

**U.S. District Court
Middle District of Florida (Tampa)
CIVIL DOCKET FOR CASE #: 8:23-cv-00885-TPB-AEP**

Stalcup v. Federal Bureau of Investigation et al
Assigned to: Judge Thomas P. Barber
Referred to: Magistrate Judge Anthony E. Porcelli
Cause: 05:0552 Freedom of Information Act

Date Filed: 04/21/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Thomas Stalcup

represented by **Thomas Stalcup**
Thomas Stalcup, PhD
961 Kent Lane
Palm Harbor, FL 34683
774-392-0856
Email: stalcup@gmail.com
PRO SE

V.

Defendant

Federal Bureau of Investigation

represented by **Stephanie Smith Leuthauser**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

United States Navy

represented by **Stephanie Smith Leuthauser**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/21/2023	<u>1</u>	COMPLAINT against Federal Bureau of Investigation, United States Navy. Filing fee \$402.00, receipt number TPA 68428 filed by Thomas Stalcup. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Civil Cover Sheet, # <u>6</u> Mailing Envelope)(AM) (Entered: 04/21/2023)
04/21/2023	<u>2</u>	SUMMONS issued as to Federal Bureau of Investigation, United States Navy. (AM) (Entered: 04/21/2023)
04/26/2023	<u>3</u>	MOTION for Two Duces Tecum Issuance of Subpoena, MOTION for Miscellaneous Relief, specifically ECF Electronic Filing Access by Thomas Stalcup. (Attachments: # <u>1</u> Main Document)(LSS) Motions referred to Magistrate Judge Anthony E. Porcelli. (Entered: 04/27/2023)
05/05/2023	4	NOTICE TO COUNSEL of Local Rule 3.02(a)(2), which requires the parties in every civil proceeding, except those described in subsection (d), to file a case management report (CMR) using the uniform form at www.flmd.uscourts.gov . The CMR must be filed (1) within forty days after any defendant appears in an action originating in this court, (2) within forty days after the docketing of an action removed or transferred to this court, or (3) within seventy days after service on the United States attorney in an action against the United States, its agencies or employees. Judges may have a special CMR form for certain types of cases. These forms can be found at

