

**U.S. District Court
 District of Columbia (Washington, DC)
 CIVIL DOCKET FOR CASE #: 1:19-cv-00870-CJN**

BURNETT v. DOJ/DEA
 Assigned to: Judge Carl J. Nichols
 Cause: 05:552 Freedom of Information Act

Date Filed: 03/27/2019
 Date Terminated: 03/31/2021
 Jury Demand: None
 Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)
 Jurisdiction: U.S. Government Defendant

Plaintiff

GERRY D. BURNETT

represented by **GERRY D. BURNETT**
 R31963-019
 736 Quebec PI NW
 Washington, DC 20010
 PRO SE

V.

Defendant

DOJ/DEA

represented by **Patricia K. McBride**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-7123
 Fax: (202) 252-2599
 Email: patricia.mcbride@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/27/2019	<u>1</u>	COMPLAINT against DOJ/DEA (Filing fee \$ 400, receipt number 4616097333) filed by GERRY D. BURNETT. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet)(jf) (Entered: 03/29/2019)
03/27/2019		SUMMONS (4) Issued as to DOJ/DEA, U.S. Attorney and U.S. Attorney General (jf) (Entered: 03/29/2019)
06/18/2019	<u>2</u>	MOTION to Compel by GERRY D. BURNETT. "Let this be filed. The Motion is Denied for failure to comply with local rules" signed by Judge Emmet G. Sullivan on 06/18/2019 (jf) . (Entered: 06/21/2019)
06/24/2019		Case directly reassigned to Judge Carl J. Nichols. Judge Emmet G. Sullivan is no longer assigned to the case. (rj) (Entered: 06/24/2019)
07/25/2019	<u>3</u>	MOTION for Extension of Time by GERRY D. BURNETT (jf) (Entered: 07/31/2019)
07/25/2019	<u>4</u>	MOTION to Appoint Counsel by GERRY D. BURNETT. "Let this be filed" Signed by Judge Carl J. Nichols on 07/25/2019 (jf) (Entered: 07/31/2019)
07/25/2019	<u>5</u>	MOTION for Reconsideration by GERRY D. BURNETT. "Let this be filed as a Motion to Reconsider Plaintiff's Motion to Compel" Signed by Judge Carl J. Nichols on 07/25/2019 (jf) (Entered: 07/31/2019)
07/31/2019		MINUTE ORDER. Upon consideration of Plaintiff's <u>3</u> Motion for Extension of Time, it is hereby ORDERED that the Motion is GRANTED and that the deadline to serve the government defendants pursuant to Federal Rules of Civil Procedure 4(c) and 4(i) is extended to October 29, 2019. It is further ORDERED that the Clerk shall reissue the summonses to Plaintiff. Signed by Judge Carl J. Nichols on July 31, 2019. (lccjn1)

