

**U.S. District Court
 District of Columbia (Washington, DC)
 CIVIL DOCKET FOR CASE #: 1:22-cv-00679-TJK**

TKACHUK v. U.S. CUSTOMS AND BORDER PROTECTION et al
 Assigned to: Judge Timothy J. Kelly
 Cause: 05:552 Freedom of Information Act

Date Filed: 03/11/2022
 Date Terminated: 09/05/2022
 Jury Demand: None
 Nature of Suit: 895 Freedom of Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff

SOFIYA TKACHUK

represented by **H. Ronald Klasko**
 KLASKO IMMIGRATION LAW PARTNERS, LLP
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ATTORNEY TO BE NOTICED

V.

Defendant

U.S. CUSTOMS AND BORDER PROTECTION
Office of the General Counsel

represented by **Stephanie R. Johnson**
 UNITED STATES ATTORNEY'S OFFICE
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-7874
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF HOMELAND SECURITY
Office of the General Counsel

represented by **Stephanie R. Johnson**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/11/2022	<u>1</u>	COMPLAINT against U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY (Filing fee \$ 402 receipt number ADCDC-9099803) filed by SOFIYA TKACHUK. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons CBP, # <u>5</u> Summons DHS)(Klasko, H.) (Attachment 3 replaced on 3/22/2022) (znmw). (Entered: 03/11/2022)
03/14/2022		Case Assigned to Judge Timothy J. Kelly. (zmh) (Entered: 03/14/2022)
03/14/2022		NOTICE OF ERROR re <u>1</u> Complaint; emailed to rklasko@klaskolaw.com, cc'd 2 associated attorneys -- The PDF file you docketed contained errors: 1. Missing summonses--government. When naming a government agent or agency as a defendant, you must supply a summons for each defendant & two additional summonses for the U.S. Attorney & U.S. Attorney General. Please submit using the event Request for Summons to Issue. (zmh,) (Entered: 03/14/2022)

03/15/2022	<u>2</u>	SUMMONS (2) Issued Electronically as to All Defendants (Attachment: # <u>1</u> Notice and Consent)(znh) (Entered: 03/15/2022)
03/15/2022	<u>3</u>	REQUEST FOR SUMMONS TO ISSUE filed by SOFIYA TKACHUK. (Attachments: # <u>1</u> Summons Civil Process Clerk)(Klasko, H.) (Entered: 03/15/2022)
03/17/2022	<u>4</u>	SUMMONS (2) Issued Electronically as to U.S. Attorney and U.S. Attorney General. (ztth) (Entered: 03/17/2022)
04/15/2022	<u>5</u>	NOTICE of Appearance by Stephanie R. Johnson on behalf of U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY (Johnson, Stephanie) (Entered: 04/15/2022)
04/20/2022	<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 3/30/2022. Answer due for ALL FEDERAL DEFENDANTS by 4/29/2022. (Klasko, H.) (Entered: 04/20/2022)
04/20/2022	<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 3/30/2022. (Klasko, H.) (Entered: 04/20/2022)
04/20/2022	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. CUSTOMS AND BORDER PROTECTION served on 3/29/2022 (Klasko, H.) (Entered: 04/20/2022)
04/20/2022	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HOMELAND SECURITY served on 3/24/2022 (Klasko, H.) (Entered: 04/20/2022)
04/29/2022	<u>10</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Johnson, Stephanie) (Entered: 04/29/2022)
05/05/2022		MINUTE ORDER granting Defendants' <u>10</u> Consent Motion for an Extension of Time to File a Response to Plaintiffs Complaint. It is hereby ORDERED, <i>nunc pro tunc</i> and for good cause shown, that Defendants' <u>10</u> Consent Motion is GRANTED. It is further ORDERED that Defendants shall answer or otherwise respond to Plaintiff's complaint by May 16, 2022. Signed by Judge Timothy J. Kelly on 05/05/2022. (lctjk2) (Entered: 05/05/2022)
05/13/2022	<u>11</u>	ANSWER to Complaint by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY.(Johnson, Stephanie) (Entered: 05/13/2022)
05/13/2022	<u>12</u>	STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Johnson, Stephanie) (Entered: 05/13/2022)
05/17/2022		MINUTE ORDER: Upon consideration of Defendants' <u>12</u> Status Report, it is hereby ORDERED that the parties shall file a joint status report by June 30, 2022, including, if applicable, a proposed schedule for briefing or disclosure. Signed by Judge Timothy J. Kelly on 05/17/2022. (lctjk2) (Entered: 05/17/2022)
06/30/2022	<u>13</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Johnson, Stephanie) (Entered: 06/30/2022)
07/01/2022		MINUTE ORDER: Upon consideration of the parties' <u>13</u> Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report by July 29, 2022, updating the Court on the status of Plaintiff's FOIA request to U.S. Citizenship and Immigration Services and setting forth the parties' position(s) on how this case should proceed. Signed by Judge Timothy J. Kelly on 07/01/2022. (lctjk2) (Entered: 07/01/2022)
07/29/2022	<u>14</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Johnson, Stephanie) (Entered: 07/29/2022)

