

U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)
CIVIL DOCKET FOR CASE #: 5:20-cv-00363-M

Queern v. The United States
Assigned to: Chief Judge Richard E. Myers, II
Case in other court: 4CCA, 21-02302
Cause: 28:1331 Fed. Question

Date Filed: 07/09/2020
Date Terminated: 02/09/2023
Jury Demand: Plaintiff
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Jacob Queern**

represented by **Jacob Queern**
7761 NC Hwy 87 S
Fayetteville, NC 28306
757-633-1206
Email: jqueern@jeqandco.com
PRO SE

V.

Defendant**The United States**

represented by **Sharon C. Wilson**
United States Attorney's Office – EDNC
150 Fayetteville Street, Suite 2100
Raleigh, NC 27601
919-856-4026
Fax: 919-856-4821
Email: Sharon.Wilson2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Katharine Paige O'Hale
United States Attorney's Office
150 Fayetteville St, Suite 2100
Raleigh, NC 27601
919-856-4530
Fax: 919-856-4487
Email: paige.ohale@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/09/2020	<u>1</u>	MOTION for Leave to Proceed in forma pauperis, filed by Jacob Queern. (Attachments: # <u>1</u> Proposed Complaint, # <u>2</u> Motion for Leave Pursuant to Local Civil Rule 5.1(f), # <u>3</u> Notice of Unrelated Cases, # <u>4</u> Blank Report of the Parties Planning Meeting, # <u>5</u> Civil Cover Sheet, # <u>6</u> Certificate of Service, # <u>7</u> Envelope) (Rudd, D.) (Entered: 07/10/2020)
07/09/2020	<u>2</u>	Notice of Self-Representation filed by Jacob Queern. (Rudd, D.) (Entered: 07/10/2020)
07/09/2020	<u>3</u>	Financial Disclosure Statement filed by Jacob Queern. (Rudd, D.) (Entered: 07/10/2020)
07/14/2020		Motion Referred to United States Magistrate Judge Robert T. Numbers, II regarding <u>1</u> MOTION for Leave to Proceed in forma pauperis. (Waddell, K.) (Entered: 07/14/2020)
07/14/2020	<u>4</u>	ORDER: Plaintiff is DIRECTED to correct the deficiencies listed above and return the corrected documents within fourteen (14) days from the filing of this

		order. The Clerk is DIRECTED to provide all the necessary forms regarding the deficiencies above to Plaintiff for completion. Signed by Magistrate Judge Robert T. Numbers, II on 7/14/2020. (copy of Order and summons forms sent to Jacob Queern, 7761 NC Hwy 87 S, Fayetteville, NC 28306 via US Mail.) (Waddell, K.) (Entered: 07/14/2020)
07/15/2020		Notice of Pro Se E-Noticing – Pro se party has consented to receiving electronic service of all motions, notices, orders, and documents in civil cases in the Eastern District of North Carolina. All documents filed in CM-ECF will be served on this party via email pursuant to Rule 5 of the Federal Rules of Civil Procedure and Local Civil Rule 5.1. (Waddell, K.) (Entered: 07/15/2020)
07/28/2020	<u>5</u>	Document: Proposed Summons as to the Office of the U.S. Attorney filed by Jacob Queern. (Attachments: # <u>1</u> Envelope, # <u>2</u> Photocopy of Summonses and Envelope) (Waddell, K.) (Entered: 07/28/2020)
07/28/2020	<u>6</u>	Document: Proposed Summons as to the U.S. Attorney General filed by Jacob Queern. (Attachments: # <u>1</u> Envelope, # <u>2</u> Photocopy of Summonses and Envelope) (Waddell, K.) (Entered: 07/28/2020)
09/04/2020	<u>7</u>	ORDER regarding <u>1</u> MOTION for Leave to Proceed in forma pauperis filed by Jacob Queern. The Plaintiff must complete the financial affidavit and file it with the court within 14 days from the date of this order. The Clerk of Court shall provide Queern with a blank affidavit for him to complete and submit. If Queern does not submit a financial affidavit, the court may deny his motion without further notice. Signed by Magistrate Judge Robert T. Numbers, II on 9/4/2020. Copy sent to Jacob Queern, 7761 NC Hwy 87 S, Fayetteville, NC 28306 via US Mail along with the blank form. (Edwards, S.) (Entered: 09/04/2020)
09/17/2020	<u>8</u>	AMENDED MOTION for Leave to Proceed in forma pauperis filed by Jacob Queern. (Attachments: # <u>1</u> Photocopy of Contents, # <u>2</u> Envelope) (Waddell, K.)(Waddell, K.) (Entered: 09/17/2020)
09/17/2020		Motion Referred to US Magistrate Judge Robert T. Numbers, II regarding <u>8</u> AMENDED MOTION for Leave to Proceed in forma pauperis. (Waddell, K.) (Entered: 09/17/2020)
10/19/2020	<u>9</u>	ORDER AND MEMORANDUM AND RECOMMENDATION regarding <u>1</u> MOTION for Leave to Proceed in forma pauperis filed by Jacob Queern and <u>8</u> Amended MOTION for Leave to Proceed in forma pauperis filed by Jacob Queern. The court grants Plaintiff's IFP motion (D.E. 1, 8) and allows his FOIA claim to proceed. The undersigned recommends that the district court dismiss his bid protest claim based on a lack of subject matter jurisdiction. Objections to Memorandum and Recommendations due by 11/2/2020. If the time to file an objection passes without an objection being filed, the Clerk of Court must issue the summonses Plaintiff submitted. If an objection is filed, the Clerk of Court must not issue the summonses until the objection a district judge rules on his objection. Signed by Magistrate Judge Robert T. Numbers, II on 10/16/2020. (Waddell, K.) (Entered: 10/19/2020)
10/19/2020	<u>10</u>	COMPLAINT against The United States, filed by Jacob Queern. (Waddell, K.) (Entered: 10/19/2020)
11/03/2020	<u>11</u>	OBJECTION to <u>9</u> Memorandum and Recommendations by Jacob Queern. (Attachments: # <u>1</u> Envelope 1, # <u>2</u> Envelope 2, # <u>3</u> Envelope 3, # <u>4</u> Envelope 4) (Waddell, K.) (Entered: 11/03/2020)
11/03/2020	<u>12</u>	APPENDIX of Exhibits regarding <u>11</u> , filed by Jacob Queern. (Attachments: # <u>1</u> Exhibit 1-NEF regarding USDC-EDVA Case 2:19-CV-485-RBS-LRL, # <u>2</u> Exhibit 2 - D.E. 45 regarding USDC-EDVA Case 2:19-CV-485-RBS-LRL, # <u>3</u> Exhibit 3 -DLA Cover Letter, # <u>4</u> Exhibit 4 - Document Properties Page, # <u>5</u> Exhibit 5 -Email to DLA Commander, # <u>6</u> Exhibit 6 -Plaintiff's Note on 12/10/2018 Phone Conversation, # <u>7</u> Exhibit 7 - Email to DLA DIGI, # <u>8</u> Exhibit 8 - Email to DLA Senior Counsel, # <u>9</u> Exhibit 9 - Responsive Records, # <u>10</u> Exhibit 10 - Claim for Damages, # <u>11</u> Exhibit 11 - Purchase Request Numbers of Solicitations, # <u>12</u> Exhibit 12 - Closed FOIA Requests, # <u>13</u> Exhibit 13 - Overdue FOIA Requests, # <u>14</u> Exhibit 14 - Under Agency Review FOIA Requests, # <u>15</u> Exhibit 15 - Email to FBI)

