

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:21-cv-11817-MPK**

Hawkinson v. EOIR
Assigned to: Magistrate Judge M. Page Kelley
related Case: [1:20-cv-12273-MPK](#)
Cause: 05:552 Freedom of Information Act

Date Filed: 11/09/2021
Date Terminated: 08/10/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Pro Se Party John A. Hawkinson**

represented by **John A. Hawkinson**
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PRO SE

V.

Defendant

EOIR
a component of the US Department of Justice
also known as
Executive Office for Immigration Review

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Date Filed	#	Docket Text
11/09/2021	<u>1</u>	COMPLAINT against EOIR, filed by John A. Hawkinson. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Category Form)(Geraldino-Karasek, Clarilde) (Additional attachment(s) added on 11/9/2021: # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D) (Geraldino-Karasek, Clarilde). (Entered: 11/09/2021)

11/09/2021	2	Filing fee/payment: \$ 402.00, receipt number 1BST087132 for <u>1</u> Complaint, (Phillips, Sophie) (Entered: 11/09/2021)
11/09/2021	3	NOTICE of Case Assignment. Magistrate Judge M. Page Kelley assigned to case. Plaintiff's counsel, or defendant's counsel if this case was initiated by the filing of a Notice of Removal, are directed to the Notice and Procedures regarding Consent to Proceed before the Magistrate Judge which can be downloaded here. These documents will be mailed to counsel not receiving notice electronically. Pursuant to General Order 09-3, until the Court receives for filing either a consent to the Magistrate Judge's jurisdiction or the reassignment of the case to a District Judge, the initial assignment of a civil case to the Magistrate Judge is a referral to the Magistrate Judge under 28 USC 636(b) for all pretrial non-dispositive matters and Report and Recommendations, but not for the Rule 16(b) scheduling conference. (Finn, Mary) (Entered: 11/09/2021)
11/09/2021	4	FILED IN ERROR. (DaSilva, Carolina). (Entered: 11/09/2021)
11/09/2021	<u>5</u>	MOTION for Leave to file electronically Pro Se by John A. Hawkinson.(Geraldino-Karasek, Clarilde) (Entered: 11/09/2021)
11/09/2021	6	FILED IN ERROR (DaSilva, Carolina). (Entered: 11/09/2021)
11/09/2021	<u>7</u>	Summons Issued as to EOIR. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Geraldino-Karasek, Clarilde) (Entered: 11/09/2021)
11/09/2021	8	Notice of correction to docket made by Court staff. Correction: Docket Entries 4 and 6 corrected because: incorrect summons issued. Please refer to docket entry 7 for FOIA Summons Issued as to Defendant, EOIR. (Geraldino-Karasek, Clarilde) (Entered: 11/09/2021)
11/10/2021	9	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting <u>5</u> Motion for leave to electronically file Pro Se. The court grants permission on the condition that plaintiff satisfies all applicable training and other requirements for pro se litigants as stated in the CM/ECF Administrative Procedures, Page 5. Plaintiff is directed to complete the registration form available through https://pacer.uscourts.gov/register-account . Pro se e-filing account instructions https://www.mad.uscourts.gov/caseinfo/nextgen-pro-se.htm . (Ferguson, Kerry) (Entered: 11/10/2021)
11/10/2021	<u>10</u>	SUMMONS Returned Executed as to US Attorney by John A. Hawkinson. EOIR served on 11/9/2021, answer due 12/9/2021. (Hawkinson, John) (Entered: 11/10/2021)
11/10/2021	<u>11</u>	SUMMONS Returned Executed EOIR served on 11/10/2021, answer due 12/10/2021. (Hawkinson, John) (Entered: 11/10/2021)
11/10/2021	<u>12</u>	SUMMONS Returned Executed by John A. Hawkinson., SUMMONS Returned Executed by John A. Hawkinson. (Attachments: # <u>1</u> Proof of service upon Attorney General of the United States)(Hawkinson, John) (Entered: 11/10/2021)
12/02/2021	<u>13</u>	NOTICE of Appearance by Michael P. Sady on behalf of EOIR (Sady, Michael) (Entered: 12/02/2021)
12/10/2021	<u>14</u>	ANSWER to <u>1</u> Complaint, by EOIR.(Sady, Michael) (Entered: 12/10/2021)
12/13/2021	15	ELECTRONIC NOTICE TO COUNSEL: Notification forms indicating whether or not a party has consented to proceed before a U.S. Magistrate Judge have not been received in the Clerk's Office. The submission of the form is mandatory. Completed forms shall be filed promptly. Additional forms can be obtained on the Court's web page at http://www.mad.uscourts.gov . (Vieira, Leonardo) (Entered: 12/13/2021)

