

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-00782-TJK**

BEGAY v. NATIONAL ARCHIVES AND RECORD
ADMINISTRATION
Assigned to: Judge Timothy J. Kelly
Cause: 05:552 Freedom of Information Act

Date Filed: 03/22/2021
Jury Demand: Defendant
Nature of Suit: 550 Prisoner Petition: Civil
Rights (Other)
Jurisdiction: U.S. Government Defendant

Plaintiff**IVAN RAY BEGAY**

represented by **IVAN RAY BEGAY**
48898-008
WA RRC FLAGSTAFF
1120 W. Kaibab Ln.
Flagstaff, AZ 86001
PRO SE

V.

Defendant

**NATIONAL ARCHIVES AND
RECORD ADMINISTRATION
OGIS**

represented by **Michael A. Tilghman , II**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7113
Email: michael.tilghman@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/22/2021		Initiating Pleading & IFP Application Received on 3/22/2021. A copy of the docket sheet has been mailed to the address of record for the pro se party. (adh,) (Entered: 03/25/2021)
03/22/2021	<u>1</u>	COMPLAINT against NATIONAL ARCHIVES AND RECORD ADMINISTRATION with Jury Demand filed by IVAN RAY BEGAY. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(adh,) (Entered: 03/25/2021)
03/22/2021	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by IVAN RAY BEGAY. (adh,) (Entered: 03/25/2021)
03/25/2021	<u>3</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by IVAN RAY BEGAY (adh,) (Entered: 03/25/2021)
05/04/2021	<u>4</u>	ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis Signed by Judge Timothy J. Kelly on 5/4/2021. (adh,) (Entered: 05/04/2021)
05/04/2021		Case Assigned to Judge Timothy J. Kelly. (adh,) (Entered: 05/04/2021)
05/05/2021	<u>5</u>	SUMMONS (3) Issued as to NATIONAL ARCHIVES AND RECORD ADMINISTRATION, U.S. Attorney and U.S. Attorney General, sent to U.S Marshall Service. (adh,) (Entered: 05/05/2021)
05/21/2021	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL ARCHIVES AND RECORD ADMINISTRATION served on 5/19/2021. (ztth) (Entered: 05/25/2021)
05/26/2021	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General

		05/21/2021., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/21/2021. (Answer due for ALL FEDERAL DEFENDANTS by 7/20/2021.) (zjf) . (Entered: 05/28/2021)
06/01/2021		Partial Filing Fee Received from Ivan Begay in the amount of \$73.94, receipt number: 4616105635. (fb) (Entered: 06/01/2021)
06/21/2021	<u>8</u>	NOTICE of Appearance by Michael A. Tilghman on behalf of NATIONAL ARCHIVES AND RECORD ADMINISTRATION (Tilghman, Michael) (Entered: 06/21/2021)
06/21/2021	<u>9</u>	MOTION to Dismiss , <i>in Part, and to Strike Jury Demand</i> by NATIONAL ARCHIVES AND RECORD ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Tilghman, Michael). Added MOTION to Strike on 6/22/2021 (zthh). (Entered: 06/21/2021)
06/21/2021	<u>10</u>	ANSWER to <u>1</u> Complaint by NATIONAL ARCHIVES AND RECORD ADMINISTRATION.(Tilghman, Michael) (Entered: 06/21/2021)
06/28/2021	<u>11</u>	ORDER advising Plaintiff to respond to Defendant's <u>9</u> Partial Motion to Dismiss and to Strike Jury Demand by July 28, 2021, or the Court may treat the Motion as conceded or otherwise dismiss claims in this matter. See Order for further details. Signed by Judge Timothy J. Kelly on 6/28/2021. (psu3) (Entered: 06/28/2021)
06/28/2021		Set/Reset Deadlines: Plaintiff's Response due by 7/28/2021. (zkh) (Entered: 06/28/2021)
07/15/2021	<u>12</u>	RESPONSE re <u>9</u> MOTION to Dismiss , <i>in Part, and to Strike Jury Demand</i> MOTION to Strike filed by IVAN RAY BEGAY. (zthh) (Entered: 07/22/2021)
07/23/2021		MINUTE ORDER: Upon review of Plaintiff's Opposition <u>12</u> to Defendant's Partial Motion to Dismiss and to Strike Jury Demand <u>9</u> , the Clerk of Court is hereby directed to mail courtesy copies of the Opposition, ECF No. 12, to both Plaintiff and Defendant at their respective addresses of record. Defendant shall file a Reply, if any, by August 12, 2021. SO ORDERED. Signed by Judge Timothy J. Kelly on 7/23/2021. (psu3) (Entered: 07/23/2021)
07/23/2021		Set/Reset Deadlines: Defendant Reply due by 8/12/2021. (zcal) (Entered: 07/27/2021)
08/12/2021	<u>13</u>	REPLY to opposition to motion re <u>9</u> MOTION to Dismiss , <i>in Part, and to Strike Jury Demand</i> MOTION to Strike filed by NATIONAL ARCHIVES AND RECORD ADMINISTRATION. (Tilghman, Michael) (Entered: 08/12/2021)
10/06/2021	<u>14</u>	MEMORANDUM ORDER granting in part and denying in part Defendant's <u>9</u> Motion to Dismiss. See Order for details. Signed by Judge Timothy J. Kelly on 10/06/2021. (lctjk3) (Entered: 10/06/2021)
10/14/2021		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall each file a proposed schedule for briefing or disclosure by November 19, 2021. Signed by Judge Timothy J. Kelly on 10/14/2021. (lctjk3) (Entered: 10/14/2021)
11/19/2021	<u>16</u>	STATUS REPORT by NATIONAL ARCHIVES AND RECORD ADMINISTRATION. (Tilghman, Michael) (Entered: 11/19/2021)
11/23/2021		MINUTE ORDER: Upon consideration of the parties' <u>15</u> <u>16</u> filings, it is hereby ORDERED that the following schedule shall govern further proceedings: Defendant shall file its Motion for Summary Judgment by December 16, 2021; Plaintiff shall file his Opposition and any Cross-Motion for Summary Judgment by January 18, 2022; Defendant shall file its Reply and Opposition by February 8, 2022; and Plaintiff shall file his Reply by March 10, 2022. The Court also notes that based on his <u>15</u> filing, Plaintiff now appears to reside in Flagstaff, Arizona. Plaintiff is reminded that Local Civil Rule 5.1(c)(1) requires him to file a Notice of Change of Address with the Clerks Office within 14 days of an address change. The Clerks Office is directed to mail a copy of this order both to Plaintiff's address of record, as well as the Flagstaff, Arizona address reflected in his <u>15</u> filing. Signed by Judge Timothy J. Kelly on 11/23/2021. (lctjk3) (Entered: 11/23/2021)