		(Waddell, K.) (Entered: 11/03/2020)
11/03/2020	<u>13</u>	APPENDIX of Exhibits (continued from DE-12) regarding <u>11</u> , filed by Jacob Queern. (Attachments: # <u>1</u> Exhibit 16 – Background Origins, # <u>2</u> Exhibit 17 – FOIA Request SBA-2018-899, # <u>3</u> Exhibit 18 – Email to GOA, # <u>4</u> Exhibit 19 – Decision Letter, # <u>5</u> Exhibit 20 – Email of Protest to GOA, # <u>6</u> Exhibit 21 – Email from DLA Senior Counsel, # <u>7</u> Exhibit 22 – Request for Dismissal, # <u>8</u> Exhibit 23 – Email from GOA Senior Attorney, # <u>9</u> Exhibit 24 – Privacy Act Form (VA-02) Submitted 5/30/2018, # <u>10</u> Exhibit 25 – Response to VA-02, # <u>11</u> Exhibit 26 – Email from SBA Administrator, # <u>12</u> Exhibit 27 – Miscellaneous Documents Served on Defendant(s), # <u>13</u> Exhibit 28 – Response to Second Congressional Office of VA, # <u>14</u> Exhibit 29 – House Ethic Rules, # <u>15</u> Exhibit 30 – Recommendation for Senatorial Public Recognition of Courage, # <u>16</u> Exhibit 31 – Notice from DOJ Internal Affairs) (Waddell, K.) (Entered: 11/03/2020)
11/03/2020		Document Submitted to District Judge Richard E. Myers II: <u>11</u> Objection to <u>9</u> Memorandum and Recommendation. (Waddell, K.) (Entered: 11/03/2020)
11/03/2020		Motion Submitted to District Judge Richard E. Myers II regarding <u>9</u> MEMORANDUM AND RECOMMENDATIONS regarding <u>1</u> MOTION for Leave to Proceed in forma pauperis filed by Jacob Queern, <u>8</u> MOTION for Leave to Proceed in forma pauperis filed by Jacob Queern. (Edwards, S.) (Entered: 11/05/2020)
11/13/2020	<u>14</u>	MOTION for Extension of Time to File Objection to <u>9</u> MEMORANDUM AND RECOMMENDATION, filed by Jacob Queern. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit 1, # <u>3</u> Envelope) (Waddell, K.) (Entered: 11/13/2020)
11/13/2020		Motion Submitted to District Judge Richard E. Myers II regarding <u>14</u> MOTION for Extension of Time to File Objection to <u>9</u> MEMORANDUM AND RECOMMENDATION, filed by Jacob Queern. (Waddell, K.) (Entered: 11/13/2020)
11/16/2020	<u>15</u>	ORDER granting <u>14</u> Motion for Extension of Time to File Objection. The Court accepts as timely the Plaintiff's objection, filed November 3, 2020. Signed by District Judge Richard E. Myers II on 11/16/2020. (Edwards, S.) (Entered: 11/16/2020)
11/17/2020	<u>16</u>	OBJECTION, filed by Jacob Queern. (Attachments: # <u>1</u> Exhibit) (Waddell, K.) (Entered: 11/17/2020)
11/17/2020		Document Submitted: <u>16</u> Objection submitted to District Judge Richard E. Myers II. (Waddell, K.) (Entered: 11/17/2020)
11/30/2020	<u>17</u>	OBJECTION to <u>15</u> Order, filed by Jacob Queern. (Attachments: # <u>1</u> Exhibit 1 – USPS Delivery Confirmation, # <u>2</u> Exhibit 2 – Email 5.30.2018, # <u>3</u> Exhibit 3 – Letter 6.4.2018, # <u>4</u> Exhibit 4 – Letter 6.14.2018, # <u>5</u> Exhibit 5 – Letter 7.13.2018, # <u>6</u> Exhibit 6 – Letter 7.6.2018, # <u>7</u> Exhibit 7 – Email (annotated) 4.23.2018, # <u>8</u> Exhibit 8 –Email 5.1.2018, # <u>9</u> Exhibit 9 – Email 5.8.2018, # <u>10</u> Exhibit 10 – 5:20-cv-363-M Docket Sheet 11.28.2020, # <u>11</u> Exhibit 11 – Tracking Log, # <u>12</u> Exhibit 12 – SBA-2018-001098 Request Details, # <u>13</u> Exhibit 13 – Email 10.4.2018, # <u>14</u> Exhibit 14 – Email 6.5.2019, # <u>15</u> Exhibit 15 – Email 2.28.2020, # <u>16</u> Exhibit 16 – Email 4.17.2020, # <u>17</u> Envelope) (Waddell, K.) (Entered: 11/30/2020)
11/30/2020		Document Submitted: <u>17</u> Objection submitted to District Judge Richard E. Myers II. (Waddell, K.) (Entered: 11/30/2020)
12/01/2020	<u>18</u>	OBJECTION filed by Jacob Queern. (Attachments: # <u>1</u> Exhibit 1 – Inquiry 7.10.2018, # <u>2</u> Envelope) (Waddell, K.) (Entered: 12/01/2020)
12/01/2020		Document Submitted: <u>18</u> Objection submitted to District Judge Richard E. Myers II. (Waddell, K.) (Entered: 12/01/2020)
12/15/2020	<u>19</u>	MOTION for Expedited Consideration, filed by Jacob Queern. (Attachments: # <u>1</u> Envelope) (Waddell, K.) (Entered: 12/15/2020)
12/15/2020	<u>20</u>	MOTION [pursuant to] 28 U.S.C. 1915(e)(1), 5 U.S.C. 504, 28 U.S.C. 2412, filed by Jacob Queern. (Attachments: # <u>1</u> Exhibit 1 – document dated 4/15/1992, # <u>2</u> Exhibit 2 – Response to Agency Protest 0069658283 T-8584 V-4494, # <u>3</u> Exhibit 3 – Response to Agency Protest 007190623 7 T-4409 V-5441, # <u>4</u> Exhibit 4 – Response to Agency

