

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:20-cv-01248-EGS

DALE v. UNITED STATES DRUG ENFORCEMENT
 AGENCY

Assigned to: Judge Emmet G. Sullivan
 Cause: 05:552 Freedom of Information Act

Date Filed: 05/11/2020

Date Terminated: 08/31/2022

Jury Demand: None

Nature of Suit: 550 Prisoner Petition: Civil
 Rights (Other)

Jurisdiction: U.S. Government Defendant

Plaintiff

CURTIS LEE DALE

represented by **CURTIS LEE DALE**
 R#11165-026
 ELKTON
 FEDERAL CORRECTIONAL
 INSTITUTION
 Inmate Mail/Parcels
 P.O. BOX 10
 LISBON, OH 44432
 PRO SE

V.

Defendant

**UNITED STATES DRUG
 ENFORCEMENT AGENCY**

represented by **Sian Jones**
 DOJ-USAO
 601 D Street, NW
 Washington, DC 20530
 202-252-2578
 Email: sian.jones@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/11/2020		Initiating Pleading & IFP Application Received on 05/11/2020. A copy of the docket sheet has been mailed to the address of record for the pro se party. (zsb) (Entered: 05/14/2020)
05/11/2020	<u>1</u>	COMPLAINT against UNITED STATES DRUG ENFORCEMENT AGENCY filed by CURTIS LEE DALE.(zsb) (Entered: 05/14/2020)
05/11/2020	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by CURTIS LEE DALE (zsb) (Entered: 05/14/2020)
05/22/2020	<u>3</u>	ORDER directing an initial partial filing fee in the amount of \$150.00 from Prison Account of CURTIS LEE DALE 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 Carl J. Nichols on 05/22/2020. (zmc) (Entered: 05/26/2020)
05/26/2020		Case assigned to Judge Emmet G. Sullivan. (zmc) (Entered: 05/26/2020)
05/29/2020	<u>4</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 05/29/20. (Attachment: Exhibit 1) (mac) (Entered: 05/29/2020)
07/22/2020	<u>5</u>	SUMMONS (3) Issued as to UNITED STATES DRUG ENFORCEMENT AGENCY, U.S. Attorney and U.S. Attorney General sent to the U.S. Marshals Service (zsb) (Entered: 07/22/2020)

08/04/2020	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DRUG ENFORCEMENT AGENCY served on 7/28/2020, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/24/2020., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/24/2020. (Answer due for ALL FEDERAL DEFENDANTS by 8/23/2020.) (zjf) (Entered: 08/05/2020)
08/18/2020	<u>7</u>	NOTICE of Appearance by Sian Jones on behalf of All Defendants (Jones, Sian) (Entered: 08/18/2020)
08/18/2020	<u>8</u>	MOTION for Extension of Time to <i>Respond To Complaint</i> by UNITED STATES DRUG ENFORCEMENT AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Sian) (Entered: 08/18/2020)
08/18/2020		MINUTE ORDER: It is hereby ORDERED that Defendant's <u>8</u> Motion for Extension of Time is GRANTED, and that its Answer or other response to the Complaint is due by September 22, 2020. Signed by Judge Emmet G. Sullivan on 8/18/20. (psu2) (Entered: 08/18/2020)
08/19/2020		Set/Reset Deadlines: Answer Or Otherwise Response To The Complaint due by 9/22/2020. (mac) (Entered: 08/19/2020)
09/22/2020	<u>9</u>	MOTION for Extension of Time to <i>Respond to Complaint</i> by UNITED STATES DRUG ENFORCEMENT AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Sian) (Entered: 09/22/2020)
09/25/2020		MINUTE ORDER: Defendant's <u>9</u> Motion for Extension of Time is granted, and its Answer or other response to the Complaint is due by October 22, 2020. Signed by Judge Emmet G. Sullivan on 9/25/20. (psu2) (Entered: 09/25/2020)
09/25/2020		Set/Reset Deadlines: Defendant Answer Or Otherwise Response To The Complaint due by 10/22/2020. (mac) (Entered: 09/25/2020)
10/22/2020	<u>10</u>	Partial MOTION to Dismiss by UNITED STATES DRUG ENFORCEMENT AGENCY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Jones, Sian) (Entered: 10/22/2020)
10/23/2020	<u>11</u>	Order advising plaintiff to respond by 11/23/2020 to <u>10</u> Defendant's Partial Motion to Dismiss. Signed by Judge Emmet G. Sullivan on 10/23/20. (psu2) (Entered: 10/23/2020)
10/23/2020		Set/Reset Deadlines: Plaintiff Response To Defendant's Motion To Dismiss due by 11/23/2020. (mac) (Entered: 10/23/2020)
11/13/2020	<u>12</u>	AMENDED COMPLAINT against UNITED STATES DRUG ENFORCEMENT AGENCY filed by CURTIS LEE DALE.(zjf) (Entered: 11/18/2020)
12/16/2020		MINUTE ORDER: On review of plaintiff's Amended Complaint <u>12</u> , it appears that plaintiff has abandoned any claim he may have intended to bring under the Administrative Procedures Act ("APA"). It is hereby ORDERED that Defendant's Partial Motion to Dismiss <u>10</u> , seeking dismissal of the APA claim, is DENIED without prejudice as moot. It is FURTHER ORDERED that defendant shall file its Answer or other response to plaintiff's Amended Complaint by January 22, 2021. Signed by Judge Emmet G. Sullivan on 12/16/20. (psu2) (Entered: 12/16/2020)
12/16/2020		Set/Reset Deadlines: Defendant Answer Or Otherwise Response To The Amended Complaint due by 1/22/2021. (mac) (Entered: 12/16/2020)
01/22/2021	<u>13</u>	ANSWER to <u>12</u> Amended Complaint by UNITED STATES DRUG ENFORCEMENT AGENCY.(Jones, Sian) (Entered: 01/22/2021)
01/22/2021		MINUTE ORDER: Before the Court in this FOIA case are <u>12</u> plaintiff's amended complaint and <u>13</u> defendant's answer. The requirements of Local Civil Rule 16.3 and Federal Rule of Civil Procedure 26(f) appear to be inapplicable. By February 19, 2021, defendant either shall file a dispositive motion or, in the alternative, a status report setting forth the schedule for the completion of its production of documents to plaintiff and for dispositive motions. Signed by Judge Emmet G. Sullivan on 1/22/21. (psu2)