11/23/2021		Set/Reset Deadlines: Cross Motions due by 1/18/2022. Response to Cross Motions due by 2/8/2022. Reply to Cross Motions due by 3/10/2022. (zcal) (Entered: 11/24/2021)
12/10/2021	<u>17</u>	NOTICE of Change of Address by IVAN RAY BEGAY. (zthh) (Entered: 12/14/2021)
12/16/2021	<u>18</u>	MOTION for Summary Judgment by NATIONAL ARCHIVES AND RECORD ADMINISTRATION. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Defendant's Statement of Undisputed Material Facts, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Text of Proposed Order)(Tilghman, Michael); Modified Date Filed on 12/17/2021; ECF experienced technical difficulties (zthh). (Entered: 12/17/2021)
12/21/2021	<u>19</u>	Order advising Plaintiff to respond by January 18, 2022, to Defendant's <u>18</u> Motion for Summary Judgment or risk dismissal of the case. See Order for details. Signed by Judge Timothy J. Kelly on 12/21/2021. (lctjk3) (Entered: 12/21/2021)
03/01/2022		MINUTE ORDER: Under Local Civil Rule 7(b), if a memorandum in opposition is not filed within 14 days of the filing of a motion, "the Court may treat the motion as conceded." Defendant filed its <u>18</u> Motion for Summary Judgment on December 16, 2021. The Court entered a <u>19</u> <i>Fox/Neal</i> Order on December 21, 2021, advising the Plaintiff to respond by January 18, 2022, or risk the Court treating the motion as conceded. A copy of that order was sent to Plaintiff's address of record. Accordingly, it is hereby ORDERED that by March 28, 2022, Plaintiff shall show cause why the Court should not treat the Defendant's <u>18</u> Motion as conceded. Signed by Judge Timothy J. Kelly on 3/1/2022. (lctjk3) (Entered: 03/01/2022)
03/21/2022	<u>20</u>	MOTION to Dismiss by IVAN RAY BEGAY. "Leave to file GRANTED" by Judge Timothy J. Kelly on 3/21/2022. (zthh) (Entered: 03/21/2022)
03/22/2022		MINUTE ORDER granting Plaintiff's <u>20</u> Motion for Voluntary Dismissal and denying as moot Defendant's <u>18</u> Motion for Summary Judgment. Upon consideration of Plaintiff's <u>20</u> Motion for Voluntary Dismissal, it is hereby ORDERED that the case is DISMISSED pursuant to Fed. R. Civ. P. 41(a)(2). It is further ORDERED that Defendant's <u>18</u> Motion for Summary Judgment is DENIED AS MOOT. The Clerk's Office is directed to close the case. Signed by Judge Timothy J. Kelly on 3/22/2022. (lctjk3) (Entered: 03/22/2022)