07/30/2022		MINUTE ORDER: Upon consideration of the parties' <u>14</u> Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report by August 24, 2022, updating the Court on the status of Plaintiff's FOIA request to U.S. Citizenship and Immigration Services and setting forth the parties' position(s) on how this case should proceed. Signed by Judge Timothy J. Kelly on 07/30/2022. (lctjk2) (Entered: 07/30/2022)
08/24/2022	<u>15</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Johnson, Stephanie) (Entered: 08/24/2022)
08/24/2022	<u>16</u>	MOTION for Leave to File <i>Amended Complaint</i> by SOFIYA TKACHUK. (Attachments: # <u>1</u> Exhibit First Amended Complaint, # <u>2</u> Exhibit Exhibit C to First Amended Complaint)(Klasko, H.) (Entered: 08/24/2022)
08/25/2022		MINUTE ORDER denying without prejudice Plaintiff's <u>16</u> Motion for Leave to Amend Pleadings. Under LCvR 7(m), "[b]efore filing any nondispositive motion in a civil action," counsel must "discuss the anticipated motion with opposing counsel in a good-faith effort to determine whether there is any opposition to the relief sought and, if there is, to narrow the areas of disagreement." Further, the movant must "include in its motion a statement that the required discussion occurred, and a statement as to whether the motion is opposed." Plaintiff's <u>16</u> Motion does not contain the statement required by LCvR 7(m). Thus, it is hereby ORDERED that Plaintiff's <u>16</u> Motion is DENIED WITHOUT PREJUDICE. Signed by Judge Timothy J. Kelly on 08/25/2022. (lctjk2) (Entered: 08/25/2022)
08/25/2022		MINUTE ORDER: Upon consideration of the parties' <u>15</u> Joint Status Report, it is hereby ORDERED that the parties shall file another joint status report by October 3, 2022 setting forth the parties' position(s) on how this case should proceed. Signed by Judge Timothy J. Kelly on 08/25/2022. (lctjk2) (Entered: 08/25/2022)
09/02/2022	<u>17</u>	First MOTION to Dismiss by SOFIYA TKACHUK. (Attachments: # <u>1</u> Text of Proposed Order)(Klasko, H.) (Entered: 09/02/2022)
09/05/2022		MINUTE ORDER: Plaintiff has filed a <u>17</u> Joint Motion to Dismiss Without Prejudice, which the parties each signed and in which they "stipulate[] to dismiss this action as moot." ECF No. 17 at 1-2. Under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the "plaintiff may dismiss an action without a court order by filing... a stipulation of dismissal signed by all parties who have appeared." The Court construes the <u>17</u> Joint Motion as a stipulation of dismissal without prejudice under Rule 41(a)(1)(A)(ii). Thus, the Clerk of the Court is directed to close this case. Signed by Judge Timothy J. Kelly on 09/05/2022. (lctjk2) (Entered: 09/05/2022)