

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:22-cv-00698-CRC**

MALIK v. U.S. DEPARTMENT OF HOMELAND SECURITY et al
Assigned to: Judge Christopher R. Cooper
Cause: 05:552 Freedom of Information Act

Date Filed: 03/14/2022
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

ADAM MALIK

represented by **ADAM MALIK**
2030 E Jackson Road
, # 110251
Carrollton, TX 75006
PRO SE

Adam Malik
PO BOX 110251
Carrollton, TX 75011
214-290-2000
Email: adam@lawfma.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Blerim Elmazi
THE LAW OFFICES OF BLERIM
ELMAZI
3010 LBJ Freeway
Suite 1450
Dallas, TX 75234
682-888-0091
Email: blerim@elmazilaw.com
TERMINATED: 09/08/2022
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF HOMELAND
SECURITY**

represented by **John Moustakas**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2518
Email: john.moustakas@usdoj.gov
TERMINATED: 12/27/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sam Escher
DOJ-USAO
Civil Division
601 D Street NW
7.1527
Washington, DC 20530
(202) 252-2531
Email: sam.escher@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. CUSTOMS AND BORDER
PROTECTION**

represented by **John Moustakas**
(See above for address)
TERMINATED: 12/27/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sam Escher
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. CITIZENSHIP AND
IMMIGRATION SERVICES**

represented by **John Moustakas**
(See above for address)
TERMINATED: 12/27/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sam Escher
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT**

represented by **John Moustakas**
(See above for address)
TERMINATED: 12/27/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sam Escher
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**NATIONAL ARCHIVES AND
RECORDS ADMINISTRATION**

represented by **John Moustakas**
(See above for address)
TERMINATED: 12/27/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sam Escher
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**

represented by **John Moustakas**
(See above for address)
TERMINATED: 12/27/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sam Escher
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

ALEJANDRO N. MAYORKAS
SECRETARY OF US DHS

represented by **John Moustakas**
(See above for address)
TERMINATED: 12/27/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sam Escher
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

CHRIS MAGNUS
COMMISSIONER OF THE U.S. CBP

represented by **John Moustakas**
(See above for address)
TERMINATED: 12/27/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sam Escher
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

UR MENDOZA JADDOU
DIRECTOR OF THE USCIS

represented by **John Moustakas**
(See above for address)
TERMINATED: 12/27/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sam Escher
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

TAE JOHNSON
ACTING DIRECTOR US ICE

represented by **John Moustakas**
(See above for address)
TERMINATED: 12/27/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sam Escher
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DAVID FERRIERO
ARCHIVIST OF THE UNITED STATES

represented by **John Moustakas**
(See above for address)
TERMINATED: 12/27/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sam Escher
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

CHRISTOPHER WRAY
DIRECTOR OF THE FBI

represented by **John Moustakas**
(See above for address)

