

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:20-cv-02004-EGS**

DAY v. UNITED STATES DEPARTMENT OF STATE  
Assigned to: Judge Emmet G. Sullivan  
Case: 1:19-cv-03422-EGS  
Cause: 05:552 Freedom of Information Act

Date Filed: 07/21/2020  
Date Terminated: 08/29/2022  
Jury Demand: None  
Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ROGER CHARLES DAY, JR.**

represented by **ROGER CHARLES DAY, JR.**  
R12388-050  
USP TERRE HAUTE  
P.O. BOX 33  
TERRE HAUTE, IN 47808  
PRO SE

V.

**Defendant**

**UNITED STATES DEPARTMENT  
OF STATE**

represented by **Sean Michael Tepe**  
U.S. DEPARTMENT OF JUSTICE  
555 Fourth Street, NW  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael A. Tilghman , II**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
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(202) 252-7113  
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**TERMINATED: 09/06/2022**

**Stephen DeGenaro**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
601 D Street, NW  
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**TERMINATED: 07/08/2022**

Date Filed	#	Docket Text
07/21/2020		<b>Initiating Pleading &amp; IFP Application Received on 07/21/2020.</b> A copy of the docket sheet has been mailed to the address of record for the pro se party. (zmc) (Entered: 07/27/2020)
07/21/2020	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF STATE filed by ROGER CHARLES DAY, JR. (Attachment: # <u>1</u> Exhibit)(zmc) (Entered: 07/27/2020)

07/21/2020	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by ROGER CHARLES DAY, JR (zmc) (Entered: 07/27/2020)
07/21/2020	<u>3</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by ROGER CHARLES DAY, JR (zmc) (Entered: 07/27/2020)
07/29/2020	<u>4</u>	ORDER directing an initial partial filing fee in the amount of \$23.50 from Prison Account of ROGER CHARLES DAY, JR. 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 07/29/2020. (zsb) (Entered: 08/04/2020)
07/29/2020		Case Assigned to Judge Emmet G. Sullivan. (zsb) (Entered: 08/04/2020)
08/19/2020	<u>5</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 08/19/20. (Attachment: # <u>1</u> Exhibit 1) (mac) (Entered: 08/19/2020)
09/15/2020	<u>6</u>	SUMMONS (3) Issued as to UNITED STATES DEPARTMENT OF STATE, U.S. Attorney and U.S. Attorney General, sent to the U.S. Marshals Service (adh, ) (Entered: 09/15/2020)
10/14/2020	<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 10/13/2020., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/13/2020. ( Answer due for ALL FEDERAL DEFENDANTS by 11/12/2020.) (zjf) (Entered: 10/14/2020)
11/02/2020	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF STATE served on 10/29/2020 (eg) (Entered: 11/03/2020)
11/12/2020	<u>9</u>	ANSWER to <u>1</u> Complaint by UNITED STATES DEPARTMENT OF STATE.(Tilghman, Michael) (Entered: 11/12/2020)
11/13/2020		MINUTE 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 proposed schedule for further proceedings, on or before December 18, 2020. Signed by Judge Emmet G. Sullivan on 11/13/20. (psu2) (Entered: 11/13/2020)
11/13/2020		Set/Reset Deadlines: Defendant Dispositive Motion due by 12/18/2020. (mac) (Entered: 11/13/2020)
12/18/2020	<u>10</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 12/18/2020)
12/22/2020		MINUTE ORDER: On consideration of the <u>10</u> Status Report filed by UNITED STATES DEPARTMENT OF STATE, it is hereby ORDERED that defendant shall file its next status report by February 18, 2021. Signed by Judge Emmet G. Sullivan on 12/22/20. (psu2) (Entered: 12/22/2020)
12/22/2020		Set/Reset Deadlines: Defendant Status Report due by 2/18/2021. (mac) (Entered: 12/22/2020)
02/18/2021	<u>11</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 02/18/2021)
02/18/2021		MINUTE ORDER: On consideration of Defendant's <u>11</u> Status Report, Defendant shall file its next status report by April 20, 2021. Signed by Judge Emmet G. Sullivan on 2/18/21. (psu2) (Entered: 02/18/2021)
02/19/2021		Set/Reset Deadlines: Defendant Status Report due by 4/20/2021 (mac) (Entered: 02/19/2021)

