

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:23-cv-04314-LGS**

Cheng v. Department of Justice et al
Assigned to: Judge Lorna G. Schofield
Cause: 05:552 Freedom of Information Act

Date Filed: 05/23/2023
Date Terminated: 08/17/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Sheng-Wen Cheng**

represented by **Sheng-Wen Cheng**
No. 05261-509
Federal Medical Center
FMC Rochester
P.O. Box 4000
Rochester, MN 55903
PRO SE

V.

Defendant**Department of Justice**

represented by **Alexander Kristofcak**
DOJ-USAO
Southern District of New York
86 Chambers Street
3rd Floor
New York, NY 10007
212-637-2768
Email: alexander.kristofcak@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Federal Bureau of Prisons**

represented by **Alexander Kristofcak**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 05/23/2023 | <u>1</u> | COMPLAINT against Department of Justice, Federal Bureau of Prisons. Document filed by Sheng-Wen Cheng. (sac) (Entered: 05/24/2023) |
| 05/23/2023 | <u>2</u> | REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Sheng-Wen Cheng. (sac) (Entered: 05/24/2023) |
| 05/23/2023 | <u>3</u> | CIVIL COVER SHEET filed. (sac) (Entered: 05/24/2023) |
| 05/23/2023 | <u>4</u> | PRISONER AUTHORIZATION. Document filed by Sheng-Wen Cheng. (sac) (Entered: 05/24/2023) |
| 05/23/2023 | | Case Designated ECF. (sac) (Entered: 05/24/2023) |
| 05/23/2023 | <u>5</u> | MOTION to require detailed indexing, justification, and itemization re: <u>1</u> Complaint. Document filed by Sheng-Wen Cheng. (sac) (Entered: 05/24/2023) |
| 05/24/2023 | <u>6</u> | ORDER GRANTING IFP APPLICATION IN PRISONER CASE: The Clerk of Court is directed to send a copy of this order and the prisoner authorization to the agency having custody of Plaintiff. That agency is directed to forward copies of Plaintiff's |