TERMINATED: 12/27/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sam Escher
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/14/2022	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 402 receipt number ADCDC-9102082) filed by ADAM MALIK. (Attachments: # <u>1</u> Civil Cover Sheet)(Elmazi, Blerim) (Entered: 03/14/2022)
03/14/2022	<u>2</u>	REQUEST FOR SUMMONS TO ISSUE filed by ADAM MALIK.(Elmazi, Blerim) (Entered: 03/14/2022)
03/15/2022		Case Assigned to Judge Christopher R. Cooper. (znh) (Entered: 03/15/2022)
03/15/2022		NOTICE OF ERROR re <u>2</u> Request for Summons to Issue; emailed to blerim@elmazilaw.com, cc'd 0 associated attorneys --- The PDF file you docketed contained errors: 1. Missing summonses--government. When naming a government agent or agency as a defendant, you must supply a summons for each defendant & two additional summonses for the U.S. Attorney & U.S. Attorney General. Please submit using the event Request for Summons to Issue. (znh,) (Entered: 03/15/2022)
03/15/2022	<u>3</u>	REQUEST FOR SUMMONS TO ISSUE filed by ADAM MALIK.(Elmazi, Blerim) (Entered: 03/15/2022)
03/16/2022	<u>4</u>	ENTERED IN ERROR.....SUMMONS (14) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(znh) Modified on 3/24/2022 (znmw). (Entered: 03/16/2022)
03/16/2022		NOTICE OF ERROR re <u>3</u> Request for Summons to Issue; emailed to blerim@elmazilaw.com, cc'd 0 associated attorneys --- The PDF file you docketed contained errors: 1. Missing/incorrect summonses. Please submit using the event Request for Summons to issue., 2. Please use the FOIA summons at https://www.dcd.uscourts.gov/sites/dcd/files/Summons-FOIA_2013_FILL.pdf (zsb,) (Entered: 03/16/2022)
03/24/2022	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 3/21/2022; DAVID FERRIERO served on 3/18/2022; UR MENDOZA JADDOU served on 3/22/2022; TAE JOHNSON served on 3/22/2022; CHRIS MAGNUS served on 3/24/2022; ADAM MALIK served on 3/24/2022; ALEJANDRO MAYORKAS served on 3/21/2022; NATIONAL ARCHIVES AND RECORDS ADMINISTRATION served on 3/18/2022; U.S. CITIZENSHIP AND IMMIGRATION SERVICES served on 3/22/2022; U.S. CUSTOMS AND BORDER PROTECTION served on 3/21/2022; U.S. DEPARTMENT OF HOMELAND SECURITY served on 3/22/2022; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT served on 3/22/2022; CHRISTOPHER WRAY served on 3/21/2022 (Attachments: # <u>1</u> Exhibit Certified Mail Receipt)(Elmazi, Blerim) (Entered: 03/24/2022)
05/04/2022	<u>6</u>	Consent MOTION for Extension of Time to <i>Answer or Otherwise Respond</i> by FEDERAL BUREAU OF INVESTIGATION, DAVID FERRIERO, UR MENDOZA JADDOU, TAE JOHNSON, CHRIS MAGNUS, ALEJANDRO MAYORKAS, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, CHRISTOPHER WRAY. (Moustakas, John) (Entered: 05/04/2022)
05/05/2022		MINUTE ORDER granting <u>6</u> Motion for Extension of Time For Filing Answer, <i>Nunc Pro Tunc</i> . Defendants shall answer or otherwise respond to the complaint by May 23, 2022. Signed by Judge Christopher R. Cooper on 5/5/2022. (lccrc2) (Entered: 05/05/2022)