		Protest 0073553997 T-8181 V-4835, # <u>5</u> Envelope) (Waddell, K.) Modified on 12/16/2020 to correct document description in the docket text (Waddell, K.). (Entered: 12/15/2020)
12/15/2020		Motions Submitted to District Judge Richard E. Myers II regarding <u>19</u> MOTION for Expedited Consideration and <u>20</u> MOTION for Expedited Consideration. (Waddell, K.) (Entered: 12/15/2020)
12/17/2020	<u>21</u>	ORDER regarding <u>16</u> Objection to Memorandum and Recommendation <u>17</u> Objection, and <u>18</u> Objection. The Court reminds the Plaintiff that any future filings failing to comply with the applicable federal and local rules may be stricken or denied. Signed by District Judge Richard E. Myers II on 12/17/2020. (Waddell, K.) (Entered: 12/17/2020)
12/17/2020	<u>22</u>	ORDER denying <u>19</u> Motion for Expedited Consideration; denying <u>20</u> Motion [pursuant to] 28 U.S.C. 1915(e)(1), 5 U.S.C. 504, 28 U.S.C. 2412;. Signed by District Judge Richard E. Myers II on 12/17/2020. (Waddell, K.) (Entered: 12/17/2020)
03/03/2021	<u>23</u>	ORDER: The Memorandum and Recommendation at <u>9</u> is ACCEPTED IN PART AND REJECTED IN PART as set forth herein, and the Plaintiff's purported NDAA claim is DISMISSED WITHOUT PREJUDICE. The court will permit Plaintiff to file an Amended Complaint asserting these (and his original FOIA) claims on or before March 31, 2021. If Plaintiff fails to comply with this deadline, the court will proceed in the action on the Plaintiff's original FOIA claims as stated in the operative Complaint. Signed by Chief US District Judge Richard E. Myers II on 3/3/2021. (Waddell, K.) (Entered: 03/03/2021)
04/01/2021	<u>24</u>	Summons Issued as to the U.S. Attorney and U.S. Attorney General.* <i>NOTICE: Plaintiff shall print the attached summonses and serve with other case opening documents in accordance with Fed.R.Civ.P.4.</i> * (Waddell, K.) (Entered: 04/01/2021)
04/06/2021	<u>25</u>	"Motion to Join [David Wickersham and Elaine Luria] as Defendants in their Individual Capacity" filed by Jacob Queern. (Attachments: # <u>1</u> Table of Contents) (Waddell, K.) (Entered: 04/06/2021)
04/06/2021	<u>26</u>	"Motion for Amended or Additional Findings" regarding <u>23</u> Order, filed by Jacob Queern. (Waddell, K.) (Additional attachment(s) added on 4/6/2021: # <u>1</u> Table of Contents) (Waddell, K.) (Entered: 04/06/2021)
04/06/2021	<u>27</u>	"Motion for Expedited Consideration" regarding <u>25</u> "Motion to Join [David Wickersham and Elaine Luria] as Defendants in their Individual Capacity" and <u>26</u> "Motion for Amended or Additional Findings" filed by Jacob Queern. (Waddell, K.) (Entered: 04/06/2021)
04/06/2021	<u>28</u>	AMENDED COMPLAINT against The United States, filed by Jacob Queern. (Attachments: # <u>1</u> Exhibit 1 – Case History for Case No. CR19002398–00, # <u>2</u> Exhibit 2 – Email 7/20/2020, # <u>3</u> Exhibit 3 – Letter 7/20/2020, # <u>4</u> Exhibit 4 – DOD Complaint 7/17/2019) (Waddell, K.) (Entered: 04/06/2021)
04/06/2021		Motions Submitted to Chief US District Judge Richard E. Myers II regarding <u>25</u> "Motion to Join [David Wickersham and Elaine Luria] as Defendants in their Individual Capacity," <u>26</u> "Motion for Amended or Additional Findings," and <u>27</u> "Motion for Expedited Consideration." (Waddell, K.) (Entered: 04/06/2021)
04/09/2021	<u>29</u>	Certificate of Service, filed by Jacob Queern regarding <u>25</u> "Motion to Join [David Wickersham and Elaine Luria] as Defendants in their Individual Capacity"; <u>26</u> "Motion for Amended or Additional Findings"; <u>27</u> "Motion for Expedited Consideration"; and <u>28</u> Amended Complaint. (Waddell, K.) (Entered: 04/09/2021)
04/09/2021	<u>30</u>	ORDER denying <u>25</u> Motion to Join [David Wickersham and Elaine Luria] as Defendants in their Individual Capacity; denying <u>26</u> Motion for Amended or Additional Findings; denying <u>27</u> Motion for Expedited Consideration. The court will permit the Plaintiff to file a Second Amended Complaint, if he so chooses, on or before April 23, 2021. If Plaintiff fails to comply with this deadline, the court will proceed in the action on the Plaintiff's Amended Complaint (DE 28). Plaintiff is reminded to read the order in its entirety for other critical information. Signed by Chief US District Judge Richard E. Myers II on 4/9/2021. (Waddell, K.)

