

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:00-cv-00187-TPJ**

PRESCOTT v. DOJ  
Assigned to: Judge Thomas Penfield Jackson  
Demand: \$0  
Cause: 05:552 Freedom of Information Act

Date Filed: 02/03/2000  
Date Terminated: 07/31/2002  
Jury Demand: None  
Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**PHILIP PRESCOTT**

represented by **PHILIP PRESCOTT**  
R10067-014  
LEWISBURG UNITED STATES  
PENITENTIARY  
P.O. Box 1000  
Lewisburg, PA 17837  
PRO SE

V.

**Defendant**

**U.S. DEPARTMENT OF JUSTICE**

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**TERMINATED: 05/30/2002**  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/03/2000	1	COMPLAINT filed by plaintiff PHILIP PRESCOTT (glb) (Entered: 02/04/2000)
02/03/2000		SUMMONS NOT ISSUED. (glb) (Entered: 02/04/2000)
02/03/2000	2	APPLICATION by plaintiff PHILIP PRESCOTT to proceed in forma pauperis (glb) (Entered: 02/04/2000)
02/03/2000	3	ORDER by Judge Aubrey E. Robinson : directing prisoner plaintiff to provide a trust fund statement to the court by 3/6/00 for PHILIP PRESCOTT . (N) (glb) (Entered: 02/04/2000)
02/14/2000	4	TRUST FUND ACCOUNT filed by plaintiff PHILIP PRESCOTT pursuant to order [3-1], [3-2] . (glb) (Entered: 03/23/2000)
03/23/2000	5	ORDER by Judge Gladys Kessler : granting plaintiff's motion to proceed in forma paupers; directing that monthly payments be made from the prisoner account of PHILIP PRESCOTT . (N) (glb) Modified on 03/31/2000 (Entered: 03/23/2000)
03/23/2000		CASE REASSIGNED from unassigned to Judge Richard W. Roberts (tb) (Entered: 03/24/2000)
03/29/2000		SUMMONS issued to federal party(s) federal defendant DOJ , and non-party: U.S. Attorney. (tb) (Entered: 03/30/2000)
04/07/2000	6	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 4/3/00 upon federal defendant DOJ (bjsp) (Entered: 04/10/2000)
04/07/2000	7	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 4/3/00 (tb) (Entered: 04/12/2000)
04/20/2000	8	MOTION filed by federal defendant DOJ to extend time to 6/2/00 to answer complaint [1-1] (bjsp) (Entered: 04/21/2000)
04/20/2000	9	ATTORNEY APPEARANCE for federal defendant DOJ by W. Mark Nebeker (bjsp) (Entered: 04/21/2000)
05/01/2000	<u>10</u>	ORDER by Mag. Judge Deborah A. Robinson (MJ) : granting motion to extend time to 6/2/00 to answer complaint [1-1] [8-1] by DOJ (N) (bh) (Entered: 05/01/2000)
05/17/2000	11	MOTION filed by plaintiff PHILIP PRESCOTT for Vaughn Index (jf) (Entered: 05/18/2000)
05/19/2000	12	MOTION filed by plaintiff PHILIP PRESCOTT for reconsideration of order granting plaintiff's motion to proceed in forma paupers RE: directing that monthly payments be made from the prisoner account of PHILIP PRESCOTT . [5-1], order [5-2] (FIAT) KESSLER, J. (bjsp) (Entered: 05/19/2000)
05/22/2000	13	MOTION filed by plaintiff PHILIP PRESCOTT for reconsideration of order granting plaintiff's motion to proceed in forma paupers; directing that monthly payments be made from the prisoner account of PHILIP PRESCOTT . [5-1], order [5-2] (bjsp) (Entered: 05/22/2000)
05/22/2000	14	AMENDED COMPLAINT by plaintiff PHILIP PRESCOTT (bjsp) (Entered: 05/22/2000)
05/25/2000		CASE REASSIGNED to Judge Thomas P. Jackson (tth) (Entered: 05/30/2000)
05/30/2000	15	RESPONSE by federal defendant DOJ to motion for Vaughn Index [11-1] by PHILIP PRESCOTT (bjsp) (Entered: 05/31/2000)
06/08/2000	16	MOTION filed by federal defendant DOJ to extend time to 7/25/00 to answer amended complaint [14-1] (tth) (Entered: 06/09/2000)
06/12/2000	<u>17</u>	ORDER by Judge Thomas P. Jackson : granting motion to extend time to answer amended complaint [14-1] [16-1] by DOJ and defendant's time is extended until 10 dayes after the court rules on all summary judgment motions and motions for summary judgment due 7/25/00 . (N) (rew) (Entered: 06/13/2000)