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| | | prison trust fund account for the past six months and to disburse the payments required under 28 U.S.C. § 1915 to the United States District Court for the Southern District of New York and to include the above docket number on the disbursement before sending it to the Court. If Plaintiff is transferred to another facility, the current facility shall provide a copy of this order to the facility to which Plaintiff is transferred. Finally, it is Plaintiff's obligation to promptly submit a written notification to the Court if Plaintiff's address changes, and the Court may dismiss the action if Plaintiff fails to do so. (Signed by Judge Laura Taylor Swain on 5/24/2023) (sha) (Entered: 05/24/2023) |
| 05/25/2023 | | MAILING RECEIPT: Document No: 6. Mailed to: Sheng-Wen Cheng No.05261-509 Federal Medical Center P.O. Box 4000 Rochester, MN 55903. Also mailed a copy to the Superintendent of FMC Rochester. (kh) (Entered: 05/25/2023) |
| 06/07/2023 | <u>7</u> | LETTER from S. Cheng, dated 6/1/23 re: If possible, please inform me if this Honorable Court has received my FOIA lawsuit against the DOJ and FBI(along with my In Forma Pauperis application) or not as soon as practicable. Document filed by Sheng-Wen Cheng.(sc) Modified on 6/8/2023 (sc). (Entered: 06/08/2023) |
| 06/07/2023 | | Request for Copy of the updated Docket Sheet Received: Re <u>7</u> Letter. Request for Docket Report, from Sheng-Wen Cheng received on 6/7/23. Transmission to Pro Se Assistants for processing. (sc) (Entered: 06/08/2023) |
| 06/08/2023 | | Request for Copies/Transcripts/Docket Sheet Processed: Mailed copy of Docket Sheet to Sheng-Wen Cheng, No. 05261-509 at Federal Medical Center, FMC Rochester, P.O. Box 4000, Rochester, MN 55903 on 6/8/2023. (sha) (Entered: 06/08/2023) |
| 06/16/2023 | | NOTICE OF CASE REASSIGNMENT to Judge Lorna G. Schofield. Judge Unassigned is no longer assigned to the case. (sgz) (Entered: 06/16/2023) |
| 06/16/2023 | | Magistrate Judge James L. Cott is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (sgz) (Entered: 06/16/2023) |
| 06/20/2023 | <u>9</u> | ORDER OF SERVICE: The Clerk of Court is respectfully directed to mail an information package to Plaintiff. The Clerk of Court is further directed to (1) issue summonses for the United States Department of Justice and Federal Bureau of Prisons; (2) complete the USM-285 forms with the addresses for these Defendants, (3) mark the box on USM-285 form labeled "Check for service on U.S.A."; and (4) deliver all documents necessary to effect service to the U.S. Marshals Service. Copies of the NYLAG Clinic's flyer, retainer, and intake form are attached to this order. (Signed by Judge Lorna G. Schofield on 6/20/2023) (ate) Transmission to Pro Se Assistants for processing. (Entered: 06/20/2023) |
| 06/21/2023 | <u>10</u> | SUMMONS ISSUED as to Department of Justice, Federal Bureau of Prisons. (ta) (Entered: 06/21/2023) |
| 06/21/2023 | | FRCP 4 SERVICE PACKAGE HAND DELIVERED TO U.S.M.: on 06/21/2023 Re: Judge Lorna G. Schofield <u>9</u> Order of Service. The following document(s) were enclosed in the Service Package: Complaint, Summons, IFP, Order of Service, Completed U.S.M. form(s) for defendant(s) Federal Bureau of Prisons, United States Department of Justice, US Attorney for SDNY. (ta) (Entered: 06/21/2023) |
| 06/21/2023 | <u>11</u> | INFORMATION PACKAGE MAILED to Sheng-Wen Cheng No. 05261-509 Federal Medical Center FMC Rochester P.O. Box 4000 Rochester, MN 55903 on 06/21/2023 Re: <u>9</u> Order of Service. The following document(s) were enclosed in the Service Package: a copy of the order of service or order to answer and other orders entered to date, the individual practices of the district judge and magistrate judge assigned to your case, Instructions for Litigants Who Do Not Have Attorneys, Notice Regarding Privacy and Public Access to Electronic Case Files, a flyer about the free legal assistance clinic located in the Thurgood Marshall Courthouse (only in non prisoner cases), a Motions guide, a notice that the Pro Se Manual has been discontinued, a Notice of Change of Address form to use if your contact information changes, a handout explaining matters handled by magistrate judges and consent form to complete if all parties agree to proceed for all purposes before the magistrate judge. |