		05/05/2022)
05/23/2022	<u>7</u>	ANSWER to Complaint by FEDERAL BUREAU OF INVESTIGATION, DAVID FERRIERO, UR MENDOZA JADDOU, TAE JOHNSON, CHRIS MAGNUS, ALEJANDRO MAYORKAS, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, CHRISTOPHER WRAY.(Moustakas, John) (Entered: 05/23/2022)
05/24/2022		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties promptly confer and file a joint proposed schedule for briefing or disclosure by June 7, 2022. Signed by Judge Christopher R. Cooper on 5/24/2022. (lccrc3) (Entered: 05/24/2022)
06/07/2022	<u>8</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, DAVID FERRIERO, UR MENDOZA JADDOU, TAE JOHNSON, CHRIS MAGNUS, ALEJANDRO N. MAYORKAS, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, CHRISTOPHER WRAY. (Moustakas, John) (Entered: 06/07/2022)
06/10/2022		MINUTE ORDER: In light of the <u>8</u> Joint Status Report, the parties shall file a further joint status report by August 11, 2022. Signed by Judge Christopher R. Cooper on 6/10/2022. (lccrc2) (Entered: 06/10/2022)
08/11/2022	<u>9</u>	Joint STATUS REPORT by ADAM MALIK. (Attachments: # <u>1</u> Text of Proposed Order)(Elmazi, Blerim) (Entered: 08/11/2022)
08/12/2022		MINUTE ORDER: In light of the <u>9</u> Joint Status Report, the parties shall file a further joint status report by October 10, 2022. Signed by Judge Christopher R. Cooper on 8/12/2022. (lccrc2) (Entered: 08/12/2022)
09/08/2022	<u>10</u>	Unopposed MOTION to Withdraw as Attorney by ADAM MALIK. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Elmazi, Blerim) (Entered: 09/08/2022)
09/08/2022		MINUTE ORDER: Plaintiff's <u>10</u> Motion to Withdraw Attorney is hereby GRANTED. Attorney Blerim Elmazi is terminated from the case. Signed by Judge Christopher R. Cooper on 9/8/2022. (lccrc2) (Entered: 09/08/2022)
09/12/2022	<u>11</u>	NOTICE of Appearance by Adam Malik on behalf of All Plaintiffs (Malik, Adam) (Entered: 09/12/2022)
10/12/2022	<u>12</u>	STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, DAVID FERRIERO, UR MENDOZA JADDOU, TAE JOHNSON, CHRIS MAGNUS, ALEJANDRO N. MAYORKAS, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, CHRISTOPHER WRAY. (Moustakas, John) (Entered: 10/12/2022)
10/12/2022	<u>13</u>	STATUS REPORT <i>Plaintiff Status Report with Proposed Order</i> by ADAM MALIK. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Malik, Adam) (Entered: 10/12/2022)
10/14/2022		MINUTE ORDER: In light of the parties' <u>12</u> <u>13</u> Joint Status Reports, the parties are hereby directed to submit another report by December 12, 2022. Signed by Judge Christopher R. Cooper on 10/14/2022. (lccrc2) (Entered: 10/14/2022)
11/28/2022	<u>14</u>	Mail Returned as Undeliverable re Minute Order issued on 10/14/2022. New address not provided; unable to forward. (lsj) (Entered: 11/28/2022)
12/07/2022	<u>15</u>	STATUS REPORT <i>Plaintiff Status Report without Proposed Order</i> by ADAM MALIK. (Malik, Adam) (Entered: 12/07/2022)

