

**U.S. District Court  
Northern District of Texas (Dallas)  
CIVIL DOCKET FOR CASE #: 3:23-cv-02195-X-BW**

Ashley v. United States Department of Labor  
Assigned to: Judge Brantley Starr  
Referred to: US Magistrate Judge Brian W McKay  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/03/2023  
Jury Demand: Plaintiff  
Nature of Suit: 895 Other Statutes:  
Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Jason Austin Ashley**

represented by **Jason Austin Ashley**  
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Ft Worth, TX 76127  
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V.

**Defendant****United States Department of Labor**

represented by **Andrea L Hyatt-DOJ**  
United States Attorney's Office  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/03/2023	<u>1</u>	New Case Notes: A filing fee has been paid. CASREF case referral set and case referred to Magistrate Judge Horan (see Special Order 3). Case received over counter or electronically. No prior sanctions found. (For court use only – links to the <a href="#">national</a> and <a href="#">circuit</a> indexes.) Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge (Judge Horan). Clerk to provide copy to plaintiff if not received electronically. (agc) (Entered: 10/04/2023)
10/03/2023	<u>2</u>	Notice and Instruction to Pro Se Party. (agc) (Entered: 10/04/2023)
10/03/2023	<u>4</u>	COMPLAINT WITH JURY DEMAND against United States Department of Labor filed by Jason Ashley. (Filing fee \$402.00; Receipt number 300008025) Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <a href="#">Attorney Information – Bar Membership</a> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (agc) (Entered: 10/04/2023)
10/03/2023	<u>5</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Jason Ashley. (Clerk QC note: Affiliate entry indicated). (agc) (Entered: 10/04/2023)
10/03/2023	<u>6</u>	Request for Clerk to issue Summons filed by Jason Ashley. (agc) (Entered: 10/04/2023)
10/03/2023	<u>7</u>	Summons issued as to United States Department of Labor, U.S. Attorney, and U.S. Attorney General. (agc) (Entered: 10/04/2023)

10/04/2023	3	Electronic Standing Order – If they have not already done so, all attorneys appearing in this case must file a Certificate Regarding Judge–Specific Requirements on the docket attesting that they have read, and will comply with, the judge–specific requirements for this Court, including the Court's order concerning generative artificial intelligence. The judge–specific requirements and a template Certificate may be found at: <a href="#">Certificate Regarding Judge–Specific Requirements</a> . To file the Certificate, please use the event entitled Certificate Regarding Judge–Specific Requirements. This event is located in the Other Documents selection, which is under the Other Filings category of the Civil page in ECF. Please contact the ECF help desk at 214–753–2633 for filing assistance. (Ordered by Judge Brantley Starr on 10/4/2023) (agc) (Entered: 10/04/2023)
10/04/2023		***Clerk's Notice of delivery: (see NEF for details) Docket No:1, 2, 3. Electronic Order Wed Oct 4 14:36:59 CDT 2023 (crt) (Entered: 10/04/2023)
10/04/2023	8	Court Request for Recusal: Magistrate Judge David L. Horan recused pursuant to Special Order 3–346. Magistrate Judge Rebecca Rutherford assigned for matters that may be referred in this case. (ndt) (Entered: 10/05/2023)
10/06/2023	9	Court Request for Recusal: Magistrate Judge Rebecca Rutherford recused. Pursuant to instruction in Special Order 3–249, the Clerk has reassigned the case to Magistrate Judge Renee Harris Toliver for all further proceedings. Future filings should indicate the case number as: 3–23–cv–2195–39BK. (frw) (Entered: 10/06/2023)
11/06/2023	<u>10</u>	ANSWER to <u>4</u> Complaint,, filed by United States Department of Labor. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <a href="#">Attorney Information – Bar Membership</a> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. Attorney Andrea L Hyatt added to party United States Department of Labor(pty:dft) (Hyatt, Andrea) (Entered: 11/06/2023)
11/06/2023	<u>11</u>	NOTICE of Attorney Appearance by Andrea L Hyatt on behalf of United States Department of Labor. (Filer confirms contact info in ECF is current.) (Hyatt, Andrea) (Entered: 11/06/2023)
11/06/2023	<u>12</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by United States Department of Labor. (Clerk QC note: No affiliate entered in ECF). (Hyatt, Andrea) (Entered: 11/06/2023)
11/06/2023	<u>13</u>	Proof of Service for Summons. (Ashley, Jason) Modified text on 11/8/2023 (cfk). (Entered: 11/06/2023)
11/07/2023	<u>14</u>	SCHEDULING PROPOSALS ORDER: Counsel and any unrepresented party must submit a Joint Scheduling Proposal that contains the matters set forth in paragraph IV. The Joint Scheduling Proposal is due within 30 days of the date of this order. (Ordered by Magistrate Judge Renee Harris Toliver on 11/7/2023) (mcrd) (Entered: 11/07/2023)
11/07/2023	<u>15</u>	NOTICE OF OPTION TO CONSENT TO PROCEED BEFORE THE MAGISTRATE JUDGE. (Ordered by Magistrate Judge Renee Harris Toliver on 11/7/2023) (mcrd) (Entered: 11/07/2023)
11/21/2023	<u>16</u>	Proposal for contents of scheduling and discovery order by <i>Jason Ashley and by United States Department of Labor</i> . (Hyatt, Andrea) (Entered: 11/21/2023)
12/01/2023	<u>17</u>	PRELIMINARY SCHEDULING ORDER: Joinder of Parties due by 12/8/2023. Amended Pleadings due by 12/8/2023. Deadline for mediation is on or before 5/13/2024. Motions due by 5/28/2024. (Ordered by Magistrate Judge Renee Harris Toliver on 12/1/2023) (cfk) (Entered: 12/01/2023)
12/01/2023	<u>18</u>	STANDING ORDER ON NON–DISPOSITIVE MOTIONS. (Ordered by Magistrate Judge Renee Harris Toliver on 12/1/2023) (cfk) (Entered: 12/01/2023)
05/01/2024	<u>19</u>	MOTION to be excused from mediation re <u>17</u> Scheduling Order, filed by United States Department of Labor with Brief/Memorandum in Support. (Hyatt–DOJ, Andrea) (Entered: 05/01/2024)