12/13/2021	<u>16</u>	CONSENT by all parties to Jurisdiction by US Magistrate Judge by John A. Hawkinson.. (Hawkinson, John) (Entered: 12/13/2021)
12/21/2021	<u>17</u>	<p>NOTICE of Scheduling Conference</p> <p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.</p> <p>Scheduling Conference set for 1/3/2022 02:00 PM in Courtroom 24 (Remote only) before Magistrate Judge M. Page Kelley.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>(Attachments: # <u>1</u> Text of Proposed Order)(Vieira, Leonardo) (Entered: 12/21/2021)</p>
12/21/2021	<u>18</u>	Joint MOTION to Continue Rule 16(b) scheduling conference to 1/17/2022 <i>due to holiday schedules</i> by EOIR, John A. Hawkinson.(Hawkinson, John) (Entered: 12/21/2021)
12/22/2021	19	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting <u>18</u> Joint Motion to Continue. The scheduling conference set for January 3, 2022 is canceled. A new date will be selected by the court. (Ferguson, Kerry) (Entered: 12/22/2021)
12/30/2021	20	<p>ELECTRONIC NOTICE of Hearing.</p> <p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>Scheduling Conference set for 1/18/2022 10:00 AM in Courtroom 24 (Remote only) before Magistrate Judge M. Page Kelley. (Vieira, Leonardo) (Entered: 12/30/2021)</p>
01/13/2022	<u>21</u>	JOINT SUBMISSION pursuant to Local Rule 16.1 by EOIR.(Sady, Michael) (Entered: 01/13/2022)
01/18/2022	22	ELECTRONIC NOTICE Canceling Hearing. Scheduling Conference set for 1/18/2022 is canceled . (Vieira, Leonardo) (Entered: 01/18/2022)
01/18/2022	23	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered: Regarding the joint submission, <u>21</u> , the dates as proposed by the parties are accepted. Defendant shall file its summary judgment motion by March 4, 2022; plaintiff shall file his opposition by March 25, 2022; defendants reply is due April 8, 2022. If plaintiff files a cross-motion for summary judgment on March 25, 2022, then defendants reply and opposition due by April 15, 2022; plaintiffs reply due April 29, 2022.(Vieira, Leonardo) Modified on 1/18/2022 to fix docket text and deadline dates (Vieira, Leonardo). (Entered: 01/18/2022)
03/04/2022	<u>24</u>	MOTION for Summary Judgment by EOIR.(Sady, Michael) (Entered: 03/04/2022)

