

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:21-cv-08190-FLA-AFM**

Crystal Nasha Rodgers v. Louis DeJoy et al
Assigned to: Judge Fernando L. Aenlle-Rocha
Referred to: Magistrate Judge Alexander F. MacKinnon
Cause: 05:552 Freedom of Information Act

Date Filed: 10/15/2021
Date Terminated: 11/06/2023
Jury Demand: Plaintiff
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Crystal Nasha Rodgers

represented by **Crystal Nasha Rodgers**
610 West Cypress Street
Compton, CA 90220
323-947-5807
PRO SE

V.

Defendant

Louis DeJoy
in official capacity

represented by **Matthew Jimenez Barragan**
AUSA – Office of US Attorney
300 North Los Angeles Street Suite 7516
Los Angeles, CA 90012
213-894-2444
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Email: matthew.barragan@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

Postmaster General

represented by **Matthew Jimenez Barragan**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

United States Postal Service

represented by **Matthew Jimenez Barragan**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/15/2021	<u>1</u>	COMPLAINT against Defendants Louis DeJoy, Postmaster General, United States Postal Service. Case assigned to Judge Fernando L. Aenlle-Rocha for all further proceedings. Discovery referred to Magistrate Judge Alexander F. MacKinnon. Jury Demanded, filed by Plaintiff Crystal Nasha Rodgers. (Attachments: # <u>1</u> Civil Cover Sheet) (lh) (Entered: 10/19/2021)
10/15/2021	<u>2</u>	CERTIFICATION AND NOTICE of Interested Parties filed by Plaintiff Crystal Nasha Rodgers, (lh) (Entered: 10/19/2021)
10/15/2021	<u>3</u>	REQUEST to Proceed In Forma Pauperis with Declaration in Support filed by Plaintiff Crystal Nasha Rodgers. (lh) (Entered: 10/19/2021)
10/19/2021	<u>4</u>	NOTICE OF ASSIGNMENT to District Judge Fernando L Aenlle-Rocha and Magistrate Judge Alexander F. MacKinnon. (lh) (Entered: 10/19/2021)
10/19/2021	<u>5</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (lh) (Entered: 10/19/2021)

10/19/2021	<u>6</u>	Notice to Counsel Re Consent to Proceed Before a United States Magistrate Judge. (lh) (Entered: 10/19/2021)
10/20/2021	<u>7</u>	ORDER RE REQUEST TO PROCEED IN FORMA PAUPERIS by Magistrate Judge Alexander F. MacKinnon: IT IS ORDERED that the Request to Proceed in Forma pauperis is hereby GRANTED. Granting <u>3</u> REQUEST to Proceed in Forma Pauperis. (es) (Entered: 10/20/2021)
10/21/2021	<u>8</u>	INITIAL STANDING ORDER upon filing of the complaint by Judge Fernando L. Aenlle-Rocha. (tf) (Entered: 10/21/2021)
10/25/2021	<u>9</u>	60 DAY Summons Issued re Complaint – (Discovery), <u>1</u> as to defendants Louis DeJoy, Postmaster General, United States Postal Service. (lc) (Entered: 10/25/2021)
01/04/2022	<u>10</u>	(STRICKEN PER 8/12/22 ORDER DOCKET NO. 39). MOTION FOR SUMMARY JUDGMENT filed by plaintiff Crystal Nasha Rodgers. (lc) Modified on 8/12/2022 (lc). (Entered: 01/04/2022)
01/04/2022	<u>11</u>	REQUEST for Entry of Default against Luis Dejoy (inofficial capacity) Postmaster General United States Postal Service, et al Louis DeJoy, Postmaster General, United States Postal Service, REQUEST for Default Judgment against Luis Dejoy (inofficial capacity) Postmaster General United States Postal Service, et al defendants in amount of \$2,317,061.18 filed by plaintiff Crystal Nasha Rodgers. (lc) (Entered: 01/05/2022)
