants to extend time to 3/20/00 within which to provide the Court with a proposed schedule and to continue or reschedule status conference (pob) (Entered: 03/15/2000)

03/16/2000	21	ORDER by Judge James Robertson: granting motion to extend time to 3/20/00 within which to provide the Court with a proposed schedule [20-1] by federal defendants, granting motion to continue or reschedule status conference [20-2] by federal defendants; the status conference set for 3/31/00 is continued, the Court will set a status conference for a future date if such is deemed necessary after review of defts.' proposed schedule. (N) (mlp) (Entered: 03/16/2000)
03/20/2000	22	STATUS REPORT to the Court by federal defendants' (dam) (Entered: 03/21/2000)
03/21/2000	23	ORDER by Judge James Robertson: granting defts.' motion for an enlargemnt of time; dispositive motions due 4/10/00; proposed briefing schedule is due 3/20/00. (N) (mlp) (Entered: 03/22/2000)
03/21/2000	24	MOTION filed by plaintiff FERNANDO HOLGUIN to proceed in forma pauperis , and for appointment of counsel (bjsp) (Entered: 03/22/2000)
03/29/2000	25	ORDER by Judge James Robertson: provisionally denying motion for appointment of counsel [24-2] by FERNANDO HOLGUIN; postponing status conference set for 3/31/00; Court's Order of 3/16/00 provided that it would be reset at a future date if necessary after review of the next filing to be made by the govt.; the question of whether counsel needs to be appointed for pltf. will be revisited at that time. (N) (mlp) (Entered: 03/29/2000)
04/10/2000	26	MOTION filed by federal defendant DEPT OF THE TREASURY, federal defendant DEA, federal defendant US CUSTOMS SERVICE, federal defendant US ATTY. FOR BALT/MD, federal defendant FBI, federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY to dismiss in part [1-1] , and for summary judgment ; declarations (3); exhibits (16) (cjp) (Entered: 04/11/2000)
04/25/2000	27	ORDER by Judge James Robertson: pltf. to respond to defts.' motion to dismiss in part and for summary judgment by 5/12/00; if pltf. neither responds nor moves for an extension of time by the due date, the Court may treat the motion as conceded and enter judgment in favor of the defts. (N) (mlp) (Entered: 04/25/2000)
05/01/2000	28	MOTION filed by plaintiff FERNANDO HOLGUIN to extend time to reply to defendant's Motion to Dismiss in Part and for Summary Judgment (tth) (Entered: 05/02/2000)
05/10/2000	29	ORDER by Judge James Robertson: granting motion to extend time to reply to defendant's Motion to Dismiss in Part and for Summary Judgment [28-1] by FERNANDO HOLGUIN; response to motion(s) due by 6/26/00 ; (N) (kmk) (Entered: 05/10/2000)
06/29/2000	30	RESPONSE by plaintiff FERNANDO HOLGUIN to motion to dismiss in part [1-1] [26-1] by federal defendants, motion for summary judgment [26-2] by federal defendants; Exhibits (10) (tth) (Entered: 06/30/2000)
07/07/2000	31	MOTION filed by federal defendant to extend time to 7/31/00 to file defendants' reply to plaintiff's opposition to defendants' motion for summary judgment (tth) (Entered: 07/10/2000)

