

**U.S. District Court**  
**Northern District of Texas (Dallas)**  
**CIVIL DOCKET FOR CASE #: 3:20-cv-01789-C-BN**

Powell v. US Department of State  
Assigned to: Senior Judge Sam R Cummings  
Referred to: Magistrate Judge David L. Horan  
Cause: 05:552 Freedom of Information Act

Date Filed: 07/07/2020  
Date Terminated: 06/14/2021  
Jury Demand: None  
Nature of Suit: 895 Other Statutes:  
Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Kellen Powell**

represented by **Kellen Powell**  
Kellen Powell Esq PLLC  
2005 Saint Pierre Drive  
Carrollton, TX 75006  
713-471-6634  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Not Admitted*

V.

**Defendant**

**US Department of State**  
*Executive Office, Office of Legal Adviser*

represented by **Lisa Robin Hasday-DOJ**  
US Attorney's Office  
1100 Commerce St  
3rd Floor  
Dallas, TX 75242  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Not Admitted*

Date Filed	#	Docket Text
07/07/2020	<u>1</u>	New Case Notes: A filing fee has been paid. CASREF case referral set and case referred to Magistrate Judge Horan (see Special Order 3). Case received over counter/electronically. No prior sanctions found. (For court use only – links to the <a href="#">national</a> and <a href="#">circuit</a> indexes.) Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge (Judge Horan). Clerk to provide copy to plaintiff if not received electronically. (jmg) (Entered: 07/08/2020)
07/07/2020	<u>2</u>	Notice and Instruction to Pro Se Party. (jmg) (Entered: 07/08/2020)
07/07/2020	<u>3</u>	COMPLAINT for Declaratory and Injunctive Relief against US Department of State filed by Kellen Powell. (Filing fee \$400.00; Receipt number DS125142) Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <a href="#">Attorney Information – Bar Membership</a> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (jmg) (Entered: 07/08/2020)
07/07/2020	<u>4</u>	Request for Clerk to issue Summons filed by Kellen Powell. (jmg) (Entered: 07/08/2020)

07/08/2020	<u>5</u>	Summons Issued as to US Department of State, U.S. Attorney, and U.S. Attorney General. (jmg) Modified text on 7/9/2020 (hml). (Entered: 07/08/2020)
07/08/2020		***Clerk's Notice of delivery: (see NEF for details) Docket No:1, 2, 5 . Wed Jul 8 10:06:11 CDT 2020 (crt) (Entered: 07/08/2020)
07/14/2020	<u>6</u>	Request for Clerk to issue Summons (Attachments: # <u>1</u> Additional Page(s), # <u>2</u> Additional Page(s)) (Powell, Kellen) Modified docket text on 7/15/2020 (cea). (Entered: 07/14/2020)
07/15/2020	<u>7</u>	Summons Reissued as to US Department of State, U.S. Attorney, U.S. Attorney General. (axm) (Entered: 07/15/2020)
07/22/2020	<u>8</u>	CERTIFICATE OF SERVICE by Kellen Powell (Attachments: # <u>1</u> Additional Page(s)) (Powell, Kellen) (Entered: 07/22/2020)
08/19/2020	<u>9</u>	NOTICE of Attorney Appearance by Lisa Robin Hasday-DOJ on behalf of US Department of State. (Filer confirms contact info in ECF is current.) (Hasday-DOJ, Lisa) (Entered: 08/19/2020)
08/19/2020	<u>10</u>	MOTION to Dismiss filed by US Department of State with Brief/Memorandum in Support. (Hasday-DOJ, Lisa) (Entered: 08/19/2020)
08/19/2020	<u>11</u>	Appendix in Support filed by US Department of State re <u>10</u> MOTION to Dismiss (Hasday-DOJ, Lisa) (Entered: 08/19/2020)
08/19/2020	<u>12</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by US Department of State. (Hasday-DOJ, Lisa) (Entered: 08/19/2020)
08/20/2020	<u>13</u>	ORDER SETTING BRIEFING SCHEDULE: Responses due by 9/21/2020. Replies due by 10/6/2020. re: <u>10</u> MOTION to Dismiss (Ordered by Magistrate Judge David L. Horan on 8/20/2020) (ndt) (Entered: 08/21/2020)
08/27/2020	<u>14</u>	AMENDED COMPLAINT against All Defendants filed by Kellen Powell. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <a href="#">Attorney Information - Bar Membership</a> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Attachments: # <u>1</u> Appendix for Amended Complaint) (Powell, Kellen) (Entered: 08/27/2020)
08/27/2020	<u>15</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT filed by Kellen Powell. (Powell, Kellen) Modified event on 8/28/2020 (mla). (Entered: 08/27/2020)
08/28/2020	<u>16</u>	SUMMONS Returned Executed as to All Defendants. (Powell, Kellen) (Entered: 08/28/2020)
09/10/2020	<u>17</u>	MOTION to Dismiss for Lack of Jurisdiction filed by US Department of State with Brief/Memorandum in Support. (Hasday-DOJ, Lisa) (Entered: 09/10/2020)
09/10/2020	<u>18</u>	Appendix in Support filed by US Department of State re <u>17</u> MOTION to Dismiss for Lack of Jurisdiction (Hasday-DOJ, Lisa) (Entered: 09/10/2020)
09/11/2020	<u>19</u>	ORDER TERMINATING MOTION AS MOOT AND SETTING BRIEFING SCHEDULE: The Court TERMINATES AS MOOT the Department's initial motion to dismiss (Dkt. No. <u>10</u> ). Responses due by 10/13/2020. Replies due by 10/28/2020. (Ordered by Magistrate Judge David L. Horan on 9/11/2020) (jmg) (Entered: 09/11/2020)
10/12/2020	<u>20</u>	RESPONSE to <u>17</u> Motion to Dismiss and MOTION for Summary Judgment. (Powell, Kellen) Modified event on 10/13/2020 (mla). Modified event text on 11/3/2020 (jmg). (Entered: 10/12/2020)
10/13/2020	<u>21</u>	ORDER SETTING BRIEFING SCHEDULE re: <u>17</u> MOTION to Dismiss for Lack of Jurisdiction . Responses due by 11/12/2020. Replies due by 11/27/2020. (Ordered by Magistrate Judge David L. Horan on 10/13/2020) (oyh) (Entered: 10/13/2020)
11/02/2020	<u>22</u>	MOTION for Extension of Time to File Response/Reply to <u>20</u> Response filed by US Department of State with Brief/Memorandum in Support. (Attachments: # <u>1</u>