12/07/2022	<u>16</u>	NOTICE of Change of Address by Adam Malik (Malik, Adam) (Entered: 12/07/2022)
12/13/2022	<u>17</u>	Consent MOTION for Extension of Time to File <i>Responsive Status Report</i> by FEDERAL BUREAU OF INVESTIGATION, DAVID FERRIERO, UR MENDOZA JADDOU, TAE JOHNSON, CHRIS MAGNUS, ALEJANDRO N. MAYORKAS, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, CHRISTOPHER WRAY. (Moustakas, John) (Entered: 12/13/2022)
12/14/2022		MINUTE ORDER granting Defendants' <u>17</u> Motion for Extension of Time to File Status Report. Defendants shall file a response to Plaintiff's status report by January 6, 2023. Signed by Judge Christopher R. Cooper on 12/14/2022. (lccrc2) (Entered: 12/14/2022)
01/06/2023	<u>18</u>	STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, DAVID FERRIERO, UR MENDOZA JADDOU, TAE JOHNSON, CHRIS MAGNUS, ALEJANDRO N. MAYORKAS, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, CHRISTOPHER WRAY. (Moustakas, John) (Entered: 01/06/2023)
01/08/2023	<u>19</u>	MOTION for Vaughn Index by ADAM MALIK. (Attachments: # <u>1</u> Exhibit)(Malik, Adam) (Entered: 01/08/2023)
01/12/2023		Minute Order: The Court has reviewed <u>15</u> Plaintiff's Status Report and <u>18</u> Defendants' Response. The Court hereby orders Defendants to provide Plaintiff with draft Vaughn indexes on or before March 17, 2023. The parties shall then meet and confer and file, by April 14, 2023, a joint status report summarizing any remaining disputes and, if disputes remain, a schedule for prompt summary judgment briefing. Plaintiff's <u>19</u> Motion for Vaughn Index is denied as moot. So Ordered. Signed by Judge Christopher R. Cooper on 1/12/2023. (lccrc2) (Entered: 01/12/2023)
04/12/2023	<u>20</u>	Joint MOTION for Extension of Time to File <i>Joint Status Report</i> by FEDERAL BUREAU OF INVESTIGATION, DAVID FERRIERO, UR MENDOZA JADDOU, TAE JOHNSON, CHRIS MAGNUS, ALEJANDRO N. MAYORKAS, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, CHRISTOPHER WRAY. (Moustakas, John) (Entered: 04/12/2023)
04/14/2023		MINUTE ORDER granting the parties' <u>20</u> Motion for Extension of Time to File a Joint Status Report. The parties shall file a status report by May 2, 2023. Signed by Judge Christopher R. Cooper on 4/14/2023. (lccrc2) (Entered: 04/14/2023)
05/01/2023	<u>21</u>	Joint MOTION for Extension of Time to <i>file Joint Status Report</i> by ADAM MALIK. (Malik, Adam) (Entered: 05/01/2023)
05/02/2023		MINUTE ORDER granting <u>21</u> Motion for Extension of Time to File Joint Status Report. The parties shall file a joint status report by June 2, 2023. Signed by Judge Christopher R. Cooper on 5/2/2023. (lccrc2) (Entered: 05/02/2023)
06/01/2023	<u>22</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, DAVID FERRIERO, UR MENDOZA JADDOU, TAE JOHNSON, CHRIS MAGNUS, ALEJANDRO N. MAYORKAS, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, CHRISTOPHER WRAY. (Moustakas, John) (Entered: 06/01/2023)
06/05/2023		MINUTE ORDER: In light of the parties' <u>22</u> Joint Status Report, the parties shall file a further report by August 29, 2023. The parties shall submit a proposed briefing schedule with their August status report in the event that disputes remain. Signed by Judge Christopher R. Cooper on 6/5/2023. (lccrc2) (Entered: 06/05/2023)