		(Entered: 01/22/2021)
01/22/2021		Set/Reset Deadlines: Defendant Dispositive Motion Or, In The Alternative, Status Report due by 2/19/2021. (mac) (Entered: 01/22/2021)
02/19/2021	<u>14</u>	STATUS REPORT by UNITED STATES DRUG ENFORCEMENT AGENCY. (Jones, Sian) (Entered: 02/19/2021)
02/22/2021		MINUTE ORDER: On consideration of defendant's <u>14</u> Status Report, defendant shall file its next status report by April 23, 2021. Signed by Judge Emmet G. Sullivan on 2/22/21. (psu2) (Entered: 02/22/2021)
02/22/2021		Set/Reset Deadlines: Defendant Status Report due by 4/23/2021 (mac) (Entered: 02/22/2021)
04/23/2021	<u>15</u>	STATUS REPORT by UNITED STATES DRUG ENFORCEMENT AGENCY. (Jones, Sian) (Entered: 04/23/2021)
04/23/2021		MINUTE ORDER: On consideration of defendant's <u>15</u> Status Report, it is hereby ORDERED that DEA shall file its motion for summary judgment by July 8, 2021; plaintiff shall file his opposition and cross-motion for summary judgment, if any, by August 23, 2021; DEA shall file its reply and opposition to plaintiff's cross-motion by September 22, 2021; and plaintiff shall file his cross-motion reply by October 22, 2021. Signed by Judge Emmet G. Sullivan on 4/23/21. (psu2) (Entered: 04/23/2021)
04/23/2021		Set/Reset Deadlines: Summary Judgment motions due by 7/8/2021. Response to Motion for Summary Judgment due by 8/23/2021. Cross Motions due by 8/23/2021. Reply to Motion for Summary Judgment due by 9/22/2021. Response to Cross Motions due by 9/22/2021. Reply to Cross Motions due by 10/22/2021. (nbn) (Entered: 04/23/2021)
07/06/2021	<u>16</u>	MOTION for Extension of Time to <i>File</i> by UNITED STATES DRUG ENFORCEMENT AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Sian) (Entered: 07/06/2021)
07/07/2021		MINUTE ORDER: It is hereby ORDERED that <u>16</u> Defendant's Motion for Extension of Time is GRANTED. Defendant shall file its motion for summary judgment by August 10, 2021; plaintiff shall file his opposition and cross-motion for summary judgment, if any, by September 23, 2021; DEA shall file its reply and opposition to plaintiff's cross-motion by October 25, 2021; and plaintiff shall file his cross-motion reply by November 22, 2021. Signed by Judge Emmet G. Sullivan on 7/7/21. (psu2) (Entered: 07/07/2021)
07/07/2021		Set/Reset Deadlines: Defendant Motion For Summary Judgment due by 8/10/2021. Plaintiff Opposition And Cross-Motion For Summary Judgment, If Any, due by 9/23/2021. DEA Reply And Opposition To Plaintiff's Cross-Motion due by 10/25/2021. Plaintiff Cross-Motion Reply due by 11/22/2021. (mac) (Entered: 07/07/2021)
07/12/2021	<u>17</u>	MOTION for Case Status by CURTIS LEE DALE. (zjf) (Entered: 07/16/2021)
07/16/2021		MINUTE ORDER: Plaintiff's <u>17</u> motion for case status is GRANTED. Pursuant to the Court's July 7, 2021 Minute Order, Defendant shall file its motion for summary judgment by August 10, 2021; plaintiff shall file his opposition and cross-motion for summary judgment, if any, by September 23, 2021; Defendant shall file its reply and opposition to plaintiff's cross-motion by October 25, 2021; and plaintiff shall file his cross-motion reply by November 22, 2021. It is further ORDERED that the Clerk of Court shall mail a copy of this Minute Order and a docket sheet for this case to plaintiff at his address of record. Signed by Judge Emmet G. Sullivan on 7/16/21. (psu2) (Entered: 07/16/2021)
07/16/2021		Set/Reset Deadlines: Defendant Motion For Summary Judgment due by 8/10/2021. Plaintiff Opposition And Cross-Motion For Summary Judgment, If Any, due by 09/23/2021. Defendant Reply And Opposition To Plaintiff's Cross-Motion due by 10/25/2021. Plaintiff Cross-Motion Reply due by 11/22/2021. (mac) (Entered: 07/16/2021)