		Declaration(s)) (Hasday-DOJ, Lisa) Modified text on 11/3/2020 (jmg). (Entered: 11/02/2020)
11/03/2020	<u>23</u>	ORDER GRANTING <u>22</u> MOTION TO EXTEND RESPONSE DEADLINE AND EXTENDING REPLY DEADLINE. Responses due by 12/14/2020. Replies due by 12/29/2020. (Ordered by Magistrate Judge David L. Horan on 11/3/2020) (jmg) (Entered: 11/03/2020)
11/12/2020	<u>24</u>	REPLY filed by US Department of State re: <u>17</u> MOTION to Dismiss for Lack of Jurisdiction (Hasday-DOJ, Lisa) (Entered: 11/12/2020)
12/14/2020	<u>25</u>	RESPONSE filed by US Department of State re: <u>20</u> Response to <u>17</u> Motion to Dismiss and MOTION for Summary Judgment (Hasday-DOJ, Lisa) (Entered: 12/14/2020)
12/14/2020	<u>26</u>	Brief/Memorandum in Support filed by US Department of State re <u>25</u> Response/Objection (Hasday-DOJ, Lisa) (Entered: 12/14/2020)
12/14/2020	<u>27</u>	Appendix in Support filed by US Department of State re <u>26</u> Brief/Memorandum in Support of Motion (Hasday-DOJ, Lisa) (Entered: 12/14/2020)
12/29/2020	<u>28</u>	REPLY filed by Kellen Powell re: <u>20</u> Response to <u>17</u> Motion to Dismiss and MOTION for Summary Judgment (Powell, Kellen) (Entered: 12/29/2020)
05/20/2021	<u>29</u>	FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE: The Court should grant Defendant U.S. Department of State's <u>17</u> motion to dismiss the first amended complaint under FRCvP 12(b)(1) and dismiss this case without prejudice. (Ordered by Magistrate Judge David L. Horan on 5/20/2021) (twd) (Entered: 05/20/2021)
06/03/2021	<u>30</u>	OBJECTION filed by Kellen Powell re: <u>29</u> Findings and Recommendations on Case re: <u>3</u> Complaint,, filed by Kellen Powell. (Powell, Kellen) (Entered: 06/03/2021)
06/14/2021	<u>31</u>	ORDER: After due consideration and having conducted a de novo review, the Court finds that Plaintiff's objections should be OVERRULED. The Court has further conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is ORDERED that the Findings, Conclusions, and Recommendation are ADOPTED as the findings and conclusions of the Court. For the reasons stated therein, the Court ORDERS that Defendant's <u>17</u> Motion to Dismiss be GRANTED pursuant to Federal Rule of Civil Procedure 12(b)( 1) and Plaintiff's First Amended Complaint be DISMISSED without prejudice. (Ordered by Senior Judge Sam R Cummings on 6/14/2021) (twd) (Entered: 06/14/2021)
06/14/2021	<u>32</u>	JUDGMENT: IT IS ORDERED that the above-styled and -numbered civil action be DISMISSED without prejudice. (Ordered by Senior Judge Sam R Cummings on 6/14/2021) (twd) (Entered: 06/14/2021)