04/20/2021	<u>12</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 04/20/2021)
04/20/2021		MINUTE ORDER: On consideration of Defendant's <u>12</u> Status Report, Defendant shall file its next status report by June 22, 2021. Signed by Judge Emmet G. Sullivan on 4/20/21. (psu2) (Entered: 04/20/2021)
04/21/2021		Set/Reset Deadlines: Defendant Status Report due by 6/22/2021. (mac) (Entered: 04/21/2021)
06/22/2021	<u>13</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 06/22/2021)
06/25/2021		MINUTE ORDER: On consideration of defendant's <u>13</u> status report, it is hereby ORDERED that defendant shall file its next status report by July 22, 2021. Signed by Judge Emmet G. Sullivan on 6/25/21. (psu2) (Entered: 06/25/2021)
06/26/2021		Set/Reset Deadlines: Defendant Status Report due by 7/22/2021 (mac) (Entered: 06/26/2021)
07/19/2021	<u>15</u>	MOTION to Take Judicial Notice by ROGER CHARLES DAY, JR. (zttt) (Entered: 07/23/2021)
07/22/2021	<u>14</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Tilghman, Michael) (Entered: 07/22/2021)
07/26/2021		MINUTE ORDER: It is hereby ORDERED that plaintiff's <u>15</u> Motion to Take Judicial Notice is DENIED. It is further ORDERED that, on consideration of defendant's Status Report <u>14</u> , defendant shall file its summary judgment motion by October 15, 2021; plaintiff shall file his opposition and cross-motion by November 15, 2021; defendant shall file its reply by December 15, 2021; and plaintiff shall file his cross-motion reply by January 14, 2022. Signed by Judge Emmet G. Sullivan on 7/26/21. (psu2) (Entered: 07/26/2021)
07/27/2021		Set/Reset Deadlines: Set/Reset Deadlines: defendant Summary Judgment Motion due by 10/15/2021. Plaintiff Opposition And Cross-Motion due by 11/15/2021. Defendant Reply due by 12/15/2021. Plaintiff Cross-Motion Reply due by 01/14/2022. (mac) (Entered: 07/27/2021)
08/23/2021	<u>16</u>	MOTION for Reconsideration re 07/26/2021 MINUTE ORDER: It is hereby ORDERED that plaintiff's 15 Motion to Take Judicial Notice is DENIED. It is further ORDERED that, on consideration of defendant's Status Report 14, defendant shall file its summary judgment motion by October 15, 2021; plaintiff shall file his opposition and cross-motion by November 15, 2021; defendant shall file its reply by December 15, 2021; and plaintiff shall file his cross-motion reply by January 14, 2022. Signed by Judge Emmet G. Sullivan on 7/26/21. (psu2) by ROGER CHARLES DAY, JR. (zjf) (Entered: 08/25/2021)
08/26/2021		MINUTE ORDER: Plaintiff asks the Court to take judicial notice of the State Department's response to a FOIA request, Case No. FL-2021-00017, which appears to have been submitted after this litigation commenced. It is not clear whether or how Case No. FL-2021-00017 is relevant to this litigation which pertains to Case No. F-2020-05968. Plaintiff's "Motion for Reconsideration of this Court's 'Minute Order' Denying the Plaintiffs Motion (ECF 15) According to the Rules 201(c)(2) and 201(e) of the Federal Rules of Evidence" <u>16</u> is DENIED WITHOUT PREJUDICE. Signed by Judge Emmet G. Sullivan on 8/26/21. (psu2) (Entered: 08/26/2021)
10/07/2021	<u>17</u>	MOTION for Extension of Time to <i>File Defendant's Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 10/07/2021)
10/08/2021		MINUTE ORDER: It is hereby ORDERED, for good cause shown, that Defendant's <u>17</u> Motion for Extension of Time is GRANTED. Defendant shall file its summary judgment motion by November 15, 2021; plaintiff shall file his opposition and cross-motion by December 15, 2021; defendant shall file its reply and opposition by January 14, 2022; and plaintiff shall file his cross-motion reply by February 15, 2022. Signed by Judge Emmet G. Sullivan on 10/8/21.(psu2) (Entered: 10/08/2021)

