

U.S. District Court
Southern District of Ohio (Dayton)
CIVIL DOCKET FOR CASE #: 3:21-cv-00218-SDM-PBS

Esрати v. U.S. Department of Justice et al
Assigned to: Judge Sarah D. Morrison
Referred to: Magistrate Judge Peter B. Silvain, Jr
Cause: 05:552 Freedom of Information Act

Date Filed: 08/10/2021
Date Terminated: 06/29/2022
Jury Demand: Plaintiff
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**David Esрати**

represented by **David Esрати**
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PRO SE

V.

Defendant

U.S. Department of Justice
Southern District of Ohio

represented by **Matthew Joseph Horwitz**
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LEAD ATTORNEY
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Defendant**Federal Bureau of Investigations**

represented by **Matthew Joseph Horwitz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/10/2021	<u>1</u>	COMPLAINT with Jury Demand against Federal Bureau of Investigations, U.S. Department of Justice, filed by David Esрати. (Attachments: # <u>1</u> Civil Cover Sheet) (pb) Modified on 10/12/2021 (bjr). (Entered: 08/10/2021)
08/10/2021	<u>2</u>	Summons Issued as to Federal Bureau of Investigations, U.S. Department of Justice, U.S. Attorney (pb) (Entered: 08/10/2021)
08/11/2021	<u>3</u>	SUMMONS Returned Executed as to Defendant U.S. Attorney Department of Justice served on 8/11/2021, answer due 10/13/2021. Plaintiff insist the service is adequate via residential service by placing service under the door of the U.S. Attorney's Office, 200 W. Second Street, Room 602, Dayton, Ohio 45402 (pb) (Entered: 08/11/2021)
08/13/2021	<u>5</u>	Filing fee: \$ 402.00, receipt number 300DAY025247 (pb) (Entered: 08/13/2021)
08/16/2021	<u>6</u>	RELATED CASE MEMORANDUM ORDER: The Judges agree that this case and case number 3:19-cv-251 are NOT related. Signed by Judge Michael J. Newman on 8/16/21. (pb)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 08/16/2021)

08/27/2021	<u>7</u>	SUMMONS Returned Executed as to Defendants Federal Bureau of Investigations, U.S. Department of Justice. Federal Bureau of Investigations served on 8/12/2021, answer due 10/12/2021; U.S. Department of Justice served on 8/19/2021, answer due 10/18/2021. (pb) (Entered: 08/27/2021)
09/01/2021	<u>8</u>	NOTICE – 1. Parties are not permitted to have ex–parte communications with the Court. This means that you cannot communicate with the Court about the merits of your case, orally or in writing, without the other partys participation. 2. You must tell the Court and the other partys attorney, in writing, of changes to your address and/or telephone number. 3. Because pro se litigants do not have access to the Courts electronic filing system, they are required to mail a copy of anything they file with the Court to the other party's attorney and enclose a signed Certificate of Service. This requirement can be avoided if: (1) the pro se litigant personally brings the filing to the Clerk of Courts office for filing; (2) the attorney(s) for the other party agree to receive service solely through the Court's CM/ECF filing system; and (3) the Certificate of Service in the pro se litigants filing states that service will be made solely through the Courts CM/ECF filing system and counsel for the opposing party has so consented. 4. Pro se litigants are encouraged to read the Court's Guide for Pro Se Civil Litigants, which can be found at http://www.ohsd.uscourts.gov/pro-sehandbook . Signed by Judge Michael J. Newman on 8/31/21. (pb)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 09/01/2021)
09/14/2021	<u>9</u>	MOTION for Extension of Time New date requested 10/11/2021. by Defendants Federal Bureau of Investigations, U.S. Department of Justice. (Horwitz, Matthew) (Entered: 09/14/2021)
09/14/2021	<u>10</u>	RESPONSE in Opposition re <u>9</u> MOTION for Extension of Time New date requested 10/11/2021. filed by Plaintiff David Esrati. (pb) (Entered: 09/14/2021)
09/15/2021	<u>11</u>	MOTION request to E–file by Plaintiff David Esrati. (pb) (Entered: 09/15/2021)
09/16/2021	<u>12</u>	REPLY to Response to Motion re <u>9</u> MOTION for Extension of Time New date requested 10/11/2021. filed by Defendants Federal Bureau of Investigations, U.S. Department of Justice. (Horwitz, Matthew) (Entered: 09/16/2021)
09/17/2021		NOTATION ORDER granting <u>9</u> Defendants' Motion for Extension of Time to Answer, Move, or Plead. Defendants shall answer, move, or plead in response to Plaintiff Complaint (Doc. # <u>1</u>) by 10/11/2021. Signed by Magistrate Judge Peter B. Silvain, Jr. on 9/17/2021. (lk)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 09/17/2021)
09/17/2021		Set/Reset Deadlines: All Defendants' answer due 10/11/2021. (lk) (Entered: 09/17/2021)
09/17/2021		NOTATION ORDER denying <u>11</u> Plaintiff's Request to E–file. Signed by Magistrate Judge Peter B. Silvain, Jr. on 9/17/2021. (lk)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 09/17/2021)
10/01/2021	<u>13</u>	MOTION for reversal of decision to deny pro –se Litigant access electronic filing using the PACER system. (Entitled Plaintiff's Appeal of PACER E–File Deniel) re 9/17/21 NOTATION ORDER denying <u>11</u> Plaintiff's Request to E–file. by Plaintiff David Esrati. (pb) (Entered: 10/01/2021)
10/07/2021	<u>14</u>	NOTICE by Defendant U.S. Department of Justice of <i>Filing of Declaration</i> (Attachments: # <u>1</u> Affidavit Declaration of Theodore B. Smith) (Horwitz, Matthew) (Entered: 10/07/2021)
10/07/2021	<u>15</u>	MOTION to Dismiss for Lack of Jurisdiction by Defendant U.S. Department of Justice. (Horwitz, Matthew) (Entered: 10/07/2021)
10/07/2021	<u>16</u>	ANSWER to <u>1</u> Complaint filed by Federal Bureau of Investigations, U.S. Department of Justice. (Horwitz, Matthew) (Entered: 10/07/2021)
10/15/2021	<u>17</u>	Plaintiff's Response to Partial Motion to Dismiss re <u>15</u> MOTION to Dismiss for Lack of Jurisdiction filed by Plaintiff, David Esrati. (Attachments: # <u>1</u> Attachments 1 – 5)

