

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:20-cv-01294-DLF**

KUYUMCU v. U.S. DEPARTMENT OF JUSTICE et al  
Assigned to: Judge Dabney L. Friedrich  
Demand: \$5,000,000  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/05/2020  
Jury Demand: Plaintiff  
Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ERDAL KUYUMCU**

represented by **ERDAL KUYUMCU**  
R – 89148-053  
5218 39th Avenue  
Apt. 3D  
Woodside, NY 11377  
347-837-5811  
Email: [erdalkuyumcu@gmail.com](mailto:erdalkuyumcu@gmail.com)  
PRO SE

V.

**Defendant**

**WILBUR ROSS**  
*Secretary of Commerce of The United States*  
*TERMINATED: 04/14/2022*

represented by **Thomas Duffey**  
U.S. ATTORNEY'S OFFICE  
555 4th Street, NW  
Washington, DC 20530  
(202) 252-2510  
Email: [thomas.duffey@usdoj.gov](mailto:thomas.duffey@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Kenneth A. Adebajo**  
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2562  
Fax: (202) 252-2599  
Email: [kenneth.adebajo@usdoj.gov](mailto:kenneth.adebajo@usdoj.gov)  
*TERMINATED: 12/21/2020*

**Defendant**

**WILLIAM BARR**  
*Attorney General of The United States*  
*TERMINATED: 04/14/2022*

represented by **Thomas Duffey**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Kenneth A. Adebajo**  
(See above for address)  
*TERMINATED: 12/21/2020*

**Defendant**

**CHRISTOPHER WRAY**  
*Director of The Federal Bureau of Investigations*  
*TERMINATED: 04/14/2022*

represented by **Thomas Duffey**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Kenneth A. Adebajo**  
(See above for address)

TERMINATED: 12/21/2020

**Defendant**

**STEVEN JEFFERSON**  
*Special Agent for The Federal Bureau of  
Investigations*  
TERMINATED: 04/14/2022

represented by **Thomas Duffey**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Kenneth A. Adebonojo**  
(See above for address)  
TERMINATED: 12/21/2020

**Defendant**

**THOMAS F. SMITH**  
*Special Agent, Office of Expert  
Enforcement for the Department of  
Commerce of The United States*  
TERMINATED: 04/14/2022

represented by **Thomas Duffey**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Kenneth A. Adebonojo**  
(See above for address)  
TERMINATED: 12/21/2020

**Defendant**

**CRAIG PHILDIUS**  
*Export Control Officer, Department of  
Commerce of The United States*  
TERMINATED: 04/14/2022

represented by **Thomas Duffey**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Kenneth A. Adebonojo**  
(See above for address)  
TERMINATED: 12/21/2020

**Defendant**

**UNITED STATES DEPARTMENT  
OF JUSTICE**

represented by **Thomas Duffey**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**UNITED STATES DEPARTMENT  
OF COMMERCE**

represented by **Thomas Duffey**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/05/2020	<u>1</u>	COMPLAINT against WILLIAM BARR, STEVEN JEFFERSON, CRAIG PHILDIUS, WILBUR ROSS, THOMAS F. SMITH, CHRISTOPHER WRAY ( Filing fee \$ 400, receipt number 4616103130) with Jury Demand filed by ERDAL KUYUMCU. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibits)(eg) (Entered: 05/18/2020)
05/05/2020		SUMMONS Not Issued as to WILLIAM BARR, STEVEN JEFFERSON, CRAIG PHILDIUS, WILBUR ROSS, THOMAS F. SMITH, CHRISTOPHER WRAY (eg) (Entered: 05/18/2020)
06/18/2020	<u>2</u>	Summons (6) Issued as to WILLIAM BARR, STEVEN JEFFERSON, CRAIG PHILDIUS, WILBUR ROSS, THOMAS F. SMITH, CHRISTOPHER WRAY. (eg) . (Entered: 06/18/2020)