05/08/2024	20	ELECTRONIC ORDER: Upon consideration, the parties' <i>Joint Motion to Modify Preliminary Scheduling Order</i> , Doc. <u>19</u> , is <b>GRANTED</b> for good cause shown. The parties are thus excused from the mediation requirement set forth in the Court's scheduling order. (Ordered by Magistrate Judge Renee Harris Toliver on 5/8/2024) (chmb) (Entered: 05/08/2024)
05/27/2024	<u>21</u>	MOTION for Summary Judgment filed by United States Department of Labor (Hyatt-DOJ, Andrea) (Entered: 05/27/2024)
05/27/2024	<u>22</u>	Brief/Memorandum in Support filed by United States Department of Labor re <u>21</u> MOTION for Summary Judgment (Hyatt-DOJ, Andrea) (Entered: 05/27/2024)
05/27/2024	<u>23</u>	Appendix in Support filed by United States Department of Labor re <u>22</u> Brief/Memorandum in Support of Motion (Hyatt-DOJ, Andrea) (Entered: 05/27/2024)
07/17/2024	24	ELECTRONIC ORDER:  Pursuant to 28 U.S.C. § 636(b) and <i>Special Order 3</i> , this cause is before the undersigned for findings and a recommendation on Defendant's <i>Summary-Judgment Motion</i> , which was filed on May 27, 2024. Doc. <u>21</u> . Plaintiff was required to file his response, if he opposed the relief requested, by June 17, 2024, but did not do so. <i>See</i> N.D. Tex. L. Rule 7.1(e) (establishing 21-day deadline for filing a response to a motion). Even though Plaintiff is proceeding in this matter without the assistance of counsel, he still must comply with the established rules of practice and procedure. <i>Birl v. Estelle</i> , 660 F.2d 592, 593 (5th Cir. 1981). If Plaintiff fails to timely respond to Defendant's motion, he risks dismissal of his claims for failure to prosecute. <i>See</i> Fed. R. Civ. P. 41(b); <i>see also McCullough v. Lynaugh</i> , 835 F.2d 1126, 1127 (5th Cir. 1988) (noting that the district court has the inherent authority to dismiss an action sua sponte without motion by a defendant). Accordingly, no later than <u>August 5, 2024</u> , Plaintiff is <b>ORDERED</b> to respond to Defendant's motion if he is opposed to the dismissal of his claims. If Plaintiff fails to comply with this order, the undersigned may recommend that the district judge dismiss this action without further notice. (Ordered by Magistrate Judge Renee Harris Toliver on 7/17/2024) (chmb) (Entered: 07/17/2024)
08/05/2024	<u>25</u>	RESPONSE AND OBJECTION filed by Jason Austin Ashley re: <u>21</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Declaration(s)) (Ashley, Jason) (Entered: 08/05/2024)
08/05/2024	<u>26</u>	CERTIFICATE OF SERVICE by Jason Austin Ashley re <u>25</u> Response/Objection (Ashley, Jason) (Entered: 08/05/2024)
08/19/2024	<u>27</u>	REPLY filed by United States Department of Labor re: <u>21</u> Motion for Summary Judgment (Hyatt-DOJ, Andrea) Modified text/linkage on 8/19/2024 (cfk). (Entered: 08/19/2024)
08/23/2024	<u>28</u>	Special Order No. 3-354: Effective August 23, 2024, the cases listed on Exhibit A to this order are transferred to Magistrate Judge Brian McKay and shall henceforth carry the suffix letters BW. This case has been reassigned pursuant to Special Order No. 3-354. (The clerk has mailed a copy to all non-ECF users.) (Ordered by Chief Judge David C. Godbey on 8/23/2024) (cea) (Entered: 08/23/2024)