		www.flmd.uscourts.gov under the Forms tab for each judge. (Signed by Deputy Clerk). (SRC) (Entered: 05/05/2023)
05/05/2023	<u>5</u>	NOTICE informing the parties that they may consent to the jurisdiction of a United States magistrate judge by filing Form AO 85 Notice, Consent, and Reference of a Civil Action to a Magistrate Judge using the event Consent to Jurisdiction of US Magistrate Judge . (Signed by Deputy Clerk). (SRC) (Entered: 05/05/2023)
05/08/2023	<u>6</u>	ORDER denying without prejudice <u>3</u> Motion for Issuance of Two Duces Tecum Subpoenas; granting <u>3</u> Motion for Leave to File Documents Electronically. See Order for further details. Signed by Magistrate Judge Anthony E. Porcelli on 5/8/2023. (EPW) (Entered: 05/08/2023)
05/12/2023	<u>7</u>	NOTICE of non-consent to magistrate judge; RETURN of service executed on 05/01/2023 by Thomas Stalcup as to Federal Bureau of Investigation. (Attachments: # <u>1</u> Return of Service – FBI)(AG) Modified text on 5/12/2023 (AG). (Entered: 05/12/2023)
05/12/2023	<u>8</u>	RETURN of service executed on 05/03/2023 by Thomas Stalcup as to United States Navy. (AG) (Entered: 05/12/2023)
07/14/2023	<u>9</u>	Emergency MOTION for Temporary Restraining Order by Thomas Stalcup. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit A, # <u>7</u> Exhibit B, # <u>8</u> Exhibit C, # <u>9</u> Exhibit D)(Stalcup, Thomas) Modified on 7/14/2023 to edit text(ABC). (Entered: 07/14/2023)
07/14/2023	<u>10</u>	AMENDED Certificate of Service re <u>9</u> Emergency MOTION for Temporary Restraining Order by Thomas Stalcup. (Stalcup, Thomas) (Modified on 7/17/2023, to edit text) (BGR). (Entered: 07/14/2023)
07/17/2023	<u>11</u>	RESPONSE in Opposition re <u>9</u> Emergency MOTION for Temporary Restraining Order filed by Federal Bureau of Investigation, United States Navy. (Leuthauser, Stephanie) (Entered: 07/17/2023)
07/17/2023	<u>12</u>	ENDORSED ORDER: On July 14, 2023, Plaintiff Thomas Stalcup filed a motion seeking a temporary restraining order (Doc. <u>9</u>) against the National Transportation Safety Board, a non-party to this Freedom of Information Act ("FOIA") case. For the reasons reflected in the Government's response (Doc. <u>11</u>), the motion is denied. This case will proceed in the normal course for FOIA actions. Signed by Judge Thomas P. Barber on 7/17/2023. (ANL) (Entered: 07/17/2023)
07/27/2023	<u>13</u>	MOTION to Dismiss FOIA Complaint by Federal Bureau of Investigation, United States Navy. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(Leuthauser, Stephanie) (Entered: 07/27/2023)
07/28/2023	<u>14</u>	RESPONSE in Opposition re <u>13</u> MOTION to Dismiss FOIA Complaint filed by Thomas Stalcup. (Attachments: # <u>1</u> Exhibit 1: Expedited FBI FOIA Request)(Stalcup, Thomas) (Entered: 07/28/2023)
08/04/2023	<u>15</u>	ORDER: "United States' Motion to Dismiss FOIA Complaint" (Doc. <u>13</u>) is hereby converted into a motion for summary judgment and will be reviewed pursuant to Rule 56 of the Federal Rules of Civil Procedure. The parties are directed to file a statement of undisputed facts, provide briefs on the merits, and provide any supplementary evidence (such as affidavits or documents) on or before August 18, 2023. The undisputed facts and briefs together should not exceed 20 pages. The parties may file responses to the opposing briefs on or before August 25, 2023. Responses should not exceed 15 pages. No replies will be permitted. See Order for further details. Signed by Judge Thomas P. Barber on 8/4/2023. (ANL) (Entered: 08/04/2023)
08/18/2023	<u>16</u>	STATEMENT of undisputed facts (<i>Joint</i>) by Federal Bureau of Investigation, United States Navy.. (Leuthauser, Stephanie) (Entered: 08/18/2023)
08/18/2023	<u>17</u>	NOTICE by Federal Bureau of Investigation, United States Navy re <u>13</u> MOTION to Dismiss FOIA Complaint (<i>Of Filing Declarations in Support of MSJ</i>) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Leuthauser, Stephanie) (Entered: 08/18/2023)

08/18/2023	<u>18</u>	RESPONSE in Opposition re <u>13</u> MOTION to Dismiss FOIA Complaint <i>that the Court converted to a MOTION for Summary Judgment (see D.15)</i> filed by Thomas Stalcup. (Attachments: # <u>1</u> Exhibit 1: Stalcup's Supporting Affidavit, # <u>2</u> Exhibit 2: Lease, # <u>3</u> Exhibit 3: August 4, 2023 Conferral Letter From Plaintiff, # <u>4</u> Exhibit 4: Initial Reply To Conferral Letter, # <u>5</u> Exhibit 5: DOJ FOIA Guidelines, # <u>6</u> Exhibit 6: OIP Online Portal For FBI Appeal)(Stalcup, Thomas) (Entered: 08/18/2023)
08/25/2023	<u>19</u>	REPLY to Response re <u>18</u> Response in Opposition to Motion filed by United States Navy. (Leuthauser, Stephanie) Modified text on 8/28/2023 (GL). (Entered: 08/25/2023)
08/31/2023	<u>20</u>	MOTION to Amend <u>1</u> Complaint by Thomas Stalcup. (Attachments: # <u>1</u> Exhibit Amended Complaint)(Stalcup, Thomas) (Entered: 08/31/2023)
09/05/2023	21	ENDORSED ORDER: Plaintiff's motion to amend complaint (Doc. 20) is denied. Signed by Judge Thomas P. Barber on 9/5/2023. (ANL) (Entered: 09/05/2023)
09/13/2023	<u>22</u>	ORDER: "Defendants' Motion to Dismiss FOIA Complaint" (Doc. 13), which was converted to a motion for summary judgment, is granted. This case is dismissed without prejudice for lack of subject matter jurisdiction. The Clerk is directed to terminate any pending deadlines and motions, and thereafter close this case. See Order for details. Signed by Judge Thomas P. Barber on 9/13/2023. (ANL) (Entered: 09/13/2023)