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| | | (ta) (Entered: 06/21/2023) |
| 07/10/2023 | <u>12</u> | NOTICE OF APPEARANCE by Alexander Kristofcak on behalf of Department of Justice, Federal Bureau of Prisons..(Kristofcak, Alexander) (Entered: 07/10/2023) |
| 07/18/2023 | <u>13</u> | ORDER: Initial Conference set for 8/16/2023 at 04:10 PM before Judge Lorna G. Schofield. The conference will be telephonic and will take place on the following line: 888-363-4749; access code: 558-3333. The Clerk is directed to mail a copy of this order to the pro se Plaintiff. (Signed by Judge Lorna G. Schofield on 7/18/2023) (ks) (Entered: 07/18/2023) |
| 07/19/2023 | | Mailed a copy of <u>13</u> Order for Initial Pretrial Conference, to Sheng-Wen Cheng at No. 05261-509 Federal Medical Center FMC Rochester P.O. Box 4000 Rochester, MN 55903. (ok) (Entered: 07/19/2023) |
| 07/24/2023 | <u>14</u> | ORDER: It is hereby ORDERED that Defendants shall file the required letter as soon as possible and no later than July 26, 2023. (Signed by Judge Lorna G. Schofield on 7/24/2023) (tro) (Entered: 07/24/2023) |
| 07/25/2023 | | MAILING RECEIPT: Document No: 14. Mailed to: Sheng-Wen Cheng No.05261-509 Federal Medical Center P.O. Box 4000 Rochester, MN 55903. (ok) (Entered: 07/25/2023) |
| 07/25/2023 | <u>15</u> | ANSWER to <u>1</u> Complaint. Document filed by Department of Justice, Federal Bureau of Prisons..(Kristofcak, Alexander) (Entered: 07/25/2023) |
| 07/25/2023 | <u>16</u> | LETTER addressed to Judge Lorna G. Schofield from the Defendants dated July 25, 2023 re: August 16, 2023 teleconference and related matters. Document filed by Department of Justice, Federal Bureau of Prisons..(Kristofcak, Alexander) (Entered: 07/25/2023) |
| 07/26/2023 | <u>17</u> | SUPPLEMENTAL LETTER addressed to Judge Lorna G. Schofield from the Defendants dated July 26, 2023 re: August 16, 2023 teleconference. Document filed by Department of Justice, Federal Bureau of Prisons..(Kristofcak, Alexander) (Entered: 07/26/2023) |
| 07/26/2023 | <u>18</u> | CERTIFICATE OF SERVICE of Defendants Answer (ECF No. 15), Defendants July 25, 2023 Letter to the Court (ECF No. 16), and Defendants July 26, 2023 Supplemental Letter to the Court (ECF No. 17) served on Sheng-Wen Cheng on July 26, 2023. Service was made by Certified Mail. Document filed by Department of Justice, Federal Bureau of Prisons..(Kristofcak, Alexander) (Entered: 07/26/2023) |
| 07/26/2023 | <u>19</u> | MEMO ENDORSEMENT on re: <u>16</u> Letter filed by Federal Bureau of Prisons, Department of Justice. ENDORSEMENT: The Order issued July 18, 2023, does not require the parties to file a proposed case management plan in advance of the initial conference. The parties shall file a joint status letter by August 2, 2023, in accordance with Defendants' proposal. The letter shall include a statement regarding any agreement as to the production of documents and scope of Plaintiff's requests and whether Plaintiff consents to the waiver of the initial pretrial conference, if Defendants so propose. So Ordered. (Signed by Judge Lorna G. Schofield on 7/26/2023) (rro) (Entered: 07/26/2023) |
| 07/27/2023 | <u>20</u> | MEMO ENDORSEMENT on re: <u>17</u> Letter filed by Federal Bureau of Prisons, Department of Justice. ENDORSEMENT: Application GRANTED. The August 16, 2023, conference is RESCHEDULED to August 16, 2023, at 3:00 P.M. The conference will be telephonic and will take place on the following line: 888-363-4749; access code: 558-3333. So Ordered. (Initial Conference set for 8/16/2023 at 03:00 PM before Judge Lorna G. Schofield.) (Signed by Judge Lorna G. Schofield on 7/27/2023) (mml) (Entered: 07/27/2023) |
| 07/28/2023 | | MAILING RECEIPT: Document No: 19,20. Mailed to: Sheng-Wen Cheng No.05261-509 Federal Medical Center P.O. Box 4000 Rochester, MN 55903. (ok) (Entered: 07/28/2023) |
| 08/01/2023 | <u>21</u> | LETTER addressed to Judge Lorna G. Schofield from the Defendants dated August 1, 2023 re: Status Update. Document filed by Department of Justice, Federal Bureau of Prisons..(Kristofcak, Alexander) (Entered: 08/01/2023) |