08/29/2023	<u>23</u>	Consent MOTION for Extension of Time to File <i>Joint Status Report</i> by FEDERAL BUREAU OF INVESTIGATION, DAVID FERRIERO, UR MENDOZA JADDOU, TAE JOHNSON, CHRIS MAGNUS, ALEJANDRO N. MAYORKAS, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, CHRISTOPHER WRAY. (Moustakas, John) (Entered: 08/29/2023)
08/31/2023		MINUTE ORDER granting <u>23</u> Consent Motion for Extension of Time to File Joint Status Report. The parties shall submit their joint status report by September 19, 2023. The parties shall submit a proposed briefing schedule with their September status report in the event that disputes remain. Signed by Judge Christopher R. Cooper on 8/31/2023. (lccrc2) (Entered: 08/31/2023)
09/19/2023	<u>24</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, DAVID FERRIERO, UR MENDOZA JADDOU, TAE JOHNSON, CHRIS MAGNUS, ALEJANDRO N. MAYORKAS, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, CHRISTOPHER WRAY. (Moustakas, John) (Entered: 09/19/2023)
09/20/2023		MINUTE ORDER: In light of <u>24</u> the parties' Joint Status Report, the Court directs the parties to submit a proposed briefing schedule by September 29, 2023. Signed by Judge Christopher R. Cooper on 9/20/2023. (lccrc2) (Entered: 09/20/2023)
09/29/2023	<u>25</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, DAVID FERRIERO, UR MENDOZA JADDOU, TAE JOHNSON, CHRIS MAGNUS, ALEJANDRO N. MAYORKAS, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, CHRISTOPHER WRAY. (Moustakas, John) (Entered: 09/29/2023)
10/02/2023		MINUTE ORDER: Given the long delay in summary judgment briefing proposed in the parties' latest status report, the parties are directed to file a joint notice by October 6, 2023 indicating whether they would be willing to use that time to engage in mediation before the D.C. Circuit Executive's mediation program. Signed by Judge Christopher R. Cooper on 10/2/2023. (lccrc2) (Entered: 10/02/2023)
10/06/2023	<u>26</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, DAVID FERRIERO, UR MENDOZA JADDOU, TAE JOHNSON, ALEJANDRO N. MAYORKAS, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, CHRISTOPHER WRAY. (Moustakas, John) (Entered: 10/06/2023)
10/12/2023		MINUTE ORDER REFERRING CASE TO MEDIATION: In light of the parties' <u>26</u> Joint Status Report, the Court hereby refers this case to mediation with the Circuit Executive Mediation Program for a period of 90 days. The parties should contact the program office at (202) 216-7350 to schedule the mediation. The parties shall file a Joint Status Report at the conclusion of the 90-day period. In the event that disputes remain, the Court adopts the parties' proposed briefing schedule as set forth in the parties' <u>25</u> Joint Status Report: Defendant's Summary Judgment Motion is due February 5, 2024; Plaintiff's Combined Opposition to Defendant's Motion and Cross Motion for Summary Judgment is due March 6, 2024; Defendant's Combined Reply and Opposition to Plaintiff's Cross Motion is due April 5, 2024; and Plaintiff's Reply is due May 6, 2024. Signed by Judge Christopher R. Cooper on 10/12/2023. (lccrc2) (Entered: 10/12/2023)
12/27/2023	<u>27</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Sam Escher on behalf of All Defendants Substituting for attorney John Moustakas (Escher, Sam) (Entered: 12/27/2023)