07/10/2000	32	ORDER by Judge James Robertson: granting motion to extend time to 7/31/00 to file defendants' reply to plaintiff's opposition to defendants' motion for summary judgment [31-1] by federal defendants; reply to motion for summary judgment due by 7/31/00. (N) (mlp) (Entered: 07/11/2000)
07/27/2000	33	MOTION filed by federal defendant to extend time to 8/4/00 to file defendant's reply to plaintiff's opposition to motion for summary judgment (jf) (Entered: 07/31/2000)
07/28/2000	34	ORDER by Judge Ellen S. Huvelle : granting motion to extend time to 8/4/00 to file defendant's reply to plaintiff's opposition to motion for summary judgment by FBI, US ATTY. FOR BALT/MD, US CUSTOMS SERVICE, DEA, DEPT OF THE TREASURY ; reply to motion for summary judgment due by 8/4/00 ; (N) (jf) (Entered: 07/31/2000)
08/04/2000	35	REPLY by federal defendant to response to motion to dismiss in part [1-1] [26-1] by federal defendants, motion for summary judgment [26-2] by federal defendants; Declaration (1). (tth) (Entered: 08/07/2000)
03/30/2001	36	MEMORANDUM AND ORDER by Judge James Robertson : granting motion to dismiss in part [1-1] [26-1] and for summary judgment [26-2] with respect to defts. Executive Office for U.S. Attorneys, Federal Bureau of Investigation, and Criminal Division of the Department of Justice, but denied with respect to defts. Drug Enforcement Administration and the Department of Treasury's U.S. Customs Service; pltf. has 30 days in which to file a motion for reconsideration of the dismissal of the Executive Office for U.S. Attorneys by showing proof of payment of all outstanding duplication fees; deft. Drug Enforcement Agency shall filed a renewed motion for summary judgment no later than 45 days from the entry of this order, together with a declaration detailing the adequacy of its search for responsive records; deft. U.S. Customs Service shall file a renewed motion for summary judgment no later than 45 days from the entry of this order, together with sufficient evidence to support its response to pltf.'s FOIA request for records regarding himself. (N) (mlp) (Entered: 03/30/2001)
04/27/2001	38	MOTION filed by plaintiff FERNANDO HOLGUIN for reconsideration of jurisdiction with respect to the Executive Office for United States Attorneys (cas) (Entered: 05/08/2001)
05/07/2001	37	MOTION filed by federal defendant DEPT OF THE TREASURY, federal defendant DEA, federal defendant US CUSTOMS SERVICE, federal defendant US ATTY. FOR BALT/MD to extend time to respond to all outstanding matters (gdf) (Entered: 05/08/2001)

05/08/2001	39	ORDER by Judge James Robertson: granting motion for reconsideration of jurisdiction with respect to the Executive Office for United States Attorneys [38-1] by FERNANDO HOLGUIN; vacating the portion of the Court's Memorandum and Order of 3/30/01 granting in part defts.' motion to dismiss deft. Executive Office for U.S. Attorneys and deft. Executive Office for U.S. Attorneys is reinstated as a deft. in this action; deft. Executive Office for U.S. Attorneys shall file a renewed motion for summary judgment no later than 45 days from the entry of this order, together with one or more declarations supporting the adequacy of its search for responsive records, the withholding of any records or portions thereof, and the nonsegregability of any withheld information. (N) (mlp) (Entered: 05/08/2001)
05/08/2001	40	ORDER by Judge James Robertson: granting motion to extend time to respond to all outstanding matters [37-1] by federal defendants; response to motions due by 5/18/01. (N) (mlp) (Entered: 05/08/2001)
05/21/2001	41	MOTION filed by federal defendant DEPT OF THE TREASURY, federal defendant DEA, federal defendant US CUSTOMS SERVICE, federal defendant US ATTY. FOR BALT/MD, federal defendant FBI, federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY to extend time to 5/31/01 in which to file defendants' reply to plaintiff's motion to reconsider and defendants' renewed motions as ordered by this Court on March 30, 2001. (cas) (Entered: 05/22/2001)
05/25/2001	42	ORDER by Judge James Robertson: granting motion to extend time to 5/31/01 in which to file defendants' reply to plaintiff's motion to reconsider and defendants' renewed motions as ordered by this Court on March 30, 2001. [41-1] by federal defendants. (N) (mlp) (Entered: 05/25/2001)
05/31/2001	44	MOTION filed by federal defendant DEPT OF THE TREASURY, federal defendant DEA, federal defendant US CUSTOMS SERVICE, federal defendant US ATTY. FOR BALT/MD, federal defendant FBI, federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY to extend time to 6/7/01 to reply to plaintiff's motion to reconsider and defendant's renewed motions as ordered by this Court on March 30, 2001 (cas) (Entered: 06/01/2001)
06/01/2001	43	ORDER by Judge James Robertson: granting defts.' motion for enlargement of time; reply to pltf.'s motion to reconsider and defts.' renewed motions as ordered by this Court on 3/30/01 is enlarged up to and including 6/7/01. (N) (mlp) (Entered: 06/01/2001)
06/07/2001	45	MOTION (RENEWED) filed by federal defendant DEA, federal defendant US CUSTOMS SERVICE for summary judgment ; declaration of Lee Kramer (1); supplemental declaration of Leila Wassom (1); exhibit (2). (kmk) (Entered: 06/11/2001)
06/20/2001	46	ORDER by Judge James Robertson: directing pltf. to file a response to defts.' renewed motion for summary judgment by 7/13/01; if pltf. neither responds nor moves for an extension of time by the due date, the Court may treat the motion as conceded and enter judgment in favor of the defts. (N) (mlp) (Entered: 06/20/2001)

