

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:20-cv-03672-ABJ**

SANDERS v. FEDERAL BUREAU OF INVESTIGATION
Assigned to: Judge Amy Berman Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 12/14/2020
Date Terminated: 03/25/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff

ZACKARY ELLIS SANDERS

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V.

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**

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Date Filed	#	Docket Text
12/14/2020	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF INVESTIGATION (Filing fee \$ 402 receipt number BDCDC-7957168) filed by ZACKARY ELLIS SANDERS. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons FBI, # <u>5</u> Summons Attorney General, # <u>6</u> Summons U.S. Attorney)(Anderson, Norman) (Entered: 12/14/2020)
12/15/2020		NOTICE OF ERROR re <u>1</u> Complaint; emailed to nanderson@kaiserdillon.com, cc'd 0 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect coversheet. Please use the cover sheet at https://www.dcd.uscourts.gov/new-case-forms & file using the event Civil Cover Sheet. (adh,) (Entered: 12/15/2020)
12/15/2020	<u>2</u>	CIVIL COVER SHEET by ZACKARY ELLIS SANDERS filed by ZACKARY ELLIS SANDERS.(Anderson, Norman) (Main Document 2 replaced on 12/16/2020) (rj). Modified on 12/16/2020 to flatten pdf (rj). (Entered: 12/15/2020)
12/15/2020		Case Assigned to Judge Amy Berman Jackson. (adh,) (Entered: 12/15/2020)
12/16/2020	<u>3</u>	SUMMONS (3) Issued Electronically as to FEDERAL BUREAU OF INVESTIGATION, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh,) (Entered: 12/16/2020)
01/07/2021	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/4/2021. Answer due for ALL FEDERAL DEFENDANTS by 2/3/2021. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit)(Anderson, Norman) (Entered: 01/07/2021)
01/07/2021	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 1/4/2021. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit)(Anderson, Norman) (Entered: 01/07/2021)
01/07/2021	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 1/4/2021 (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit)(Anderson, Norman) (Entered: 01/07/2021)
01/20/2021	<u>7</u>	NOTICE of Appearance by Jade Chong-Smith on behalf of All Plaintiffs (Chong-Smith, Jade) (Main Document 7 replaced on 1/20/2021) (zjf). (Entered: 01/20/2021)
01/20/2021	<u>8</u>	MOTION Partially Seal Complaint and Exhibit A re <u>1</u> Complaint, by ZACKARY ELLIS SANDERS. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3)(Anderson, Norman) Modified event on 1/22/2021 (znmw). (Entered: 01/20/2021)
01/22/2021		MINUTE ORDER. Upon consideration of plaintiff's <u>8</u> Motion to Partially Seal Complaint and Exhibit A, it is ORDERED that the motion is GRANTED. It is FURTHER ORDERED that the Clerk is directed to place under seal the Complaint <u>1</u> and Exhibit A thereto [1-1]. It is FURTHER ORDERED that the Clerk is directed to file on the public docket the redacted version of plaintiff's Complaint [8-2] and Exhibit A thereto [8-3]. Signed by Judge Amy Berman Jackson on 1/22/21. (lcabj2) (Entered: 01/22/2021)
01/22/2021	<u>9</u>	REDACTED COMPLAINT against FEDERAL BUREAU OF INVESTIGATION filed by ZACKARY ELLIS SANDERS. (Attachments: # <u>1</u> Exhibit A (Redacted))(zjf) (Entered: 01/25/2021)

02/03/2021	<u>10</u>	ANSWER to Complaint by FEDERAL BUREAU OF INVESTIGATION.(Tilghman, Michael) (Entered: 02/03/2021)
02/04/2021	<u>11</u>	ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendant shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff on or before March 4, 2021. Signed by Judge Amy Berman Jackson on 2/4/21. (lcabj2) (Entered: 02/04/2021)
02/23/2021	<u>12</u>	MOTION for Extension of Time to <i>File Dispositive Motion</i> by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Declaration of Michael G. Seidel, # <u>2</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 02/23/2021)
02/25/2021	<u>13</u>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by ZACKARY ELLIS SANDERS (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Exhibit Under seal version of opposition)(Chong-Smith, Jade) (Entered: 02/25/2021)
02/25/2021	<u>14</u>	Memorandum in opposition to re: <u>12</u> MOTION for Extension of Time to <i>File Dispositive Motion</i> filed by ZACKARY ELLIS SANDERS. (Chong-Smith, Jade) Modified on 2/26/2021 (zjth). (Entered: 02/25/2021)
02/25/2021		MINUTE ORDER granting plaintiff's <u>13</u> sealed motion for leave to file document under seal. The Clerk of Court is direct to file [13-1] under seal. Signed by Judge Amy Berman Jackson on 2/25/21. (lcabj2) (Entered: 02/25/2021)
02/25/2021		MINUTE ORDER. After consideration of the <u>12</u> motion and the <u>14</u> opposition, defendant's <u>12</u> motion for extension of time will be granted. There are a lot of FOIA cases pending in this courthouse. This one has not been pending for very long, the length of the requested extension is reasonable, and plaintiff has not specified any ways in which he or the public will be prejudiced by the additional time. Plaintiff points out that the declaration attached to the motion, which talks about COVID-related reductions in staffing at the FBI and the resulting delays in searching for and processing records, does not seem to have much to do with the time it would take counsel to brief the legality of a Glomar response. But the motion asserts that staff members within the Records Information Dissemination Section will be assisting in the preparation of supporting materials, and there may well be declarations that are required. So the fact of their reduced schedule is relevant. Finally, plaintiff suggests that the Court should deny the extension based on his view of the merits of defendant's Glomar response, but without the benefit of the full briefing we are trying to schedule, the Court cannot reach any conclusion about that. This is not a motion for preliminary injunctive relief or a motion for leave to amend a pleading where some advance consideration of the merits is warranted; the likely strength of the pleading for which an extension is sought is not an appropriate factor to consider when ruling on a simply motion for extra time. It is ORDERED that defendant's dispositive motion must be filed by April 5, 2021. Signed by Judge Amy Berman Jackson on 2/25/21. (lcabj2) (Entered: 02/25/2021)
03/02/2021	<u>16</u>	NOTICE of Appearance by Mark Steven Zaid on behalf of ZACKARY ELLIS SANDERS (Zaid, Mark) (Entered: 03/02/2021)
04/05/2021	<u>17</u>	MOTION for Leave to Provide Unredacted Declaration for Ex Parte, In Camera Review by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 04/05/2021)
04/05/2021	<u>18</u>	MOTION for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Defendant's Statement of Undisputed Material Facts, # <u>3</u> Declaration of Joseph E. Bender, Jr., # <u>4</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 04/05/2021)
04/05/2021	<u>19</u>	ERRATA by FEDERAL BUREAU OF INVESTIGATION re <u>18</u> MOTION for Summary Judgment filed by FEDERAL BUREAU OF INVESTIGATION. (Tilghman, Michael) (Entered: 04/05/2021)
04/06/2021		MINUTE ORDER granting defendant's <u>17</u> motion. It is ORDERED that defendant provide the Court with the unredacted version of the Bender declaration [18-3] for ex parte, in camera review. Signed by Judge Amy Berman Jackson on 4/6/21. (lcabj2)

