

U.S. District Court
Eastern District of Kentucky (Pikeville)
CIVIL DOCKET FOR CASE #: 7:20-cv-00157-WOB-EBA

Hicks v. SSA
Assigned to: Judge William O. Bertelsman
Referred to: Magistrate Judge Edward B. Atkins
Cause: 05:552 Freedom of Information Act

Date Filed: 12/19/2020
Date Terminated: 01/19/2022
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

H. David Hicks
Electronic Filing Granted DE #10

represented by **Henry David Hicks**
Pardue Law Group PLLC
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ATTORNEY TO BE NOTICED

V.

Defendant

Commissioner of SSA

represented by **Kyle M. Melloan , AUSA**
U.S. Attorney's Office, EDKY
260 W. Vine Street
Suite 300
Lexington, KY 40507-1612
859-685-4828
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/19/2020	<u>1</u>	COMPLAINT (NO PROCESS REQUESTED). (Filing fee \$402; receipt number 0643-4855700), filed by H. David Hicks pro se . (Attachments: # <u>1</u> USM 285) (TDA) (Entered: 12/21/2020)
12/21/2020		Conflict Check run. (TDA) (Entered: 12/21/2020)
12/21/2020	<u>3</u>	STANDING ORDER re: Disclosure of Contact Information: 1. <i>pro se</i> litigants must provide current telephone number, residential address, & if different, mailing address. 2. <i>pro se</i> litigants must provide written notice of change of residential address, & if different, mailing address. 3. Clerk file copy of Order in all non-prisoner <i>pro se</i> actions. Failure to provide required information or change of address may result in appropriate sanctions. Signed by Judge Karen K. Caldwell on 5/6/2016. (TDA) cc: H. David Hicks by US Mail (Entered: 12/21/2020)
12/21/2020	<u>4</u>	IMPORTANT NOTICE to Pro Se Filer: Information relating to pro se filings and F.R.Civ.P. 5.2 requiring personal identifiers be partially redacted from documents filed with the court. Click here for more information on the rules. It is the sole responsibility of counsel and the parties to comply with the rules requiring redaction of personal data identifiers. cc: pro se filer via U.S. Mail (Attachments: # <u>1</u> Sample Caption Page) (TDA) (Entered: 12/21/2020)
12/21/2020		NOTICE OF DEFICIENCY TO H. David Hicks re <u>1</u> Complaint: attorney notified clerk the summons should be returned electronically; however, a prepared summons was not attached to the electronic filing of the complaint in the fictitious miscellaneous

		case number 20-99999. A summons may be issued by presenting the prepared summons to the Clerk for issuance on paper or by electronically filing a document entitled Notice of Filing with the prepared summons as an attachment <u>within 7 calendar days</u> . cc: COR (TDA) (Entered: 12/21/2020)
12/21/2020		***FILE SUBMITTED TO CHAMBERS of PSO for review: <u>1</u> Complaint. (TDA) (Entered: 12/21/2020)
12/23/2020	<u>5</u>	ORDER: 1. In order for this matter to proceed, Hicks must comply with this district's Local Rules and FRCP, including Rule 4's provisions regarding service on dft. 2. Pursuant to 28:636(b), this matter is referred to a Magistrate Judge for further proceedings, including preparing proposed findings of fact and conclusions of law on any dispositive motions. 3. Clerk shall assign this matter to a Magistrate Judge. Signed by Judge William O. Bertelsman on 12/23/2020. (RCB)cc: COR and H. David Hicks by US Mail (Entered: 12/23/2020)
12/23/2020		***FILE SUBMITTED TO CHAMBERS of Judge Atkins for review: <u>5</u> Order Referring Case to Magistrate Judge (RCB) (Entered: 12/23/2020)
12/31/2020	<u>7</u>	MOTION for Leave to File Electronically by H. David Hicks. Motions referred to Edward B. Atkins. (Attachments: # <u>1</u> Proposed Order)(Hicks, Henry) Modified event & text on 1/4/2021 (TDA). (Entered: 12/31/2020)
12/31/2020	<u>8</u>	PROPOSED SUMMONSES by H. David Hicks (Attachments: # <u>1</u> Summons, # <u>2</u> Summons)(Hicks, Henry) Modified text on 1/4/2021 (TDA). (Entered: 12/31/2020)
12/31/2020	<u>9</u>	Summons Issued as to Commissioner of SSA, U.S. Attorney and U.S. Attorney General. <u>Summons issued and returned electronically to counsel</u> . (TDA) (Entered: 01/04/2021)
01/07/2021	<u>10</u>	ORDER: Plaintiff's motion (R. <u>7</u>) is GRANTED and he shall be permitted to file electronically. Signed by Magistrate Judge Edward B. Atkins on 1/7/2021. (TDA) cc: COR (Entered: 01/07/2021)
02/08/2021	<u>11</u>	SUMMONS Returned Executed by H. David Hicks via Certified Mail to All Defendants. Service to Commissioner executed via Certified Mail on 1/20/2021; Service to U.S. Attorney executed via Certified Mail on 1/11/21; Service to U.S. Attorney General executed via Certified Mail on 1/21/21. (Hicks, Henry) Modified text on 2/9/2021 (RCB). (Entered: 02/08/2021)
02/10/2021	<u>12</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by Commissioner of SSA Motions referred to Edward B. Atkins. (Attachments: # <u>1</u> Proposed Order)(Melloan, Kyle) (Entered: 02/10/2021)
02/11/2021	<u>13</u>	ORDER re <u>16</u> : Pla shall file any response to Dfts motion (R. <u>12</u>) no later than Tuesday, February 16, 2021. Signed by Magistrate Judge Edward B. Atkins on 2/11/2021. (TDA) cc: COR (Entered: 02/11/2021)
02/18/2021		***MOTION SUBMITTED TO CHAMBERS of Judge Atkins for review: re <u>12</u> MOTION for Extension of Time to File Answer re <u>1</u> Complaint; no response filed as ordered <u>13</u> . (TDA) (Entered: 02/18/2021)
02/18/2021	<u>14</u>	ORDER re <u>12</u> : Court GRANTS dft an extension of time to answer or respond to Plas Complaint, until and including March 12, 2021. Signed by Magistrate Judge Edward B. Atkins on 2/18/2021. (TDA) cc: COR (Entered: 02/18/2021)
03/12/2021	<u>15</u>	MOTION to Dismiss by Commissioner of SSA , MOTION for More Definite Statement by Commissioner of SSA (Responses due by 3/26/2021)Motions referred to Edward B. Atkins. (Attachments: # <u>1</u> Proposed Order)(Melloan, Kyle) (Entered: 03/12/2021)
04/07/2021		***MOTION SUBMITTED TO CHAMBERS of Judge Bertelsman for review: re <u>15</u> MOTION to Dismiss or, in the alternative, MOTION for More Definite Statement by Commissioner of SSA. (TDA) (Entered: 04/07/2021)
08/23/2021	<u>16</u>	ORDER re <u>15</u> : <u>TELEPHONE CONFERENCE</u> set for <u>August 30, 2021 at 2:00 p.m.</u> . The call will originate from Pikeville and will be ON THE RECORD. Counsel shall access conference by calling AT&T Teleconferencing, enter access code; and when requested, entering the security code. Signed by Magistrate Judge Edward B. Atkins