01/04/2022	<u>12</u>	DECLARATION AND MEMORANDUM OF POINTS AND AUTHORITIES in Support o Default Judgment against defendants Luis Dejoy (inofficial capacity) Postmaster General United States Postal Service, et al <u>11</u> filed by Plaintiff Crystal Nasha Rodgers. (lc) (Entered: 01/05/2022)
01/04/2022		EXHIBIT 1 TO DOCKET NO. 12 – FILED STAMPED NOVEMBER 8 2021–PROOF OF SERVICE Executed by Plaintiff Crystal Nasha Rodgers, upon Defendant Louis DeJoy served on 10/25/2021, answer due 12/24/2021. Service of the Summons and Complaint were NOT executed upon the United States Attorneys Office which was NOT served. The Attorney Generals Office of the United States was NOT served. The officer agency or corporation was NOT served. Service was executed in compliance with California Code of Civil Procedure. Due diligence declaration NOT attached. Registered or certified mail return receipt NOT attached. (lc) Modified on 1/5/2022 (lc). (Entered: 01/05/2022)
01/05/2022	<u>13</u>	NOTICE OF DEFICIENCY Re: REQUEST for Entry of Default against Luis Dejoy (inofficial capacity) Postmaster General United States Postal Service, et al Louis DeJoy, Postmaster General, United States Postal Service REQUEST for Default Judgment against Luis Dejoy (inofficial capacity) Postmaster General United States Postal Service, et al defendants <u>11</u> . The Clerk cannot enter the requested relief as: No proof of service/waiver of service on file. The name of the person served does not exactly match the person named in complaint. Proof of Service is lacking required information. Time to respond has not expired. Requesting party shall file a new Request/Application with noted deficiencies corrected in order to have default reconsidered. Missing Proof on US Attorney General and US Attorney (FRCP4).No Entry of Default on file. The name of the person for which Default Judgment is requested does not exactly match the person named in the complaint. No judgment by default may be entered by the Clerk against the United States or an incompetent person. Amount sought is not for a sum certain or cannot be computed to a sum certain. Requesting party shall file a new Request/Application with noted deficiencies corrected in order to have default judgment reconsidered. IF and ONLY after default is entered filer must file proper formatted documents to be heard by the Judge. (lc) Modified on 1/5/2022 (lc). (Entered: 01/05/2022)
01/05/2022	<u>14</u>	NOTICE OF CLERICAL ERROR: Due to clerical error Re: NOTICE OF MOTION AND MOTION for Summary Judgment <u>10</u> , Memorandum in Support of Motion <u>12</u> , REQUEST for Entry of Default against Luis Dejoy (inofficial capacity) Postmaster General United States Postal Service, et al Louis DeJoy, Postmaster General, United States Postal Service REQUEST for Default Judgment against Luis Dejoy (inofficial capacity) Postmaster General United States Postal Service, et al defendants <u>11</u> (docketed as 1/4/22, filed stamped 1/4/23). SEE ATTACHED DOCUMENTS WITH CORRECT DATE AS TO YEAR: JANUARY 4, 2022) (lc) (Entered: 01/05/2022)