01/31/2024	<u>28</u>	ENTERED IN ERROR.....Consent MOTION for Extension of Time to <i>File Summary Judgment Briefing</i> by FEDERAL BUREAU OF INVESTIGATION, DAVID FERRIERO, UR MENDOZA JADDOU, TAE JOHNSON, CHRIS MAGNUS, ALEJANDRO N. MAYORKAS, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, CHRISTOPHER WRAY. (Attachments: # <u>1</u> Text of Proposed Order)(Escher, Sam) Modified on 2/1/2024 Amended Motion filed at entry <u>29</u> (zjm). (Entered: 01/31/2024)
01/31/2024	<u>29</u>	Amended MOTION for Extension of Time to <i>File Summary Judgment Briefing</i> by FEDERAL BUREAU OF INVESTIGATION, DAVID FERRIERO, UR MENDOZA JADDOU, TAE JOHNSON, CHRIS MAGNUS, ALEJANDRO N. MAYORKAS, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, CHRISTOPHER WRAY. (Attachments: # <u>1</u> Text of Proposed Order)(Escher, Sam) (Entered: 01/31/2024)
02/01/2024		MINUTE ORDER granting <u>29</u> Defendants' Amended Motion for Extension of Time. Defendants' motion for summary judgment shall be due by March 6, 2024; Plaintiff's combined opposition and cross motion shall be due by April 5, 2024; Defendants' combined reply and opposition shall be due by May 6, 2024; and Plaintiff's reply, if any, shall be due by June 5, 2024. Further extension requests will be disfavored. Signed by Judge Christopher R. Cooper on 2/1/2024. (lccrc2) (Entered: 02/01/2024)
03/06/2024	<u>30</u>	MOTION for Leave to File <i>Declarations Under Seal and Ex Parte, In Camera</i> by FEDERAL BUREAU OF INVESTIGATION, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(Escher, Sam) (Entered: 03/06/2024)
03/06/2024	<u>31</u>	MOTION for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> CBP – Declaration and Exhibits, # <u>3</u> USCIS – Declaration, # <u>4</u> USCIS – Vaughn Index, # <u>5</u> ICE – Declaration, # <u>6</u> ICE – Vaughn Index, # <u>7</u> FBI – Declaration and Exhibits, # <u>8</u> NARA – Declaration and Exhibits, # <u>9</u> Text of Proposed Order)(Escher, Sam) (Entered: 03/06/2024)
03/11/2024		MINUTE ORDER: Plaintiff shall file any opposition to <u>30</u> Defendants' Motion for Leave to File Declarations Under Seal and Ex Parte, In Camera by March 15, 2024. Signed by Judge Christopher R. Cooper on 3/11/2024. (lccrc2) (Entered: 03/11/2024)
03/15/2024	<u>32</u>	Memorandum in opposition to re <u>30</u> Motion for Leave to File, <i>under Seal and Ex Parte</i> filed by ADAM MALIK. (Attachments: # <u>1</u> Text of Proposed Order)(Malik, Adam) (Entered: 03/15/2024)
04/03/2024		MINUTE ORDER: Defendants are directed, by April 12, 2024, to file a reply brief in support of their <u>30</u> Motion for Leave to Submit Declarations Under Seal and <i>Ex Parte</i> , with supporting declarations as necessary, addressing the specific (and longstanding) requirements in the D.C. Circuit for the acceptance of <i>ex parte</i> declarations in FOIA cases. <u>See, e.g., Perioperative Services and Logistics, LLC v. U.S. Dep't of Veterans Affairs</u> , 57 F.4th 1061, 1065 (D.C. Cir. 2023) ("[A] district court may receive an <i>ex parte</i> affidavit if and only if '(1) the validity of the government's assertion of [an] exemption cannot be evaluated without information beyond that contained in the public affidavits and in the records themselves, and (2) public disclosure of that information would compromise the secrecy asserted.") (quoting <u>Arieff v. U.S. Dep't of the Navy</u> , 712 F.2d 1462, 1471 (D.C. Cir. 1983)); <u>see also Armstrong v. Executive Office of the President</u> , 97 F.3d 575, 580 (D.C. Cir. 1996) ("Case law in this Circuit is clear that when a district court uses an <i>in camera</i> affidavit, it must both make its reasons for doing so clear and make as much as possible of the <i>in camera</i> submission available to the opposing party."); <u>Lykins v. U.S. Dep't of Justice</u> , 725 F.2d 1455, 1465 (D.C. Cir. 1984) ("When a trial court does make use of <i>in camera</i> affidavits, it must see to it that such use is justified to the greatest extent possible on the public

