

**U.S. District Court
Eastern District of Virginia – (Alexandria)
CIVIL DOCKET FOR CASE #: 1:23-cv-01346-CMH-IDD**

Webb v. Porter
Assigned to: District Judge Claude M. Hilton
Referred to: Magistrate Judge Ivan D. Davis
Case in other court: 4th Circuit, 23-02196
Cause: 28:1331 Federal Question

Date Filed: 10/03/2023
Date Terminated: 03/08/2024
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

Major Mike Webb

represented by **Major Mike Webb**
PO BOx 40391
Arlington, VA 22204
856-220-1354
PRO SE

Defendant

Bryan Porter
From the Circuit Court for the City of Alexandria

represented by **Travis Sands MacRae**
City Attorney's Office – City of Alexandria
301 King St
Suite 1300
Alexandria, VA 22314
703-746-3750
Fax: 703-838-4810
Email: travis.macrae@alexandriava.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Circuit Court for the City of Alexandria

represented by **Elizabeth Bushnell Myers**
Office of the Attorney General
202 North 9th Street
Richmond, VA 23219
(804) 786-9516
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/03/2023	<u>1</u>	COMPLAINT against Bryan Porter, filed by Major Mike Webb. (Attachments: # <u>1</u> Civil Cover Sheet)(swil) (Entered: 10/05/2023)
10/03/2023	<u>2</u>	AFFIDAVIT in SUPPORT re <u>1</u> Complaint by Major Mike Webb. (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, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J)(swil) (Entered: 10/05/2023)
10/03/2023	<u>3</u>	MOTION for Leave to Proceed in forma pauperis by Major Mike Webb. (swil) (Entered: 10/05/2023)
10/04/2023	<u>4</u>	MOTION for Temporary Restraining Order Against State Court Injunction by Major Mike Webb. (swil) (Entered: 10/05/2023)
10/04/2023	<u>5</u>	MOTION for Summary Judgment on Declaratory Relief by Major Mike Webb. (swil) (Entered: 10/05/2023)

10/04/2023	<u>6</u>	Notice of Waiver of Oral Argument re <u>5</u> MOTION for Summary Judgment, <u>4</u> MOTION for Temporary Restraining Order by Major Mike Webb (swil) (Entered: 10/05/2023)
10/06/2023	<u>7</u>	MOTION for Summary Judgment on Declaratory Relief Regarding Claim of Absolute Prosecutorial Discretion by Major Mike Webb. (swil) (Additional attachment(s) added on 10/10/2023: # <u>1</u> Exhibit A) (swil,). (Entered: 10/10/2023)
10/06/2023	<u>8</u>	Notice Waiver of Oral Argument re <u>7</u> MOTION for Summary Judgment on Declaratory Relief Regarding Claim of Absolute Prosecutorial Discretion by Major Mike Webb (swil) (Entered: 10/10/2023)
10/10/2023	<u>9</u>	Omnibus Memorandum of Law in Support re <u>5</u> MOTION for Summary Judgment on Declaratory Relief, <u>7</u> MOTION for Summary Judgment on Declaratory Relief Regarding Claim of Absolute Prosecutorial Discretion filed by Major Mike Webb. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(swil) (Entered: 10/11/2023)
10/23/2023	<u>10</u>	Affidavit Regarding Recent Developments by Major Mike Webb. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(swil) (Entered: 10/24/2023)
10/25/2023	<u>11</u>	ORDER denying <u>3</u> MOTION for Leave to Proceed in forma pauperis. Signed by District Judge Claude M. Hilton on 10/25/2023. (swil) (Entered: 10/25/2023)
11/06/2023	<u>12</u>	Filing fee received: \$ 402.00, receipt number 100004523 (swil) (Entered: 11/07/2023)
11/06/2023	<u>13</u>	Summons Issued to be served by SPS as to Bryan Porter, (Attachments: # <u>1</u> Summons Notice)(swil) (Entered: 11/07/2023)
11/09/2023	<u>14</u>	AMENDED VERIFIED COMPLAINT against Bryan Porter, filed by Major Mike Webb.(swil) (Entered: 11/13/2023)
11/09/2023		No service issued at this time. (swil) (Entered: 11/13/2023)
11/09/2023	<u>15</u>	NOTICE OF INTERLOCUTORY APPEAL as to <u>11</u> ORDER denying MOTION for Leave to Proceed in forma pauperis by Major Mike Webb. (swil) (Entered: 11/13/2023)
11/13/2023	<u>16</u>	Transmission of Notice of Appeal to US Court of Appeals re <u>15</u> Notice of Interlocutory Appeal (All case opening forms, plus the transcript guidelines, may be obtained from the Fourth Circuit's website at www.ca4.uscourts.gov) (swil) (Entered: 11/13/2023)
11/15/2023	<u>17</u>	USCA Case Number 23-2196, case manager Taylor Barton 4th Circuit for <u>15</u> Notice of Interlocutory Appeal filed by Major Mike Webb. (swil) (Entered: 11/15/2023)
11/15/2023	<u>18</u>	Letter to the Court from the USCA. Please transmit the record re <u>15</u> Notice of Interlocutory Appeal. (swil) (Entered: 11/15/2023)
11/15/2023		Assembled INITIAL Electronic Record Transmitted to 4CCA re <u>15</u> Notice of Interlocutory Appeal (swil) (Entered: 11/15/2023)
12/01/2023	<u>19</u>	SECOND AMENDED VERIFIED COMPLAINT against Circuit Court for the City of Alexandria, Bryan Porter filed by Major Mike Webb.(swil) (Entered: 12/05/2023)
12/01/2023	<u>20</u>	AFFIDAVIT In Support of <u>19</u> SECOND AMENDED VERIFIED COMPLAINT by Major Mike Webb. (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, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J)(swil) (Entered: 12/05/2023)
12/01/2023	<u>21</u>	Summons Issued to be served by SPS as to Circuit Court for the City of Alexandria, Bryan Porter (Attachments: # <u>1</u> Summons Notice)(swil) (Entered: 12/05/2023)
12/13/2023	<u>22</u>	SUMMONS Returned Executed by Major Mike Webb Circuit Court for the City of Alexandria served on 12/4/2023, answer due 12/26/2023; Bryan Porter served on 12/4/2023, answer due 12/26/2023 (swil) (Entered: 12/14/2023)
12/18/2023	<u>23</u>	Extraordinary MOTION for PreDiscovery Issue of Subpoena Duces Tecum by Major Mike Webb. (Attachments: # <u>1</u> Proposed Subpoenas)(swil) (Entered: 12/18/2023)