		(Entered: 04/09/2021)
04/16/2021	<u>31</u>	MOTION for Expedited Consideration regarding <u>30</u> Order, filed by Jacob Queern. (Waddell, K.) (Additional attachment(s) added on 4/16/2021: # <u>1</u> Envelope) (Waddell, K.). (Entered: 04/16/2021)
04/16/2021	<u>32</u>	MOTION for Expedited Consideration regarding <u>23</u> Order on Memorandum and Recommendation, filed by Jacob Queern. (Attachments: # <u>1</u> Envelope) (Waddell, K.) (Additional attachment(s) added on 4/16/2021: # <u>2</u> Envelope) (Waddell, K.). (Entered: 04/16/2021)
04/19/2021		Motions Submitted to Chief US District Judge Richard E. Myers II regarding <u>31</u> MOTION for Expedited Consideration regarding <u>30</u> Order and <u>32</u> MOTION for Expedited Consideration regarding <u>23</u> Order. (Waddell, K.) (Entered: 04/19/2021)
07/21/2021	<u>33</u>	Notice to Plaintiff of Failure to Make Service within 90 Days regarding Defendant: The United States. (Waddell, K.) (Entered: 07/21/2021)
08/09/2021	<u>34</u>	MOTION to Alter or Amend Judgment regarding <u>33</u> Notice to Plaintiff and for Relief from a Final Judgment, Order, or Proceeding, filed by Jacob Queern. (Attachments: # <u>1</u> Table of Contents, # <u>2</u> Appendix, # <u>3</u> Attachment 1) (Waddell, K.) (Entered: 08/10/2021)
08/10/2021		Motion Submitted to Chief US District Judge Richard E. Myers II regarding <u>34</u> MOTION to Alter or Amend Judgment regarding <u>33</u> Notice to Plaintiff and for Relief from a Final Judgment, Order, or Proceeding. (Waddell, K.) (Entered: 08/10/2021)
08/12/2021	<u>35</u>	ORDER denying <u>31</u> Motion for Expedited Consideration regarding <u>30</u> Order; granting in part and denying in part <u>32</u> Motion for Expedited Consideration regarding <u>23</u> Order on Memorandum and Recommendation; denying as moot <u>34</u> Motion to Alter or Amend Judgment regarding <u>33</u> Notice to Plaintiff and for Relief from a Final Judgment, Order, or Proceeding. The court will permit the Plaintiff to file, on or before September 10, 2021, a Second Amended Complaint as directed herein. The ninety-day period for service required by Rule 4(m) of the Federal Rules of Civil Procedure will commence upon the filing of the Second Amended Complaint on or before September 10, 2021 or, if no such pleading is filed, the court will extend the time for service to September 30, 2021 based on the filing of the Amended Complaint (DE 28). Signed by Chief US District Judge Richard E. Myers II on 8/12/2021. Plaintiff is reminded to read the order in its entirety for other critical information and deadlines. (Waddell, K.) (Entered: 08/12/2021)
09/14/2021	<u>36</u>	MOTION for "Vindication of Petitioner's First Amendment Rights" filed by Jacob Queern. (Attachments: # <u>1</u> Envelope) (Waddell, K.) (Entered: 09/14/2021)
09/14/2021		Remark – Filed–stamped copies of <u>24</u> Summonses and <u>28</u> Amended Complaint forwarded to U.S. Marshal for service, along with USM–285 forms. (Waddell, K.) (Entered: 09/14/2021)
09/14/2021		Motion Submitted to Chief US District Judge Richard E. Myers II regarding <u>36</u> MOTION for "Vindication of Petitioner's First Amendment Rights". (Waddell, K.) (Entered: 09/14/2021)
09/29/2021	<u>37</u>	MOTION to Stay Execution of Judgment or Any Proceedings to Enforce Judgment regarding <u>36</u> MOTION for "Vindication of Petitioner's First Amendment Rights", filed by Jacob Queern. (Attachments: # <u>1</u> Table of Contents, # <u>2</u> Envelope) (Waddell, K.) (Entered: 09/29/2021)
09/29/2021		Motion Submitted to Chief Judge Richard E. Myers II: <u>37</u> MOTION to Stay Execution of Judgment or Any Proceedings to Enforce Judgment regarding <u>36</u> MOTION for "Vindication of Petitioner's First Amendment Rights". (Waddell, K.) (Entered: 09/29/2021)
10/14/2021	<u>38</u>	MOTION for Jury Trial, filed by Jacob Queern. (Attachments: # <u>1</u> Table of Contents, # <u>2</u> Instructions to the Clerk of Court, # <u>3</u> Appendix 1(a) – Direct Evidence of Agreement, # <u>4</u> Appendix 1(b) – Direct Evidence of the Agreement, # <u>5</u> Appendix 2 – Direct Evidence of a Pattern of Racketeering Activity, # <u>6</u> Envelope) (Waddell, K.) (Entered: 10/14/2021)

