

**U.S. District Court**  
**United States District Court – District of New Mexico (Albuquerque)**  
**CIVIL DOCKET FOR CASE #: 1:20-cv-00650-MV-JFR**

Ferrara v. Department of Homeland Security et al  
Assigned to: District Judge Martha Vazquez  
Referred to: Magistrate Judge John F. Robbenhaar  
Cause: 05:552 Freedom of Information Act

Date Filed: 07/02/2020  
Date Terminated: 06/28/2021  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Victoria Ferrara**

represented by **Victoria Ferrara**  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant****Department of Homeland Security**

represented by **Manuel Lucero**  
US Attorney's Office  
District of New Mexico  
PO Box 607  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Citizenship and Immigration Services**  
**USCIS**

represented by **Manuel Lucero**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
07/02/2020		Filing and Administrative Fees Received: \$ 400 receipt number ANMDC-7194548 re 1 Complaint filed by Victoria Ferrara (Payment made via Pay.gov)(Ferrara, Victoria) (Entered: 07/02/2020)
07/02/2020		United States Magistrate Judge Jerry H. Ritter and United States Magistrate Judge John F. Robbenhaar assigned. (dr) (Entered: 07/02/2020)
07/02/2020	2	PLEASE TAKE NOTICE that this case has been randomly assigned to United States Magistrate Judge Jerry H. Ritter to conduct dispositive proceedings in this matter, including motions and trial. Appeal from a judgment entered by a Magistrate Judge will be to the United States Court of Appeals for the Tenth Circuit. <b>It is the responsibility of the case filer to serve a copy of this Notice upon all parties with the summons and complaint.</b> <i>Consent is strictly voluntary, and a party is free to withhold consent without adverse consequences. Should a party choose to consent, notice should be made no later than 21 days after entry of the Order setting the Rule 16 Initial Scheduling Conference.</i> For e-filers, visit our Web site at <a href="http://www.nmd.uscourts.gov">www.nmd.uscourts.gov</a> for more information and instructions.

		[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (dr) (Entered: 07/02/2020)
07/06/2020		Summons Issued as to Department of Homeland Security, U.S. Citizenship and Immigration Services, U.S. Attorney and U.S. Attorney General (dr) (Entered: 07/06/2020)
07/16/2020	<u>6</u>	NOTICE of Appearance by Manuel Lucero on behalf of Department of Homeland Security (Lucero, Manuel) (Entered: 07/16/2020)
07/16/2020	<u>8</u>	INITIAL SCHEDULING ORDER: by Magistrate Judge John F. Robbenhaar. Telephonic Rule 16(c) Hearing set for 8/25/2020 at 01:00 PM in Albuquerque before Magistrate Judge John F. Robbenhaar. The parties shall call the AT&T Conference line at 888-363-4735, Access Code 2387395, to connect to the proceedings. Joint Status Report due by 8/12/2020. Unless otherwise notified by the Clerk or the Court a notice of consent or non-consent for this case to proceed before the trial Magistrate Judge should be submitted by each party no later than 8/6/2020. (smd) (Entered: 07/16/2020)
07/29/2020	<u>10</u>	ANSWER to 1 Complaint <i>Requesting FOIA relief</i> by Department of Homeland Security, U.S. Citizenship and Immigration Services. Related document: 1 Complaint filed by Victoria Ferrara.(Lucero, Manuel) (Entered: 07/29/2020)
08/07/2020	11	PLEASE TAKE NOTICE that this case has been reassigned to District Judge Martha Vazquez as the trial judge.  Under D.N.M.LR-Civ. 10.1, the first page of each document must have the case file number and initials of the assigned judges.  <b><i>Accordingly, further documents filed in this matter must bear the case number and the judges' initials shown in the case caption and the NEF for this document.</i></b> Kindly reflect this change in your filings.  Magistrate Judge Jerry H. Ritter no longer assigned to this case. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (dr) (Entered: 08/07/2020)
08/11/2020	12	NOTICE REGARDING DOCUMENT ENTRIES: Because this case has been reassigned to a district judge, please be advised that any documents filed by the parties under Rule 73(b) have been permanently removed from the docket. Document(s) removed: Nos. 7 and 9. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (bl) (Entered: 08/11/2020)
08/20/2020	<u>13</u>	Joint Status Report by Victoria Ferrara (Ferrara, Victoria) (Entered: 08/20/2020)
08/20/2020	<u>14</u>	Joint Status Report <i>Defendants portion</i> by Department of Homeland Security, U.S. Citizenship and Immigration Services (Lucero, Manuel) (Entered: 08/20/2020)
08/25/2020	<u>15</u>	Clerk's Minutes for proceedings held before Magistrate Judge John F. Robbenhaar: Scheduling Conference held on 8/25/2020. (smd) (Entered: 08/25/2020)
08/25/2020	<u>16</u>	ORDER Modifying and Re-Setting Briefing Schedule by Magistrate Judge John F. Robbenhaar. Plaintiff's motion for summary judgment to be filed 11/2/2020. Defendant's Response and and cross-motion due 12/2/2020. Plaintiff's Reply and any Response to Defendant due 1/5/2021. Defendant's reply due 1/19/2021. (smd) (Entered: 08/25/2020)
11/02/2020	<u>17</u>	MOTION for Summary Judgment by Victoria Ferrara. (Ferrara, Victoria) (Entered: 11/02/2020)
12/01/2020	<u>18</u>	RESPONSE in Opposition re <u>17</u> MOTION for Summary Judgment <i>and Cross Motion for Summary Judgment of Defendant</i> filed by Department of Homeland Security, U.S. Citizenship and Immigration Services. (Attachments: # <u>1</u> Exhibit Declaration) (Lucero, Manuel) (Entered: 12/01/2020)
12/11/2020	<u>19</u>	ORDER REFERRING CASE to Magistrate Judge John F. Robbenhaar by District Judge Martha Vazquez. (gr) (Entered: 12/11/2020)