08/10/2021	<u>18</u>	MOTION for Extension of Time to <i>File</i> by UNITED STATES DRUG ENFORCEMENT AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Sian) (Entered: 08/10/2021)
08/20/2021		MINUTE ORDER It is hereby ORDERED that <u>18</u> defendant's motion for extension of time is GRANTED. The motions schedule set forth in the July 16, 2021 Minute Order is VACATED. Defendant shall file its motion for summary judgment by September 14, 2021; plaintiff shall file his opposition and cross-motion for summary judgment, if any, by October 28, 2021; defendant shall file its reply and opposition to plaintiff's cross-motion by November 29, 2021; and plaintiff shall file his cross-motion reply by December 27, 2021. Signed by Judge Emmet G. Sullivan on 8/20/21. (psu2) (Entered: 08/20/2021)
09/14/2021	<u>19</u>	MOTION for Summary Judgment by UNITED STATES DRUG ENFORCEMENT AGENCY. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration Hertel, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D, # <u>8</u> Exhibit E, # <u>9</u> Exhibit F, # <u>10</u> Exhibit G, # <u>11</u> Exhibit H, # <u>12</u> Exhibit I, # <u>13</u> Exhibit J, # <u>14</u> Exhibit K, # <u>15</u> Exhibit L, # <u>16</u> Declaration Siple, # <u>17</u> Declaration Seidel, # <u>18</u> Exhibit A, # <u>19</u> Exhibit B, # <u>20</u> Exhibit C, # <u>21</u> Text of Proposed Order)(Jones, Sian) (Entered: 09/14/2021)
09/15/2021	<u>20</u>	Order advising plaintiff to respond by October 28, 2021, to <u>19</u> Defendant's Motion for Summary Judgment. Signed by Judge Emmet G. Sullivan on 9/15/21. (psu2) (Entered: 09/15/2021)
09/15/2021		Set/Reset Deadlines: Plaintiff Response to Motion for Summary Judgment due by 10/28/2021. (mac) (Entered: 09/15/2021)
09/16/2021		Set/Reset Deadlines: Defendant Answer Or Otherwise Response To The Plaintiff's Second Amended Complaint due by 9/30/2021. (mac) (Entered: 09/16/2021)
10/20/2021	<u>21</u>	RESPONSE re <u>19</u> MOTION for Summary Judgment filed by CURTIS LEE DALE. (Attachments: # <u>1</u> Exhibit)(zjf) (Entered: 10/21/2021)
11/15/2021	<u>22</u>	MOTION to Amend/Correct <u>21</u> Response to Motion for Summary Judgment by CURTIS LEE DALE. (Attachments: # <u>1</u> Appendix)(znmw) (Entered: 11/16/2021)
11/23/2021	<u>23</u>	MOTION for Extension of Time to <i>File</i> by UNITED STATES DRUG ENFORCEMENT AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Sian) (Entered: 11/23/2021)
11/23/2021	<u>24</u>	RESPONSE re <u>22</u> MOTION to Amend/Correct <u>21</u> Response to motion filed by UNITED STATES DRUG ENFORCEMENT AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Sian) (Entered: 11/23/2021)
11/23/2021		MINUTE ORDER: It is hereby ORDERED that plaintiff's unopposed <u>22</u> Motion to Amend his opposition to defendant's motion for summary judgment is GRANTED; and it is further ORDERED that defendant's <u>23</u> Motion for Extension of Time is GRANTED. Defendant shall file its reply by December 30, 2021. Signed by Judge Emmet G. Sullivan on 11/23/21. (psu2) (Entered: 11/23/2021)
11/24/2021		Set/Reset Deadlines: Defendant Reply due by 12/30/2021. (mac) (Entered: 11/24/2021)
12/30/2021	<u>25</u>	REPLY to opposition to motion re <u>19</u> MOTION for Summary Judgment filed by UNITED STATES DRUG ENFORCEMENT AGENCY. (Attachments: # <u>1</u> Statement of Facts Corrected and Amended, # <u>2</u> Declaration 2d Hertel)(Jones, Sian) (Entered: 12/30/2021)
08/31/2022	<u>26</u>	ORDER granting <u>19</u> Defendant's Motion for Summary Judgment. This is a final appealable Order. Signed by Judge Emmet G. Sullivan on 8/31/22. (psu2) (Entered: 08/31/2022)
08/31/2022	<u>27</u>	MEMORANDUM AND OPINION. Signed by Judge Emmet G. Sullivan on 8/31/22. (psu2) (Entered: 08/31/2022)