

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:24-cv-00646-TNM**

SWEIGERT v. BENASSI et al
Assigned to: Judge Trevor N. McFadden
Case in other court: Indiana Southern, 1:24-cv-00095
Cause: 05:552 Freedom of Information Act

Date Filed: 03/06/2024
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

DAVE SWEIGERT

represented by **DAVE SWEIGERT**
514 Americas Way
Ste Pmb 13339
Box Elder, SD 57719
916-910-3896
Email: spoliation-notice@mailbox.org
PRO SE

V.

Defendant

MATTHEW BENASSI
Air Force civilian employee

represented by **Stephanie R. Johnson**
DOJ-USAO
601 D Street, NW
Washington, DC 20530
(202) 252-7874
Email: Stephanie.Johnson5@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. NATIONAL INSTITUTE OF HEALTH

represented by **Stephanie R. Johnson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. COAST GUARD
TERMINATED: 07/30/2024

represented by **Stephanie R. Johnson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S DEPARTMENT OF HOMELAND SECURITY

represented by **Stephanie R. Johnson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S DEPARTMENT OF JUSTICE

represented by **Stephanie R. Johnson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. AIR FORCE

represented by **Stephanie R. Johnson**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
01/15/2024	<u>1</u>	COMPLAINT against MATTHEW BENASSI, U.S. AIR FORCE, U.S. COAST GUARD, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. NATIONAL INSTITUTE OF HEALTH, filed by D.G. SWEIGERT. (No fee paid with this filing) (DJH) [Transferred from Indiana Southern on 3/7/2024.] (Entered: 01/16/2024)
01/16/2024	<u>2</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) [Transferred from Indiana Southern on 3/7/2024.] (Entered: 01/16/2024)
01/16/2024	<u>3</u>	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (DJH) [Transferred from Indiana Southern on 3/7/2024.] (Entered: 01/16/2024)
02/02/2024	<u>4</u>	NOTICE OF DEFICIENCY – Your civil rights complaint has been received. You shall have through 2/23/2024 in which to correct the deficiencies as follows: You must either pay the 405.00 filing fee for this action or demonstrate that you lack the financial ability to do so by filing a motion for leave to proceed without the prepayment of the filing fee (<i>in forma pauperis</i>). A form motion for leave to proceed without the prepayment of the filing fee is being provided for your use. NOTE TO PRISONER – If you seek leave to proceed without prepaying the filing fee, and you are a prisoner, your motion must be accompanied by a copy of the transactions associated with your institution trust account for the 6–month period preceding the filing of this action. (Attachments: # <u>1</u> IFP form) (TMD) [Transferred from Indiana Southern on 3/7/2024.] (Entered: 02/02/2024)
02/22/2024	<u>5</u>	RECEIPT #9129 for filing fee in the amount of \$405.00, paid by D.G. SWEIGERT. (DJH) [Transferred from Indiana Southern on 3/7/2024.] (Entered: 02/22/2024)
02/22/2024	<u>6</u>	Letter Received with Payment from D.G. SWEIGERT. (Attachments: # <u>1</u> Envelope) (JSR) [Transferred from Indiana Southern on 3/7/2024.] (Entered: 02/26/2024)
02/28/2024	<u>7</u>	NOTICE of Appearance by Shelese M. Woods on behalf of Defendants U.S. AIR FORCE, U.S. COAST GUARD, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. NATIONAL INSTITUTE OF HEALTH. (Woods, Shelese) [Transferred from Indiana Southern on 3/7/2024.] (Entered: 02/28/2024)
02/28/2024	<u>8</u>	MOTION for Extension of Time to 30 days , filed by Defendants U.S. AIR FORCE, U.S. COAST GUARD, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. NATIONAL INSTITUTE OF HEALTH. (Attachments: # <u>1</u> Text of Proposed Order)(Woods, Shelese) [Transferred from Indiana Southern on 3/7/2024.] (Entered: 02/28/2024)
03/01/2024	<u>9</u>	ORDER granting <u>8</u> Motion for Enlargement of Time. The time for the above Defendants to answer or otherwise respond to the Plaintiff's operative complaint is enlarged by thirty days to and including March 29, 2024. Copy sent to plaintiff via US mail.. Signed by Magistrate Judge Kellie M. Barr on 3/1/2024. (TPS) [Transferred from Indiana Southern on 3/7/2024.] (Entered: 03/01/2024)
03/01/2024	<u>10</u>	SCHEDULING ORDER – Telephonic Initial Pretrial Conference set for 4/24/2024 at 10:00 AM (Eastern Time) before Magistrate Judge Kellie M. Barr. The Parties shall attend the conference by calling 571–353–2301, meeting ID 267253362. (SEE ORDER.) Copy sent to plaintiff via US mail. Signed by Magistrate Judge Kellie M. Barr on 3/1/2024.(TPS) [Transferred from Indiana Southern on 3/7/2024.] (Entered: 03/01/2024)
03/02/2024	<u>11</u>	MOTION for Judicial Notice, filed by Plaintiff D.G. SWEIGERT. (Attachments: # <u>1</u> Exhibit)(BAA) [Transferred from Indiana Southern on 3/7/2024.] (Entered: 03/04/2024)
03/06/2024	<u>12</u>	CLOSED TRANSFER – ORDER TRANSFERRING ACTION TO THE DISTRICT OF COLUMBIA. See Order. Copy to plaintiff via US Mail. Signed by District Judge Richard L Young on 3/6/2024.(KAA) [Transferred from Indiana Southern on

