

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CIVIL DOCKET FOR CASE #: 1:22-cv-00929-LJV-HKS

Robert F. Kennedy Human Rights et al v. U.S. Immigration and Customs Enforcement
Assigned to: Hon. Lawrence J. Vilardo
Referred to: Hon. H. Kenneth Schroeder Jr.
Cause: 05:552 Freedom of Information Act

Date Filed: 12/01/2022
Jury Demand: None
Nature of Suit: 560 Prisoner Petitions:
Civil Detainee: Conditions of Confinement
Jurisdiction: Federal Question

Plaintiff

Robert F. Kennedy Human Rights

represented by **Benjamin Kallie Bolnick**
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Plaintiff

Prisoners' Legal Services of New York

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John H. Peng
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TERMINATED: 07/24/2024

Lauren Michel Wilfong
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Sarah Telo Gillman
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Plaintiff

Justice for Migrant Families

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Sarah Telo Gillman
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V.

Defendant

**U.S. Immigration and Customs
Enforcement**

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Date Filed	#	Docket Text
12/01/2022	<u>1</u>	COMPLAINT against U.S. Immigration and Customs Enforcement \$ 402 receipt number ANYWDC-4737260, filed by Robert F. Kennedy Human Rights, Justice for Migrant Families, Prisoners' Legal Services of New York. (Attachments: # <u>1</u> Exhibit A – FOIA Request, # <u>2</u> Exhibit B – ICE Receipt, # <u>3</u> Exhibit C – FOIA Administrative Appeal with Exhibits, # <u>4</u> Exhibit D – ICE Appeal Acknowledgement Letter, # <u>5</u> Exhibit D – FOIA Appeal Response, # <u>6</u> Exhibit F – Email ICE to Plaintiff August 11 2022, # <u>7</u> Exhibit G – Requester Response to Request to Clarify, # <u>8</u> Civil Cover Sheet, # <u>9</u> Summons)(Gillman, Sarah) (Entered: 12/01/2022)
12/01/2022	<u>2</u>	NOTICE of Appearance by Lauren Michel Wilfong on behalf of All Plaintiffs (Wilfong, Lauren) (Entered: 12/01/2022)
12/02/2022		Case Assigned to Hon. Lawrence J. Vilardo. Notification to Chambers of on-line civil case opening. (JLV) (Entered: 12/02/2022)
12/02/2022		Notice of Availability of Magistrate Judge: A United States Magistrate of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form (AO-85) is available for download at http://www.uscourts.gov/services-forms/forms . (JLV) (Entered: 12/02/2022)
12/02/2022	<u>3</u>	Summons Issued as to U.S. Immigration and Customs Enforcement. (JLV) (Entered: 12/02/2022)
12/12/2022	<u>4</u>	CONTINUATION OF EXHIBITS to <u>1</u> Complaint,, (<i>Corrected Summons</i>). (Wilfong, Lauren) (Entered: 12/12/2022)
12/13/2022	<u>5</u>	Summons Reissued as to U.S. Immigration and Customs Enforcement. (JLV) (Entered: 12/13/2022)
01/13/2023	<u>6</u>	CERTIFICATE OF SERVICE by Justice for Migrant Families, Prisoners' Legal Services of New York, Robert F. Kennedy Human Rights re <u>1</u> Complaint,, (Attachments: # <u>1</u> Exhibit A)(Gillman, Sarah) (Entered: 01/13/2023)
01/18/2023	<u>7</u>	ANSWER to <u>1</u> Complaint,, by U.S. Immigration and Customs Enforcement.(Sroka, Scott) (Entered: 01/18/2023)
01/18/2023	<u>8</u>	NOTICE of Appearance by Scott L. Sroka on behalf of U.S. Immigration and Customs Enforcement (Sroka, Scott) (Entered: 01/18/2023)
01/19/2023	<u>9</u>	TEXT REFERRAL ORDER – Hon. H. Kenneth Schroeder, Jr., United States Magistrate Judge, is hereby designated to act in this case as follows: Pursuant to 28 U.S.C. § 636(b)(1)(A), all pre-trial matters in this case are referred to the above-named United States Magistrate Judge, including but not limited to: (1) conduct of a scheduling conference and entry of a scheduling order pursuant to Fed. R. Civ. P. 16, (2) hearing and disposition of all non-dispositive motions or applications, (3) supervision of discovery, and (4) supervision of all procedural matters involving the aforementioned or involving the preparation of the case or any matter therein for consideration by the District Judge. The Magistrate Judge shall not hear and report upon dispositive motions for the consideration of the District Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), unless further ordered by this Court. All motions or applications shall be filed with the Clerk and made returnable before the Magistrate Judge. The parties are encouraged to consider the provisions of 28 U.S.C. § 636(c) governing consent to either partial or complete disposition of the case, including trial if necessary, by the Magistrate Judge. Consent forms are available from the office of the Magistrate Judge or the office of the Clerk of Court. IT IS SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 1/19/2023. (WMH) (Entered: 01/19/2023)
01/19/2023	<u>10</u>	ORDER regarding issuance of Case Management Order. Signed by Hon. H. Kenneth Schroeder Jr. on 1/19/23. (Attachments: # <u>1</u> Case Management Order Form, # <u>2</u> Consent Memorandum, # <u>3</u> Consent Form)(LMG) (Entered: 01/19/2023)
01/31/2023	<u>11</u>	MOTION to appear pro hac vice <i>permitting Rene Kathawala, Esq. to appear Pro Hac Vice as counsel for Plaintiffs</i> (Filing fee \$ 200 receipt number ANYWDC-4785175.) by Justice for Migrant Families, Prisoners' Legal Services of New York, Robert F.

