

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:23-cv-02577-TJK**

PRETZMAN v. MAYORKAS et al  
Assigned to: Judge Timothy J. Kelly  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/05/2023  
Date Terminated: 08/20/2024  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**MINDY PRETZMAN**

represented by **Lawrence Berger**  
MAHON & BERGER, ESQS.  
70 Glen Street  
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Glen Cove, NY 11542  
(516) 671-2688  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**ALEJANDRO N. MAYORKAS**  
*in his official capacity as secretary of  
Homeland Security*

represented by **Christina O'Tousa**  
DOJ-USAO  
601 D Street NW  
Washington, DC 20530  
(202) 252-2437  
Email: [christina.o'tousa@usdoj.gov](mailto:christina.o'tousa@usdoj.gov)  
**TERMINATED: 11/07/2023**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Elizabeth Murray Tulis**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
1100 L Street NW  
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Email: [elizabeth.tulis@usdoj.gov](mailto:elizabeth.tulis@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**JAMES M. MURRAY**  
*in his official capacity as Director,  
United States Secret Service*

represented by **Christina O'Tousa**  
(See above for address)  
**TERMINATED: 11/07/2023**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Elizabeth Murray Tulis**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
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09/05/2023	<u>1</u>	COMPLAINT against ALEJANDRO NICHOLAS MAYORKAS, JAMES MICHAEL MURPHY ( Filing fee \$ 402 receipt number ADCDC-10325891) filed by Mindy Pretzman. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons)(Berger, Lawrence) (Attachment 1 replaced on 9/6/2023) (zljn). (Entered: 09/05/2023)
09/05/2023	<u>2</u>	SEALED DOCUMENT filed by Mindy Pretzman(This document is SEALED and only available to authorized persons.)(Berger, Lawrence) (Entered: 09/05/2023)
09/05/2023	<u>3</u>	CERTIFICATE OF SERVICE by Mindy Pretzman re <u>2</u> Sealed Document <i>Notice of Plaintiff's Residence Address</i> . (Berger, Lawrence) (Entered: 09/05/2023)
09/06/2023		NOTICE OF ERROR re <u>1</u> Complaint; emailed to lberger@lbfedlaw.com, cc'd 1 associated attorneys --- The PDF file you docketed contained errors: 1. Attorney is provisional. Please renew your membership. See <a href="https://www.dcd.uscourts.gov/attorney-renewal">https://www.dcd.uscourts.gov/attorney-renewal</a> ., 2. 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., 3. Missing/incorrect summonses. Please submit using the event Request for Summons to issue., 4. <b>COMPLIANCE DEADLINE is by close of business today. This case will not proceed any further until all errors are satisfied.</b> (zljn, ) (Entered: 09/06/2023)
09/06/2023		RESOLVED...NOTICE of Provisional/Government Not Certified Status re <u>3</u> CERTIFICATE OF SERVICE by Mindy Pretzman re <u>2</u> Sealed Document <i>Notice of Plaintiff's Residence Address</i> . (Berger, Lawrence), <u>2</u> SEALED DOCUMENT filed by Mindy Pretzman(This document is SEALED and only available to authorized persons.)(Berger, Lawrence).  Your attorney renewal/government certification has not been received. As a result, your membership with the U.S. District & Bankruptcy Courts for the District of Columbia is not in good standing, and you are not permitted to file. Pursuant to Local Civil Rule 83.9, you must immediately correct your membership status by following the appropriate instructions on this page of our website: <a href="https://www.dcd.uscourts.gov/attorney-renewal">https://www.dcd.uscourts.gov/attorney-renewal</a> .  Please be advised that the presiding judge in this case has been notified that you are currently not in good standing to file in this court. Renewal Due by 9/13/2023. (zmrl) Modified on 9/6/2023 (zmrl). (Entered: 09/06/2023)
09/06/2023	<u>4</u>	REQUEST FOR SUMMONS TO ISSUE filed by MINDY PRETZMAN. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(Berger, Lawrence) (Entered: 09/06/2023)
09/06/2023		Case Assigned to Judge Timothy J. Kelly. (zljn) (Entered: 09/06/2023)
09/06/2023	<u>5</u>	SUMMONS (4) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zljn) (Entered: 09/06/2023)
09/20/2023	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ALEJANDRO NICHOLAS MAYORKAS served on 9/13/2023 (Attachments: # <u>1</u> Certificate of Service Certified Mail Receipts, # <u>2</u> Certificate of Service Proof of Receipt)(Berger, Lawrence); Modified docketing event on 9/22/2023 (zth). (Entered: 09/20/2023)
09/20/2023	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. JAMES M. MURRAY served on 9/13/2023 (Attachments: # <u>1</u> Certificate of Service Certified Mail Receipts, # <u>2</u> Certificate of Service Govt Defendant - Murray)(Berger, Lawrence) (Entered: 09/20/2023)
09/20/2023	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/14/2023. Answer due for ALL FEDERAL DEFENDANTS by 10/14/2023. (Attachments: # <u>1</u> Certificate of Service Certified Mail Receipts, # <u>2</u> Certificate of Service US ATTORNEY)(Berger, Lawrence) (Entered: 09/20/2023)
09/20/2023	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General