07/16/2020		MINUTE ORDER. The plaintiff filed the Complaint in this action on May 5, 2020 against six defendants. As of the date of this order, the public docket reflects that the plaintiff has yet to file proof of service of any defendant. The Court directs the plaintiff's attention to Federal Rule of Civil Procedure 4(m), which provides in pertinent part that if a defendant is not served within 90 days after the complaint is filed, the court, on motion or on its own after notice to the plaintiff, must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. Fed. R. Civ. P. 4(m). Unless service is waived, proof of service must be made to the court. Fed. R. Civ. P. 4(l)(1). To avoid the finality of a mandatory dismissal of this action against the defendants, it is ORDERED that the plaintiff must, on or before August 3, 2020, either cause process to be served upon the defendants and proof of service to be filed with the Court or establish good cause for the failure to do so. The failure to make such filings will result in dismissal of this case. So Ordered by Judge Dabney L. Friedrich on July 16, 2020. (lcldf3) (Entered: 07/16/2020)
08/03/2020	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. STEVEN JEFFERSON served on 7/14/2020; CRAIG PHILDIUS served on 7/13/2020; WILBUR ROSS served on 7/13/2020; THOMAS F. SMITH served on 7/13/2020; CHRISTOPHER WRAY served on 7/14/2020 (eg) (Entered: 08/06/2020)
08/05/2020	<u>3</u>	MOTION for Extension of Time to Serve Defendants by ERDAL KUYUMCU. "Leave to file granted. However, LCvR 5.1 provides that "except when requested by a judge, correspondence shall not be directed by the parties or their attorneys to a judge, nor shall papers be left with or mailed to a judge for filing." Accordingly, leave to file will be denied for any future correspondence mailed to the Court for filing" Signed by Judge Dabney L. Friedrich. (eg) (Entered: 08/06/2020)
08/06/2020		MINUTE ORDER. The Court has granted the plaintiff leave to file a <u>3</u> Letter of July 27, 2020, which the Court construes as a Motion for Extension of Time to Serve Defendants. However, Local Rule 5.1 provides that except when requested by a judge, correspondence shall not be directed by the parties or their attorneys to a judge, nor shall papers be left with or mailed to a judge for filing. Accordingly, leave to file will be denied for any future correspondence mailed to Chambers for filing. So Ordered by Judge Dabney L. Friedrich on August 6, 2020. (lcldf3). (Entered: 08/06/2020)
08/06/2020		MINUTE ORDER. Upon consideration of the plaintiff's <u>3</u> Letter of July 27, 2020, which the Court has construed as a motion to extend time for service, and for good cause shown, the motion is GRANTED. To avoid the finality of a mandatory dismissal of this action against the defendants, it is ORDERED that the plaintiff must, on or before September 4, 2020, either cause process to be served upon the defendants and proof of service to be filed with the Court or establish good cause for the failure to do so. The failure to make such filings will result in dismissal of this case. So Ordered by Judge Dabney L. Friedrich on August 6, 2020. (lcldf3). (Entered: 08/06/2020)
08/06/2020		Set/Reset Deadlines: Time to effectuate service upon party due by 9/4/2020. (zjch) (Entered: 08/07/2020)
08/10/2020	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 07/13/2020. (eg) (Entered: 08/13/2020)
10/13/2020		MINUTE ORDER. The plaintiff filed the Complaint in this action on May 5, 2020 against six defendants. As of the date of this order, the public docket reflects that the plaintiff has filed proof of service for each of the six defendants. However, the plaintiff has not yet filed proof of service for the U.S. Attorney. The Court directs the plaintiff's attention to Federal Rule of Civil Procedure 4(i)(1), which provides instructions for "Serving the United States and Its Agencies, Corporations, Officers, or Employees." The Rule provides: "To serve the United States, a party must: (A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk or (ii) send a copy of each by registered or certified mail to the civil process clerk at the United States attorney's office" in addition to "(B) send[ing] a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C." Although the plaintiff has served the Attorney General, no proof of service has