06/12/2000	<u>18</u>	ORDER by Judge Thomas P. Jackson : denying motion for reconsideration of order granting plaintiff's motion to proceed in forma paupers; directing that monthly payments be made from the prisoner account of PHILIP PRESCOTT . [5-1], order [5-2] [13-1] by PHILIP PRESCOTT, denying motion for reconsideration of order granting plaintiff's motion to proceed in forma paupers RE: directing that monthly payments be made from the prisoner account of PHILIP PRESCOTT . [5-1], order [5-2] [12-1] by PHILIP PRESCOTT (N) (rew) (Entered: 06/16/2000)
06/16/2000	<u>19</u>	ORDER by Judge Thomas P. Jackson : denying without prejudice motion for Vaughn Index [11-1] by PHILIP PRESCOTT (N) (rew) (Entered: 06/19/2000)
07/25/2000	20	MOTION filed by federal defendant DOJ to extend time to 8/10/00 to file a motion for summary judgment (tth) (Entered: 07/26/2000)
08/10/2000	21	MOTION filed by federal defendant DOJ to extend time to 8/24/00 to file a motion for summary judgment (tth) (Entered: 08/11/2000)
08/22/2000	<u>22</u>	ORDER by Judge Thomas P. Jackson : granting motion to extend time to 8/10/00 to file a motion for summary judgment [20-1] by DOJ motion for summary judgment due by 8/10/00 ; (N) (rew) (Entered: 08/22/2000)
08/24/2000	23	MOTION filed by federal defendant DOJ to extend time to 9/8/00 to file a motion for summary judgment (tth) (Entered: 08/25/2000)
08/28/2000	<u>24</u>	ORDER by Judge Thomas P. Jackson : granting motion to extend time to 9/8/00 to file a motion for summary judgment [23-1] by DOJ motion for summary judgment due by 9/8/00 ;, granting motion to extend time to 8/24/00 to file a motion for summary judgment [21-1] by DOJ motion for summary judgment due by 9/8/00 ; (N) (rew) (Entered: 08/30/2000)
09/08/2000	25	MOTION filed by federal defendant DOJ to dismiss complaint [1-1] , or, in the alternative, for summary judgment ; Declaration (1); Exhibits (5) (tth) (Entered: 09/11/2000)
09/12/2000	26	MOTION filed by federal defendant DOJ for leave to file under seal Exhibit D to the Declaration of Scott A. Hodes ; EXHIBIT (EXHIBIT D – LODGED UNDER SEAL) (tth) (Entered: 09/13/2000)
09/14/2000	<u>27</u>	ORDER by Judge Thomas P. Jackson : granting motion for leave to file under seal Exhibit D to the Declaration of Scott A. Hodes [26-1] by DOJ, and directing the document is under seal for 180 days unless plaintiff files a motion to continue the seal. (N) (rew) (Entered: 09/15/2000)
09/20/2000	29	MOTION filed by plaintiff PHILIP PRESCOTT to extend time by 60 days within which to respond to motion to dismiss (bm) (Entered: 09/22/2000)
09/21/2000	<u>28</u>	ORDER by Judge Thomas P. Jackson :directing plaintiff to respond to defendants motion to dismiss by 10-26-00, failing the Court will treat the motion as conceded. response to dispositive motions due 10/26/00 ; (N) (rew) (Entered: 09/21/2000)
09/22/2000	<u>30</u>	ORDER by Judge Thomas P. Jackson : granting motion to extend time by 60 days within which to respond to motion to dismiss [29-1] by PHILIP PRESCOTT response to dispositive motions due by 11/22/00 ; (N) (rew) (Entered: 09/26/2000)
11/02/2000	31	MOTION filed by plaintiff PHILIP PRESCOTT to compel the defendant to search the FBI Field Offices in the Northern District of New York, the District of Connecticut, the Districts within Florida, and the District of Maine ; Exhibit (1) (ag) (Entered: 11/06/2000)
11/03/2000	32	MOTION filed by plaintiff PHILIP PRESCOTT to order the identification of the recipients of each document (Supplemental Vaughn Index) (ag) (Entered: 11/08/2000)
11/13/2000	33	MOTION filed by federal defendant DOJ to extend time to 11/27/00 to respond to Plaintiff's Motion to Order Identification of the Recipients of Each Document. (hsj) Modified on 11/17/2000 (Entered: 11/14/2000)
11/15/2000	<u>34</u>	ORDER by Judge Thomas P. Jackson : granting motion to extend time to 11/27/00 to respond to Plaintiff's Motion of Order Identification of the Recipients of Each Document. [33-1] by DOJ response to motion(s) due by 11/27/00 ; (N) (rew)

