

U.S. District Court
United States District Court – District of New Mexico (Las Cruces)
CIVIL DOCKET FOR CASE #: 2:21-cv-00743-GJF-KRS

John D. Wheeler & Associates v. Defense Health Agency
Assigned to: Magistrate Judge Gregory J. Fouratt
Referred to: Magistrate Judge Kevin R. Sweazea
Cause: 05:552 Freedom of Information Act

Date Filed: 08/09/2021
Date Terminated: 03/04/2022
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

John D. Wheeler & Associates
a Professional Corporation

represented by **John D. Wheeler**
John D Wheeler & Associates PC
P O 1810
500 Tenth St. #305
Alamogordo, NM 88311-1810
575-437-5750
Fax: 575-437-3557
Email: jdw@jdw-law.com
ATTORNEY TO BE NOTICED

V.

Defendant

Defense Health Agency

represented by **Manuel Lucero**
US Attorney's Office
District of New Mexico
PO Box 607
Albuquerque, NM 87103
(505) 346-7274
Email: manny.lucero@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/09/2021	<u>1</u>	COMPLAINT for Injunctive Relief against Defense Health Agency (Filing Fee – Online Payment), filed by John D. Wheeler & Associates. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2)(Wheeler, John) (Entered: 08/09/2021)
08/09/2021		Filing and Administrative Fees Received: \$ 402 receipt number ANMDC-7827999 re <u>1</u> Complaint filed by John D. Wheeler & Associates (Payment made via Pay.gov)(Wheeler, John) (Entered: 08/09/2021)
08/09/2021		United States Magistrate Judge Gregory J. Fouratt and United States Magistrate Judge Kevin R. Sweazea assigned. (arp) (Entered: 08/09/2021)
08/09/2021	2	PLEASE TAKE NOTICE that this case has been randomly assigned to United States Magistrate Judge Gregory J. Fouratt 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. It is the responsibility of the case filer to serve a copy of this Notice upon all parties with the summons and complaint. 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. For e-filers, visit our Web site at www.nmd.uscourts.gov for more information and instructions. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (arp) (Entered: 08/09/2021)

08/10/2021		Summons Issued as to Defense Health Agency. (arp) (Entered: 08/10/2021)
10/19/2021	<u>3</u>	ANSWER to <u>1</u> Complaint by Defense Health Agency. Related document: <u>1</u> Complaint filed by John D. Wheeler & Associates.(Lucero, Manuel) (Entered: 10/19/2021)
11/12/2021	<u>4</u>	INITIAL SCHEDULING ORDER: by Magistrate Judge Kevin R. Sweazea. Joint Status Report due by January 4, 2022. Telephonic Scheduling Conference set for January 12, 2022 at 09:30 AM. 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 December 3, 2021. (atc) (Entered: 11/12/2021)
11/15/2021	<u>5</u>	NOTICE OF CONSENT SUBMISSION DEADLINE: Pursuant to Fed. R. Civ. P. 73(b)(2), the parties are reminded that a magistrate judge was assigned as the trial judge in this matter under 28 U.S.C. 636(c). The parties are advised that the Clerk will reassign this matter to a district judge as the trial judge no later than 1/4/2022 unless consents from all parties have been filed. The parties are free to withhold consent. <i>If you have already entered your consent, you need not resubmit.</i> (nmh) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 11/15/2021)
11/30/2021	<u>6</u>	CONSENT TO PROCEED Before a U.S. Magistrate Judge. Under 28 U.S.C. 636(c) and Fed.R.Civ.P. 73(b), Defense Health Agency voluntarily consent(s) to have United States Magistrate Judge Gregory J. Fouratt conduct dispositive proceedings in this matter, including motions and trial, and order the entry of final judgment. (Lucero, Manuel) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 11/30/2021)
12/23/2021	<u>7</u>	CONSENT TO PROCEED Before a U.S. Magistrate Judge. Under 28 U.S.C. 636(c) and Fed.R.Civ.P. 73(b), John D. Wheeler & Associates voluntarily consent(s) to have United States Magistrate Judge Gregory J. Fouratt conduct dispositive proceedings in this matter, including motions and trial, and order the entry of final judgment. (Wheeler, John) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 12/23/2021)
12/23/2021	<u>8</u>	NOTICE OF RULE 73 CONSENT Received by All Parties. Related documents: <u>6</u> Consent to Proceed Before a U.S. Magistrate Judge, filed by Defense Health Agency, <u>7</u> Consent to Proceed Before a U.S. Magistrate Judge, filed by John D. Wheeler & Associates. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (cfa) (Entered: 12/23/2021)
01/05/2022	<u>9</u>	Joint Status Report by John D. Wheeler & Associates (Wheeler, John) (Entered: 01/05/2022)
01/12/2022	<u>10</u>	Clerk's Minutes for proceedings held before Magistrate Judge Kevin R. Sweazea: Scheduling Conference held on 1/12/2022. (atc) (Entered: 01/12/2022)
01/12/2022	<u>11</u>	ORDER ADOPTING JOINT STATUS REPORT by Magistrate Judge Kevin R. Sweazea. (atc) (Entered: 01/12/2022)
01/12/2022	<u>12</u>	SCHEDULING ORDER by Magistrate Judge Kevin R. Sweazea. Deadline for Defendant to produce responsive documents and Vaughn index: January 31, 2022. Dispositive Motions Due May 2, 2022. Responses Due June 1, 2022. Replies Due June 15, 2022. (atc) (Entered: 01/12/2022)
03/03/2022	<u>13</u>	NOTICE of Voluntary Dismissal of Case <u>1</u> Complaint by Defense Health Agency (Lucero, Manuel) (Entered: 03/03/2022)