

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:20-cv-02006-TNM

AMIRI v. NATIONAL SCIENCE FOUNDATION
Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 07/21/2020
Date Terminated: 09/28/2021
Jury Demand: None
Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)
Jurisdiction: Federal Question

Plaintiff**ALI AMIRI**

represented by **ALI AMIRI**
4501 McFarland Blvd. E
Tuscaloosa, AL 35405
Email: ali.amiri2718@gmail.com
PRO SE

V.

Defendant**NATIONAL SCIENCE
FOUNDATION**

represented by **Kristin Brudy-Everett**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
Civil Division
555 4th Street NW
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TERMINATED: 07/05/2021
LEAD ATTORNEY

Sean Michael Tepe
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/21/2020		Initiating Pleading & IFP Application Received on 07/21/2020. A copy of the docket sheet has been mailed to the address of record for the pro se party. (zmc) (Entered: 07/24/2020)
07/21/2020	<u>1</u>	COMPLAINT against NATIONAL SCIENCE FOUNDATION filed by ALI AMIRI. (Attachment: # <u>1</u> Exhibit)(zmc) (Entered: 07/24/2020)
07/21/2020	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by ALI AMIRI (zmc) (Entered: 07/24/2020)
07/21/2020	<u>3</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by ALI AMIRI (zmc) (Entered: 07/24/2020)
07/30/2020	<u>4</u>	VACATED pursuant to <u>2</u> ORDER.....ORDER directing an initial partial filing fee in the amount of \$44.37 from Prison Account of ALI AMIRI and granting MOTION for Leave to Proceed In Forma Pauperis (see order for full details). Pro Se party has been notified by first class mail. Signed by Judge James E. Boasberg on 7/30/2020. (adh,)

		Modified on 10/6/2020 (hmc). (Entered: 07/31/2020)
07/30/2020		Case Assigned to Judge Trevor N. McFadden. (adh,) (Entered: 07/31/2020)
07/31/2020	<u>5</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 7/31/2020. (lctnm2) (Entered: 07/31/2020)
09/15/2020		MINUTE ORDER. The Clerk of Court is hereby directed to issue summonses and cause service to be effected on the National Science Foundation, the United States Attorney General, and the United States Attorney for the District of Columbia. SO ORDERED. Signed by Judge Trevor N. McFadden on 9/15/2020. (lctnm2) (Entered: 09/15/2020)
09/23/2020	<u>6</u>	ENTERED IN ERROR.....SUMMONS (3) Issued as to NATIONAL SCIENCE FOUNDATION, U.S. Attorney and U.S. Attorney General. (zmd) Modified on 9/29/2020 (zmd). (Entered: 09/23/2020)
09/25/2020	<u>7</u>	MOTION to Amend/Correct by ALI AMIRI (ztd); ("Leave to file GRANTED" signed by Judge Trevor N. McFadden on 9/25/2020) (Entered: 09/30/2020)
09/29/2020		NOTICE OF CORRECTED DOCKET ENTRY: re <u>6</u> Summons Issued as to AUSA was entered in error and the Deputy Intake Clerk will reissue the three summons. (zmd) (Entered: 09/29/2020)
09/29/2020		SUMMONS (3) REISSUED as to NATIONAL SCIENCE FOUNDATION, and non-parties U.S. Attorney and U.S. Attorney General. (zmd) (Entered: 09/30/2020)
10/05/2020	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/02/2020., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/2/2020. (Entered: 10/05/2020)
10/06/2020	<u>9</u>	ORDER granting in part and denying in part <u>7</u> Motion to Explain or Amend Applicable Laws and Procedures. See Order for details. Signed by Judge Trevor N. McFadden on 10/6/2020. (hmc) (Entered: 10/06/2020)
11/02/2020	<u>10</u>	ANSWER to <u>1</u> Complaint by NATIONAL SCIENCE FOUNDATION.(Brudy-Everett, Kristin) (Entered: 11/02/2020)
11/03/2020		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an <i>Open America</i> stay is likely in this case, whether a <i>Vaughn</i> index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before 12/3/2020. Signed by Judge Trevor N. McFadden on 11/3/2020. (lctnm2) (Entered: 11/03/2020)
11/04/2020		Set/Reset Deadlines: Defendant's Status Report due by 12/3/2020. (hmc) Modified on 11/5/2020 (hmc). (Entered: 11/04/2020)
11/04/2020		AMENDED MINUTE ORDER, amending the Minute Order entered on November 3, 2020. Defendant has filed an Answer to Plaintiff's Complaint brought under the Freedom of Information Act (FOIA). FOIA actions are exempt from the requirements of Federal Rule of Civil Procedure 26(f) and Local Civil Rule 16.3. The Defendant shall, on or before 12/3/2020, submit a Report on the status of Plaintiff's request and propose a briefing schedule. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/4/2020. (lctnm2) (Entered: 11/04/2020)
11/05/2020	<u>11</u>	NOTICE of Change of Address by ALI AMIRI (eg) (Entered: 11/06/2020)
12/03/2020	<u>12</u>	Joint STATUS REPORT by NATIONAL SCIENCE FOUNDATION. (Attachments: # <u>1</u> Text of Proposed Order)(Brudy-Everett, Kristin) (Entered: 12/03/2020)