10/14/2021		Motion Submitted to Chief US District Judge Richard E. Myers II regarding <u>38</u> MOTION Jury Trial. (Waddell, K.) (Entered: 10/14/2021)
10/20/2021	<u>39</u>	Process Receipt and Return – US Attorney served on 10/4/2021, answer due 12/3/2021. (Waddell, K.) (Entered: 10/21/2021)
10/22/2021	<u>40</u>	Process Receipt and Return – US Attorney General served on 10/4/2021. (Waddell, K.) (Entered: 10/22/2021)
11/03/2021	<u>41</u>	Document: Objection to Entry of Document at DE– <u>38</u> filed by Jacob Queern. (Attachments: # <u>1</u> Envelope) (Waddell, K.) (Entered: 11/03/2021)
11/03/2021	<u>42</u>	Document: Objection to Entry of Document at DE– <u>39</u> , filed by Jacob Queern. (Attachments: # <u>1</u> Envelope) (Waddell, K.) (Entered: 11/03/2021)
11/03/2021	<u>43</u>	MOTION for Recusal, filed by Jacob Queern. (Attachments: # <u>1</u> Document Contents, # <u>2</u> Priority Mail Label, # <u>3</u> Picture of Doors, # <u>4</u> Email 10.29.21, # <u>5</u> Envelope) (Waddell, K.) (Entered: 11/03/2021)
11/03/2021	<u>44</u>	PROPOSED SECOND AMENDED COMPLAINT, filed by Jacob Queern. (Attachments: # <u>1</u> Plaintiffs Joined, # <u>2</u> Defendants Joined) (Waddell, K.) (Entered: 11/03/2021)
11/03/2021		Motion Submitted to Chief US District Judge Richard E. Myers II regarding <u>43</u> MOTION for Recusal. (Waddell, K.) (Entered: 11/03/2021)
11/16/2021	<u>46</u>	Notice of Appeal, filed by Jacob Queern (filing fee not paid). (Attachments: # <u>1</u> US Court of Appeals – Fourth Circuit's Letter to EDNC – Clerk of Court) (Waddell, K.) (Entered: 11/17/2021)
11/17/2021	<u>45</u>	Notice of Appearance filed by Sharon C. Wilson on behalf of The United States. (Wilson, Sharon) (Entered: 11/17/2021)
11/18/2021	<u>47</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals regarding <u>46</u> Notice of Interlocutory Appeal. (Foell, S.) (Entered: 11/18/2021)
11/19/2021		Assembled Electronic Record on Appeal transmitted to 4th Circuit Court of Appeals regarding <u>46</u> Notice of Interlocutory Appeal. <i>DE–13 excluded and will be emailed upon request.</i> (Foell, S.) (Entered: 11/19/2021)
11/19/2021	<u>48</u>	MOTION for Extension of Time <i>to file a Responsive Pleading</i> filed by The United States. (Attachments: # <u>1</u> Text of Proposed Order) (Wilson, Sharon) (Entered: 11/19/2021)
11/19/2021	<u>49</u>	US Court of Appeals Case Number 21–2302 (Jennifer Rice, Case Manager) as to <u>46</u> Notice of Interlocutory Appeal filed by Jacob Queern. (Foell, S.) (Entered: 11/19/2021)
11/19/2021	<u>50</u>	Notice of Appeal, filed by Jacob Queern (filing fee not paid). (Attachments: # <u>1</u> Envelope) (Waddell, K.) (Entered: 11/19/2021)
11/19/2021	<u>51</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals regarding <u>50</u> Notice of Interlocutory Appeal. (Foell, S.) (Entered: 11/19/2021)
12/13/2021	<u>52</u>	THIRD Notice of Appeal, filed by Jacob Queern. (Attachments: # <u>1</u> US Court of Appeals – Fourth Circuit's Letter to EDNC – Clerk of Court) (Waddell, K.) Modified on 12/20/2021 (Foell, S.). (Entered: 12/20/2021)
12/15/2021		Motion Submitted to Chief US District Judge Richard E. Myers II regarding <u>48</u> MOTION for Extension of Time <i>to file a Responsive Pleading</i> . (Waddell, K.) (Entered: 12/15/2021)
12/20/2021	<u>53</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals regarding <u>52</u> Notice of Interlocutory Appeal. (Foell, S.) (Entered: 12/20/2021)
12/21/2021	<u>54</u>	ORDER denying <u>36</u> Motion for Vindication of Petitioner's First Amendment Rights ; denying <u>37</u> Motion to Stay Execution of Judgment or Any Proceedings to Enforce Judgment ; denying <u>38</u> Motion Seeking Relief from Waiver under Fed. R. Civ. P. 39(b); denying <u>43</u> Motion to Recuse. This matter will proceed on the operative Amended Complaint at DE 28. Signed by Chief US District Judge