01/10/2022	<u>15</u>	PROOF OF SERVICE Executed by Plaintiff Crystal Nasha Rodgers, upon Defendant Louis DeJoy served by mail : Fed Ex Priority Overnight on 1/4/2022, answer due 3/7/2022. Service of the Summons and Complaint; and CV100, motion for summary judgment and memorandum support. Service was executed in compliance with California Code of Civil Procedure. See document for postage paid receipts and tracking delivery confirmation on 1/5/22. (lc) Modified on 1/10/2022 (lc). (Entered: 01/10/2022)
01/20/2022	<u>16</u>	PROOF OF CERTIFIED MAIL SERVICE ON JANUARY 11, 2022 Executed by Plaintiff Crystal Nasha Rodgers upon Defendant Louis DeJoy(official capacity); Postmaster General and United States Postal Service STAMPED "RECEIVED OFFICE OF PMG" ON 1/14/2022, answer due 3/15/2022; Service of the Summons and Complaint were executed upon the United States Attorneys Office, Los Angeles, Received by Oscar Ortiz on 1/12/22, answer due 3/14/2022. Executed upon the Attorney Generals Office of the United States Received stamp by Illegible signature stamp received 1/14/2022 (see document re signature), answer due 3/14/2022. Executed upon the officer agency or corporation by delivering a copy to Service was executed in compliance with statute not specified. Certified mail return receipts attached. (lc) Modified on 1/20/2022 (lc). Modified on 1/20/2022 (lc). (Entered: 01/20/2022)
01/20/2022	<u>17</u>	(SECOND) PROOF OF CERTIFIED MAIL SERVICE ON JANUARY 11, 2022 Executed by Plaintiff Crystal Nasha Rodgers upon Defendant Louis DeJoy(official capacity); Postmaster General and United States Postal Service STAMPED "RECEIVED OFFICE OF PMG" ON 1/14/2022, answer due 3/15/2022; Service of the Summons and Complaint were executed upon the United States Attorneys Office, Los Angeles, Received by Oscar Ortiz on 1/12/22, answer due 3/14/2022. Executed upon the Attorney Generals Office of the United States Received stamp by Illegible signature stamp received 1/14/2022 (see document re signature), answer due 3/14/2022. Executed upon the officer agency or corporation by delivering a copy to Service was executed in compliance with statute not specified. Certified mail return receipts attached. (lc) (Entered: 01/20/2022)
02/22/2022	<u>18</u>	PROOF OF SERVICE Executed by Plaintiff Crystal Nasha Rodgers. Service of the Summons and Complaint were executed upon the United States Attorneys Office, Los Angeles by received stamp by Oscar Ortez on 2/9/2022, Answer due 4/11/2022. Executed upon the Attorney Generals Office of the United States, Washington, DC received stamp by Illegible Name Stamp dated 2/12/2022. Service was executed in compliance with statute not specified. Certified mail return receipts attached. (lc) (Entered: 02/23/2022)
03/08/2022	<u>19</u>	PROOF OF SERVICE Executed by Plaintiff Crystal Nasha Rodgers, upon Defendants (not named) on 2/28/2022, answer due 4/29/2022; Service of the Summons and Complaint were executed upon the Civil Process Clerk, Office of US Attorney, by certified mail signed by C. Veloz.. Service was executed in compliance with statute not specified. Registered or certified mail return receipt attached. (lc) (Entered: 03/08/2022)
03/28/2022	<u>20</u>	STIPULATION Extending Time to Answer the complaint as to All Defendants, re Complaint – (Discovery), <u>1</u> filed by Defendant United States Postal Service, Postmaster General, Louis DeJoy.(Attorney Matthew Jimenez Barragan added to party Louis DeJoy(pty:dft), Attorney Matthew Jimenez Barragan added to party Postmaster General(pty:dft), Attorney Matthew Jimenez Barragan added to party United States Postal Service(pty:dft))(Barragan, Matthew) (Entered: 03/28/2022)
03/31/2022	<u>21</u>	NOTICE OF MOTION AND MOTION to Dismiss Case filed by Defendant Louis DeJoy, Postmaster General, United States Postal Service. Motion set for hearing on 5/27/2022 at 01:30 PM before Judge Fernando L. Aenlle-Rocha. (Attachments: # <u>1</u> Declaration of Adela Silber, Manager, Consumer Affairs, California 5 District, # <u>2</u> Exhibit A (Plaintiffs FOIA Request), # <u>3</u> Exhibit B (USPSs Response), # <u>4</u> Proposed Order) (Barragan, Matthew) (Entered: 03/31/2022)
03/31/2022	<u>22</u>	PROOF OF SERVICE filed by Defendant Louis DeJoy, Postmaster General, United States Postal Service, re NOTICE OF MOTION AND MOTION to Dismiss Case <u>21</u> served on 3/31/2022. (Barragan, Matthew) (Entered: 03/31/2022)

