

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:20-cv-03761-TNM**

NEWMAN v. FEDERAL BUREAU OF PRISONS et al
Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 12/21/2020
Date Terminated: 05/13/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JOHN NEWMAN

represented by **Dan L. Hardway**
DAN HARDWAY LAW OFFICE
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ATTORNEY TO BE NOTICED

V.

Defendant

FEDERAL BUREAU OF PRISONS

represented by **Blake A. Weiner**
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TERMINATED: 05/02/2022
LEAD ATTORNEY

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TERMINATED: 07/31/2021
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ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES PAROLE
COMMISSION**

represented by **Blake A. Weiner**
(See above for address)
TERMINATED: 05/02/2022
LEAD ATTORNEY

Katherine Boyd Palmer–Ball
(See above for address)
TERMINATED: 07/31/2021
LEAD ATTORNEY

Marsha Wellknown Yee
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/29/2020	<u>1</u>	COMPLAINT against JOHN NEWMAN <i>Federal Bureau of Prisons & U.S. Parole Commission</i> (Filing fee \$ 402 receipt number ADCDC–8014082) filed by JOHN NEWMAN. (Attachments: # <u>1</u> Exhibit Complaint Exhibits, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons U.S. Attorney, # <u>4</u> Summons Bureau of Prisons, # <u>5</u> Summons U.S. Parole Commission, # <u>6</u> Summons U.S. Attorney General)(Hardway, Dan) (Attachment 2 replaced on 1/5/2021) (znmw). (Entered: 12/29/2020)
12/30/2020		NOTICE OF ERROR re <u>1</u> Complaint; emailed to dan@hardwaylaw.com, cc'd –1 associated attorneys — The PDF file you docketed contained errors: 1. No signature. Please file the signed document using the event Errata. All filings must have an original signature or '/s/ Attorney Name' to represent an electronic signature of the filer. (adh,) (Entered: 12/30/2020)
12/30/2020	<u>2</u>	ERRATA by JOHN NEWMAN. (Attachments: # <u>1</u> Errata Properly signed complaint, # <u>2</u> Civil Cover Sheet Properly signed complaint)(Hardway, Dan) (Attachment 2 replaced on 1/5/2021) (znmw). (Entered: 12/30/2020)
12/30/2020		Case Assigned to Judge Trevor N. McFadden. (adh,) (Entered: 12/30/2020)
12/30/2020	<u>3</u>	SUMMONS (4) Issued Electronically as to FEDERAL BUREAU OF PRISONS, UNITED STATES PAROLE COMMISSION, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(adh,) (Entered: 12/30/2020)
12/30/2020	<u>4</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 12/30/2020. (lctnm1) (Entered: 12/30/2020)
02/02/2021	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. All Defendants (Hardway, Dan) (Entered: 02/02/2021)
02/02/2021	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/22/2021. Answer due for ALL FEDERAL DEFENDANTS by 2/21/2021. (Hardway, Dan) (Entered: 02/02/2021)
02/02/2021	<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 01/22/2021. (Hardway, Dan) (Entered: 02/02/2021)
02/02/2021	<u>8</u>	NOTICE of Appearance by Katherine Boyd Palmer–Ball on behalf of All Defendants (Palmer–Ball, Katherine) (Entered: 02/02/2021)
02/02/2021	<u>9</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 1/22/2021., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/22/2021. (Answer due for ALL FEDERAL DEFENDANTS by 2/21/2021.) (View Docket Entry <u>5</u> to view document). (eg) Modified on 2/4/2021 (zeg). (Entered: 02/04/2021)
02/04/2021		NOTICE OF CORRECTED DOCKET ENTRY: re 9 Summons Returned Executed as to Federal Defendant,, Summons Returned Executed as to U.S. Attorney General,,