		3/7/2024.] (Entered: 03/06/2024)
03/06/2024	<u>13</u>	Transfer Letter to Clerk of the District of Columbia. Case transferred electronically to District of Columbia, on March 6, 2024. (KAA) [Transferred from Indiana Southern on 3/7/2024.] (Entered: 03/06/2024)
03/07/2024	<u>14</u>	Case transferred in from District of Indiana Southern; Case Number 1:24-cv-00095. Original file ,transfer order and docket sheet received. (Entered: 03/07/2024)
03/07/2024	<u>15</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 3/7/2024. (lctnm2) (Entered: 03/07/2024)
03/07/2024		MINUTE ORDER: The Court ORDERS Defendants to respond to Plaintiffs Complaint by or on March 29, 2024. SO ORDERED. Signed by Trevor N. McFadden on 3/7/2024. (lctnm2) (Entered: 03/07/2024)
03/22/2024	<u>16</u>	NOTICE of Appearance by Stephanie R. Johnson on behalf of MATTHEW BENASSI, U.S DEPARTMENT OF HOMELAND SECURITY, U.S DEPARTMENT OF JUSTICE, U.S. AIR FORCE, U.S. COAST GUARD, U.S. NATIONAL INSTITUTE OF HEALTH (Johnson, Stephanie) (Entered: 03/22/2024)
03/22/2024	<u>17</u>	MOTION for Extension of Time to <i>Respond to Complaint</i> by MATTHEW BENASSI, U.S DEPARTMENT OF HOMELAND SECURITY, U.S DEPARTMENT OF JUSTICE, U.S. AIR FORCE, U.S. COAST GUARD, U.S. NATIONAL INSTITUTE OF HEALTH. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Johnson, Stephanie) (Entered: 03/22/2024)
03/22/2024		MINUTE ORDER: Defendants' <u>17</u> Motion for Extension of Time to Respond is GRANTED. Defendants shall file their response to Plaintiff's Complaint by or on April 30, 2024. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/22/2024. (lctnm2). (Entered: 03/22/2024)
03/25/2024		Set/Reset Deadlines: Answer due by 4/30/2024. (hmc) (Entered: 03/25/2024)
04/30/2024	<u>18</u>	Partial MOTION to Dismiss , Partial MOTION for Summary Judgment by MATTHEW BENASSI, U.S DEPARTMENT OF HOMELAND SECURITY, U.S DEPARTMENT OF JUSTICE, U.S. AIR FORCE, U.S. COAST GUARD, U.S. NATIONAL INSTITUTE OF HEALTH. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Vanessa R. Brinkmann, # <u>4</u> Declaration of Gorka Garcia-Malene, # <u>5</u> Text of Proposed Order, # <u>6</u> Certificate of Service)(Johnson, Stephanie) (Entered: 04/30/2024)
04/30/2024	<u>19</u>	MOTION to Stay by MATTHEW BENASSI, U.S DEPARTMENT OF HOMELAND SECURITY, U.S DEPARTMENT OF JUSTICE, U.S. AIR FORCE, U.S. COAST GUARD, U.S. NATIONAL INSTITUTE OF HEALTH. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Johnson, Stephanie) (Entered: 04/30/2024)
05/02/2024		MINUTE ORDER: Defendants' <u>19</u> Motion to Stay is GRANTED. It is ORDERED that Defendants' deadline to respond to Plaintiff's Complaint is STAYED until 21 days after the Court resolves Defendants' <u>18</u> Partial Motion to Dismiss, or in the alternative, for Summary Judgment, or after Defendants Air Force and Coast Guard complete their response to Plaintiff's FOIA requests, whichever comes first. It is FURTHER ORDERED that Defendants shall submit a Status Report by or on July 30, 2024, updating the Court on the status of document production. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/2/2024. (lctnm2) (Entered: 05/02/2024)
05/03/2024		Set/Reset Deadlines: Status Report due by 7/30/2024. (hmc) (Entered: 05/03/2024)
05/07/2024	<u>22</u>	NOTICE of Email Address by D. G. SWEIGERT (mg) (Entered: 05/17/2024)
05/13/2024	<u>20</u>	NOTICE of Email Address by D.G. SWEIGERT (mg) (Entered: 05/14/2024)
05/13/2024	<u>21</u>	MOTION for CM/ECF Password by D.G. SWEIGERT. (mg) (Entered: 05/14/2024)
05/15/2024		MINUTE ORDER granting Plaintiff's <u>21</u> Motion for CM/ECF Password. The Clerk of the Court is directed to register Plaintiff for ECF notifications at spoliation-notice@mailbox.org, to register Plaintiff for an ECF account, and to send