10/08/2021		Set/Reset Deadlines: Defendant Summary Judgment Motion due by 11/15/2021. Plaintiff Opposition And Cross-Motion due by 12/15/2021. Defendant Reply And Opposition due by 1/14/2022. Plaintiff Cross-Motion Reply due by 2/15/2022. (mac) (Entered: 10/08/2021)
11/15/2021	<u>18</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Defendant's Statement of Material Facts as to Which There is No Genuine Dispute, # <u>3</u> Declaration of Eric F. Stein, # <u>4</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 11/15/2021)
11/16/2021	<u>19</u>	Order advising plaintiff to respond by 12/15/2021 to <u>18</u> Defendant's Motion for Summary Judgment. Signed by Judge Emmet G. Sullivan on 11/16/21. (psu2) (Entered: 11/16/2021)
11/16/2021		Set/Reset Deadlines: Plaintiff Response To Defendant's Motion for Summary Judgment due by 12/15/2021. (mac) (Entered: 11/16/2021)
12/02/2021	<u>20</u>	NOTICE to the Court by ROGER CHARLES DAY, JR re <u>18</u> MOTION for Summary Judgment (zjf) (Entered: 12/07/2021)
12/07/2021		MINUTE ORDER: On consideration of plaintiff's Notice (ECF No. 20), it is hereby ORDERED that, by December 17, 2021, defendant shall mail to plaintiff at his current address of record a copy of its motion for summary judgment (ECF No. 18) and its attachments. It is FURTHER ORDERED that the deadline for plaintiff's opposition or other response to defendants motion is extended from December 15, 2021, to January 18, 2022. Signed by Judge Emmet G. Sullivan on 12/7/21. (psu2) (Entered: 12/07/2021)
12/07/2021		Set/Reset Deadlines: Plaintiff's Opposition Or Other Response To Defendants Motion due by 1/18/2022. (mac) (Entered: 12/07/2021)
12/08/2021	<u>21</u>	NOTICE of Mailing by UNITED STATES DEPARTMENT OF STATE (Tilghman, Michael) (Entered: 12/08/2021)
12/10/2021	<u>22</u>	Memorandum in opposition re <u>18</u> MOTION for Summary Judgment filed by ROGER CHARLES DAY, JR. (zjf) (Entered: 12/20/2021)
01/10/2022	<u>23</u>	MOTION for Extension of Time to <i>File Reply in Support of Defendant's Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 01/10/2022)
01/11/2022		MINUTE ORDER: It is hereby ORDERED that defendant's <u>23</u> Motion for Extension of Time is GRANTED, and its Reply is due by January 28, 2022. Signed by Judge Emmet G. Sullivan on 1/11/22. (psu2) (Entered: 01/11/2022)
01/11/2022		Set/Reset Deadlines: Defendant Reply due by 1/28/2022. (mac) (Entered: 01/11/2022)
01/28/2022	<u>24</u>	REPLY to opposition to motion re <u>18</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Exhibit Index, # <u>2</u> Declaration of Susan C. Weetman, # <u>3</u> Exhibit 1 (Updated Vaughn Index), # <u>4</u> Exhibit 2 (January 26, 2022 Letter), # <u>5</u> Exhibit 3 (Excerpts of Re-Release (emails Bates numbered A-00000285941, A-00000285917, and A-00000285869)), # <u>6</u> Defendants Reply to Counter-Statement of Disputed Facts)(Tilghman, Michael) (Entered: 01/28/2022)
02/10/2022		Partial Filing Fee Received from Roger C. Day, Jr. in the amount of \$13.92, receipt number 201552. (znm) (Entered: 02/10/2022)
03/02/2022	<u>25</u>	SURREPLY re <u>18</u> MOTION for Summary Judgment filed by ROGER CHARLES DAY, JR. "LEAVE TO FILE GRANTED" Signed by Emmett G. Sullivan, U.S.D.J. on March 2, 2022" (zjf) (Entered: 03/02/2022)
03/02/2022	<u>26</u>	Cross MOTION for Summary Judgment by ROGER CHARLES DAY, JR. "LEAVE TO FILE GRANTED" Signed by Emmett G. Sullivan, U.S.D.J. on March 2, 2022 (zjf) (Entered: 03/02/2022)
03/11/2022	<u>27</u>	MOTION for Extension of Time to <i>File Defendant's Opposition to Plaintiff's Cross-Motion</i> by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 03/11/2022)

