

**U.S. District Court
 District of Columbia (Washington, DC)
 CIVIL DOCKET FOR CASE #: 1:20-cv-01651-RDM**

AKEL v. UNITED STATES DEPARTMENT OF JUSTICE
 Assigned to: Judge Randolph D. Moss
 Case: 1:20-cv-03240-RDM
 Cause: 05:552 Freedom of Information Act

Date Filed: 07/01/2020
 Date Terminated: 05/10/2022
 Jury Demand: None
 Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)
 Jurisdiction: U.S. Government Defendant

Plaintiff

ANTONIO U. AKEL

represented by **ANTONIO U. AKEL**
 #06899-017
 U.S.P Big Sandy
 P.O. Box 2068
 Inez, KY 41224
 PRO SE

V.

Defendant

**UNITED STATES DEPARTMENT
 OF JUSTICE**
O.P.R

represented by **Stephen DeGenaro**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-7229
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Benton Gregory Peterson
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
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TERMINATED: 04/19/2021

Date Filed	#	Docket Text
07/01/2020		Initiating Pleading & IFP Application Received on 7/1/2020. A copy of the docket sheet has been mailed to the address of record for the pro se party. (adh,) (Entered: 07/07/2020)
07/01/2020	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF JUSTICE filed by ANTONIO U. AKEL. (Attachment: # <u>1</u> Exhibit, # <u>2</u> Summons)(adh,) (Entered: 07/07/2020)
07/01/2020	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by ANTONIO U. AKEL (adh,) (Entered: 07/07/2020)
07/01/2020	<u>3</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by ANTONIO U. AKEL (adh,) (Entered: 07/07/2020)
07/07/2020	<u>4</u>	ORDER directing an initial partial filing fee in the amount of \$39.16 from Prison Account of ANTONIO U. AKEL 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 7/7/2020. (adh,) (Entered: 07/08/2020)
07/08/2020		Case Assigned to Judge Randolph D. Moss. (adh,) (Entered: 07/08/2020)
07/08/2020	<u>5</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the Standing Order. See document for details. Signed by Judge Randolph D. Moss on 7/8/2020. (lcrdm1) (Entered: 07/08/2020)
07/13/2020	<u>6</u>	PRISONER ACCOUNT STATEMENT for period of six months by ANTONIO U. AKEL (ztd) (Additional attachment(s) added on 7/14/2020: # <u>1</u> Statement) (ztd). (Entered: 07/14/2020)
11/03/2020	<u>7</u>	SUMMONS (3) Issued as to UNITED STATES DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General, sent to U.S Marshall service. (adh,) (Entered: 11/03/2020)
11/03/2020	<u>9</u>	MOTION for Entry of Default by ANTONIO U. AKEL (ztd); ("Leave to file Granted" signed 11/3/2020 by Judge Randolph D. Moss filed as motion for entry of default per Chambers.) (Entered: 11/23/2020)
11/10/2020	<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 11/4/2020. (ztd) (Entered: 11/12/2020)
11/24/2020		MINUTE ORDER: Upon consideration of Plaintiff's motion for entry of default, Dkt. <u>9</u> , it is hereby ORDERED that the motion is DENIED. According to Dkt. <u>8</u> , Defendant was served on November 4, 2020. Pursuant to Fed. R. Civ. P. 12(a)(2), Defendant has 60 days from the date of service to file a responsive pleading. If Defendant does not respond to the complaint on or before January 3, 2021, Plaintiff may renew his motion. Signed by Judge Randolph D. Moss on 11/24/2020. (lcrdm1) (Entered: 11/24/2020)
12/08/2020	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/8/2020. Answer due for ALL FEDERAL DEFENDANTS by 1/7/2021. (ztd) (Entered: 12/10/2020)
12/15/2020	<u>11</u>	NOTICE of Appearance by Benton Gregory Peterson on behalf of UNITED STATES DEPARTMENT OF JUSTICE (Peterson, Benton) (Entered: 12/15/2020)
01/07/2021	<u>12</u>	ANSWER to <u>1</u> Complaint by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Certificate of Service)(Peterson, Benton) (Entered: 01/07/2021)
01/11/2021		MINUTE ORDER: The parties are hereby ORDERED to file their proposals for next steps in this litigation on or before January 25, 2021. Signed by Judge Randolph D. Moss on 01/11/2021. (lcrdm1) (Entered: 01/11/2021)
01/14/2021	<u>13</u>	Renewed MOTION for Entry of Default by ANTONIO U. AKEL (ztd); ("Leave to file Granted" by Judge Randolph D. Moss) (Entered: 01/14/2021)
01/14/2021		MINUTE ORDER: Upon consideration of Plaintiff's renewed motion for entry of default, Dkt. <u>13</u> , it is hereby ORDERED that the motion is DENIED. The minute order filed on November 24, 2020 included the incorrect deadline for Defendant to answer. For cases like this one brought under the Freedom of Information Act, 5 U.S.C. § 552, the Defendant must answer "within thirty days after service upon the defendant." 5 U.S.C. § 552(a)(4)(C). Service upon the United States Attorney was effected on December 8, 2020, Dkt. <u>10</u> ; therefore, Defendant's responsive pleading to the complaint was due on or before January 7, 2021. Defendant filed an answer on January 7, 2021, Dkt. <u>12</u> . Thus, an entry of default is not merited, and the parties should submit their proposals for next steps in this litigation as required by the Court's minute order on January 11, 2021. Signed by Judge Randolph D. Moss on 01/14/2021. (lcrdm1) (Entered: 01/14/2021)
01/25/2021	<u>14</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Peterson, Benton) (Entered: 01/25/2021)