		(Entered: 11/15/2000)
11/27/2000	35	MOTION filed by federal defendant DOJ to extend time to 12/12/00 to respond to plaintiff's motion to order identification of the recipients of each document , and to plaintiff's motion to compel the defendant to search the FBI Field Offices in the Northern District of New York, District of Connecticut, Districts Within Florida, and District of Maine (ab) (Entered: 11/28/2000)
11/28/2000	<u>36</u>	ORDER by Judge Thomas P. Jackson : granting motion to extend time to 12/12/00 to respond to plaintiff's motion to order identification of the recipients of each document [35-1] by DOJ response to motion(s) due by 12/12/00 ;, granting motion to plaintiff's motion to compel the defendant to search the FBI Field Offices in the Northern District of New York, District of Connecticut, Districts Within Florida, and District of Maine [35-2] by DOJ response to motion(s) due by 12/12/00 ; (N) (rew) (Entered: 11/30/2000)
11/30/2000	37	MEMORANDUM by plaintiff PHILIP PRESCOTT in opposition to motion to dismiss complaint [1-1] [25-1] by DOJ, motion for summary judgment [25-2] by DOJ; Attachment (1) (ag) (Entered: 12/01/2000)
12/11/2000	42	RESPONSE by plaintiff PHILIP PRESCOTT in opposition to motion to dismiss complaint [1-1] [25-1] by DOJ; Attachment (1). (tth) (Entered: 12/19/2000)
12/12/2000	38	MOTION filed by federal defendant DOJ to extend time to respond to plaintiff's motion to Compel the defendant to search the FBI Field Offices in the Northern District of New York, the District of Connecticut, the Districts within Florida, and the District of Maine, and to reply to Plaintiffs' Opposition to Defendant's motion to dismiss or in the alternative for summary judgment on or before 1/8/00 (kmk) (Entered: 12/14/2000)
12/12/2000	39	RESPONSE by federal defendant DOJ in opposition to motion to order the identification of the recipients of each document (Supplemental Vaughn Index) [32-1] by PHILIP PRESCOTT . (kmk) (Entered: 12/14/2000)
12/14/2000	<u>40</u>	ORDER by Judge Thomas P. Jackson : granting motion to extend time to respond to plaintiff's motion to Compel the defendant to search the FBI Field Offices in the Northern District of New York, the District of Connecticut, the Districts within Florida, and the District of Maine, and to reply to Plaintiffs' Opposition to Defendant's motion to dismiss or in the alternative for summary judgment on or before 1/8/00 [38-1] by DOJ response to motion(s) due by 1/8/01 ; (N) (rew) (Entered: 12/15/2000)
12/15/2000	41	SUBSTITUTION OF COUNSEL for federal defendant DOJ , substituting Sonia Orfield for attorney William Mark Nebeker for DOJ (tth) (Entered: 12/18/2000)
01/08/2001	43	REPLY by federal defendant DOJ to plaintiff's opposition to defendant's motion to dismiss or, in the alternative for summary judgment [37-1] by PHILIP PRESCOTT . (cas) (Entered: 01/09/2001)
01/08/2001	44	RESPONSE by federal defendant DOJ in opposition to motion to compel the defendant to search the FBI Field Offices in the Northern District of New York, the District of Connecticut, the Districts within Florida, and the District of Maine [31-1] by PHILIP PRESCOTT . (cas) (Entered: 01/09/2001)
07/06/2001	45	SUBSTITUTION OF COUNSEL for federal defendant DOJ , substituting W. Mark Nebeker for attorney Sonia Orfield for DOJ (aet) (Entered: 07/09/2001)
07/30/2001	<u>65</u>	ORDER by Judge Thomas P. Jackson : denying motion for summary judgment [59-1] by PHILIP PRESCOTT, granting motion to dismiss amended complaint [14-1] [56-1] by DOJ, granting motion for summary judgment [56-2] by DOJ, and entering judgment for the defendant and the case is dismissed. (N) (rew) (Entered: 08/01/2002)
08/10/2001	<u>46</u>	MEMORANDUM AND ORDER by Judge Thomas P. Jackson : granting in part, denying in part motion to dismiss complaint [1-1] [25-1], granting in part, denying in part motion for summary judgment [25-2] denying motion to compel the defendant to search the FBI Field Offices in the Northern District of New York, the District of Connecticut, the Districts within Florida, and the District of Maine [31-1] by PHILIP PRESCOTT denying motion to order the identification of the recipients of each document (Supplemental Vaughn Index) [32-1] by PHILIP PRESCOTT; directing