03/04/2022	<u>25</u>	MEMORANDUM in Support re <u>24</u> MOTION for Summary Judgment filed by EOIR. (Sady, Michael) (Entered: 03/04/2022)
03/04/2022	<u>26</u>	STATEMENT of facts <i>Rule 56.1 Statement of Material Facts</i> . (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Sady, Michael) (Entered: 03/04/2022)
03/25/2022	<u>27</u>	Assented to MOTION for Extension of Time to 3/28/2022 to File Response/Reply as to <u>24</u> MOTION for Summary Judgment by John A. Hawkinson.(Hawkinson, John) (Entered: 03/25/2022)
03/25/2022	28	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting <u>27</u> Motion for Extension of Time to File Response/Reply re <u>27</u> Assented to MOTION for Extension of Time to 3/28/2022 to File Response/Reply as to <u>24</u> MOTION for Summary Judgment . Opposition to motion for summary judgment due March 28, 2022; defendant's reply due April 11, 2022; defendant's reply to cross-motion due April 18, 2022; plaintiff's cross-reply due May 2, 2022. (Kelley, M.) (Entered: 03/25/2022)
03/28/2022	<u>29</u>	Opposition re <u>24</u> MOTION for Summary Judgment filed by John A. Hawkinson. (Attachments: # <u>1</u> Exhibit 1: Declaration of John A. Hawkinson)(Hawkinson, John) (Entered: 03/28/2022)
04/08/2022	<u>30</u>	Assented to MOTION for Extension of Time to 04/25/2022 to File Response/Reply as to <u>29</u> Opposition to Motion by EOIR.(Farquhar, Rayford) (Entered: 04/08/2022)
04/08/2022	31	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered ALLOWING <u>30</u> Motion for Extension of Time to File Response/Reply re <u>29</u> Opposition to Motion Responses due by 4/25/2022 (Vieira, Leonardo) (Entered: 04/08/2022)
04/11/2022	<u>32</u>	NOTICE of Appearance by Michael Fitzgerald on behalf of EOIR (Fitzgerald, Michael) (Entered: 04/11/2022)
04/25/2022	<u>33</u>	REPLY to Response to <u>24</u> MOTION for Summary Judgment filed by EOIR. (Attachments: # <u>1</u> Exhibit Declaration)(Fitzgerald, Michael) (Entered: 04/25/2022)
04/25/2022	<u>34</u>	Assented to MOTION for Leave to File <i>SUR-REPLY in opposition to 24 MOTION for Summary Judgment</i> by John A. Hawkinson.(Hawkinson, John) (Entered: 04/25/2022)
04/25/2022	35	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered ALLOWING <u>34</u> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Vieira, Leonardo) (Entered: 04/25/2022)
04/27/2022	<u>36</u>	Assented to MOTION for Leave to File <i>Corrected Document</i> by EOIR. (Attachments: # <u>1</u> Exhibit)(Fitzgerald, Michael) (Entered: 04/27/2022)
04/27/2022	37	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered ALLOWING <u>36</u> Motion for Leave to File Document. (Vieira, Leonardo) (Entered: 04/27/2022)
04/27/2022	<u>38</u>	REPLY to Response to <u>24</u> MOTION for Summary Judgment (<i>Leave to File Granted on April 27, 2022</i>) filed by EOIR. (Fitzgerald, Michael) (Entered: 04/27/2022)
05/09/2022	<u>39</u>	SUR-REPLY to Motion re <u>24</u> MOTION for Summary Judgment filed by John A. Hawkinson. (Attachments: # <u>1</u> Exhibit 1: Supplemental Declaration of John A. Hawkinson in Support of His Sur-Reply in Opposition to Summary Judgment)(Hawkinson, John) (Entered: 05/09/2022)
03/27/2023	40	Magistrate Judge M. Page Kelley: ORDER entered. Case stayed pending the decision of the United States Court of Appeals for the First Circuit in Hawkinson v. EOIR, #21-1975, #20-cv-12273-MPK. (Vieira, Leonardo) Modified on 3/27/2023 to fix docket text (Vieira, Leonardo). (Entered: 03/27/2023)
08/10/2023	<u>41</u>	Magistrate Judge M. Page Kelley: MEMORANDUM AND ORDER entered granting <u>24</u> Motion for Summary Judgment. "For the reasons stated, Defendants Motion for Summary Judgment <u>24</u> is GRANTED." (Belpedio, Lisa) Modified on 8/10/2023 (Belpedio, Lisa). (Entered: 08/10/2023)

08/10/2023	42	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered LIFTING STAY. In light of the United States Court of Appeals for the First Circuits decision in Hawkinson v. EOIR, #21-1975, #20-cv-12273, issued July 19, 2023, the stay in this case, see 40 , is hereby lifted. (Belpedio, Lisa) (Entered: 08/10/2023)
08/10/2023	<u>43</u>	Magistrate Judge M. Page Kelley: JUDGMENT entered. (Belpedio, Lisa) (Entered: 08/10/2023)