		record[.]"). Plaintiff may file a surreply by April 19, 2024. So Ordered by Judge Christopher R. Cooper on 4/3/2024. (lccrc2) (Entered: 04/03/2024)
04/04/2024	<u>33</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>31</u> MOTION for Summary Judgment by ADAM MALIK. (Attachments: # <u>1</u> Text of Proposed Order)(Malik, Adam) (Entered: 04/04/2024)
04/05/2024		MINUTE ORDER granting in part and denying in part <u>33</u> Plaintiff's Motion for Extension of Time. The deadline for Plaintiff's combined opposition and cross motion for summary judgment shall be set 30 days after the Court's ruling on <u>30</u> Defendant's Motion for Leave to Submit Declarations Under Seal and <i>Ex Parte</i> . Signed by Judge Christopher R. Cooper on 4/5/2024. (lccrc2) (Entered: 04/05/2024)
04/11/2024	<u>34</u>	REPLY to opposition to motion re <u>30</u> MOTION for Leave to File <i>Declarations Under Seal and Ex Parte, In Camera</i> filed by FEDERAL BUREAU OF INVESTIGATION, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Escher, Sam) (Entered: 04/11/2024)
04/19/2024	<u>35</u>	SURREPLY to re <u>30</u> MOTION for Leave to File <i>Declarations Under Seal and Ex Parte, In Camera</i> filed by ADAM MALIK. (Attachments: # <u>1</u> Text of Proposed Order)(Malik, Adam) (Entered: 04/19/2024)
04/25/2024		MINUTE ORDER granting <u>30</u> Defendants' Motion for Leave to File Declarations Under Seal and Ex Parte, In Camera. Based on Defendants' representation that the sensitivity of the records requested requires them to submit declarations explaining the asserted exemptions under seal, ex parte, and in camera, the Court finds that "the validity of the government's assertion of exemption cannot be evaluated without information beyond that contained in the public affidavits and in the records themselves" and that "public disclosure of that information would compromise the secrecy asserted." <i>Arieff v. U.S. Dep't of the Navy</i> , 712 F.2d 1462, 1471 (D.C. Cir. 1983). The Court will indicate in its ruling on the motion for summary judgment the extent to which it relied on the proffered ex parte declarations and its reasons for doing so. It is further ordered that Plaintiff shall respond to <u>31</u> Defendants' Motion for Summary Judgment by May 27, 2024. So Ordered by Judge Christopher R. Cooper on 4/24/2024. (lccrc2) (Entered: 04/25/2024)
05/27/2024	<u>36</u>	Joint MOTION to Seal Case <i>Leave to File Documents Under Seal</i> by ADAM MALIK. (Attachments: # <u>1</u> Text of Proposed Order)(Malik, Adam) (Entered: 05/27/2024)
05/27/2024	<u>37</u>	MOTION for Summary Judgment <i>Plaintiff's MSJ</i> by ADAM MALIK. (Attachments: # <u>1</u> Text of Proposed Order)(Malik, Adam) (Entered: 05/27/2024)
05/27/2024	<u>38</u>	RESPONSE re <u>31</u> MOTION for Summary Judgment <i>Opposition to Defendant's MSJ</i> filed by ADAM MALIK. (Attachments: # <u>1</u> Text of Proposed Order)(Malik, Adam) (Entered: 05/27/2024)
05/27/2024	<u>39</u>	SEALED DOCUMENT filed by ADAM MALIK re <u>38</u> Response to motion (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Supplement)(Malik, Adam) (Entered: 05/27/2024)
05/27/2024	<u>40</u>	SEALED DOCUMENT filed by ADAM MALIK re <u>37</u> MOTION for Summary Judgment <i>Plaintiff's MSJ</i> (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Supplement)(Malik, Adam) (Entered: 05/27/2024)
05/29/2024	<u>41</u>	Unopposed MOTION for Extension of Time to File Response/Reply by FEDERAL BUREAU OF INVESTIGATION, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(Escher, Sam) (Entered: 05/29/2024)
05/29/2024		MINUTE ORDER granting <u>36</u> Joint Motion for Leave to File Documents Under Seal. Signed by Judge Christopher R. Cooper on 5/29/2024. (lccrc2) (Entered: 05/29/2024)
05/30/2024		MINUTE ORDER granting <u>41</u> Defendants' Motion for Extension of Time to File Response/Reply. Defendants' combined reply in support of their motion for summary

		judgment and opposition to Plaintiff's cross motion for summary judgment is due by August 2, 2024. Plaintiff's reply, if any, shall be due by August 16, 2024. Signed by Judge Christopher R. Cooper on 5/30/2024. (lccrc2) (Entered: 05/30/2024)
07/26/2024	<u>42</u>	REPLY to opposition to motion re <u>31</u> MOTION for Summary Judgment filed by FEDERAL BUREAU OF INVESTIGATION, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Escher, Sam) (Entered: 07/26/2024)
07/26/2024	<u>43</u>	RESPONSE re <u>37</u> MOTION for Summary Judgment <i>Plaintiff's MSJ</i> filed by FEDERAL BUREAU OF INVESTIGATION, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Escher, Sam) (Entered: 07/26/2024)
08/14/2024	<u>44</u>	REPLY to opposition to motion re <u>37</u> MOTION for Summary Judgment <i>Plaintiff's MSJ</i> , <u>31</u> MOTION for Summary Judgment filed by ADAM MALIK. (Malik, Adam) (Entered: 08/14/2024)