		been filed as to the U.S. Attorney for this district. Unless service is waived, proof of service must be made to the court. Fed. R. Civ. P. 4(l)(1). Thus, to avoid the finality of a mandatory dismissal of this action against the defendants, it is ORDERED that the plaintiff must, on or before December 14, 2020, either cause process to be served upon the U.S. Attorney's Office and proof of service to be filed with the Court or establish good cause for the failure to do so. The failure to make this filing may result in dismissal of this case. So Ordered by Judge Dabney L. Friedrich on October 13, 2020. (lcldf3) (Entered: 10/13/2020)
10/13/2020		Set/Reset Deadlines: Time to effectuate service upon party due by 12/14/2020. (zjch) (Entered: 10/14/2020)
10/23/2020	<u>6</u>	NOTICE of Appearance by Kenneth A. Adebonojo on behalf of All Defendants (Adebonojo, Kenneth) (Entered: 10/23/2020)
10/23/2020	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/15/2020. Answer due for ALL FEDERAL DEFENDANTS by 11/14/2020. (eg) (Entered: 10/27/2020)
12/11/2020	<u>8</u>	MOTION for Extension of Time to <i>File Defendants' Answer or Other Response to Plaintiff's Complaint</i> by WILLIAM BARR, STEVEN JEFFERSON, CRAIG PHILDIUS, WILBUR ROSS, THOMAS F. SMITH, CHRISTOPHER WRAY (Adebonojo, Kenneth) (Entered: 12/11/2020)
12/11/2020		MINUTE ORDER. Upon consideration of the defendants' <u>8</u> Motion for Extension of Time, it is ORDERED that the motion is GRANTED. Accordingly, the defendants shall file an answer or otherwise respond to the complaint on or before February 12, 2021. So ordered by Judge Dabney L. Friedrich on December 11, 2020. (Entered: 12/11/2020)
12/11/2020		Set/Reset Deadlines: Answer due by 2/12/2021, (zjch) (Entered: 12/11/2020)
12/21/2020	<u>9</u>	NOTICE of Appearance by Thomas Duffey on behalf of WILLIAM BARR, STEVEN JEFFERSON, CRAIG PHILDIUS, WILBUR ROSS, THOMAS F. SMITH, CHRISTOPHER WRAY (Duffey, Thomas) (Entered: 12/21/2020)
12/21/2020	<u>10</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Thomas Duffey on behalf of WILLIAM BARR, STEVEN JEFFERSON, CRAIG PHILDIUS, WILBUR ROSS, THOMAS F. SMITH, CHRISTOPHER WRAY Substituting for attorney Kenneth Adebonojo (Duffey, Thomas) (Entered: 12/21/2020)
02/08/2021	<u>11</u>	MOTION for Extension of Time to File Answer <i>or otherwise respond to complaint</i> by WILLIAM BARR, STEVEN JEFFERSON, CRAIG PHILDIUS, WILBUR ROSS, THOMAS F. SMITH, CHRISTOPHER WRAY. (Duffey, Thomas) (Entered: 02/08/2021)
02/08/2021		MINUTE ORDER granting the defendants' <u>11</u> Motion for Extension of Time to Answer. Accordingly, the defendants shall file an answer or otherwise respond to the complaint on or before March 30, 2021. So ordered by Judge Dabney L. Friedrich on February 8, 2021. (lcldf3) (Entered: 02/08/2021)
03/26/2021	<u>12</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by WILLIAM BARR, STEVEN JEFFERSON, CRAIG PHILDIUS, WILBUR ROSS, THOMAS F. SMITH, CHRISTOPHER WRAY. (Duffey, Thomas) (Entered: 03/26/2021)
03/29/2021		MINUTE ORDER granting the defendants' <u>12</u> Motion for Extension of Time to Answer. Accordingly, the defendants shall file an answer or otherwise respond to the complaint on or before May 31, 2021. The Court is not inclined to grant any further extensions for the defendants to respond to the complaint. So ordered by Judge Dabney L. Friedrich on March 29, 2021. (lcldf3) (Entered: 03/29/2021)
03/29/2021		Set/Reset Deadlines: Answer due by 3/31/2021, (zjch) (Entered: 03/29/2021)
05/31/2021	<u>13</u>	MOTION to Dismiss by WILLIAM BARR, STEVEN JEFFERSON, CRAIG PHILDIUS, WILBUR ROSS, THOMAS F. SMITH, CHRISTOPHER WRAY. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Duffey, Thomas) (Entered: 05/31/2021)