		Plaintiff account information so that he will be able to submit filings electronically. SO ORDERED. Signed by Judge Trevor N. McFadden on 5/15/2024. (lctnm2) (Entered: 05/15/2024)
06/02/2024	<u>23</u>	MOTION to Take Judicial Notice by DAVE SWEIGERT. (Attachments: # <u>1</u> Exhibit)(mg) (Entered: 06/03/2024)
07/29/2024	<u>24</u>	STIPULATION of Dismissal of <i>Defendant U.S. Coast Guard</i> by DAVE SWEIGERT. (SWEIGERT, DAVE) (Entered: 07/29/2024)
07/29/2024	<u>25</u>	DECLARATION OF PLAINTIFF by DAVE SWEIGERT re <u>24</u> Stipulation of Dismissal. (SWEIGERT, DAVE) (Entered: 07/29/2024)
07/30/2024	<u>26</u>	STATUS REPORT by U.S. AIR FORCE, U.S. COAST GUARD. (Johnson, Stephanie) (Entered: 07/30/2024)
07/30/2024		MINUTE ORDER: Having considered the parties' <u>24</u> Stipulation of Dismissal, and pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the Court orders that Defendant U.S. Coast Guard is DISMISSED with prejudice. It is FURHTER ORDERED that Defendants shall file a Joint Status Report by or on September 30, 2024, updating the Court on the status of document production. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/30/2024. (lctnm2) (Entered: 07/30/2024)