12/04/2020		MINUTE ORDER. Upon consideration of the <u>12</u> Joint Status Report, it is hereby ORDERED that the parties' proposed briefing schedule is adopted as follows: the Defendant shall file a motion for summary judgment on or before January 15, 2021; the Plaintiff shall file a combined cross-motion for summary judgment and opposition to the Defendant's motion for summary judgment on or before February 26, 2021; the Defendant shall file a combined opposition to the Plaintiff's cross-motion for summary judgment and a reply in support of their motion for summary judgment on or before March 12, 2021; and the Plaintiff shall file a reply in support of their cross-motion for summary judgment on or before April 9, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/4/2020. (lctnm2) (Entered: 12/04/2020)
12/04/2020		Set/Reset Deadlines: Defendant's motion for summary judgment due by 1/15/2021. Plaintiff's combined cross-motion for summary judgment and opposition to Defendant's motion for summary judgment due by 2/26/2021. Defendant's combined opposition to Plaintiff's cross-motion for summary judgment and reply in support of their motion for summary judgment due by 3/12/2021. Plaintiff's reply in support of their cross-motion for summary judgment due by 4/9/2021. (hmc) (Entered: 12/04/2020)
12/15/2020		MINUTE ORDER: At the telephone request of Plaintiff, a copy of the <u>12</u> Joint Status Report and <u>7</u> Motion to Amend/Correct have been sent to his address of record by the Clerk of Court. Plaintiff indicates that he has not, to date, received copies of Defendant's recent filings in this matter. The Court reminds Defendant of its obligations to serve Plaintiff with copies pursuant to Fed. R. Civ. P. 5(a) and (d), particularly because Plaintiff is incarcerated and proceeding pro se without ECF access. The Court notes that there is no indication nor any certificate of service included with Defendant's Answer, ECF No. 10, to show that Plaintiff was served with a copy of that pleading. The Joint Status Report, ECF No. 12, contains a certification that a copy was mailed to Plaintiff at his correct and current address of record, however, the Court advises Defendant to include Plaintiff's inmate identification number, A3201142617, as part of the mailing address and in serving him with copies going forward. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/15/2020. (lctnm2) (Entered: 12/15/2020)
12/29/2020	<u>13</u>	Mail Returned as Undeliverable; Sent to Ali Amiri; Type of Document Returned: 11/3/2020 and 11/4/2020 Minute Orders; Minute Orders have already been resent to Plaintiff's new address: ALLEN PARISH JAIL, P.O. Box 278, 7340 Hwy 26 West, Oberlin, LA 70655. (hmc) (Entered: 12/29/2020)
01/15/2021	<u>14</u>	MOTION for Summary Judgment <i>and Statement of Facts</i> by NATIONAL SCIENCE FOUNDATION (Attachments: # <u>1</u> Declaration of Justin Guz, # <u>2</u> Exhibit 1 – Defendant's Vaughn Index, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Text of Proposed Order)(Brudy–Everett, Kristin) (Entered: 01/15/2021)
01/19/2021	<u>15</u>	ORDER advising Plaintiff to respond or the Court may deem Defendant's <u>14</u> Motion for Summary Judgment conceded. Plaintiff's response is due by February 26, 2021. Signed by Judge Trevor N. McFadden on 1/19/2021. (lctnm2) (Entered: 01/19/2021)
01/21/2021		Set/Reset Deadlines: Plaintiff's response due by 2/26/2021. (hmc) (Entered: 01/21/2021)
01/28/2021		MINUTE ORDER. Plaintiff has left a voicemail with the Court indicating that he has not yet been served with a copy of Defendant's <u>14</u> Motion For Summary Judgment. The Court notes that Defendant properly certified that it mailed a copy to Plaintiff at his correct address of record, which also included his inmate identification number. <i>See</i> ECF No. 14 at 34. The Court further notes that it is highly plausible that this mailing is still in transit. Notwithstanding, and in an abundance of caution, the Court hereby ORDERS Defendant to mail an additional courtesy copy of the <u>14</u> Motion for Summary Judgment to Plaintiff. Additionally, the Court will MODIFY the existing briefing schedule as follows: Plaintiff's Combined Cross-Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment is due on or before 3/26/2021; Defendant's Combined Opposition to Plaintiff's Cross-Motion for Summary Judgment and Reply in Support of its Motion for Summary Judgment is due on or before 4/30/2021; and Plaintiff's Reply in Support of his Cross-Motion for Summary Judgment is due on or before 5/28/2021. The Court also advises Plaintiff to submit these types of requests by formally submitting a written filing, rather than through attempted ex parte communication with the Court. The Clerk of Court shall