06/07/2021	<u>14</u>	MOTION for Extension of Time to File Response by ERDAL KUYUMCU. (eg) (Entered: 06/09/2021)
06/10/2021		MINUTE ORDER granting in part the plaintiff's <u>14</u> Motion for Extension of Time. Accordingly, the plaintiff shall respond to the defendants' motion to dismiss on or before July 14, 2021. The plaintiff is further advised, pursuant to Fox v. Strickland, 837 F.2d 507 (D.C. Cir. 1988), that failure to timely respond to the defendants' pending motion may result in the Court (1) treating the motions as conceded, (2) ruling on the defendants motion based on the defendants arguments alone; or (3) dismissing the plaintiffs claims for failure to prosecute. So ordered by Judge Dabney L. Friedrich on June 10, 2021. (lcldf3) (Entered: 06/10/2021)
06/10/2021		Set/Reset Deadlines: Response to Dispositive Motions due by 7/14/2021. (zjch) (Entered: 06/10/2021)
06/30/2021	<u>15</u>	MOTION for Extension of Time to File Answer by ERDAL KUYUMCU. (eg) (Entered: 07/07/2021)
06/30/2021	<u>16</u>	NOTICE of Change of Address by ERDAL KUYUMCU (eg) (Entered: 07/07/2021)
07/07/2021		MINUTE ORDER. Before the Court is the plaintiff's <u>15</u> Motion for an Extension of Time from July 14, 2021, until September 10, 2021, to file a response to the defendants' motion to dismiss. The defendants shall file, on or before July 9, 2021, any objection to the plaintiff's motion. So Ordered by Judge Dabney L. Friedrich on July 7, 2021. (lcldf3) (Entered: 07/07/2021)
07/07/2021		Set/Reset Deadlines: Responses due by 7/9/2021 (zjch) (Entered: 07/07/2021)
07/08/2021	<u>17</u>	NOTICE of no position by WILLIAM BARR, STEVEN JEFFERSON, CRAIG PHILDIUS, WILBUR ROSS, THOMAS F. SMITH, CHRISTOPHER WRAY re <u>15</u> MOTION for Extension of Time to File Answer (Duffey, Thomas) (Entered: 07/08/2021)
07/08/2021		MINUTE ORDER granting the plaintiff's <u>15</u> Motion for Extension of Time. Accordingly, the plaintiff shall respond to the defendants' motion to dismiss on or before September 10, 2021. The Court is unlikely to grant any further extensions. So Ordered by Judge Dabney L. Friedrich on July 8, 2021. (lcldf3) (Entered: 07/08/2021)
07/08/2021		Set/Reset Deadlines: Response to Dispositive Motions due by 9/10/2021. (zjch) (Entered: 07/09/2021)
09/07/2021	<u>18</u>	Memorandum in opposition to re <u>13</u> MOTION to Dismiss filed by ERDAL KUYUMCU. (ztd) (Entered: 09/14/2021)
09/20/2021	<u>19</u>	MOTION for Extension of Time to File <i>Reply to Opposition to Motion to Dismiss with proposed Order</i> by WILLIAM BARR, STEVEN JEFFERSON, CRAIG PHILDIUS, WILBUR ROSS, THOMAS F. SMITH, CHRISTOPHER WRAY. (Duffey, Thomas) (Entered: 09/20/2021)
09/20/2021		MINUTE ORDER. Upon consideration of defendants' <u>19</u> Motion for Extension of Time, it is hereby ORDERED that the motion is GRANTED. Accordingly, the defendants shall file their reply on or before October 14, 2021. So Ordered by Judge Dabney L. Friedrich on September 20, 2021. (lcldf3) (Entered: 09/20/2021)
10/14/2021	<u>20</u>	REPLY to opposition to motion re <u>13</u> MOTION to Dismiss filed by WILLIAM BARR, STEVEN JEFFERSON, CRAIG PHILDIUS, WILBUR ROSS, THOMAS F. SMITH, CHRISTOPHER WRAY. (Duffey, Thomas) (Entered: 10/14/2021)
03/21/2022	<u>21</u>	ORDER granting defendants' <u>13</u> Motion to Dismiss. See text for details. The Clerk of Court is directed to mail a copy of this Order to the plaintiff's address of record at his facility of incarceration. Signed by Judge Dabney L. Friedrich on March 21, 2022. (lcldf3) (Entered: 03/21/2022)
04/11/2022	<u>22</u>	MOTION for Leave to File Amended Complaint by ERDAL KUYUMCU. (Attachment: # <u>1</u> Amended Complaint)(zeg) (Entered: 04/14/2022)
04/14/2022		MINUTE ORDER. Upon consideration of the plaintiff's <u>22</u> Motion for Leave to File Amended Complaint, it is hereby ORDERED that the motion is GRANTED. The Clerk of Court is directed to place the Amended Complaint, Dkt. <u>22</u> -1, on the docket,