04/01/2022	<u>23</u>	ORDER SETTING SCHEDULING CONFERENCE by Judge Fernando L. Aenlle-Rocha. Scheduling Conference set for 6/17/2022 at 01:00 PM before Judge Fernando L. Aenlle-Rocha. (tf) (Entered: 04/01/2022)
04/04/2022	<u>24</u>	RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS; FILED CONCURRENTLY WITH SUMMARY JUDGMENT <u>21</u> filed by Plaintiff Crystal Nasha Rodgers. (lc) (Entered: 04/15/2022)
04/04/2022	<u>25</u>	STRICKEN, see docket entry no. 38 – MOTION FOR SUMMARY JUDGMENT filed by plaintiff Crystal Nasha Rodgers. (lc) Modified on 8/16/2022 (lom). (Entered: 04/15/2022)
04/18/2022	<u>26</u>	PROOF OF MAIL SERVICE re Response in Opposition to Motion to Dismiss along with plaintiff's Motion for Summary Judgment <u>24</u> , <u>25</u> served Louis DeJoy et al and US Attorney General on 4/4/22 filed by plaintiff Crystal Nasha Rodgers (Entered: 04/22/2022)
04/18/2022	<u>27</u>	PROOF OF MAIL SERVICE re Response in Opposition to Motion to Dismiss along with plaintiff's Motion for Summary Judgment <u>24</u> , <u>25</u> served U.S. Attorney General (Los Angeles) by plaintiff Crystal Nasha Rodgers (lc) (Entered: 04/22/2022)
05/04/2022	<u>28</u>	STIPULATION to Continue hearing on the Defendants Motion to Dismiss Plaintiffs Complaint (Dkt. No. 21) from May 27, 2022 at 1:30 p.m. to June 17, 2022 at 1:30 p.m. Re: NOTICE OF MOTION AND MOTION to Dismiss Case <u>21</u> filed by Defendant Louis DeJoy, Postmaster General, United States Postal Service. (Attachments: # <u>1</u> Proposed Order)(Barragan, Matthew) (Entered: 05/04/2022)
05/05/2022	<u>29</u>	PROOF OF SERVICE filed by Defendant Louis DeJoy, Postmaster General, United States Postal Service, re Stipulation to Continue, <u>28</u> served on 5/5/2022. (Barragan, Matthew) (Entered: 05/05/2022)
05/11/2022	<u>30</u>	ORDER ON STIPULATION CONTINUING HEARING ON DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT <u>28</u> by Judge Fernando L. Aenlle-Rocha: The court CONTINUES the hearing on Defendant Louis DeJoy's Motion to Dismiss Plaintiff's Complaint <u>21</u> , to June 17, 2022 at 1:30 p.m. The briefing schedule on the Motion to Dismiss is to remain unchanged, and Defendant's Reply remains due on or before May 13, 2022. (lc) (Entered: 05/11/2022)
05/13/2022	<u>31</u>	REPLY IN SUPPORT OF NOTICE OF MOTION AND MOTION to Dismiss Case <u>21</u> filed by Defendants Louis DeJoy, Postmaster General, United States Postal Service. (Barragan, Matthew) (Entered: 05/13/2022)
05/13/2022	<u>32</u>	PROOF OF SERVICE filed by Defendant Louis DeJoy, Postmaster General, United States Postal Service, re Reply (Motion related) <u>31</u> served on 5/13/2022. (Barragan, Matthew) (Entered: 05/13/2022)
06/03/2022	<u>33</u>	JOINT REPORT Rule 26(f) Discovery Plan ; estimated length of trial 1–2 days, filed by Defendants Louis DeJoy, Postmaster General, United States Postal Service.. (Attachments: # <u>1</u> Schedule of Pretrial and Trial Dates Worksheet)(Barragan, Matthew) (Entered: 06/03/2022)
06/08/2022	34	(IN CHAMBERS) ORDER by Fernando L. Aenlle-Rocha: The court has reviewed the Joint Rule 26(f) Report submitted by the parties, and determines that an in-person Scheduling Conference is unnecessary. Accordingly, the court VACATES the June 17, 2022, Scheduling Conference. Order to issue. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (tf) TEXT ONLY ENTRY (Entered: 06/08/2022)
06/08/2022	<u>35</u>	ORDER RE: SCHEDULE OF PRETRIAL AND TRIAL DATES, TRIAL REQUIREMENTS, AND CONDUCT OF ATTORNEYS AND PARTIES by Judge Fernando L. Aenlle-Rocha: The Scheduling Order governing this action is set forth in the Schedule of Pretrial Dates chart below. As this is an action brought under the Freedom of Information Act, if required, the court will set additional dates for discovery, mediation, and/or trial after the court rules on dispositive motions. If the parties seek to set additional dates, they may file a Stipulation and Proposed Order. Last Date to Hear Motion to Amend Pleadings or Add Parties [Friday] 9/16/2022. Last Date to Hear Motions [Friday] 10/28/2022; Rule 56 Motion due at least 5 weeks before hearing; Opposition due 2 weeks after Motion is filed. Reply due 1 week after