01/25/2021	<u>15</u>	MOTION for Briefing Schedule by UNITED STATES DEPARTMENT OF JUSTICE. (ztd); (See docket entry no. <u>14</u> to view) (Entered: 01/26/2021)
01/26/2021		MINUTE ORDER: Upon consideration of Defendant's status report, Dkt. <u>14</u> , and motion for briefing schedule, Dkt. <u>15</u> , it is hereby ORDERED that the motion is GRANTED. The parties shall adhere to the following briefing schedule. Defendant shall file a motion for summary judgment on or before April 26, 2021. Plaintiff shall file opposition and a cross-motion for summary judgment, if any, on or before May 26, 2021. Defendant shall file opposition and reply, if any, on or before June 16, 2021. Finally, Plaintiff shall file a reply, if any, on or before July 7, 2021. Signed by Judge Randolph D. Moss on 01/26/2021. (lcrdm1) (Entered: 01/26/2021)
02/16/2021	<u>16</u>	RESPONSE TO ORDER OF THE COURT re Order, Set Deadlines filed by ANTONIO U. AKEL. (ztd) (Entered: 02/25/2021)
04/19/2021	<u>17</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Stephen DeGenaro on behalf of UNITED STATES DEPARTMENT OF JUSTICE Substituting for attorney Benton Peterson (Attachments: # <u>1</u> Certificate of Service)(DeGenaro, Stephen) (Entered: 04/19/2021)
04/19/2021	<u>18</u>	MOTION to Vacate Order on Motion for Briefing Schedule,, Set/Reset Deadlines,, by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(DeGenaro, Stephen) (Entered: 04/19/2021)
04/19/2021		MINUTE ORDER: Upon consideration of Defendant's motion to vacate the briefing schedule and reset deadlines, Dkt. <u>18</u> , it is hereby ORDERED that the motion is GRANTED. The briefing schedule previously set by the Court on January 26, 2021 is VACATED. It is further ORDERED that Defendant shall file a status report on or before May 26, 2021. Signed by Judge Randolph D. Moss on 04/19/2021. (lcrdm1) (Entered: 04/19/2021)
05/26/2021	<u>19</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(DeGenaro, Stephen) (Entered: 05/26/2021)
05/26/2021		MINUTE ORDER: Upon consideration of Defendant's status report, Dkt. <u>19</u> , it is hereby ORDERED that Defendant shall file a further status report on or before July 23, 2021. Signed by Judge Randolph D. Moss on 05/26/2021. (lcrdm1) (Entered: 05/26/2021)
07/23/2021	<u>20</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(DeGenaro, Stephen) (Entered: 07/23/2021)
07/26/2021		MINUTE ORDER: Upon consideration of Defendant's status report, Dkt. <u>20</u> , it is hereby ORDERED that Defendant shall file a further status report on or before September 21, 2021. Signed by Judge Randolph D. Moss on 07/26/2021. (lcrdm1) (Entered: 07/26/2021)
09/21/2021	<u>21</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(DeGenaro, Stephen) (Entered: 09/21/2021)
09/22/2021		MINUTE ORDER: Upon consideration of Defendant's status report, Dkt. <u>21</u> , it is hereby ORDERED that Defendant shall file a further status report on or before November 19, 2021. Signed by Judge Randolph D. Moss on 09/22/2021. (lcrdm1) (Entered: 09/22/2021)
11/19/2021	<u>22</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(DeGenaro, Stephen) (Entered: 11/19/2021)
11/24/2021		MINUTE ORDER: Upon consideration of Defendant's status report, Dkt. <u>22</u> , it is hereby ORDERED that Plaintiff shall file a notice on or before January 11, 2022 that informs the Court and Defendant what, if anything, he intends to challenge regarding Defendant's search of records. It is further ORDERED that Defendant shall file a Status Report on or before January 18, 2022 recommending further action on this matter, should the circumstances require further proceedings. Signed by Judge