		Richard E. Myers II on 12/21/2021. Parties are reminded to read the order in its entirety for other critical information. (Waddell, K.) (Entered: 12/21/2021)
12/21/2021	<u>55</u>	ORDER granting <u>48</u> Motion for Extension of Time to file a Responsive Pleading. The Defendant shall file an answer or other response to the Amended Complaint (DE 28) on or before January 20, 2022. Signed by Chief US District Judge Richard E. Myers II on 12/21/2021. (Waddell, K.) (Entered: 12/21/2021)
01/20/2022	<u>56</u>	MOTION for Extension of Time <i>in which to file a responsive pleading up to and including February 10, 2022</i> filed by The United States. (Attachments: # <u>1</u> Text of Proposed Order) (Wilson, Sharon) (Entered: 01/20/2022)
01/20/2022		Motion Submitted to Chief US District Judge Richard E. Myers II regarding <u>56</u> MOTION for Extension of Time <i>in which to file a responsive pleading up to and including February 10, 2022</i> . (Waddell, K.) (Entered: 01/20/2022)
01/20/2022	<u>57</u>	ORDER granting <u>56</u> Motion for Extension of Time. The Defendant shall file an answer or other response to the Amended Complaint (DE 28) on or before February 10, 2022. Signed by Chief US District Judge Richard E. Myers II on 1/20/2022. (Waddell, K.) (Entered: 01/20/2022)
02/10/2022	<u>58</u>	MOTION for Summary Judgment filed by The United States. (Wilson, Sharon) (Entered: 02/10/2022)
02/10/2022	<u>59</u>	Memorandum in Support regarding <u>58</u> MOTION for Summary Judgment filed by The United States. (Wilson, Sharon) (Entered: 02/10/2022)
02/10/2022	<u>60</u>	Statement of Material Facts regarding <u>58</u> MOTION for Summary Judgment filed by The United States. (Wilson, Sharon) (Entered: 02/10/2022)
02/10/2022	<u>61</u>	Appendix to the Statement of Facts regarding <u>58</u> MOTION for Summary Judgment filed by The United States. (Attachments: # <u>1</u> Appendix 1 – Declaration of Lewis Oleinick pages 1–10, # <u>2</u> Appendix 2 – List of Attachments page 11, # <u>3</u> Appendix 3 – FOIA Request DLA–LANDM–2018–004803 on letterhead dated July 4, 2018 pages 12–29, # <u>4</u> Appendix 4 – FOIA Request DLA–LANDM–2018–004885 through Office of Rep Scott Taylor pages 30–50, # <u>5</u> Appendix 5 – August 1, 2018 email from DLA to Mr. Queern informing him 2018–004803 was duplicate of 2018–004885 pages 51–52, # <u>6</u> Appendix 6 – DoD Manual 5400.07 DoD FOIA Program January 25, 2017 pages 53–95, # <u>7</u> Appendix 7 – Signed Full Release Cover Letter completing DLA–LANDM–2018–004885 pages 96–97, # <u>8</u> Appendix 8 – Email between DLA and Mr. Queern August 1 August 6, 2018 for DLA–LANDM–2018–004885 pages 98–103, # <u>9</u> Appendix 9 – Screenshot showing result of DLA–LANDM–2018–004885 was a full release pages 104–106, # <u>10</u> Appendix 10 – FOIA Request, DLA–DSERV–2019–003394 Expedited Request, and DLA–DSERV–2019–003394 Fee Waiver Information pages 107–112, # <u>11</u> Appendix 11 – Response to Mr. Queern re DLA–DSERV–2018–003394 and FOIA Appeal Case Summary page 113–117, # <u>12</u> Appendix 12 – DLA–HQ–2020–000670 Email to Mr. Queern demanding payment of past due fees by January 10, 2020 page 118, # <u>13</u> Appendix 13 – Email from Mr. Queern to DLA Director regarding DLA–HQ–2020–000670 Appeal page 119–121, # <u>14</u> Appendix 14 – Closure of FOIA Appeal DLA–HQ–2020–000670 for failure to pay delinquent fees 01.14.2020 pages 122–126, # <u>15</u> Appendix 15 – FOIA request DLA–TS–2019–001825 Mr. Queern pages 127–129, # <u>16</u> Appendix 16 – Email providing final response for FOIA request page 130, # <u>17</u> Appendix 17 – FOIA request DLA–TS–2019–001830 pages 131–132, # <u>18</u> Appendix 18 – initial Response letter for DLA–TS–2019–001830 dated 03.08.2019 pages 133–157, # <u>19</u> Appendix 19 – Invoice and proof of transmission on 03.15.2019 for DLA–TS–2019–001830 pages 158–159, # <u>20</u> Appendix 20 – Appeal DLA–HQ–2019–002279 Submission 03.15.2019 pages 160–161, # <u>21</u> Appendix 21 – Response to Appeal DLA–HQ–2018–002279 page 162, # <u>22</u> Appendix 22 – FOIA Appeal DLA–HQ–2019–002495 submitted 04.06.2019 pages 163–164, # <u>23</u> Appendix 23 – Closure of FOIA Appeal DLA–HQ–2018–002495 for failure to pay past due fees 06.12.2019 pages 165–166, # <u>24</u> Appendix 24 – DLA–TS–2019–002569 FOIA Request received 04.15.2019 pages 167–169, # <u>25</u> Appendix 25 – LA–LANDM–2019–002623 FOIA Request received 04.19.2019 pages 170–171, # <u>26</u> Appendix 26 – DLA–TS–2019–002634 FOIA Request received 04.22.2019 pages 172–174, # <u>27</u> Appendix 27 – Expedited Processing Justification Requested for DLA–TS–2019–002569 page 175, # <u>28</u> Appendix 28 – Mr. Queern