		Summons Returned Executed in FOIA as to U.S. Attorney,, was entered in error as duplicate docket entries. (eg) (Entered: 02/04/2021)
02/22/2021	<u>10</u>	ANSWER to Complaint by FEDERAL BUREAU OF PRISONS, UNITED STATES PAROLE COMMISSION.(Palmer-Ball, Katherine) (Entered: 02/22/2021)
02/23/2021		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. The parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before March 23, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/23/2021. (lctnm1) (Entered: 02/23/2021)
02/23/2021		Set/Reset Deadlines: Joint Status Report due by 3/23/2021. (hmc) (Entered: 02/23/2021)
03/22/2021	<u>11</u>	Joint STATUS REPORT by FEDERAL BUREAU OF PRISONS, UNITED STATES PAROLE COMMISSION. (Palmer-Ball, Katherine) (Entered: 03/22/2021)
03/22/2021		MINUTE ORDER. Upon consideration of the parties' <u>11</u> Joint Status Report, it is hereby ordered that on or before May 20, 2021, the parties shall file a further Joint Status Report proposing further proceedings in this matter, including a briefing schedule if required. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/22/2021. (lctnm1) (Entered: 03/22/2021)
03/23/2021		Set/Reset Deadlines: Joint Status Report due by 5/20/2021. (hmc) (Entered: 03/23/2021)
05/20/2021	<u>12</u>	Joint STATUS REPORT by FEDERAL BUREAU OF PRISONS, UNITED STATES PAROLE COMMISSION. (Palmer-Ball, Katherine) (Entered: 05/20/2021)
05/20/2021		MINUTE ORDER. Upon consideration of the parties' <u>12</u> Joint Status Report, it is hereby ordered that on or before June 21, 2021, the parties shall file a further Joint Status Report proposing further proceedings in this matter including briefing schedule, if required. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/20/2021. (lctnm1) (Entered: 05/20/2021)
05/20/2021		Set/Reset Deadlines: Joint Status Report due by 6/21/2021. (hmc) (Entered: 05/20/2021)
06/21/2021	<u>13</u>	Joint STATUS REPORT by FEDERAL BUREAU OF PRISONS, UNITED STATES PAROLE COMMISSION. (Palmer-Ball, Katherine) (Entered: 06/21/2021)
06/21/2021		MINUTE ORDER. Upon consideration of the parties' <u>13</u> Joint Status Report, it is hereby ordered that on or before July 21, 2021, the parties shall file a further Joint Status Report proposing further proceedings in this matter including briefing schedule, if required. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/21/2021. (lctnm1) (Entered: 06/21/2021)
06/21/2021		Set/Reset Deadlines: Joint Status Report due by 7/21/2021. (hmc) (Entered: 06/21/2021)
07/21/2021	<u>14</u>	Joint STATUS REPORT by FEDERAL BUREAU OF PRISONS, UNITED STATES PAROLE COMMISSION. (Palmer-Ball, Katherine) (Entered: 07/21/2021)
07/21/2021		MINUTE ORDER. Upon consideration of the parties' <u>14</u> Joint Status Report, it is hereby ordered that on or before August 19, 2021, the parties shall file a further Joint Status Report proposing further proceedings in this matter including briefing schedule, if required. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/21/2021. (lctnm1) (Entered: 07/21/2021)
07/22/2021		Set/Reset Deadlines: Joint Status Report due by 8/19/2021. (hmc) (Entered: 07/22/2021)

07/31/2021	<u>15</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Blake Weiner on behalf of All Defendants Substituting for attorney Palmer–Ball (Weiner, Blake) (Entered: 07/31/2021)
08/19/2021	<u>16</u>	Joint STATUS REPORT by FEDERAL BUREAU OF PRISONS, UNITED STATES PAROLE COMMISSION. (Weiner, Blake) (Entered: 08/19/2021)
08/19/2021		MINUTE ORDER. Upon consideration of the parties' <u>16</u> Joint Status Report, it is hereby ordered that the parties will adhere to the following briefing schedule. Defendants shall file their motion for summary judgment on or before September 20, 2021. Plaintiff shall file his combined opposition and cross–motion for summary judgment on or before October 20, 2021. Defendants shall file their combined opposition and reply on or before November 10, 2021. Plaintiff shall file his reply, if any, on or before December 1, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/19/2021 (lctnm1) (Entered: 08/19/2021)
08/19/2021		Set/Reset Deadlines: Summary Judgment motion due by 9/20/2021; cross–motion and opposition to motion for summary judgment due by 10/20/2021; opposition to cross–motion and reply to opposition to motion for summary judgment due by 11/10/2021; reply to opposition to cross–motion for summary judgment due by 12/1/2021. (ztg) (Entered: 08/19/2021)
09/17/2021	<u>17</u>	MOTION for Summary Judgment by FEDERAL BUREAU OF PRISONS, UNITED STATES PAROLE COMMISSION. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit A, # <u>6</u> Exhibit B, # <u>7</u> Exhibit C, # <u>8</u> Exhibit D, # <u>9</u> Exhibit E)(Weiner, Blake) (Entered: 09/17/2021)
10/11/2021	<u>18</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>17</u> MOTION for Summary Judgment by JOHN NEWMAN. (Hardway, Dan) (Entered: 10/11/2021)
10/13/2021	<u>19</u>	ERRATA by JOHN NEWMAN re <u>18</u> Consent MOTION for Extension of Time to File Response/Reply as to <u>17</u> MOTION for Summary Judgment filed by JOHN NEWMAN. (Hardway, Dan) (Entered: 10/13/2021)
10/13/2021		MINUTE ORDER granting Plaintiff's <u>18</u> Consent Motion for Extension of Time to File Response to <u>17</u> Defendants' Motion for Summary Judgment. Plaintiff's combined response and cross–motion for summary judgment shall now be filed on or before November 20, 2021. Defendants' combined opposition and reply shall now be filed on or before December 10, 2021. Plaintiff's reply shall now be filed on or before December 30, 2021. Signed by Judge Trevor N. McFadden on 10/13/21. (lctnm1) (Entered: 10/13/2021)
10/14/2021		Set/Reset Deadlines: Plaintiff's combined response and cross–motion for summary judgment due by 11/20/2021. Defendants' combined opposition and reply due by 12/10/2021. Plaintiff's reply due by 12/30/2021. (hmc) (Entered: 10/14/2021)
11/20/2021	<u>20</u>	RESPONSE re <u>17</u> MOTION for Summary Judgment filed by JOHN NEWMAN. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Statement of Facts Response to Gov't SUMF, # <u>3</u> Memorandum in Support, # <u>4</u> Declaration of John Newman, # <u>5</u> Declaration of Dan Hardway w/ Exhibits, # <u>6</u> Text of Proposed Order, # <u>7</u> Text of Proposed Order Alternative)(Hardway, Dan) (Entered: 11/20/2021)
11/20/2021	<u>21</u>	Cross MOTION for Summary Judgment by JOHN NEWMAN. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Statement of Facts Response to Gov't SUMF, # <u>3</u> Memorandum in Support, # <u>4</u> Declaration of John Newman, # <u>5</u> Declaration of Dan Hardway w/ Exhibits, # <u>6</u> Text of Proposed Order, # <u>7</u> Text of Proposed Order Alternative)(Hardway, Dan) (Entered: 11/20/2021)
11/23/2021	<u>22</u>	Consent MOTION for Extension of Time to <i>file Reply</i> by FEDERAL BUREAU OF PRISONS, UNITED STATES PAROLE COMMISSION. (Weiner, Blake) (Entered: 11/23/2021)
11/23/2021		MINUTE ORDER granting the Defendant's <u>22</u> Consent Motion for Extension of Time. The Defendant shall file its combined opposition and reply on or before January 10, 2022. The Plaintiff shall file its reply, if any, on or before January 31, 2022. Further requests for extensions will be disfavored. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/23/2021. (lctnm1) (Entered: 11/23/2021)