		to list "DEPARTMENT OF JUSTICE" and "DEPARTMENT OF COMMERCE" as party defendants in this case, and to issue summons as to the Department of Justice, the Department of Commerce, the U.S. Attorney for the District of Columbia, and the Attorney General of the United States. The plaintiff is directed to review Fed. R. Civ. P. 4, which provides the rules for service of process. The plaintiff is required to serve the summons with a copy of the amended complaint. <i>See</i> Fed. R. Civ. P. 4(c)(1). As a party to the case, the plaintiff cannot serve process himself. <i>See</i> Fed. R. Civ. P. 4(c)(2). Because the newly added defendants are agencies of the United States, he must serve the agencies, the United States Attorney for the District of Columbia, and the Attorney General of the United States in person or by registered or certified mail. <i>See</i> Fed. R. Civ. P. 4(i). The plaintiff must effect service of process on or before July 13, 2022. The Clerk of Court is directed to mail a copy of this minute order to the plaintiff's address of record. So Ordered by Judge Dabney L. Friedrich on April 14, 2022. (lcldf3) Modified on 4/14/2022 (lcldf3). (Entered: 04/14/2022)
04/14/2022	<u>23</u>	AMENDED COMPLAINT against UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF COMMERCE with Jury Demand filed by ERDAL KUYUMCU. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4) (zeg). (Entered: 04/18/2022)
04/15/2022		ENTERED IN ERROR.....MINUTE ORDER. Upon consideration of the plaintiff's <u>8</u> Notice of Voluntary Dismissal, it is hereby ORDERED that the case is DISMISSED WITHOUT PREJUDICE. <i>See</i> Fed. R. Civ. P. 41(a)(1)(A)(ii). The Clerk of Court is directed to close this case. So Ordered by Judge Dabney L. Friedrich on April 15, 2022. (lcldf3) Modified on 4/15/2022 (zjch, ). (Entered: 04/15/2022)
04/18/2022		MINUTE ORDER. In light of the <u>23</u> Amended Complaint, the Clerk of Court is directed to amend the caption to read "KUYUMCU v. U.S. DEPARTMENT OF JUSTICE et al." So Ordered by Judge Dabney L. Friedrich on April 18, 2022. (lcldf3) (Entered: 04/18/2022)
04/27/2022	<u>24</u>	SUMMONS (4) Issued as to UNITED STATES DEPARTMENT OF COMMERCE, UNITED STATES DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zeg) (Entered: 04/27/2022)
04/29/2022	<u>25</u>	Mail Returned as Undeliverable re <u>21</u> Order on Motion to Dismiss,, Set/Reset Deadlines, Sent to Erdal Kuyumcu; Resent at New Address: R – 89148–053 5218 39th Avenue Apt. 3D Woodside, NY 11377. (zjch, ) (Entered: 04/29/2022)
05/20/2022	<u>28</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF COMMERCE served on 5/8/2022; UNITED STATES DEPARTMENT OF JUSTICE served on 5/16/2022, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/16/2022., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/6/2022. ( Answer due for ALL FEDERAL DEFENDANTS by 6/5/2022.) (zeg) (Entered: 06/10/2022)
05/31/2022	<u>27</u>	ENTERED IN ERROR.....Consent to Proceed before US Magistrate Judge for All Purposes by ERDAL KUYUMCU.. (zeg) Modified on 6/15/2022. Document not signed by all parties (zeg). (Entered: 06/10/2022)
06/07/2022	<u>26</u>	MOTION for Extension of Time to File Answer re <u>23</u> Amended Complaint <i>with proposed order</i> by UNITED STATES DEPARTMENT OF COMMERCE, UNITED STATES DEPARTMENT OF JUSTICE. (Duffey, Thomas) (Entered: 06/07/2022)
06/08/2022		MINUTE ORDER. Upon consideration of the defendants' <u>26</u> Motion for Extension of Time, it is hereby ORDERED that the motion is GRANTED. Accordingly, the defendants shall answer or otherwise response to the <u>23</u> Amended Complaint on or before July 6, 2022. Additionally, the Court notes that the plaintiff has not filed his telephone number on the docket. Local Civil Rule 5.1(c)(1) requires <i>pro se</i> litigants to include their telephone number in their initial filing. A <i>pro se</i> litigant may file this information under seal if he provides appropriate justification for doing so. It is ORDERED that the plaintiff file a Notice on the docket that includes his telephone number on or before June 28, 2022. The Clerk of Court is directed to mail a copy of this Minute Order to the plaintiff's address of record. So Ordered by Judge Dabney L.