		Kennedy Human Rights. (Attachments: # <u>1</u> Exhibit Documents listed in subdivision (b)(1)(A)(i) to (vi) of Local Rule of Civil Procedure 83.1)(Gillman, Sarah) (Entered: 01/31/2023)
02/01/2023	<u>12</u>	MOTION to appear pro hac vice for Benjamin Kallie Bolnick to Pro Hac Vice as counsel for Plaintiffs, ROBERT F. KENNEDY HUMAN RIGHTS, ET. AL., (Filing fee \$ 200 receipt number ANYWDC-4785228.) by Justice for Migrant Families, Prisoners' Legal Services of New York, Robert F. Kennedy Human Rights. (Attachments: # <u>1</u> Exhibit Documents Listed in documents listed in subdivision (b)(1)(A)(i) to (vi) of Local Rule of Civil Procedure 83.1)(Gillman, Sarah) (Entered: 02/01/2023)
02/03/2023	13	TEXT ORDER granting <u>11</u> Motion by Rene A. Kathawala for Admission Pro Hac Vice. Issued by Hon. H. Kenneth Schroeder Jr. on 1/3/2023. (KER) Clerk to Follow up (Entered: 02/03/2023)
02/03/2023	14	TEXT ORDER granting <u>12</u> Motion by Benjamin Kallie Bolnick for Admission Pro Hac Vice. Issued by Hon. H. Kenneth Schroeder Jr. on 1/3/2023. (KER) Clerk to Follow up (Entered: 02/03/2023)
02/23/2023	<u>15</u>	REPORT of Rule 26(f) Planning Meeting. (Kathawala, Rene) (Entered: 02/23/2023)
02/23/2023	<u>16</u>	DISCOVERY PLAN by Justice for Migrant Families, Prisoners' Legal Services of New York, Robert F. Kennedy Human Rights.(Kathawala, Rene) (Entered: 02/23/2023)
02/23/2023	<u>17</u>	DISCOVERY PLAN by Justice for Migrant Families, Prisoners' Legal Services of New York, Robert F. Kennedy Human Rights.(Kathawala, Rene) (Entered: 02/23/2023)
03/10/2023	<u>18</u>	MEMORANDUM/BRIEF re <u>15</u> Report of Rule 26(f) Planning Meeting and Document Production by Justice for Migrant Families, Prisoners' Legal Services of New York, Robert F. Kennedy Human Rights. (Attachments: # <u>1</u> Proposed Supplemental Case Management Order)(Wilfong, Lauren) (Entered: 03/10/2023)
03/24/2023	<u>19</u>	REPLY/RESPONSE to re <u>18</u> Memorandum/Brief, filed by U.S. Immigration and Customs Enforcement. (Sroka, Scott) (Entered: 03/24/2023)
03/31/2023	<u>20</u>	REPLY/RESPONSE to re <u>19</u> Reply/Response Regarding Document Production filed by Justice for Migrant Families, Prisoners' Legal Services of New York, Robert F. Kennedy Human Rights. (Bolnick, Benjamin) (Entered: 03/31/2023)
04/25/2023	<u>21</u>	ORDER re <u>15</u> Report of Rule 26(f) Planning Meeting setting Case Management Order. Signed by Hon. H. Kenneth Schroeder Jr. on 4/25/2023. (KER) (Entered: 04/25/2023)
06/15/2023	<u>22</u>	DISCOVERY PLAN by U.S. Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit 1 – First Interim Release Letter, # <u>2</u> Exhibit 2 – Second Interim Release Letter, # <u>3</u> Exhibit 3 – Third Interim Release Letter)(Sroka, Scott) (Entered: 06/15/2023)
12/07/2023	<u>23</u>	MOTION to Compel by Justice for Migrant Families, Prisoners' Legal Services of New York, Robert F. Kennedy Human Rights. (Attachments: # <u>1</u> Memorandum in Support In Support of Motion to Compel, # <u>2</u> Declaration of Sarah T. Gillman)(Gillman, Sarah) (Entered: 12/07/2023)
12/08/2023	24	TEXT ORDER re <u>23</u> MOTION to Compel filed by Prisoners' Legal Services of New York, Justice for Migrant Families, Robert F. Kennedy Human Rights: Responses due by 1/26/2024. Replies due by 3/1/2024. Issued by Hon. H. Kenneth Schroeder Jr. on 12/8/2023. (KER) (Entered: 12/08/2023)
12/15/2023	<u>25</u>	STATUS REPORT by U.S. Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9)(Sroka, Scott) (Entered: 12/15/2023)
12/15/2023	<u>26</u>	STATUS REPORT by Justice for Migrant Families, Prisoners' Legal Services of New York, Robert F. Kennedy Human Rights. (Gillman, Sarah) (Entered: 12/15/2023)