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| 08/02/2023 | <u>22</u> | MEMO ENDORSEMENT on re: <u>21</u> Letter filed by Federal Bureau of Prisons, Department of Justice. ENDORSEMENT: Application GRANTED. Defendants shall produce all responsive records not subject to an exception under FOIA by August 4, 2023. The parties shall file a further status letter by August 11, 2023, in accordance with Defendants' proposal. So Ordered. (Signed by Judge Lorna G. Schofield on 8/2/2023) (tg) (Entered: 08/02/2023) |
| 08/03/2023 | | MAILING RECEIPT: Document No: 22. Mailed to: Sheng–Wen Cheng No.05261–509 Federal Medical Center P.O. Box 4000 Rochester, MN 55903. (ta) (Entered: 08/03/2023) |
| 08/07/2023 | <u>23</u> | LETTER addressed to Judge Lorna G. Schofield from S. Cheng dated 7/31/23 re: I am requesting the Court to waive the requirement of me to serve a copy of all documents to the government and allow the government to receive any correspondences from me through the Court's ECF System. Document filed by Sheng–Wen Cheng.(sc) (Entered: 08/07/2023) |
| 08/08/2023 | <u>24</u> | MEMO ENDORSEMENT on re: <u>23</u> Letter, filed by Sheng–Wen Cheng. ENDORSEMENT: Application GRANTED. Filing a document through the ECF system shall constitute proper service on the Government for purposes of Rule (2)(A) of the Court's Special Rules and Practices in Civil Pro Se Cases. So Ordered. (Signed by Judge Lorna G. Schofield on 8/8/2023) (vfr) (Entered: 08/08/2023) |
| 08/09/2023 | | MAILING RECEIPT: Document No: 24. Mailed to: Sheng–Wen Cheng No.05261–509 Federal Medical Center P.O. Box 4000 Rochester, MN 55903. (vn) (Entered: 08/09/2023) |
| 08/11/2023 | <u>25</u> | LETTER addressed to Judge Lorna G. Schofield from Defendants dated August 11, 2023 re: Status Update. Document filed by Department of Justice, Federal Bureau of Prisons..(Kristofcak, Alexander) (Entered: 08/11/2023) |
| 08/14/2023 | <u>26</u> | MEMO ENDORSEMENT on re: <u>25</u> Letter filed by Federal Bureau of Prisons, Department of Justice. ENDORSEMENT: Application GRANTED. For the reasons discussed in the endorsed letter, the conference scheduled for August 16, 2023, is CANCELED. The parties shall file the stipulation of dismissal by August 18, 2023. So Ordered. (Signed by Judge Lorna G. Schofield on 8/14/2023) (tro) (Entered: 08/14/2023) |
| 08/15/2023 | <u>27</u> | PROPOSED STIPULATION AND ORDER. Document filed by Department of Justice, Federal Bureau of Prisons..(Kristofcak, Alexander) (Entered: 08/15/2023) |
| 08/15/2023 | | MAILING RECEIPT: Document No: 26. Mailed to: Sheng–Wen Cheng No.05261–509 Federal Medical Center P.O. Box 4000 Rochester, MN 55903. (sha) (Entered: 08/15/2023) |
| 08/17/2023 | <u>28</u> | STIPULATION AND ORDER NOW, THEREFORE, it is hereby STIPULATED and AGREED between the parties as follows: 1. Plaintiff releases and discharges the Defendants and the United States of America, including its agencies, departments, officers, employees, servants, and agents, from any and all claims and causes of action that Plaintiff asserted, or could have asserted, arising out of the Request. 2. This action is accordingly dismissed with prejudice and without costs or fees. 3. This Stipulation and Order contains the entire agreement between the parties, and no statement, representation, promise, or agreement, oral or otherwise, between the parties or their counsel that is not included herein shall have any force or effect. 4. This Stipulation and Order may be executed in counterparts. Facsimile or PDF signatures shall constitute originals. So Ordered. (Signed by Judge Lorna G. Schofield on 8/17/2023) (jca) (Entered: 08/17/2023) |
| 08/18/2023 | | MAILING RECEIPT: Document No: 28. Mailed to: Sheng–Wen Cheng No.05261–509 Federal Medical Center P.O. Box 4000 Rochester, MN 55903. (sha) (Entered: 08/18/2023) |