		Friedrich on June 8, 2022. (lcldf3) (Entered: 06/08/2022)
06/15/2022	<u>29</u>	RESPONSE TO ORDER OF THE COURT re 06/08/2022 MINUTE ORDER filed by ERDAL KUYUMCU. (zjf) (Main Document 29 replaced on 6/22/2022) (zjm). (Entered: 06/22/2022)
07/05/2022	<u>30</u>	MOTION for Extension of Time to File Answer re <u>23</u> Amended Complaint by UNITED STATES DEPARTMENT OF COMMERCE, UNITED STATES DEPARTMENT OF JUSTICE. (Duffey, Thomas) (Entered: 07/05/2022)
07/05/2022		MINUTE ORDER. Upon consideration of defendants' <u>30</u> Motion for Extension of Time, it is hereby ORDERED that the motion is GRANTED. Accordingly, the defendants shall answer or otherwise respond to the plaintiff's <u>23</u> Amended Complaint on or before July 20, 2022. The Court is not inclined to grant any further extensions for the defendants to respond to the <u>23</u> Amended Complaint absent extraordinary circumstances. So Ordered by Judge Dabney L. Friedrich on July 5, 2022. (lcldf3) (Entered: 07/05/2022)
07/20/2022	<u>31</u>	MOTION for Summary Judgment <i>with proposed order</i> by UNITED STATES DEPARTMENT OF COMMERCE, UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration Seidel, # <u>4</u> Exhibit A-S to Seidel Declaration, # <u>5</u> Declaration Agyekum, # <u>6</u> Exhibit 1-8 Agyekum Declaration)(Duffey, Thomas) (Entered: 07/20/2022)
07/21/2022		MINUTE ORDER. Before the Court is the defendant's <u>31</u> Motion for Summary Judgment. Pursuant to <i>Neal v. Kelly</i> , 963 F.2d 453 (D.C. Cir. 1992), the Court reminds the plaintiff that on a motion for summary judgment, "any factual assertions in the movant's affidavits will be accepted as being true unless [the opposing party] submits his own affidavits or other documentary evidence contradicting the assertion." <i>Id.</i> at 456. Under Fed. R. Civ. P. 56(e), if a party fails to properly support an assertion of fact or fails to properly address another party's assertion of fact as required by Rule 56(c), the court may: (1) give an opportunity to properly support or address the fact; (2) consider the fact undisputed for purposes of the motion; (3) grant summary judgment if the motion and supporting materials—including the facts considered undisputed—show that the movant is entitled to it; or (4) issue any other appropriate order. Thus, failure to respond to the defendant's motion in this case carries with it the risk that the case will be dismissed or that judgment will be entered for the defendant. Accordingly, the plaintiff shall file any response to the defendant's <u>31</u> Motion for Summary Judgment and/or cross motion for summary judgment on or before August 4, 2022; and the defendant shall file any reply in support of its <u>31</u> Motion for Summary Judgment and/or response on or before August 11, 2022. The Clerk of Court shall mail a copy of this minute order to the plaintiff's address on record. So Ordered by Judge Dabney L. Friedrich on July 21, 2022. (lcldf3) (Entered: 07/21/2022)
08/03/2022	<u>32</u>	Memorandum in opposition to re <u>31</u> Motion for Summary Judgment, filed by ERDAL KUYUMCU. (Attachment: # <u>1</u> Exhibits)(zed) (Entered: 08/05/2022)
08/11/2022	<u>33</u>	REPLY to opposition to motion re <u>31</u> MOTION for Summary Judgment <i>with proposed order</i> filed by UNITED STATES DEPARTMENT OF COMMERCE, UNITED STATES DEPARTMENT OF JUSTICE. (Duffey, Thomas) (Entered: 08/11/2022)
11/15/2022	<u>34</u>	ORDER regarding the defendants' <u>31</u> Motion for Summary Judgment. See text for details. Signed by Judge Dabney L. Friedrich on November 15, 2022. (lcldf1) (Entered: 11/15/2022)
12/15/2022	<u>35</u>	STATUS REPORT <i>with proposed order</i> by UNITED STATES DEPARTMENT OF JUSTICE. (Duffey, Thomas) (Entered: 12/15/2022)
12/16/2022	<u>36</u>	NOTICE by ERDAL KUYUMCU. "Let this be filed" Signed by Judge Dabney L. Friedrich on 12/16/2022. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(zed) (Entered: 12/16/2022)
12/19/2022		MINUTE ORDER. Because it appears to the Court that the parties have not fully conferred in advance of the defendant's <u>35</u> Status Report and the plaintiff's <u>36</u> Letter to the Court, the parties are again directed to submit a joint status report, to be filed on or before January 6, 2023. So Ordered by Judge Dabney L. Friedrich on December 19,