01/25/2024	<u>27</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>23</u> MOTION to Compel by U.S. Immigration and Customs Enforcement.(Sroka, Scott) (Entered: 01/25/2024)
01/26/2024	28	TEXT ORDER granting <u>27</u> Consent MOTION for Extension of Time to File Response/Reply as to <u>23</u> MOTION to Compel: Responses due by 2/9/2024. Replies due by 3/15/2024.Issued by Hon. H Kenneth Schroeder Jr. on 1/26/2024. (KER) (Entered: 01/26/2024)
02/09/2024	<u>29</u>	RESPONSE to Motion re <u>23</u> MOTION to Compel filed by U.S. Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12)(Sroka, Scott) (Entered: 02/09/2024)
03/14/2024	<u>30</u>	REPLY/RESPONSE to re <u>29</u> Response to Motion, filed by Justice for Migrant Families, Prisoners' Legal Services of New York, Robert F. Kennedy Human Rights. (Gillman, Sarah) (Entered: 03/14/2024)
03/15/2024	<u>31</u>	STATUS REPORT <i>Joint Status Report</i> by Justice for Migrant Families, Prisoners' Legal Services of New York, Robert F. Kennedy Human Rights. (Gillman, Sarah) (Entered: 03/15/2024)
04/19/2024	<u>32</u>	ORDER granting <u>23</u> Motion to Compel Signed by Hon. H. Kenneth Schroeder Jr. on 4/19/2024. (DLR) (Entered: 04/19/2024)
06/14/2024	<u>33</u>	MOTION to Use a Rep. Sample Vaughn Index by U.S. Immigration and Customs Enforcement (Attachments: # <u>1</u> Memorandum in Support)(Sroka, Scott) Modified on 6/17/2024 (CGJ). (Entered: 06/14/2024)
06/14/2024	<u>34</u>	STATUS REPORT by U.S. Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Sroka, Scott) (Entered: 06/14/2024)
06/17/2024		E-Filing Notification: re <u>33</u> modified to correctly reflect filing event. (CGJ) (Entered: 06/17/2024)
06/28/2024	<u>35</u>	REPLY/RESPONSE to re <u>33</u> MOTION filed by Justice for Migrant Families, Prisoners' Legal Services of New York, Robert F. Kennedy Human Rights. (Gillman, Sarah) (Entered: 06/28/2024)
07/05/2024	<u>36</u>	RESPONSE in Support re <u>33</u> MOTION filed by U.S. Immigration and Customs Enforcement. (Sroka, Scott) (Entered: 07/05/2024)
07/16/2024	<u>37</u>	Letter filed by Justice for Migrant Families, Prisoners' Legal Services of New York, Robert F. Kennedy Human Rights (<i>Requesting Leave to Withdraw as Counsel</i>). (Peng, John) (Entered: 07/16/2024)
07/24/2024	38	TEXT ORDER re <u>37</u> Letter filed by Prisoners' Legal Services of New York, Justice for Migrant Families, Robert F. Kennedy Human Rights granting request of John H. Peng, Esq. to withdraw: Attorney John H. Peng terminated. Issued by Hon. H. Kenneth Schroeder Jr. on 7/24/2024. (KER) Clerk to Follow up (Entered: 07/24/2024)
08/28/2024	<u>39</u>	ORDER granting <u>33</u> Motion Signed by Hon. H. Kenneth Schroeder Jr. on 8/28/2024. (DLR) (Entered: 08/28/2024)
09/16/2024	<u>40</u>	STATUS REPORT by U.S. Immigration and Customs Enforcement. (Sroka, Scott) (Entered: 09/16/2024)