03/11/2022		MINUTE ORDER: Defendant's <u>27</u> Motion for Extension of Time is GRANTED. Defendant's opposition to Plaintiff's cross-motion for summary judgment is due by April 21, 2022 and Plaintiff's cross-motion reply is due by May 23, 2022. Signed by Judge Emmet G. Sullivan on 3/11/22. (psu2) (Entered: 03/11/2022)
03/14/2022		Set/Reset Deadlines: Defendant's Opposition To Plaintiff's Cross-Motion For Summary Judgment due by 4/21/2022. Plaintiff's Cross-Motion Reply due by 5/23/2022. (mac) (Entered: 03/14/2022)
04/11/2022		Partial Filing Fee Received from Roger C. Day, Jr. in the amount of \$12.00, receipt number 201922. (znm) (Entered: 04/13/2022)
04/15/2022	<u>28</u>	NOTICE of Appearance by Stephen DeGenaro on behalf of UNITED STATES DEPARTMENT OF STATE (Attachments: # <u>1</u> Certificate of Service)(DeGenaro, Stephen) (Entered: 04/15/2022)
04/15/2022	<u>29</u>	MOTION for Extension of Time to <i>File Defendant's Opposition to Plaintiff's Cross Motion</i> by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(DeGenaro, Stephen) (Entered: 04/15/2022)
04/21/2022		MINUTE ORDER: It is hereby ORDERED that Defendant's Motion for an Extension of Time to File Defendant's Opposition to Plaintiffs Cross-Motion <u>29</u> is GRANTED. It is further ORDERED that Defendant's opposition to Plaintiff's cross-motion is due by May 19, 2022, and Plaintiff's cross-motion reply is due by June 20, 2022. Signed by Judge Emmet G. Sullivan on 4/21/22. (psu2) (Entered: 04/21/2022)
04/21/2022		Set/Reset Deadlines: Opposition to Cross Motions due by 5/19/2022. Reply to Cross Motions due by 6/20/2022. (zacr) (Entered: 04/21/2022)
05/11/2022		Partial Filing Fee Received from Roger C. Day, Jr. in the amount of \$12.80, receipt number 202103. (znm) (Entered: 05/11/2022)
05/19/2022	<u>30</u>	Memorandum in opposition to re <u>26</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Certificate of Service)(DeGenaro, Stephen) (Entered: 05/19/2022)
05/19/2022	<u>31</u>	NOTICE of Filing Declarations by UNITED STATES DEPARTMENT OF STATE re <u>30</u> Memorandum in Opposition (Attachments: # <u>1</u> Second Declaration of Susan C. Weetman, # <u>2</u> Declaration of Kirk F. Heim, # <u>3</u> Certificate of Service)(DeGenaro, Stephen) (Entered: 05/19/2022)
06/13/2022	<u>32</u>	NOTICE To The Court by ROGER CHARLES DAY, JR (zjm) (Entered: 06/15/2022)
06/15/2022	<u>33</u>	NOTICE Regarding Service by UNITED STATES DEPARTMENT OF STATE re <u>32</u> Notice (Other) (Attachments: # <u>1</u> Certificate of Service)(DeGenaro, Stephen) (Entered: 06/15/2022)
06/15/2022		Partial Filing Fee Received from Roger Charles Day Jr. in the amount of \$12.80, receipt number 202361. (znm) (Entered: 06/15/2022)
06/15/2022		MINUTE ORDER: On consideration of the parties' Notices <u>32</u> <u>33</u> it is hereby ORDERED that plaintiff's reply deadline is extended to July 15, 2022. Signed by Judge Emmet G. Sullivan on 6/15/22. (psu2) (Entered: 06/15/2022)
06/16/2022		Set/Reset Deadlines: Plaintiff's Reply due by 7/15/2022. (mac) (Entered: 06/16/2022)
06/27/2022	<u>34</u>	MOTION for Order by ROGER CHARLES DAY, JR. (zjm) (Entered: 06/29/2022)
06/29/2022	<u>35</u>	NOTICE Regarding Service by UNITED STATES DEPARTMENT OF STATE re <u>34</u> MOTION for Order (Attachments: # <u>1</u> Certificate of Service)(DeGenaro, Stephen) (Entered: 06/29/2022)
06/29/2022		MINUTE ORDER: On consideration of Defendant's Notice Regarding Service <u>35</u> , representing that defendant's counsel has caused a third copy of Defendant's Opposition to Plaintiff's Cross-Motion for Summary Judgment to be mailed to plaintiff at his current address of record, it is hereby ORDERED that plaintiff's "Notice and Motion to be Sent a Copy of the Defendants Documents That Must Be Replied To" <u>34</u> is DENIED. It is further ORDERED that the deadline for plaintiff's reply is extended to July 29, 2022. Signed by Judge Emmet G. Sullivan on 6/29/22. (psu2) (Entered: 06/29/2022)