		Opposition is filed:. (lc) Modified on 8/4/2022 (lom). Modified on 8/16/2022 (lom). (Entered: 06/08/2022)
06/10/2022	36	TEXT ENTRY (IN CHAMBERS) ORDER TAKING DEFENDANT LOUIS DeJOY, POSTMASTER GENERAL, UNITED STATES POSTAL SERVICE' MOTION TO DISMISS CASE (DKT. <u>21</u>) UNDER SUBMISSION by Judge Fernando L. Aenlle-Rocha: The court finds that the Motion to dismiss Case currently scheduled for hearing on June 17, 2022, is appropriate for decision without oral argument. Fed. R. Civ. P. 78(b); C.D. L.R. 7-15. Accordingly, this motion is taken UNDER SUBMISSION and the hearing is vacated. The court expects the parties to continue litigating this action diligently, while awaiting the court's ruling on this motion. No appearances are necessary. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (tf) TEXT ONLY ENTRY (Entered: 06/10/2022)
08/03/2022	<u>37</u>	STRICKEN, see docket entry no. 38 – PLAINTIFF'S MOTION FOR SUMMARY JUDGEMENT filed by Plaintiff Crystal Nasha Rodgers. (lom) Modified on 8/4/2022 (lom). (Entered: 08/03/2022)
08/04/2022	<u>38</u>	ORDER TO STRIKE ELECTRONICALLY FILED DOCUMENT(S) by Judge Fernando L. Aenlle-Rocha: the following document(s) be STRICKEN for failure to comply with the Local Rules, General Order and/or the Courts Case Management Order: NOTICE OF MOTION AND MOTION for Summary Judgment <u>37</u> , NOTICE OF MOTION AND MOTION for Summary Judgment <u>25</u> , for the following reasons: Hearing information is missing, incorrect, or not timely; Proposed Document was not submitted as separate attachment. In advance of filing a Motion for Summary Judgment a date shall be reserved by emailing the courtroom deputy for a hearing date. Please review this court's Initial Standing Order (dkt. <u>8</u>). (lom) (Entered: 08/04/2022)
08/12/2022	<u>39</u>	ORDER by Judge Fernando L. Aenlle-Rocha: the following document(s) be STRICKEN for failure to comply with the Local Rules, General Order and/or the Courts Case Management Order: MOTION for Summary Judgment <u>10</u> , for the following reasons: Hearing information is missing, incorrect, or not timely; In advance of filing a Motion for Summary Judgment a date shall be reserved by emailing the courtroom deputy for a hearing date. Please review this court's Initial Standing Order. (dkt. <u>8</u>). (lc) (Entered: 08/12/2022)
08/12/2022	41	FOR COURT USE ONLY: STATISTICAL CORRECTION striking Motion for for Summary Judgment <u>25</u> , see order <u>38</u> . (lom) (Entered: 08/16/2022)
08/15/2022	40	FOR COURT USE ONLY: STATISTICAL CORRECTION striking Motion for for Summary Judgment <u>37</u> , see order <u>38</u> . (lom) Modified on 8/15/2022 (lom). (Entered: 08/15/2022)
08/19/2022	<u>42</u>	MOTION FOR SUMMARY JUDGMENT filed by plaintiff Crystal Nasha Rodgers. Motion set for hearing on 9/23/2022 at 01:30 PM before Judge Fernando L. Aenlle-Rocha. (lc) (Entered: 08/19/2022)
09/19/2022	<u>43</u>	PROOF OF SERVICE BY MAIL re NOTICE OF MOTION AND MOTION for Summary Judgment <u>42</u> served on 8/19/22 filed by plaintiff Crystal Nasha Rodgers. (lc) (Entered: 09/19/2022)
09/21/2022	44	TEXT ENTRY (IN CHAMBERS) ORDER TAKING PLAINTIFF CRYSTAL NASHA RODGERS'S MOTION FOR SUMMARY JUDGMENT (DKT. <u>42</u>) UNDER SUBMISSION by Judge Fernando L. Aenlle-Rocha: The court finds that the Motion for Summary Judgment currently scheduled for hearing on September 23, 2022, is appropriate for decision without oral argument. Fed. R. Civ. P. 78(b); C.D. L.R. 7-15. Accordingly, this motion is taken UNDER SUBMISSION and the hearing is vacated. The court expects the parties to continue litigating this action diligently, while awaiting the court's ruling on this motion. No appearances are necessary. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (tf) TEXT ONLY ENTRY (Entered: 09/21/2022)
09/25/2023	<u>45</u>	ORDER GRANTING DEFENDANT LOUIS DEJOYS MOTION TO DISMISS PLAINTIFF'S COMPLAINT <u>21</u> AND DENYING PLAINTIFFS MOTION FOR SUMMARY JUDGMENT AS MOOT <u>42</u> by Judge Fernando L. Aenlle-Rocha: The court GRANTS the Motion and DISMISSES the Complaint, finding Defendant DeJoy is not subject to suit under FOIA. Plaintiff shall have thirty (30) days' leave to file an

		amended complaint asserting claims against non-party the United States Postal Service. Failure to file an amended complaint timely will result in the administrative closure of this action without further notice. Plaintiff's Motion for Summary Judgment is DENIED as moot. (lc) (Entered: 09/26/2023)
11/06/2023	<u>46</u>	MINUTE ORDER IN CHAMBERS by Judge Fernando L. Aenlle-Rocha: ORDER CLOSING ACTION <u>45</u> . On September 25, 2023, the court granted Defendant Louis DeJoy's Motion to Dismiss Plaintiffs Complaint, finding Defendant is not subject to suit under the Freedom of Information Act, 5 U.S.C. § 552. Plaintiff was granted thirty (30) days' leave to file an amended complaint and warned that failure to file an amended complaint timely would result in the administrative closure of this action without further notice. Plaintiff did not file an amended complaint timely. Accordingly, the court dismisses and administratively closes the action.. (Made JS-6. Case Terminated.) (lc) Modified on 11/6/2023 (lc). (Entered: 11/06/2023)