		2022. (lcldf2) (Entered: 12/19/2022)
12/19/2022		Set/Reset Deadlines/Hearings: Status Report due by 1/6/2023 (zjch, ) (Entered: 12/19/2022)
01/05/2023	<u>37</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Duffey, Thomas) (Entered: 01/05/2023)
01/06/2023		MINUTE ORDER. The Court liberally construes the pro se plaintiff's submission in the parties' <u>37</u> Joint Status Report as a motion for discovery and a motion for summary judgment with respect to exemptions claimed by the defendant. Both motions will be denied without prejudice. First, "discovery of any type is generally not allowed in FOIA proceedings. The one exception to this rule is when the plaintiff makes something more than a speculative assertion that the agency might not have acted in good faith in responding to his FOIA request." Pinson v. DOJ, 55 F. Supp. 3d 80, 82 (D.D.C. 2014) (citations omitted). The plaintiff here has provided no specific reasons to suspect that the defendant has not acted in good faith. Ordering discovery would thus be improper. Second, the plaintiff's request for the Court to review the redacted portions of the produced documents in camera is construed as an early motion for summary judgment as to the defendant's asserted exemptions. But the plaintiff has provided no reason to decide such issues outside of the normal course, i.e., after the defendant has produced all responsive documents. The Court will therefore deny that motion without prejudice. But the plaintiff can renew his argument after the Court sets a schedule for the filing of motions. The parties are directed to file another joint status report on or before April 6, 2023. So Ordered by Judge Dabney L. Friedrich on January 6, 2023. (lcldf2). (Entered: 01/06/2023)
04/06/2023	<u>38</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Duffey, Thomas) (Entered: 04/06/2023)
04/07/2023		MINUTE ORDER. Upon consideration of the parties' <u>38</u> Joint Status Report, the parties are directed to file another joint status report on or before July 5, 2023. So Ordered by Judge Dabney L. Friedrich on April 7, 2023. (lcldf2) (Entered: 04/07/2023)
07/05/2023	<u>39</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Duffey, Thomas) (Entered: 07/05/2023)
07/10/2023		MINUTE ORDER. Upon consideration of the parties' <u>39</u> Joint Status Report, for the reasons stated in the Court's January 6, 2023 Minute Order, the Court will not consider a request for in camera review until after production of responsive documents is completed. In addition, the Court cannot consider the plaintiff's reference to a new FOIA request absent the filing of a new or amended complaint related to that request. Further, the plaintiff's request that the Court "consider granting plaintiff counsel," Dkt. 39 at 3, is construed as a motion to appoint counsel and is DENIED WITHOUT PREJUDICE. An individual does not have a constitutional right to counsel in a civil proceeding. See Turner v. Rogers, 564 U.S. 431, 441 (2011) (noting that "the Sixth Amendment does not govern civil cases"). The plaintiff has not sought to proceed in forma pauperis, and even then, indigence alone is not a basis for appointment of counsel. See Williams v. Court Servs. & Offender Supervision Agency for D.C., 879 F. Supp. 2d 263, 266 (D.D.C. 2012). Local Civil Rule 83.11(b)(3) sets out the factors to consider in the appointment of counsel in civil cases: "(i) Nature and complexity of the action; (ii) Potential merit of the pro se party's claims; (iii) Demonstrated inability of the pro se party to retain counsel by other means; and (iv) Degree to which the interests of justice will be served by appointment of counsel, including the benefit the Court may derive from the assistance of the appointed counsel." Although the plaintiff has referred to efforts to obtain pro bono counsel, even assuming he cannot afford retained counsel, it does not yet appear to the Court that the nature or complexity of this action warrants appointment of counsel. Nor can the Court adequately evaluate the potential merit of the plaintiff's position on disputed legal issues when production has not been completed. Accordingly, appointment of counsel is not appropriate at this time. The parties are directed to file another joint status report on or before October 3, 2023. The Clerk of Court is directed to mail a copy of this Minute Order to the plaintiff's address of record. So Ordered by Judge Dabney L. Friedrich on July 10, 2023. (lcldf2) (Entered: 07/10/2023)