06/30/2022		Set/Reset Deadlines: Plaintiff Reply due by 7/29/2022. (mac) (Entered: 06/30/2022)
07/08/2022	<u>36</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to UNITED STATES DEPARTMENT OF STATE. Attorney Stephen DeGenaro terminated. (Attachments: # <u>1</u> Certificate of Service)(DeGenaro, Stephen) (Entered: 07/08/2022)
07/18/2022		Partial Filing Fee Received from Roger C. Day, Jr. in the amount of \$12.80, receipt number 202597. (znm) (Entered: 07/18/2022)
07/20/2022	<u>37</u>	REPLY to opposition to motion re <u>26</u> MOTION for Summary Judgment filed by ROGER CHARLES DAY, JR. (zjm) (Entered: 07/21/2022)
08/05/2022	<u>38</u>	MOTION for Leave to File <i>the Amended Second Declaration of Susan C. Weetman</i> by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Exhibit 1 (Amended Declaration of Susan C. Weetman), # <u>2</u> Text of Proposed Order)(Tilghman, Michael) (Entered: 08/05/2022)
08/26/2022	<u>39</u>	ORDER granting <u>18</u> defendant's Motion for Summary Judgment; denying <u>26</u> plaintiff's Motion for Summary Judgment; granting <u>38</u> defendant's Motion for Leave to File an amended declaration. This is a final appealable Order. Signed by Judge Emmet G. Sullivan on 8/25/22. (psu2) (Entered: 08/26/2022)
08/26/2022	<u>40</u>	MEMORANDUM AND OPINION. Signed by Judge Emmet G. Sullivan on 8/25/22. (psu2) (Entered: 08/26/2022)
08/29/2022	<u>41</u>	JUDGMENT in favor of Defendant, UNITED STATES DEPARTMENT OF STATE, against Plaintiff, ROGER CHARLES DAY, JR. Entered by Clerk, Andriea Hill, on 8/29/2022. (zalh) (Entered: 08/29/2022)
09/06/2022	<u>42</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Sean Michael Tepe on behalf of UNITED STATES DEPARTMENT OF STATE Substituting for attorney Michael A. Tilghman II (Tepe, Sean) (Entered: 09/06/2022)