		(Entered: 07/31/2019)
08/01/2019		Set/Reset Deadlines: Plaintiff Deadline To Serve The Governments Defendants due by 10/29/2019. (mac) (Entered: 08/01/2019)
08/01/2019		MINUTE ORDER. Upon consideration of Plaintiff's <u>4</u> Motion to Appoint Counsel, the Court does not find appointment of civil counsel under Local Rule 83.11(b)(3) appropriate at this time. Plaintiff's Motion is therefore DENIED. Signed by Judge Carl J. Nichols on August 1, 2019. (lccjn1) (Entered: 08/01/2019)
08/01/2019		MINUTE ORDER. Upon consideration of Plaintiff's <u>5</u> Motion to Reconsider Plaintiff's Motion to Compel, it is hereby ORDERED that the Motion is DENIED. Signed by Judge Carl J. Nichols on August 1, 2019. (lccjn1) (Entered: 08/01/2019)
08/02/2019		SUMMONS REISSUED (4) as to DOJ/DEA, U.S. Attorney and U.S. Attorney General (zeg) (Entered: 08/02/2019)
10/02/2019	<u>6</u>	ANSWER to <u>1</u> Complaint by DOJ/DEA.(McBride, Patricia) (Entered: 10/02/2019)
10/02/2019	<u>7</u>	CERTIFICATE OF SERVICE by DOJ/DEA re <u>6</u> Answer to Complaint . (McBride, Patricia) (Entered: 10/02/2019)
10/18/2019	<u>8</u>	MOTION for Default Judgment by GERRY D. BURNETT. "Let this be filed as a Motion for Default Judgment" Signed by Carl J. Nichols, USDJ on 10/18/2019 (jf) (Entered: 10/25/2019)
11/25/2019	<u>10</u>	MOTION for Summary Judgment by GERRY D. BURNETT (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D)(eg) (Entered: 11/26/2019)
11/26/2019	<u>9</u>	MOTION for Leave to File by DOJ/DEA (Attachments: # <u>1</u> Exhibit A–Opposition to Default)(McBride, Patricia) (Entered: 11/26/2019)
12/06/2019	<u>11</u>	MOTION for Extension of Time to by DOJ/DEA (McBride, Patricia) (Entered: 12/06/2019)
01/28/2020		MINUTE ORDER. Upon review of Plaintiff's <u>8</u> Motion for Default Judgment, it is hereby ORDERED that the Motion is DENIED. There was no entry of default against Defendants as required under Federal Rule of Civil Procedure 55. Plaintiff has not submitted proof of service but attests that service on the U.S. Attorney was effected on September 3, 2019. Because Defendants had thirty days to respond under 5 U.S.C. § 552(a)(4)(C), Defendants' October 2, 2019 response was timely. Signed by Judge Carl J. Nichols on January 28, 2020. (lccjn3) (Entered: 01/28/2020)
01/28/2020		MINUTE ORDER. Upon review of Defendants' <u>9</u> Motion for Leave to Late File Opposition to Plaintiff's Motion for Default Judgment, and for good cause shown, it is hereby ordered that the Motion is GRANTED and the Court shall accept Defendants' Opposition to Plaintiff's <u>8</u> Motion for Default Judgment as filed. Signed by Judge Carl J. Nichols on January 28, 2020. (lccjn3) (Entered: 01/28/2020)
01/28/2020		MINUTE ORDER. Upon review of Defendants' <u>11</u> Motion for Extension of Time to File Opposition, and for good cause shown, it is hereby ORDERED that the Motion is GRANTED and that Defendants shall file their Opposition to Plaintiff's <u>10</u> Motion for Summary Judgment on or before January 30, 2020. Signed by Judge Carl J. Nichols on January 28, 2020. (lccjn3) (Entered: 01/28/2020)
01/29/2020	<u>12</u>	Cross MOTION for Summary Judgment by DOJ/DEA (Attachments: # <u>1</u> Declaration Exhibits)(McBride, Patricia) (Entered: 01/29/2020)
01/31/2020		NOTICE OF ERROR re <u>12</u> Motion for Summary Judgment; emailed to patricia.mcbride@usdoj.gov, cc'd 3 associated attorneys — The PDF file you docketed contained errors: 1. Two–part docket entry, 2. Please file Opposition to Motion (zeg,) (Entered: 01/31/2020)
02/14/2020	<u>13</u>	RESPONSE re <u>12</u> MOTION for Summary Judgment filed by GERRY D. BURNETT. (Attachment: # <u>1</u> Exhibit A)(zeg) (Entered: 02/19/2020)
02/25/2020	<u>14</u>	REPLY to opposition to motion re <u>12</u> Cross MOTION for Summary Judgment filed by DOJ/DEA. (McBride, Patricia) (Entered: 02/25/2020)

07/07/2020	<u>15</u>	NOTICE of Change of Address by GERRY D. BURNETT (eg). (Entered: 07/10/2020)
03/31/2021	<u>16</u>	ORDER denying <u>10</u> Motion for Summary Judgment; granting <u>12</u> Motion for Summary Judgment. Signed by Judge Carl J. Nichols on March 31, 2021. (lccjn2) (Entered: 03/31/2021)
03/31/2021	<u>17</u>	MEMORANDUM AND OPINION. Signed by Judge Carl J. Nichols on March 31, 2021. (lccjn2) (Entered: 03/31/2021)
04/27/2021	<u>18</u>	NOTICE OF APPEAL as to <u>16</u> Order on Motion for Summary Judgment, by GERRY D. BURNETT. Fee Status: No Fee Paid. Parties have been notified. (eg) (Entered: 04/30/2021)
04/30/2021	<u>19</u>	Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The fee remains to be paid and another notice will be transmitted when the fee has been paid in the District Court re <u>18</u> Notice of Appeal. (eg) (Entered: 04/30/2021)