10/03/2023	<u>40</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Duffey, Thomas) (Entered: 10/03/2023)
10/03/2023		MINUTE ORDER. Upon consideration of the parties' <u>40</u> Joint Status Report, it is hereby ORDERED that the parties are directed to file another joint status report by January 1, 2024, informing the Court as to their progress resolving the remaining issues in this case. So Ordered by Judge Dabney L. Friedrich on October 3, 2023. (lcldf2) (Entered: 10/03/2023)
10/03/2023		Set/Reset Deadlines: Status Report due by 1/1/2024 (zjch, ) (Entered: 10/04/2023)
01/01/2024	<u>41</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Duffey, Thomas) (Entered: 01/01/2024)
01/01/2024		MINUTE ORDER. In the parties' <u>41</u> Joint Status Report, the plaintiff represents that the government "cloak[s] themselves in evasion and deceit, invoking countless exemptions," and the plaintiff also suggests the government's conduct "amount[s] to nothing less than a deliberate obstruction of justice." Joint Status Report at 1–2. The Court liberally construes the pro se plaintiff's submissions as renewed motions for discovery and for summary judgment with respect to exemptions claimed by the government. For the reasons stated in the Court's January 6, 2023 minute order namely, the plaintiff's failure to offer any evidence supporting a finding of bad faith and the lack of justification for an early motion for summary judgment the motions are DENIED without prejudice. <i>See</i> Minute Order of Jan. 6, 2023; <i>see also Pinson v. DOJ</i> , 55 F. Supp. 3d 80, 82 (D.D.C. 2014) ("[D]iscovery of any type is generally not allowed in FOIA proceedings. The one exception to this rule is when the plaintiff makes something more than a speculative assertion that the agency might not have acted in good faith in responding to his FOIA request." (internal quotation marks omitted)). As the Court previously observed, the plaintiff may renew these arguments after the Court has set a schedule for the filing of motions. Further, it is hereby ORDERED that the parties are directed to file another joint status report by March 31, 2024, informing the Court as to their progress resolving the remaining issues in this case. The Clerk of Court is directed to mail a copy of this Minute Order to the plaintiff's address of record. So Ordered by Judge Dabney L. Friedrich on January 1, 2024. (lcldf2) (Entered: 01/01/2024)
03/31/2024	<u>42</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: STRICKEN PURSUANT TO MINUTE ORDER FILED 4/2/2024 # <u>1</u> Exhibit, STRICKEN PURSUANT TO MINUTE ORDER FILED 4/2/2024 # <u>2</u> Exhibit)(Duffey, Thomas) Modified docket text on 4/2/2024 (mg). (Entered: 03/31/2024)
04/02/2024		MINUTE ORDER. In the parties' <u>42</u> Joint Status Report, the plaintiff "requests a more expedited process, in the interest of fairness and accountability." Joint Status Report at 3, Dkt. 42. Given the plaintiff's pro se status, the Court must liberally construe his submission as a motion to expedite. For the reasons stated in the Court's July 10, 2023 and January 1, 2024 minute orders—namely, the plaintiff's failure to offer any evidence supporting a finding of bad faith in these proceedings and the lack of justification for expedited proceedings—the motion is DENIED. The Court reminds the plaintiff that this is an action under the Freedom of Information Act, not an appeal of his criminal proceedings in the Second Circuit, and the filing of meritless motions will delay, not expedite, proceedings. The Court will review the propriety of the Department's withholdings under FOIA when production is complete. Accordingly, the Clerk of Court is directed to strike Exhibits A and B of the parties' <u>42</u> Joint Status Report as improperly filed. Further, it is hereby ORDERED that the parties are directed to file another joint status report on or before June 30, 2024. The Clerk of Court is directed to mail a copy of this Minute Order to the plaintiff's address of record. So Ordered by Judge Dabney L. Friedrich on April 2, 2024. (lcldf2) (Entered: 04/02/2024)
06/30/2024	<u>43</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Duffey, Thomas) (Entered: 06/30/2024)
07/01/2024		MINUTE ORDER. Upon consideration of the parties' <u>43</u> Joint Status Report, it is ORDERED that the parties are directed to file another joint status report on or before September 30, 2024. Further, the plaintiff represents "that inappropriate exemptions have been applied to the FOIA releases." Joint Status Report at 2, Dkt. 43. But as the

	<p>Court noted in its April 2, 2024 minute order, it will review the propriety of the Department's withholdings under FOIA when production is complete. The Clerk of Court is directed to mail a copy of this Minute Order to the plaintiff's address of record. So Ordered by Judge Dabney L. Friedrich on July 1, 2024. (lcllf2) (Entered: 07/01/2024)</p>
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