		mail a copy of this Minute Order to Plaintiff at his address of record. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/28/2021. (lctnm2) (Entered: 01/28/2021)
01/29/2021		Set/Reset Deadlines: Plaintiff's Combined Cross-Motion and Opposition due by 3/26/2021. Defendant's Combined Opposition and Reply due by 4/30/2021. Plaintiff's Reply due by 5/28/2021. (hmc) (Entered: 01/29/2021)
02/25/2021	<u>16</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL SCIENCE FOUNDATION served on 2/24/2021 (eg) (Entered: 03/01/2021)
03/30/2021	<u>17</u>	MOTION to Redact by ALI AMIRI. (eg) (Entered: 04/05/2021)
04/01/2021		MINUTE ORDER. The Court has placed the Defendant's <u>14</u> Motion for Summary Judgment under seal because the Defendant informed the Court that an attachment contains private personal information. The Defendant shall file a redacted or sealed version of its motion on or before April 8, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/1/2021. (lctnm2) (Entered: 04/01/2021)
04/06/2021	<u>18</u>	MOTION for Summary Judgment <i>and Statement of Facts</i> by NATIONAL SCIENCE FOUNDATION. (Attachments: # <u>1</u> Declaration of Justin Guz, # <u>2</u> Exhibit 1 – Defendant's Vaughn Index, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Text of Proposed Order)(Brudy–Everett, Kristin) (Entered: 04/06/2021)
04/06/2021		MINUTE ORDER denying as moot the Plaintiff's <u>17</u> Motion to Redact. The Court has already placed the filing containing the Plaintiff's personal information under seal and ordered the Defendant to file a redacted or sealed version by April 8, 2021. <i>See</i> 4/1/2021 Min. Order. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/6/2021. (lctnm2) (Entered: 04/06/2021)
04/09/2021	<u>19</u>	Cross MOTION for Summary Judgment by ALI AMIRI. (Attachment: # <u>1</u> Exhibit)(eg) (Entered: 04/14/2021)
04/09/2021	20	Memorandum in opposition to re <u>18</u> MOTION for Summary Judgment <i>and Statement of Facts</i> filed by ALI AMIRI. (See Docket Entry <u>19</u> to view document). (eg) (Entered: 04/14/2021)
04/16/2021		MINUTE ORDER. Plaintiff's <u>19</u> Combined Cross-Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment was due on or before 3/26/2021, but was received by the Court on 4/9/2021 and docketed on 4/14/2021. Given Plaintiff's incarceration, and because his certificate of service attests that he mailed these papers on 3/25/2021, <i>see</i> ECF No. 19 at 26, the Court will accept and consider this filing. The Court will, however, modify the remainder of the existing briefing schedule as follows: Defendant's Combined Opposition to Plaintiff's Cross-Motion for Summary Judgment and Reply in Support of its Motion for Summary Judgment shall be due on or before 5/14/2021; and Plaintiff's Reply in Support of his Cross-Motion for Summary Judgment shall be due on or before 6/14/2021. The Clerk of Court shall mail a copy of this Minute Order to Plaintiff at his address of record. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/16/2021. (lctnm2) (Entered: 04/16/2021)
04/21/2021	<u>21</u>	NOTICE of Change of Address by ALI AMIRI (eg) (Entered: 04/23/2021)
04/23/2021		MINUTE ORDER. The Plaintiff has filed a <u>21</u> Notice of Change of Address, in which he asks the Court to add his email address "to the PACER/ECF filing system" so that he can receive electronic service. The Court directs Plaintiff to Local Rule 5.4(b), which requires a pro se party to file a "Motion for CM/ECF User Name and Password" containing certain information. If the Plaintiff would like to obtain access to the CM/ECF system, he must do so in accordance with the Local Rules. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/23/2021. (lctnm2) (Entered: 04/23/2021)
05/04/2021	<u>22</u>	Consent MOTION to Modify <i>the Briefing Schedule</i> by NATIONAL SCIENCE FOUNDATION. (Attachments: # <u>1</u> Text of Proposed Order)(Brudy–Everett, Kristin) (Entered: 05/05/2021)
05/05/2021		MINUTE ORDER granting the Defendant's <u>22</u> Consent Motion to Modify the Briefing Schedule. The briefing schedule is modified as follows: Defendant's Combined Opposition to Plaintiff's Cross-Motion for Summary Judgment and Reply in Support