		response to request for expedited processing justification re DLA-TS-2019-002569 pages 176-181, # <u>29</u> Appendix 29 – DLA-TS-2019 Expedited Treatment Denial pages 182-183, # <u>30</u> Appendix 30 – Final Response letter for DLA-LANDM-2019-002623, DLA-TS-2019-002634, and DLA-2019-002569 for Overdue fees page 184) (Wilson, Sharon) (Entered: 02/10/2022)
02/10/2022	<u>62</u>	Notice filed by The United States regarding <u>61</u> Appendix to the Statement of Facts,,,,,, Notice of Additional Filing. (Attachments: # <u>1</u> Appendix 31 – Declaration of Jerold Unruh OIG-DLA pages 185-188, # <u>2</u> Appendix 32 – Declaration of Oreoluwa Fashola (O.F.D.) – SBA pages 189-191, # <u>3</u> Appendix 33 – -O.F.D. Exhibit A SBA 2018-000862 pages 192-260, # <u>4</u> Appendix 34 – -O.F.D. Exhibit B SBA response to 2018-000862 pages 261-262, # <u>5</u> Appendix 35 – -O.F.D. Exhibit C SBA referral of request #4 of 2018-000862 to DLA page 263, # <u>6</u> Appendix 36 – -O.F.D. Exhibit D SBA 2018-000899 (p. 76) pages 264-265, # <u>7</u> Appendix 37 – -O.F.D. Exhibit E SBA response to 2018-000899 page 266, # <u>8</u> Appendix 38 – email of 01.27.2022 payment research for Queern pages 267-268) (Wilson, Sharon) (Entered: 02/10/2022)
02/10/2022	<u>63</u>	Notice filed by The United States regarding <u>61</u> Appendix to the Statement of Facts,,,,,, Notice of Additional Filing. (Attachments: # <u>1</u> Appendix 39 – Second Declaration of Lewis Oleinick on Request 4 with attachments pages 269-420) (Wilson, Sharon) (Entered: 02/10/2022)
02/10/2022	<u>64</u>	Notice filed by The United States regarding <u>61</u> Appendix to the Statement of Facts,,,,,, Notice of Additional Filing Corrected Appendix 33. (Attachments: # <u>1</u> Appendix 33 – -O.F.D. Exhibit A SBA 2018-000862 pages 192-260) (Wilson, Sharon) (Entered: 02/10/2022)
02/10/2022	<u>65</u>	Roseboro Letter – Right to Respond to <u>58</u> Motion for Summary Judgment. <i>Parties are reminded to read the letter in its entirety for critical information and deadlines.</i> (Waddell, K.) (Entered: 02/10/2022)
02/10/2022		REMINDER TO COUNSEL regarding <u>61</u> . Pursuant to Chief Judge Myers Practice Preferences, counsel shall provide a courtesy copy of any motion, memorandum, or brief which exceeds 30 pages or of any exhibits which exceed a total of 30 pages, by mailing or delivering to the attention of the Clerk, U.S. District Court, 1003 South 17th Street, Wilmington, NC 28401. The courtesy copies of any motion, memorandum, or brief and supporting exhibits which exceed a combined total of 100 pages shall be submitted tabbed by docket entry and exhibit number in a three-ring binder. The courtesy copy shall include the CM-ECF file stamp. (Waddell, K.) (Entered: 02/10/2022)
03/16/2022		Motion Submitted to Chief US District Judge Richard E. Myers II regarding <u>58</u> MOTION for Summary Judgment. (Waddell, K.) (Entered: 03/16/2022)
04/28/2022	<u>66</u>	Unpublished Opinion from Fourth Circuit Court of Appeals. Dismissed. (Foell, S.) (Entered: 04/28/2022)
04/28/2022	<u>67</u>	US Court of Appeals Judgment as to <u>50</u> Notice of Interlocutory Appeal filed by Jacob Queern, <u>46</u> Notice of Interlocutory Appeal filed by Jacob Queern, <u>52</u> Notice of Interlocutory Appeal filed by Jacob Queern. (Foell, S.) (Entered: 04/28/2022)
06/21/2022	<u>68</u>	MANDATE of US Court of Appeals (certified copy) as to <u>50</u> Notice of Interlocutory Appeal filed by Jacob Queern, <u>46</u> Notice of Interlocutory Appeal filed by Jacob Queern, <u>52</u> Notice of Interlocutory Appeal filed by Jacob Queern. The judgment of this court, entered April 28, 2022, takes effect today. This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. (Rudd, D.) (Entered: 06/21/2022)
09/22/2022	<u>69</u>	Notice filed by The United States regarding <u>60</u> Statement of Material Facts . (Attachments: # <u>1</u> Supplement Declaration of Lewis Oleinick) (Wilson, Sharon) (Entered: 09/22/2022)
09/22/2022	<u>70</u>	ORDER denying without prejudice <u>58</u> Motion for Summary Judgment. Defendant shall file an answer or other response to the operative pleading on or before October 13, 2022. Signed by Chief US District Judge Richard E. Myers II on 9/22/2022. (McNally, Kimberly) (Entered: 09/22/2022)