01/19/2021	<u>21</u>	REPLY to Response to Motion re <u>17</u> MOTION for Summary Judgment <i>Cross Motion by Defendant for Summary Judgment</i> filed by Department of Homeland Security, U.S. Citizenship and Immigration Services. (Lucero, Manuel) (Entered: 01/19/2021)
01/19/2021	<u>22</u>	NOTICE by Department of Homeland Security, U.S. Citizenship and Immigration Services re 20 Reply, <u>21</u> Reply to Response to Motion, <u>18</u> Response in Opposition to Motion, <i>and it's Notice of Completion of Briefing of the Defendant's Cross Motion for Summary Judgment</i> (Lucero, Manuel) (Entered: 01/19/2021)
03/25/2021	<u>23</u>	ORDER GRANTING REQUEST FOR IN CAMERA REVIEW by Magistrate Judge John F. Robbenhaar. Defendants shall produce to the Court for in camera review the documents released by the Defendant USCIS to the Plaintiff pursuant to Plaintiffs Freedom of Information Act request. The Court orders production of all 348 pages to the Court for in camera review. IT IS FURTHER ORDERED that Defendants shall produce copies of these documents to the Court by Monday, March 29, 2021 manually or, if preferred, digitally to robbenhaarproposedtext@nmd.uscourts.gov. (smd) (Entered: 03/25/2021)
04/01/2021	<u>24</u>	REPORT AND RECOMMENDATIONS re <u>17</u> and <u>18</u> Cross Motions for Summary Judgment by Magistrate Judge John F. Robbenhaar. The Court recommends DENYING Plaintiff's Motion for Summary Judgment and GRANTING Defendant's Cross-Motion for Summary Judgment; and DISMISSING WITH PREJUDICE Plaintiff's Complaint. Objections to R&R due by 4/15/2021. <b>Add 3 days to the deadline if service is by mailing it to the person's last known address (or means described in Fed. R. Civ. P. 5(b)(2)(D) and (F)); if service is by electronic means, no additional days are added. (Fed. R. Civ. P. 6(d); Fed. R. Crim. P. 45(c).)</b> (smd) (Entered: 04/01/2021)
04/15/2021	<u>25</u>	OBJECTIONS re <u>24</u> REPORT AND RECOMMENDATIONS re <u>17</u> MOTION for Summary Judgment filed by Victoria Ferrara by Victoria Ferrara (Ferrara, Victoria) (Entered: 04/15/2021)
04/19/2021	<u>26</u>	AMENDED REPORT AND RECOMMENDATIONS by Magistrate Judge John F. Robbenhaar, amending the prior PFRD <u>24</u> to correct an incidental error as explained in the attached amended order. Objections to AMENDED R&R due by 5/3/2021. <b>Add 3 days to the deadline if service is by mailing it to the person's last known address (or means described in Fed. R. Civ. P. 5(b)(2)(D) and (F)); if service is by electronic means, no additional days are added. (Fed. R. Civ. P. 6(d); Fed. R. Crim. P. 45(c).)</b> (smd) (Entered: 04/19/2021)
04/29/2021	<u>27</u>	RESPONSE re <u>25</u> Objections filed by Department of Homeland Security, U.S. Citizenship and Immigration Services. (Lucero, Manuel) Modified text on 4/30/2021 change from reply to response (gr). (Entered: 04/29/2021)
06/28/2021	<u>28</u>	MEMORANDUM OPINION AND ORDER by District Judge Martha Vazquez ADOPTING <u>26</u> REPORT AND RECOMMENDATIONS; DENYING <u>17</u> MOTION for Summary Judgment filed by Victoria Ferrara; and GRANTING <u>18</u> Cross Motion for Summary Judgment. See order for specifics. (gr) (Entered: 06/28/2021)
06/28/2021	<u>29</u>	FINAL JUDGMENT by District Judge Martha Vazquez. IT IS ORDERED that this case is DISMISSED with prejudice. (gr) (Entered: 06/28/2021)