		on 8/23/2021. (TDA) cc: COR (Entered: 08/23/2021)
08/30/2021	<u>17</u>	MINUTE ENTRY ORDER FOR TELEPHONE CONFERENCE: proceedings held on 8/30/2021 before Magistrate Judge Edward B. Atkins; 1. Plas counsel advises Court he has no opposition to Dfts Motion to Dismiss or, in the alternative, Motion for A More Definite (R. <u>15</u>). 2. The undersigned will recommend Dfts motion to dismiss (R. <u>15</u>) be granted. A separate recommendation shall follow. The parties were advised of right to object to the recommendation and advised that to expedite matter they may file notice that they do not object. Signed by Magistrate Judge Edward B. Atkins. (Tape #KYED-PIK__7-20-cv-157_20210830_140048) (TDA) cc: COR (Entered: 08/31/2021)
08/31/2021	<u>18</u>	RECOMMENDED DISPOSITION: matter before undersigned for a telephone conference call on August 30, 2021 to discuss Dfts motion to dismiss, or in the alternative, for a more definite statement, (R. <u>15</u>), as Pla filed no response. IT IS RECOMMENDED that the motion to dismiss (R. <u>15</u>) be GRANTED, and action be dismissed with prejudice. Objections must be filed w/in 14 days of date of service. A party may respond to another party's objections w/in 14 days of being served. Signed by Magistrate Judge Edward B. Atkins on 8/31/2021. (TDA) cc: COR (Entered: 08/31/2021)
08/31/2021	<u>19</u>	RESPONSE to Motion re <u>15</u> MOTION to Dismiss by Commissioner of SSA MOTION for More Definite Statement by Commissioner of SSA filed by H. David Hicks. (Hicks, Henry) (Entered: 08/31/2021)
08/31/2021	<u>20</u>	NOTICE by Commissioner of SSA re <u>18</u> REPORT AND RECOMMENDATIONS re <u>15</u> MOTION to Dismiss by Commissioner of SSA MOTION for More Definite Statement by Commissioner of SSA filed by Commissioner of SSA (Melloan, Kyle) (Entered: 08/31/2021)
08/31/2021		***MOTION SUBMITTED TO CHAMBERS of Judge Bertelsman for review: re <u>18</u> REPORT AND RECOMMENDATIONS re <u>15</u> MOTION to Dismiss. (TDA) (Entered: 08/31/2021)
01/19/2022	<u>21</u>	ORDER: Court adopts the Report and Recommendation (Doc. <u>18</u>) and that Defendant's unopposed motion to dismiss (Doc. <u>15</u>) be, and hereby is GRANTED . A separate Judgment shall enter herewith. Signed by Judge William O. Bertelsman on 1/19/2022. (TDA) cc: COR (Entered: 01/19/2022)
01/19/2022	<u>22</u>	JUDGMENT: 1) Defendant Commissioner of SSA's unopposed motion to dismiss (Doc. <u>15</u>) is GRANTED ; 2) This action is DISMISSED and STRICKEN from the Court's active docket. Signed by Judge William O. Bertelsman on 1/19/2022. (TDA) cc: COR (Entered: 01/19/2022)