		of its Motion for Summary Judgment shall be due on or before 5/21/2021; and Plaintiff's Reply in Support of his Cross-Motion for Summary Judgment shall be due on or before 6/21/2021. The Clerk of Court shall mail a copy of this Minute Order to Plaintiff at his address of record. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/5/2021. (lctnm2) (Entered: 05/05/2021)
05/10/2021	<u>23</u>	MOTION for Order to Seal Exhibit A of Plaintiff's Opposition by NATIONAL SCIENCE FOUNDATION. (Attachments: # <u>1</u> Declaration of Sandra Evans, # <u>2</u> Exhibit 1)(Brudy-Everett, Kristin) (Entered: 05/10/2021)
05/10/2021		MINUTE ORDER. Upon consideration of the Government's <u>23</u> Motion for Order to Seal, the Court has placed the Plaintiff's [19-1] Exhibit under seal temporarily until the Plaintiff files a response and the Court adjudicates the motion. Plaintiff shall respond to the Government's <u>23</u> Motion on or before May 24, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/10/2021. (lctnm2) (Entered: 05/10/2021)
05/12/2021		Set/Reset Deadlines: Plaintiff's response due by 5/24/2021. (hmc) (Entered: 05/12/2021)
05/12/2021	<u>25</u>	NEW Request For Pro Se Electronic Noticing by ALI AMIRI (zjf) (Entered: 05/14/2021)
05/13/2021	<u>24</u>	Mail Returned as Undeliverable. Sent to Ali Amiri; Type of Document Returned: 4/1/2021 and 4/6/2021 Minute Orders; Resent at New Address: 4501 McFarland Blvd. E. Tuscaloosa, AL 35405. (hmc) (Entered: 05/13/2021)
05/18/2021	<u>26</u>	Mail Returned as Undeliverable; Sent to Ali Amiri; Type of Document Returned: 4/16/2021 Minute Order; Resent at New Address: 4501 McFarland Blvd. E. Tuscaloosa, AL 35405. (hmc) (Entered: 05/18/2021)
05/21/2021	<u>27</u>	Memorandum in opposition to re <u>19</u> MOTION for Summary Judgment <i>and in Further Support of Defendant's Motion for Summary Judgment</i> filed by NATIONAL SCIENCE FOUNDATION. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Sandra Evans, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Text of Proposed Order)(Brudy-Everett, Kristin) (Entered: 05/21/2021)
05/21/2021	<u>28</u>	REPLY re 20 Memorandum in Opposition <i>and in Further Support of Defendant's Motion for Summary Judgment</i> filed by NATIONAL SCIENCE FOUNDATION. (Brudy-Everett, Kristin) (Entered: 05/21/2021)
05/24/2021	<u>29</u>	Memorandum in opposition to re <u>23</u> MOTION for Order to Seal Exhibit A of Plaintiff's Opposition filed by ALI AMIRI. (eg) (Additional attachment(s) added on 6/7/2021: # <u>1</u> Exhibit) (zeg). (Entered: 05/26/2021)
06/23/2021	<u>30</u>	REPLY to opposition to motion re <u>19</u> MOTION for Summary Judgment filed by ALI AMIRI. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(eg) (Entered: 06/25/2021)
07/05/2021	<u>31</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Sean Michael Tepe on behalf of NATIONAL SCIENCE FOUNDATION Substituting for attorney Kristin Brudy-Everett (Tepe, Sean) (Entered: 07/05/2021)
09/28/2021	<u>32</u>	MEMORANDUM OPINION re Defendant's <u>14</u> <u>18</u> Motion for Summary Judgment, Plaintiff's <u>19</u> Cross-Motion for Summary Judgment, and Defendant's <u>23</u> Motion for Order to Seal. Signed by Judge Trevor N. McFadden on 9/28/2021. (lctnm2) (Entered: 09/28/2021)
09/28/2021	<u>33</u>	ORDER. For the reasons stated in the <u>32</u> Memorandum Opinion, Defendant's <u>14</u> , <u>18</u> Motion for Summary Judgment is GRANTED; Plaintiff's <u>19</u> Cross-Motion for Summary Judgment is DENIED; and Defendant's <u>23</u> Motion for Order to Seal is GRANTED. See attached for details. The Clerk of Court shall close this case. This is a final, appealable Order. Signed by Judge Trevor N. McFadden on 9/28/2021. (lctnm2) (Entered: 09/28/2021)