10/07/2022	<u>71</u>	ANSWER to <u>28</u> Amended Complaint, <i>and Reservation of Rights</i> by The United States. (Wilson, Sharon) (Entered: 10/07/2022)
10/07/2022	<u>72</u>	ORDER FOR DISCOVERY PLAN sent to all parties. Signed by Peter A. Moore, Jr., Clerk of Court on 10/7/2022. (McNally, Kimberly) (Entered: 10/07/2022)
11/18/2022	<u>73</u>	Rule 26(f) Report (individual) filed by The United States. (Wilson, Sharon) (Entered: 11/18/2022)
11/21/2022		Document Referred: <u>73</u> Joint Rule 26(f) Report referred to US Magistrate Judge Robert T. Numbers, II. (McNally, Kimberly) (Entered: 11/21/2022)
11/21/2022	<u>74</u>	ORDER regarding <u>73</u> Rule 26(f) Report (individual) filed by The United States. The court will hold a hearing on the matter. The hearing will take place on Monday, December 12, 2022 at 1:30 p.m. in the Fifth floor Courtroom, Terry Sanford Federal Building, Raleigh, North Carolina. Signed by Magistrate Judge Robert T. Numbers, II on 11/21/2022. (McNally, Kimberly) (Entered: 11/21/2022)
11/21/2022		**** Set Hearing: Discovery Plan Hearing set for 12/12/2022 at 1:30 PM in Raleigh – 5th Floor Courtroom before Magistrate Judge Robert T. Numbers II. (McNally, Kimberly) (Entered: 11/21/2022)
11/28/2022	<u>75</u>	Notice of Appearance filed by Katharine Paige O'Hale on behalf of The United States. (O'Hale, Katharine) (Entered: 11/28/2022)
12/12/2022	<u>76</u>	Minute Entry for proceedings held before Magistrate Judge Robert T. Numbers, II in Raleigh. Discovery Hearing held on 12/12/2022. Assistant U.S. Attorney present for government. Plaintiff did not appear for the hearing. Counsel for the government advised the court that they have not had any contact with the plaintiff. The court inquired as to the scope of discovery. The court will take this matter under advisement and issue an order. (Court Reporter – FTR) (Horton, B.) (Entered: 12/12/2022)
12/15/2022	<u>77</u>	ORDER AND ORDER TO SHOW CAUSE: Queern will have 28 days from the date this order issues to show that he plans to pursue this case moving forward. The court also orders that discovery be stayed until the court evaluates Queerns response to this show cause order. Signed by US Magistrate Judge Robert T. Numbers, II on 12/15/2022. (McNally, Kimberly) (Entered: 12/15/2022)
01/20/2023	<u>78</u>	MEMORANDUM AND RECOMMENDATION: The undersigned recommends that the court dismiss this action without prejudice. Any party may file a written objection to the M&R within 14 days from the date the Clerk serves it on them. Signed by US Magistrate Judge Robert T. Numbers, II on 2/3/2023. (McNally, Kimberly) (Entered: 01/20/2023)
02/07/2023		M&R Submitted to Chief US District Judge Richard E. Myers II: <u>78</u> MEMORANDUM AND RECOMMENDATION regarding <u>28</u> Amended Complaint. (McNally, Kimberly) (Entered: 02/07/2023)
02/09/2023	<u>79</u>	ORDER adopting <u>78</u> Memorandum and Recommendation. Signed by Chief US District Judge Richard E. Myers II on 2/9/2023. (McNally, Kimberly) (Entered: 02/09/2023)
02/09/2023	<u>80</u>	JUDGMENT. Signed by Peter A. Moore, Jr., Clerk of Court on 2/9/2023. (McNally, Kimberly) (Entered: 02/09/2023)