06/21/2001	48	MOTION filed by federal defendant DEPT OF THE TREASURY, federal defendant DEA, federal defendant US CUSTOMS SERVICE, federal defendant US ATTY. FOR BALT/MD, federal defendant FBI, federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY to extend time to 7/3/01 in which to file defendant Executive Office For The United States Attorneys' renewed motion for summary judgment (cas) (Entered: 06/26/2001)
06/26/2001	47	ORDER by Chief Judge Thomas F. Hogan for Judge James Robertson: granting motion by defts. for an extension of time to 7/3/01 to file renewed motion with respect to the Executive Office for U.S. Attorneys, as ordered by this Court on 5/8/01. (N) (mlp) Modified on 06/26/2001 (Entered: 06/26/2001)
07/04/2001	49	MOTION (RENEWED) filed by federal defendant EXEC. OFFICE/US ATTY for summary judgment ; attachment's (cas) (Entered: 07/09/2001)
07/16/2001	50	MOTION filed by plaintiff FERNANDO HOLGUIN to extend time by an additional thirty (30) days to file memorandum in opposition to defendant's renewed motion for summary judgment (cas) (Entered: 07/17/2001)
07/17/2001	51	ORDER by Judge James Robertson: directing pltf. to file response to motion for summary judgment by 8/13/01; if pltf. neither responds nor moves for an extension of time by the due date, the Court may treat the motion as conceded and enter judgment in favor of the deft. (N) (mlp) (Entered: 07/20/2001)
08/10/2001	52	MEMORANDUM by federal defendant DEPT OF THE TREASURY, federal defendant DEA, federal defendant US CUSTOMS SERVICE, federal defendant US ATTY. FOR BALT/MD, federal defendant FBI, federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY in opposition to motion for summary judgment [49-1] by EXEC. OFFICE/US ATTY, motion for summary judgment [45-1] by US CUSTOMS SERVICE, DEA; exhibit's (4) (cas) (Entered: 08/13/2001)
08/13/2001	53	MOTION filed by federal defendant DEPT OF THE TREASURY, federal defendant DEA, federal defendant US CUSTOMS SERVICE, federal defendant US ATTY. FOR BALT/MD, federal defendant FBI, federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY to extend time to 8/28/01 within which to file reply brief ("EOUSA") Executive Office of the United States Attorney's in support of its renewed motion for summary judgment (cas) (Entered: 08/14/2001)
08/16/2001	54	ORDER by Judge James Robertson: granting motion to extend time to 8/28/01 within which to file reply brief ("EOUSA") Executive Office of the United States Attorney's in support of its renewed motion for summary judgment [53-1]. (N) (mlp) (Entered: 08/16/2001)
08/28/2001	55	MOTION filed by federal defendant DEPT OF THE TREASURY, federal defendant DEA, federal defendant US CUSTOMS SERVICE, federal defendant US ATTY. FOR BALT/MD, federal defendant FBI, federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY to extend time to 9/5/01 in which to file defendant ("EOUSA") reply brief in support of its renewed motion (cas) (Entered: 08/29/2001)

08/30/2001	56	ORDER by Judge Richard W. Roberts for Judge James Robertson : granting motion to extend time to 9/5/01 in which to file defendant ("EOUSA") reply brief in support of its renewed motion [55-1] by federal defendants. (N) (mlp) (Entered: 08/30/2001)
09/05/2001	57	MEMORANDUM by plaintiff FERNANDO HOLGUIN in opposition to motion for summary judgment [49-1] by EXEC. OFFICE/US ATTY (cas) (Entered: 09/06/2001)
09/24/2001	58	REPLY by federal defendant to response in opposition to renewed motion for summary judgment [49-1] by EXEC. OFFICE/US ATTY (ks) (Entered: 10/04/2001)
03/07/2002	59	JUDGMENT by Judge James Robertson: granting renewed motion for summary judgment on behalf of defts. U.S. Customs Service and the Drug Enforcement Administration; granting renewed motion for summary judgment by deft. Executive Office for U.S. Attorneys; judgment is entered in favor of these defts.; this is a final appealable order. (mlp) (Entered: 03/07/2002)
03/07/2002	60	MEMORANDUM by Judge James Robertson. (N) (N) (mlp) (Entered: 03/07/2002)