11/24/2021		Set/Reset Deadlines: Defendant's opposition due by 1/10/2022. Plaintiff's Reply due by 1/31/2022. (hmc) (Entered: 11/24/2021)
12/02/2021	<u>23</u>	Second MOTION for Extension of Time to <i>Reply</i> by FEDERAL BUREAU OF PRISONS, UNITED STATES PAROLE COMMISSION. (Weiner, Blake) (Entered: 12/02/2021)
12/02/2021		MINUTE ORDER denying the Bureau of Prisons' <u>23</u> Second Motion for Extension of Time. The Court had previously warned that further extensions would be disfavored. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/2/2021. (lctnm1) (Entered: 12/02/2021)
01/10/2022	<u>24</u>	REPLY to opposition to motion re <u>17</u> MOTION for Summary Judgment filed by FEDERAL BUREAU OF PRISONS, UNITED STATES PAROLE COMMISSION. (Attachments: # <u>1</u> Statement of Facts Response to Plaintiff's Statement of Facts, # <u>2</u> Exhibit A, # <u>3</u> Text of Proposed Order)(Weiner, Blake) (Entered: 01/10/2022)
01/10/2022	<u>25</u>	Memorandum in opposition to re <u>21</u> Cross MOTION for Summary Judgment filed by FEDERAL BUREAU OF PRISONS, UNITED STATES PAROLE COMMISSION. (Attachments: # <u>1</u> Response to Plaintiff's Statement of Facts, # <u>2</u> Exhibit A, # <u>3</u> Text of Proposed Order)(Weiner, Blake) (Entered: 01/10/2022)
01/31/2022	<u>26</u>	REPLY to opposition to motion re <u>21</u> Cross MOTION for Summary Judgment filed by JOHN NEWMAN. (Hardway, Dan) (Entered: 01/31/2022)
05/02/2022	<u>27</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Marsha Wellknown Yee on behalf of FEDERAL BUREAU OF PRISONS, UNITED STATES PAROLE COMMISSION Substituting for attorney Blake A. Weiner (Yee, Marsha) (Entered: 05/02/2022)
05/13/2022	<u>28</u>	MEMORANDUM OPINION re: Defendants' <u>17</u> Motion for Summary Judgment and Plaintiff's <u>21</u> Cross-Motion for Summary Judgment. Signed by Judge Trevor N. McFadden on 5/13/2022. (lctnm1) (Entered: 05/13/2022)
05/13/2022	<u>29</u>	ORDER. For the reasons stated in the <u>28</u> Memorandum Opinion, the Defendants' <u>17</u> Motion for Summary Judgment is GRANTED. The Plaintiff's <u>21</u> Cross-Motion for Summary Judgment is DENIED. See attached ORDER for details. Signed by Judge Trevor N. McFadden on 5/13/2022. (lctnm1) (Entered: 05/13/2022)