		Randolph D. Moss on 11/24/2021. (lcrdm1) (Entered: 11/24/2021)
01/07/2022	<u>23</u>	RESPONSE TO ORDER OF THE COURT re Minute Order filed by ANTONIO U. AKEL. (znmw) (Entered: 01/10/2022)
01/18/2022	<u>24</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(DeGenaro, Stephen) (Entered: 01/18/2022)
01/18/2022		MINUTE ORDER: Upon consideration of Defendant's status report, Dkt. <u>24</u> , it is hereby ORDERED that the parties shall adhere to the following briefing schedule: Defendant's motion for summary judgment shall be due on March 16, 2022. Plaintiff's combined cross motion for summary judgment and opposition to Defendant's motion for summary judgment shall be due on April 29, 2022. Defendant's combined opposition to Plaintiff's motion for summary judgment and reply in support of Defendant's motion for summary judgment shall be due on May 30, 2022. Plaintiff's reply in support of Plaintiff's motion for summary judgment shall be due on July 15, 2022. Signed by Judge Randolph D. Moss on 1/18/2022. (lcrdm1) (Entered: 01/18/2022)
03/16/2022	<u>25</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Exhibit 1 – Declaration of Carmen Smith Carter, # <u>4</u> Text of Proposed Order, # <u>5</u> Certificate of Service)(DeGenaro, Stephen) (Entered: 03/16/2022)
03/18/2022	<u>26</u>	FOX/NEAL ORDER: In light of Defendant's motion for summary judgment, Dkt. <u>25</u> , it is hereby ORDERED that Plaintiff shall file a response on or before April 29, 2022. See document for details. Signed by Judge Randolph D. Moss on 3/18/2022. (lcrdm1) (Entered: 03/18/2022)
05/05/2022	<u>27</u>	MOTION to Withdraw Suit by ANTONIO U. AKEL. (Attachments: # <u>1</u> Exhibits)(znmw) (Entered: 05/06/2022)
05/09/2022		MINUTE ORDER: Upon consideration of Defendant's motion to withdraw suit, Dkt. <u>27</u> , it is hereby ORDERED that the case is DISMISSED as moot in light of Plaintiff's representation that he is now satisfied with Defendant's response to his FOIA request. It is further ORDERED that Defendant's motion for summary judgment, Dkt. <u>25</u> , is DENIED as moot. The Clerk of Court is directed to terminate this case. Signed by Judge Randolph D. Moss on 5/9/2022. (lcrdm1) (Entered: 05/09/2022)