		09/14/2023. (Attachments: # <u>1</u> Certificate of Service Certified Mail Receipts, # <u>2</u> Certificate of Service US ATTORNEY GENERAL)(Berger, Lawrence) (Entered: 09/20/2023)
10/10/2023	<u>10</u>	NOTICE of Appearance by Christina O'Tousa on behalf of All Defendants (O'Tousa, Christina) (Entered: 10/10/2023)
10/10/2023	<u>11</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by ALEJANDRO NICHOLAS MAYORKAS, JAMES M. MURRAY. (O'Tousa, Christina) (Entered: 10/10/2023)
10/12/2023		MINUTE ORDER granting Defendants' <u>11</u> Unopposed Motion to Extend Time to Respond to Complaint. It is hereby ORDERED, for good cause shown, that Defendants' <u>11</u> Unopposed Motion to Extend Time to Respond to Complaint is GRANTED. Defendants shall answer or otherwise respond to Plaintiff's complaint by November 22, 2023. Signed by Judge Timothy J. Kelly on 10/12/2023. (lctjk2) (Entered: 10/12/2023)
10/16/2023	<u>12</u>	NOTICE of Appearance by Elizabeth Murray Tulis on behalf of ALEJANDRO NICHOLAS MAYORKAS, JAMES M. MURRAY (Tulis, Elizabeth) (Entered: 10/16/2023)
10/16/2023	<u>13</u>	MOTION for Extension of Time to <i>File Answer or Other Response to Complaint</i> by ALEJANDRO NICHOLAS MAYORKAS, JAMES M. MURRAY. (Attachments: # <u>1</u> Text of Proposed Order)(Tulis, Elizabeth) (Entered: 10/16/2023)
10/17/2023		MINUTE ORDER denying Defendants' <u>13</u> Motion for Extension of Time to Respond to Complaint as moot. On October 10, 2023, Defendants filed an <u>11</u> Unopposed Motion to Extend Time to Respond to Complaint, which the Court granted. <i>See</i> Minute Order of October 12, 2023. Defendants have now filed this <u>13</u> Motion seeking a similar extension. Because the Court has already granted Defendants an extension to answer or otherwise respond to Plaintiff's complaint by November 22, 2023, Defendants' <u>13</u> Motion is denied as moot. Signed by Judge Timothy J. Kelly on 10/17/2023. (lctjk2) (Entered: 10/17/2023)
11/07/2023	<u>14</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to ALEJANDRO NICHOLAS MAYORKAS, JAMES M. MURRAY. Attorney Christina O'Tousa terminated. (O'Tousa, Christina) (Entered: 11/07/2023)
11/21/2023	<u>15</u>	MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State a Claim on which Relief May Be Granted</i> by ALEJANDRO NICHOLAS MAYORKAS, JAMES M. MURRAY. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Tawanna Brown, # <u>3</u> Exhibit A – Privacy Act Request, # <u>4</u> Exhibit B – Response to Privacy Act Request, # <u>5</u> Exhibit C – Administrative Appeal Letter, # <u>6</u> Exhibit D – Response to Administrative Appeal Letter, # <u>7</u> Text of Proposed Order)(Tulis, Elizabeth) (Entered: 11/21/2023)
11/27/2023	<u>16</u>	Consent MOTION for Extension of Time to File Response/Reply <i>to Defendants' Motion to Dismiss</i> by MINDY PRETZMAN. (Attachments: # <u>1</u> Text of Proposed Order)(Berger, Lawrence) (Entered: 11/27/2023)
11/28/2023		MINUTE ORDER granting Plaintiff's <u>16</u> Consent Motion for Extension of Time to File Response/Reply. Upon consideration of Plaintiff's <u>16</u> Motion, and for good cause shown, it is hereby ORDERED that the Motion is granted. It is further ORDERED that Plaintiff shall respond to the <u>15</u> Motion to Dismiss by January 5, 2024. It is further ORDERED that Defendants shall file any reply to Plaintiff's response by January 26, 2024. Signed by Judge Timothy J. Kelly on 11/28/2023. (lctjk2) (Entered: 11/28/2023)
01/02/2024	<u>17</u>	Consent MOTION for Extension of Time to File Response/Reply by MINDY PRETZMAN. (Attachments: # <u>1</u> Text of Proposed Order)(Berger, Lawrence) (Entered: 01/02/2024)
01/05/2024		MINUTE ORDER granting Plaintiff's <u>17</u> Consent Motion for Extension of Time to File Response/Reply. Upon consideration of Plaintiff's <u>17</u> Motion, and for good cause shown, it is hereby ORDERED that the Motion is granted. It is further ORDERED that Plaintiff shall respond to Defendants' <u>15</u> Motion to Dismiss by February 5, 2024. It is further ORDERED that Defendants shall file any reply to Plaintiff's response by February 29, 2024. Signed by Judge Timothy J. Kelly on 1/5/2024. (lctjk2) (Entered: 01/05/2024)

		01/05/2024)
02/05/2024	<u>18</u>	Memorandum in opposition to re <u>15</u> Motion to Dismiss/Lack of Jurisdiction, filed by MINDY PRETZMAN. (Attachments: # <u>1</u> Text of Proposed Order)(Berger, Lawrence) (Entered: 02/05/2024)
02/29/2024	<u>19</u>	REPLY to opposition to motion re <u>15</u> MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State a Claim on which Relief May Be Granted</i> filed by ALEJANDRO N. MAYORKAS, JAMES M. MURRAY. (Tulis, Elizabeth) (Entered: 02/29/2024)
08/20/2024	<u>20</u>	ORDER granting Defendants' <u>15</u> Motion to Dismiss and dismissing case. See Order for details. This is a final appealable Order. The Clerk of Court is directed to close the case. Signed by Judge Timothy J. Kelly on 8/20/2024. (lctjk2) (Entered: 08/20/2024)
08/20/2024	<u>21</u>	MEMORANDUM OPINION in support of <u>20</u> Order granting Defendants' <u>15</u> Motion to Dismiss and dismissing case. Signed by Judge Timothy J. Kelly on 8/20/2024. (lctjk2) (Entered: 08/20/2024)