

**U.S. District Court  
Northern District of West Virginia (Clarksburg)  
CIVIL DOCKET FOR CASE #: 1:23-cv-00072-TSK-MJA**

Horton v. National Instant Criminal Background Check System (NICS) Date Filed: 09/13/2023  
Assigned to: Chief District Judge Thomas S Kleeh Date Terminated: 10/06/2023  
Referred to: Magistrate Judge Michael John Aloï Jury Demand: None  
Cause: 05:552 Freedom of Information Act Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: Federal Question

**Plaintiff****John D. Horton**

represented by **John D. Horton**  
General Delivery  
Lawton, OK 73501-0999  
PRO SE

V.

**Defendant****National Instant Criminal Background Check System (NICS)**

Date Filed	#	Docket Text
09/13/2023	<u>1</u>	COMPLAINT against National Instant Criminal Background Check System (NICS), filed by John D. Horton. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons w/285 Form for US Attorney, # <u>3</u> Proposed Summons w/285 Form for US Attorney General, # <u>4</u> Envelope) (dk) (Entered: 09/13/2023)
09/13/2023	<u>2</u>	** SEALED** MOTION for Leave to Proceed in forma pauperis by John D. Horton. (Attachments: # <u>1</u> Envelope)(dk) (Entered: 09/13/2023)
09/13/2023	<u>3</u>	NOTICE OF GENERAL GUIDELINES FOR APPEARING PRO SE IN FEDERAL COURT. (Copy PS Plaintiff by CM,RRR) (dk) (Additional attachment(s) added on 9/13/2023: # <u>1</u> Certified Mail Return Receipt) (dk). (Entered: 09/13/2023)
09/13/2023	<u>4</u>	<b>ORDER OF REFERRAL. The Court REFERS this action, to the Honorable Michael J. Aloï, United States Magistrate Judge, to conduct a scheduling conference and issue a scheduling order, for written orders or reports and recommendations, as the case may be, regarding any motions filed, and to dispose of any other matters that may arise. Signed by Chief District Judge Thomas S Kleeh on 9/13/2023. (Copy PS Plaintiff by CM,RRR; Emailed by MJ Aloï) (dk) (Additional attachment(s) added on 9/13/2023: # <u>1</u> Certified Mail Return Receipt) (dk). (Entered: 09/13/2023)</b>
09/18/2023	<u>5</u>	<b>REPORT AND RECOMMENDATIONS, AFTER INITIAL SCREENING, RECOMMENDING THAT PLAINTIFF'S COMPLAINT BE DISMISS WITHOUT PREJUDICE. Any party shall have fourteen (14) days (filing of objections) and then three days (mailing/service) from the date of the filing of this Report and Recommendation to file with the Clerk of the Court specific written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection. Signed by Magistrate Judge Michael John Aloï on 9/18/2023. (jb) (Copy to Pro Se Plaintiff by CM:RRR) (Additional attachment(s) added on 9/18/2023: # <u>1</u> Certified Mail Return Receipt) (jb). (Entered: 09/18/2023)</b>
10/06/2023	<u>6</u>	<b>ORDER ADOPTING REPORT AND RECOMMENDATION (ECF. NO. <u>5</u>) AND DISMISSING CASE WITHOUT PREJUDICE. The Court ADOPTS the R&amp;R in its entirety (ECF No. <u>5</u>), DENIES Plaintiff's motion to proceed in forma pauperis (ECF No. <u>2</u>), and DISMISSES WITHOUT PREJUDICE Plaintiff's complaint (ECF No. <u>1</u>). The Court DIRECTS the Clerk to strike this case from</b>

	<p><b>the Court's active docket. Signed by Chief District Judge Thomas S Kleeh on 10/6/2023. (Copy PS Plaintiff by CM,RRR) (dk)</b> (Additional attachment(s) added on 10/6/2023: # <u>1</u> Certified Mail Return Receipt) (dk). (Entered: 10/06/2023)</p>
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