		that within 60 days from the filing date of this Memorandum Opinion and Order defendant shall file a supplemental pleading addressing the Court's concerns and/or renewing its motion for summary judgment and/or release to plaintiff all non-exempt information; the seal on defendant's exhibit (D) to the declaration of Scott Hodes is lifted and the clerk is directed to place that exhibit in the public record. (N) (pob) (Entered: 08/10/2001)
08/10/2001	47	EXHIBIT of federal defendant DOJ to the Court RE: the filing of exhibit D to the declaration of Scott A. Hodes (bjsp) (Entered: 08/15/2001)
10/18/2001	48	MOTION filed by federal defendant DOJ to extend time to 12/10/01 to file a supplemental pleading regarding the Court's Memorandum Opinion and Order dated 8/10/01 (nmr) (Entered: 10/19/2001)
10/22/2001	<u>49</u>	ORDER by Judge Thomas P. Jackson : granting motion to extend time to 12/10/01 to file a supplemental pleading regarding the Court's Memorandum Opinion and Order dated 8/10/01 [48-1] by DOJ (N) (rew) (Entered: 10/23/2001)
11/14/2001	50	STATEMENT filed by federal defendant DOJ, regarding: mail service at U.S. Attorney's office. (nmr) (Entered: 11/15/2001)
12/07/2001	51	MOTION filed by federal defendant DOJ to extend time to 1/11/02 to file a supplemental pleading addressing Court's August 10, 2001 Memorandum Opinion and Order (nmr) (Entered: 12/10/2001)
12/13/2001	<u>52</u>	ORDER by Judge Thomas P. Jackson : granting motion to extend time to 1/11/02 to file a supplemental pleading addressing Court's August 10, 2001 Memorandum Opinion and Order [51-1] by DOJ (N) (rew) (Entered: 12/13/2001)
01/11/2002	53	MOTION filed by federal defendant DOJ to extend time to 2/6/02 to file a supplemental pleading addressing the Court's concerns (nmr) (Entered: 01/14/2002)
01/16/2002	<u>54</u>	ORDER by Judge Thomas P. Jackson : granting motion to extend time to 2/6/02 to file a supplemental pleading addressing the Court's concerns [53-1] by DOJ (N) (rew) (Entered: 01/17/2002)
02/06/2002	55	MOTION filed by federal defendant DOJ to extend time to 2/13/02 to file a supplemental pleading to address the Court's concerns as reflected in the Court's 6/10/01 Memorandum Opinion and Order (nmr) (Entered: 02/07/2002)
02/13/2002	56	MOTION (RENEWED) filed by federal defendant DOJ to dismiss amended complaint [14-1] , and for summary judgment ; Declaration (1); Exhibits (6) (nmr) (Entered: 02/14/2002)
02/19/2002	<u>57</u>	ORDER by Judge Thomas P. Jackson : granting motion to extend time to 2/13/02 to file a supplemental pleading to address the Court's concerns as reflected in the Court's 8/10/01 Memorandum Opinion and Order [55-1] by DOJ (N) (rew) (Entered: 02/21/2002)
02/21/2002	<u>58</u>	ORDER by Judge Thomas P. Jackson: directing plaintiff to respond to defendant's renewed motion to dismiss or for summary judgment; response to motion to dismiss or for summary judgment due 3/20/02 ; If no response is filed, the Court will treat the renewed motion as conceded and dismiss complaint. (N) (jf) (Entered: 02/22/2002)
03/12/2002	59	MOTION filed by plaintiff PHILIP PRESCOTT for summary judgment (nmr) (Entered: 03/13/2002)
04/04/2002	60	MOTION filed by federal defendant DOJ to extend time to file an opposition to motion for summary judgement ; EXHIBITS (OPPOSITION) (rje) (Entered: 04/05/2002)
04/09/2002	<u>61</u>	ORDER by Judge Thomas P. Jackson : granting motion to extend time to file an opposition to motion for summary judgement [60-1] by DOJ and defendants opposition is deemed timely filed. (N) (rew) (Entered: 04/11/2002)
04/09/2002	62	RESPONSE by federal defendant DOJ in opposition to motion for summary judgment [59-1] by PHILIP PRESCOTT . (rje) (Entered: 04/12/2002)

05/30/2002	63	SUBSTITUTION OF COUNSEL for federal defendant DOJ , substituting Rolando N. Valdez for attorney William Mark Nebeker for DOJ (rje) (Entered: 05/31/2002)
07/30/2002	<u>64</u>	MEMORANDUM OPINION by Judge Thomas P. Jackson (N) (rew) (Entered: 08/01/2002)
07/30/2002	65	ORDER by Judge Thomas P. Jackson :granting defendant's renewed motion to dismiss or for summary judgment 56 , denying plaintiff motion for summary judgment 59 , and judgment is entered for defendant and the case is dismissed . (N) (rew) (Entered: 08/01/2002)