		(bjr) (Entered: 10/15/2021)
10/29/2021	<u>18</u>	REPLY to Response to Motion re <u>15</u> MOTION to Dismiss for Lack of Jurisdiction filed by Defendant U.S. Department of Justice. (Horwitz, Matthew) (Entered: 10/29/2021)
11/05/2021	<u>19</u>	Plaintiff's 2nd Response to Partial Motion to Dismiss re <u>15</u> Defendants', <i>MOTION to Dismiss for Lack of Jurisdiction</i> filed by Plaintiff, David Esrati. (Attachments: # <u>1</u> Attachment) (bjr) (Entered: 11/05/2021)
02/25/2022	<u>20</u>	NOTICE by Defendant Federal Bureau of Investigations of <i>Filing Declaration of Michael G. Seidel</i> (Attachments: # <u>1</u> Affidavit Declaration of Michael G. Seidel) (Horwitz, Matthew) (Entered: 02/25/2022)
02/25/2022	<u>21</u>	MOTION for Summary Judgment by Defendant Federal Bureau of Investigations. (Horwitz, Matthew) (Entered: 02/25/2022)
03/01/2022	<u>22</u>	NOTICE TO PRO SE PLAINTIFF OF DEFENDANT FEDERAL BUREAU OF INVESTIGATIONS' MOTION FOR SUMMARY JUDGMENT (Doc. No. <u>21</u>). Signed by Judge Michael J. Newman on 3/1/22. (pb)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 03/01/2022)
03/03/2022	<u>23</u>	NOTICE by Defendants Federal Bureau of Investigations, U.S. Department of Justice re <u>20</u> Notice (Other), <u>21</u> MOTION for Summary Judgment <i>Regarding Service</i> (Horwitz, Matthew) (Entered: 03/03/2022)
03/30/2022	<u>24</u>	RESPONSE in Opposition {Entitled – Plaintiff's Opposition To FBI Motion for Summary Judgement} re <u>21</u> MOTION for Summary Judgment filed by Plaintiff David Esrati. (pb) (Entered: 03/30/2022)
04/11/2022	<u>25</u>	REPLY to Response to Motion re <u>21</u> MOTION for Summary Judgment filed by Defendant Federal Bureau of Investigations. (Horwitz, Matthew) (Entered: 04/11/2022)
04/18/2022	<u>26</u>	ORDER OF RECUSAL. Judge Michael J. Newman recused. Case reassigned to Judge Thomas M. Rose for all further proceedings. Signed by Judge Michael J. Newman on 4/18/22. (pb)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 04/18/2022)
04/20/2022	<u>27</u>	ORDER TRANSFERRING CASE – IT IS ORDERED that the above captioned matter be transferred from the docket of the Honorable Thomas M. Rose, to the Honorable Algenon L. Marbley, Chief Judge, for reassignment in either the Cincinnati Division or Columbus Division, in the Southern District of Ohio. Signed by Judge Thomas M. Rose on 4/20/22. (pb)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 04/20/2022)
04/26/2022		Judge Michael H. Watson added. Chief Judge Algenon L. Marbley no longer assigned to case. (jcw) (Entered: 04/26/2022)
05/31/2022	<u>28</u>	ORDER: Judge Michael H. Watson recused. Case reassigned to Judge Sarah D. Morrison for all further proceedings. Signed by Judge Michael H. Watson on 5/31/2022. (daf)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 05/31/2022)
06/09/2022	<u>29</u>	ORDER GRANTING <u>13</u> MOTION for Reconsideration re Order on Motion for Miscellaneous Relief/access to e-filing to the Pacer system filed by David Esrati. This motion is GRANTED to the extent that he may participate in e-filing only as to this particular case and conditional on his compliance with all applicable e-filing requirements. Signed by Judge Sarah D. Morrison on 6/9/2022. (tb)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 06/09/2022)
06/29/2022	<u>30</u>	ORDER DENYING Defendant DOJ's <u>15</u> Partial Motion to Dismiss for Lack of Jurisdiction; and GRANTING Defendants' <u>21</u> Motion for Summary Judgment. Signed by Judge Sarah D. Morrison on 6/29/2022. (tb)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic

		notification.) (Entered: 06/29/2022)
06/29/2022	<u>31</u>	JUDGMENT entered pursuant to the Order signed by Judge Sarah D. Morrison on 6/29/2022. (tb)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 06/29/2022)