# Case 3:23-cv-05248-JD\_Document 1-3\_Filed 10/13/23 Page 1 of 3

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

# American Civil Liberties Union Foundation

- (b) County of Residence of First Listed Plaintiff San Francisco (EXCEPT IN U.S. PLAINTIFF CASES)
- (c) Attorneys (Firm Name, Address, and Telephone Number)

## See Attachment

#### **DEFENDANTS**

# United States Department of Justice

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attornevs (If Known)

I.	BASIS OF JURISDICTI	<b>ON</b> (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff (For Diversity Cases Only) and One Box for Defendant)							
				PTF	DEF		PTF	DEF		
1	U.S. Government Plaintiff 3	Federal Question (U.S. Government Not a Party)	Citizen of This State	1	1	Incorporated <i>or</i> Principal Place of Business In This State	4	4		
<b>v</b> a	HG G	D: :	Citizen of Another State	2	2	Incorporated and Principal Place	5	5		
^ 2	U.S. Government Defendant 4	4 Diversity (Indicate Citizenship of Parties in Item III)				of Business In Another State				
		(matetic Citizenship of Tarties in Hem III)	Citizen or Subject of a	3	3	Foreign Nation	6	6		

Foreign Country

NATURE OF SUIT (Place an "X" in One Box Only) CONTRACT **TORTS** FORFEITURE/PENALTY BANKRUPTCY OTHER STATUTES 110 Insurance 625 Drug Related Seizure of 422 Appeal 28 USC § 158 375 False Claims Act PERSONAL INJURY PERSONAL INJURY Property 21 USC § 881 120 Marine 423 Withdrawal 28 USC 376 Qui Tam (31 USC 310 Airplane 365 Personal Injury - Product § 3729(a)) 690 Other 130 Miller Act Liability 315 Airplane Product Liability LABOR PROPERTY RIGHTS 400 State Reapportionment 140 Negotiable Instrument 367 Health Care/ 320 Assault, Libel & Slander Pharmaceutical Personal 410 Antitrust 150 Recovery of 330 Federal Employers' 710 Fair Labor Standards Act 820 Copyrights Injury Product Liability 430 Banks and Banking Overpayment Of Liability 720 Labor/Management 830 Patent Veteran's Benefits 368 Asbestos Personal Injury 450 Commerce 340 Marine Relations 835 Patent-Abbreviated New Product Liability 151 Medicare Act 460 Deportation 740 Railway Labor Act 345 Marine Product Liability Drug Application PERSONAL PROPERTY 152 Recovery of Defaulted 470 Racketeer Influenced & 350 Motor Vehicle 751 Family and Medical 840 Trademark Student Loans (Excludes 370 Other Fraud Corrupt Organizations 880 Defend Trade Secrets 355 Motor Vehicle Product Leave Act 371 Truth in Lending 480 Consumer Credit Act of 2016 790 Other Labor Litigation Liability 153 Recovery of 380 Other Personal Property 485 Telephone Consumer 360 Other Personal Injury 791 Employee Retirement SOCIAL SECURITY Overpayment Damage Protection Act Income Security Act 362 Personal Injury - Medical of Veteran's Benefits 861 HIA (1395ff) 385 Property Damage Product 490 Cable/Sat TV Malpractice 160 Stockholders' Suits IMMIGRATION 862 Black Lung (923) Liability 850 Securities/Commodities/ 190 Other Contract 462 Naturalization 863 DIWC/DIWW (405(g)) CIVIL RIGHTS PRISONER PETITIONS Exchange Application 195 Contract Product Liability 864 SSID Title XVI 890 Other Statutory Actions 440 Other Civil Rights HABEAS CORPUS 465 Other Immigration 196 Franchise 865 RSI (405(g)) 891 Agricultural Acts 441 Voting 463 Alien Detainee Actions REAL PROPERTY FEDERAL TAX SUITS 893 Environmental Matters 442 Employment 510 Motions to Vacate ★ 895 Freedom of Information 210 Land Condemnation 443 Housing/ Sentence 870 Taxes (U.S. Plaintiff or Defendant) Accommodations 530 General 220 Foreclosure 896 Arbitration 871 IRS-Third Party 26 USC 445 Amer, w/Disabilities-535 Death Penalty 230 Rent Lease & Ejectment 899 Administrative Procedure Employment § 7609 240 Torts to Land OTHER Act/Review or Appeal of 446 Amer. w/Disabilities-Other 245 Tort Product Liability 540 Mandamus & Other Agency Decision 448 Education 290 All Other Real Property 550 Civil Rights 950 Constitutionality of State 555 Prison Condition Statutes 560 Civil Detainee-Conditions of Confinement ORIGIN (Place an "X" in One Box Only)

	Old Gir ( lace an Ir in one box only)												
$\times$ 1	Original	2	Removed from	3	Remanded from	4	Reinstated or	5	Transferred from	6	Multidistrict	8	Multidistrict
	Proceeding		State Court		Appellate Court		Reopened		Another District (specify)		Litigation-Transfer		Litigation-Direct File

VI. CAUSE OF Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 5 U.S.C. § 552

Brief description of cause

Wrongfully withholding documents requested from the Bureau of Prisons and failing to issue a fee waiver determination

VII. REQUESTED IN CHECK IF THIS IS A CLASS ACTION DEMAND \$

COMPLAINT: CHECK IF THIS IS A CLASS ACTION DEMAND \$

UNDER RULE 23, Fed. R. Civ. P.

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes X No

VIII. RELATED CASE(S),
IF ANY (See instructions):

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) × SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

# INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

**Authority For Civil Cover Sheet.** The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- **I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)."
- II. Jurisdiction. The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
  - (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
  - (2) <u>United States defendant</u>. When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
  - (3) <u>Federal question</u>. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
  - (4) <u>Diversity of citizenship</u>. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.)**
- III. Residence (citizenship) of Principal Parties. This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin. Place an "X" in one of the six boxes.
  - (1) Original Proceedings. Cases originating in the United States district courts.
  - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
  - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing
  - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
  - (5) <u>Transferred from Another District</u>. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
  - (6) <u>Multidistrict Litigation Transfer</u>. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
  - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.
  - Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Federal Rule of Civil Procedure 23.
  - Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
  - Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases. This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment. If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: "the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated."

Date and Attorney Signature. Date and sign the civil cover sheet.

# Civil Cover Sheet Attachment Plaintiff's Attorneys of Record

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