

**U.S. District Court
DISTRICT OF ARIZONA (Tucson Division)
CIVIL DOCKET FOR CASE #: 4:21-cv-00446-JCH**

Walton v. Alcohol, Tobacco, Firearms and Explosives, Bureau
of
Assigned to: Judge John C Hinderaker
Cause: 05:552 Freedom of Information Act

Date Filed: 10/29/2021
Date Terminated: 11/14/2022
Jury Demand: None
Nature of Suit: 540 Prisoner: Mandamus &
Other
Jurisdiction: U.S. Government Defendant

Plaintiff**Keith Marvel Walton**

represented by **Keith Marvel Walton**
#27584-077
TUCSON-AZ-TUCSON-USP
U.S. PENITENTIARY
P.O. BOX 24550
TUCSON, AZ 85734
PRO SE

V.

Defendant**Alcohol, Tobacco, Firearms and
Explosives, Bureau of**

represented by **Michael Alexander Ambri**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/29/2021	<u>1</u>	COMPLAINT filed by Keith Marvel Walton. (15 pages) (Attachments: # <u>1</u> Exhibit, # <u>2</u> Envelope)(ARC) (Entered: 10/29/2021)
10/29/2021	<u>2</u>	NOTICE OF ASSIGNMENT (ARC) (Entered: 10/29/2021)
11/18/2021	<u>3</u>	Filing fee: \$402.00, receipt number TUC033684. PAID IN FULL. (DLC) (Entered: 11/18/2021)
12/20/2021	<u>4</u>	ORDER The Clerk of Court must serve a copy of the Summons for Defendant ATF, the Complaint (Doc. <u>1</u>), and this Order by certified mail to: the civil process clerk at the office of the United States Attorney and the United States Attorney General and Defendant ATF at Bureau of Alcohol, Tobacco, Firearms and Explosives, 99 New York Avenue, NE, Washington, DC 20226. Defendant ATF must answer the Complaint or otherwise respond by appropriate motion within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure. The Clerk of the Court shall assign this case to the expedited track pursuant to LRCiv 16.2(b)(1)(A)(i). Signed by Judge John C Hinderaker on 12/16/2021. (See attached Order for complete details)(DLC) (Entered: 12/20/2021)
12/27/2021	<u>6</u>	SERVICE EXECUTED : Certified Mail Receipt re: Summons, Order <u>4</u> , and Complaint upon United States Attorney attn: Civil Process Clerk on 12/22/2021. (SCA) (Entered: 12/28/2021)
12/29/2021	<u>7</u>	SERVICE EXECUTED : Certified Mail Receipt re: Summons, Order <u>4</u> , and Complaint upon United States Attorney General on 12/27/2021. (SCA) (Entered: 12/29/2021)

01/21/2022	<u>8</u>	ANSWER to <u>1</u> Complaint by Alcohol, Tobacco, Firearms and Explosives, Bureau of.(Ambri, Michael) (Entered: 01/21/2022)
01/24/2022	<u>9</u>	SERVICE EXECUTED: Certificate of Mailing re: Summons, Order, Complaint upon Bureau of Alcohol, Tobacco, Firearms and Explosives on 1/19/22. (JAM) (Entered: 01/28/2022)
05/05/2022	<u>10</u>	MOTION for Summary Judgment by Keith Marvel Walton. (6 pages) (Attachments: # <u>1</u> Affidavit)(SCA) (Entered: 05/05/2022)
06/06/2022	<u>11</u>	First MOTION to Stay <i>Merits Briefing Pending Jurisdictional Motion</i> by Alcohol, Tobacco, Firearms and Explosives, Bureau of. (Attachments: # <u>1</u> Proposed Order Proposed Order)(Ambri, Michael) (Entered: 06/06/2022)
06/10/2022	<u>12</u>	ORDER: IT IS HEREBY ORDERED CONSTRUING Defendant's Motion to Stay Merits Briefing Pending Motion to Dismiss for Lack of Subject Matter Jurisdiction as a motion to hold briefing on Defendant's motion for summary judgment in abeyance and GRANTING Defendant's motion (Doc. <u>11</u>). IT IS FURTHER ORDERED that Defendant shall file its Motion to Dismiss for Lack of Subject Matter Jurisdiction on or before June 20, 2022. IT IS FURTHER ORDERED that briefing on the merits of this action is held in abeyance pending the Court's ruling on the Motion to Dismiss for Lack of Subject Matter Jurisdiction. Signed by Judge John C Hinderaker on 06/10/2022. (SCA) (Entered: 06/10/2022)
06/14/2022	<u>13</u>	MOTION to Dismiss for Lack of Jurisdiction (<i>Subject Matter</i>) by Alcohol, Tobacco, Firearms and Explosives, Bureau of. (Attachments: # <u>1</u> Exhibit List, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B)(Ambri, Michael) (Entered: 06/14/2022)
06/16/2022	<u>14</u>	NOTICE of Opposition re: <u>11</u> First MOTION to Stay <i>Merits Briefing Pending Jurisdictional Motion</i> filed by Keith Marvel Walton. (3 pages) (DLC) (Entered: 06/17/2022)
06/22/2022	<u>15</u>	ORDER : IT IS ORDERED Plaintiff shall have 30 days from the date of this Order to file a response to Defendants' Motion to Dismiss. Defendants shall file any reply within 15 days from the date Plaintiffs response is filed. Defendants shall file any reply within 15 days from the date Plaintiffs response is filed. Signed by Judge John C Hinderaker on 06/22/2022. (See attached Order for complete information.)(SCA) (Entered: 06/22/2022)
06/27/2022	<u>16</u>	RESPONSE in Opposition to Motion re: <u>13</u> MOTION to Dismiss for Lack of Jurisdiction (<i>Subject Matter</i>) filed by Keith Marvel Walton. (5 pages)(SCA) (Entered: 06/27/2022)
06/30/2022	<u>17</u>	REPLY to Response to Motion re: <u>13</u> MOTION to Dismiss for Lack of Jurisdiction (<i>Subject Matter</i>) filed by Alcohol, Tobacco, Firearms and Explosives, Bureau of. (Ambri, Michael) (Entered: 06/30/2022)
11/14/2022	<u>18</u>	ORDERED Defendant's Motion to Dismiss (Doc. <u>13</u>) is granted, and the action is dismissed without prejudice for failure to exhaust administrative remedies. Plaintiff's Motion for Summary Judgment (Doc. <u>10</u>) is denied as moot. The Clerk of Court must terminate the action and enter judgment accordingly. Signed by Judge John C Hinderaker on 11/14/22. (MYE) (Entered: 11/14/2022)
11/14/2022	<u>19</u>	CLERK'S JUDGMENT – IT IS ORDERED AND ADJUDGED that pursuant to the Court's Order filed November 14, 2022, judgment of dismissal is entered. Plaintiff to take nothing, and the complaint and action are dismissed without prejudice for failure to exhaust administrative remedies. (MYE) (Entered: 11/14/2022)