12/18/2023	<u>24</u>	AFFIDAVIT of Judicial Notice re: Potential Classified Information by Major Mike Webb. (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, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J)(swil) (Entered: 12/18/2023)
12/20/2023		Notice of Correction re <u>23</u> Extraordinary MOTION for Prediscovery Issue of Subpoena Duces Tecum. The filing user has been notified via mail to file a Notice of Hearing of Notice of Waiver of Oral Argument. (swil) (Entered: 12/20/2023)
12/21/2023	<u>25</u>	MOTION to Dismiss for Lack of Jurisdiction with Roseboro., MOTION to Dismiss for Failure to State a Claim with Roseboro., by Bryan Porter. (MacRae, Travis) (Entered: 12/21/2023)
12/21/2023	<u>26</u>	Memorandum in Support re <u>25</u> MOTION to Dismiss for Lack of Jurisdiction with Roseboro., MOTION to Dismiss for Failure to State a Claim with Roseboro., filed by Bryan Porter. (MacRae, Travis) (Entered: 12/21/2023)
12/21/2023	<u>27</u>	Waiver of <i>oral argument</i> by Bryan Porter (MacRae, Travis) (Entered: 12/21/2023)
12/22/2023	<u>28</u>	NOTICE of Appearance by Elizabeth Bushnell Myers on behalf of Circuit Court for the City of Alexandria (Myers, Elizabeth) (Entered: 12/22/2023)
12/22/2023	<u>29</u>	MOTION to Dismiss for Failure to State a Claim with Roseboro., by Circuit Court for the City of Alexandria. (Myers, Elizabeth) (Entered: 12/22/2023)
12/22/2023	<u>30</u>	Brief in Support , Memorandum in Support re <u>29</u> MOTION to Dismiss for Failure to State a Claim with Roseboro., filed by Circuit Court for the City of Alexandria. (Myers, Elizabeth) (Entered: 12/22/2023)
12/22/2023	<u>31</u>	Waiver of re <u>29</u> MOTION to Dismiss for Failure to State a Claim with Roseboro., <i>Waiver of Oral Argument</i> by Circuit Court for the City of Alexandria (Myers, Elizabeth) (Entered: 12/22/2023)
01/02/2024	<u>32</u>	Reply to Motion re <u>25</u> MOTION to Dismiss for Lack of Jurisdiction with Roseboro, MOTION to Dismiss for Failure to State a Claim with Roseboro, <u>29</u> MOTION to Dismiss for Failure to State a Claim with Roseboro filed by Major Mike Webb. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(swil) (Entered: 01/04/2024)
01/02/2024	<u>33</u>	AFFIDAVIT of Judicial Notice Re: Oxford Exposure Study by Major Mike Webb. (swil) (Entered: 01/04/2024)
01/11/2024	<u>34</u>	ORDERED that the Motion <u>23</u> is DENIED without prejudice . The Motion is denied because Plaintiff is unclear as to what he is requesting, and Plaintiff fails to identify the basis for why, under the circumstances, the pre-discovery issue of a subpoena is warranted. Signed by Magistrate Judge Ivan D. Davis on 1/11/2024. (Dcrow,) (Entered: 01/11/2024)
01/22/2024	<u>35</u>	ORDER of USCA as to <u>15</u> Notice of Interlocutory Appeal filed by Major Mike Webb. The court grants leave to proceed in forma pauperis. (swil) (Entered: 01/22/2024)
03/08/2024	<u>36</u>	Memorandum Opinion and Order that Respondents' Motions to Dismiss are GRANTED, and this case is DISMISSED. Signed by District Judge Claude M. Hilton on 03/08/2024. (wgar,) (Entered: 03/08/2024)