		(Entered: 04/06/2021)
04/09/2021	<u>20</u>	NOTICE of <i>In Camera Submission</i> by FEDERAL BUREAU OF INVESTIGATION (Tilghman, Michael) (Entered: 04/09/2021)
04/19/2021	<u>21</u>	Memorandum in opposition to re <u>18</u> MOTION for Summary Judgment filed by ZACKARY ELLIS SANDERS. (Attachments: # <u>1</u> Exhibit 1 – EDVA Public Decision, # <u>2</u> Declaration Rule 56(f) Declaration, # <u>3</u> Statement of Facts Rule 7(h) Statement, # <u>4</u> Text of Proposed Order)(Zaid, Mark) (Entered: 04/19/2021)
04/22/2021	<u>22</u>	MOTION for Extension of Time to <i>File Reply Brief</i> by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 04/22/2021)
04/26/2021		MINUTE ORDER granting defendant's <u>22</u> motion for extension of time. It is ORDERED that defendant's reply is due by May 5, 2021. Signed by Judge Amy Berman Jackson on 4/26/21. (lcabj2) (Entered: 04/26/2021)
05/05/2021	<u>23</u>	REPLY to opposition to motion re <u>18</u> MOTION for Summary Judgment filed by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Declaration of Michael G. Seidel)(Tilghman, Michael) (Entered: 05/05/2021)
05/07/2021	<u>24</u>	NOTICE of Appearance by Bradley Prescott Moss on behalf of ZACKARY ELLIS SANDERS (Moss, Bradley) (Entered: 05/07/2021)
06/07/2021	<u>25</u>	MOTION for Leave to Appear In Camera In Chambers by ZACKARY ELLIS SANDERS. (Attachments: # <u>1</u> Text of Proposed Order)(Zaid, Mark) (Entered: 06/07/2021)
06/08/2021		MINUTE ORDER. It is ORDERED that plaintiff's <u>25</u> motion for leave to appear is DENIED WITHOUT PREJUDICE; the government is permitted to submit ex parte declarations under certain circumstances in FOIA cases. If the Court determines that the showing made by the government in this case is inadequate, or that it is necessary or appropriate to reveal the information to plaintiff, it will determine what procedure to follow at that time. Signed by Judge Amy Berman Jackson on 6/8/21. (lcabj2) (Entered: 06/08/2021)
06/08/2021	<u>26</u>	MOTION for Reconsideration re Order on Motion for Leave to Appear, by ZACKARY ELLIS SANDERS. (Attachments: # <u>1</u> Text of Proposed Order)(Zaid, Mark) (Entered: 06/08/2021)
06/15/2021		MINUTE ORDER denying plaintiff's <u>26</u> motion for reconsideration. The Court does not conduct off the record "chamber meetings." If plaintiff has information to convey to the Court that should not be publicly revealed, plaintiff may review Local Rule of Civil Procedure 5.1(h) for the procedure governing motions for leave to file under seal. Signed by Judge Amy Berman Jackson on 6/15/21. (lcabj2) (Entered: 06/15/2021)
03/25/2022	<u>27</u>	ORDER. For the reasons stated in the accompanying Memorandum Opinion, defendant's motion for summary judgment <u>18</u> is GRANTED. Signed by Judge Amy Berman Jackson on 03/25/2022. (lcabj2) (Entered: 03/25/2022)
03/25/2022	<u>28</u>	MEMORANDUM OPINION. Signed by Judge Amy Berman Jackson on 03/25/2022. (lcabj2) (Entered: 03/25/2022)