

**U.S. District Court
 District of Columbia (Washington, DC)
 CIVIL DOCKET FOR CASE #: 1:21-cv-03163-ACR**

WHITMAN v. DEPARTMENT OF THE ARMY
 Assigned to: Judge Ana C. Reyes
 Cause: 05:552 Freedom of Information Act

Date Filed: 11/29/2021
 Jury Demand: None
 Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)
 Jurisdiction: U.S. Government Defendant

Plaintiff

AARON J. WHITMAN

represented by **AARON J. WHITMAN**
 R#96281
 YAZOO CITY FEDERAL
 CORRECTIONAL INSTITUTION
 P. O. Box 5000
 Yazoo City, MS 39194
 PRO SE

V.

Defendant

**DEPARTMENT OF THE ARMY
 OFFICE OF INSPECTOR GENERAL**

represented by **Alane Ballweg**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 601 D Street, NW
 Washington, DC 20530
 202-252-2574
 Email: alane.ballweg@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Haberland
 DOJ-CIV
 Civil Division
 555 4th Street NW
 Suite 7.723
 Washington, DC 20530
 (202) 252-2574
 Email: john.haberland@usdoj.gov
TERMINATED: 06/12/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patrick Doyle
 UNITED STATES ATTORNEY'S
 OFFICE FOR THE DISTRICT OF COL
 601 D Street NW
 Washington, DC 20530
 (202) 252-2574
 Email: patrick.doyle@usdoj.gov
TERMINATED: 07/12/2024
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/29/2021		Initiating Pleading & IFP Application Received on 11/29/2021. A copy of the docket sheet has been mailed to the address of record for the pro se party. (znmg) (Entered: 12/07/2021)

11/29/2021	<u>1</u>	COMPLAINT against DEPARTMENT OF THE ARMY filed by AARON J. WHITMAN. (Attachment: # <u>1</u> Exhibit)(znm) (Entered: 12/07/2021)
11/29/2021	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by AARON J. WHITMAN. (znm) (Entered: 12/07/2021)
11/29/2021	<u>3</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by AARON J. WHITMAN (znm) (Entered: 12/07/2021)
01/07/2022	<u>4</u>	ORDER directing an initial partial filing fee in the amount of \$70.29 from Prison Account of Aaron J. Whitman and granting MOTION for Leave to Proceed In Forma Pauperis (see order for full details). Pro Se party has been notified by first class mail. Signed by Judge Tanya S. Chutkan on 1/7/2022. (rj) (Entered: 01/13/2022)
01/13/2022		Case assigned to Judge Florence Y. Pan. (rj) (Entered: 01/13/2022)
01/14/2022	<u>5</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the attached Standing Order. See document for details. Signed by Judge Florence Y. Pan on 1/14/2022. (lcrl) (Entered: 01/14/2022)
03/01/2022		MINUTE ORDER. Plaintiff filed this action on November 29, 2021. Plaintiff's application to proceed <i>in forma pauperis</i> was granted on January 7, 2022. Pursuant to Fed. R. Civ. P. 4(c)(3) and 28 U.S.C. Section 1915(d), the Clerk of the Court is directed to issue summonses, and shall cause service of process to be effected by the United States Marshals Service, on: (1) the United States Attorney for the District of Columbia; (2) the United States Attorney General; and (3) the United States Department of the Army. Signed by Judge Florence Y. Pan on 3/1/2022. (lcs) (Entered: 03/01/2022)
03/09/2022	<u>6</u>	SUMMONS (3) Issued as to DEPARTMENT OF THE ARMY, U.S. Attorney and U.S. Attorney General sent to the U.S. Marshal Service. (znm) (Entered: 03/09/2022)
03/24/2022	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 03/19/2022., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/18/2022. (Answer due for ALL FEDERAL DEFENDANTS by 4/17/2022.) (zjf) (Entered: 03/24/2022)
04/08/2022	<u>8</u>	NOTICE of Appearance by John Haberland on behalf of DEPARTMENT OF THE ARMY (Haberland, John) (Entered: 04/08/2022)
04/08/2022	<u>9</u>	First MOTION for Extension of Time to <i>Answer</i> by DEPARTMENT OF THE ARMY. (Attachments: # <u>1</u> Text of Proposed Order)(Haberland, John) (Entered: 04/08/2022)
04/08/2022	<u>10</u>	CERTIFICATE OF SERVICE by DEPARTMENT OF THE ARMY re <u>9</u> First MOTION for Extension of Time to <i>Answer</i> . (Haberland, John) (Entered: 04/08/2022)
04/11/2022		MINUTE ORDER granting <u>9</u> Motion for Extension of Time for good cause shown. Defendant represents that it has not obtained Plaintiff's position on the Motion because he is incarcerated. The Court will nevertheless grant the Motion because the Court discerns no prejudice to Plaintiff in granting the extension. Defendant's response to Plaintiff's <u>1</u> Complaint shall be due by May 18, 2022. Signed by Judge Florence Y. Pan on 4/11/2022. (lcrl) (Entered: 04/11/2022)
04/11/2022		Set/Reset Deadlines: Answer due by 5/18/2022. (zacr) (Entered: 04/11/2022)
04/26/2022		Partial Filing Fee Received from Plaintiff in the amount of \$70.29, receipt number: 202013 re <u>4</u> ORDER directing an initial partial filing fee in the amount of \$70.29 from Prison Account (zjf) (Entered: 04/26/2022)
05/18/2022	<u>11</u>	ANSWER to <u>1</u> Complaint by DEPARTMENT OF THE ARMY. (Attachments: # <u>1</u> Certificate of Service)(Haberland, John) (Entered: 05/18/2022)
05/18/2022	<u>12</u>	ORDER directing Defendant to file a Status Report by June 15, 2022. Signed by Judge Florence Y. Pan on 5/18/2022. (lcrl) (Entered: 05/18/2022)
05/18/2022		Set/Reset Deadlines: Defendant's Status Report due by 6/15/2022. (zacr) (Entered: 05/18/2022)

05/23/2022	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF THE ARMY served on 5/16/2022 (zjf) (Entered: 05/27/2022)
05/24/2022		Partial Filing Fee Received from Aaron Whitman in the amount of \$70.29, receipt number 202225. (znm) (Entered: 05/24/2022)
06/14/2022	<u>14</u>	STATUS REPORT by DEPARTMENT OF THE ARMY. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Haberland, John) (Entered: 06/14/2022)
06/15/2022		MINUTE ORDER. Upon consideration of Defendant's <u>14</u> Status Report, the Court grants Defendant's request to file another status report on or before August 17, 2022. Defendant represents that it has not consulted with Plaintiff because he is incarcerated. The Court nevertheless finds it appropriate to grant Defendant's request and discerns no prejudice to Plaintiff from doing so. Signed by Judge Florence Y. Pan on 6/15/22. (lckw) (Entered: 06/15/2022)
06/15/2022		Set/Reset Deadlines: Defendant's Status Report due by 8/17/2022. (zacr) (Entered: 06/15/2022)
07/18/2022		Partial Filing Fee Received from Aaron Whitman in the amount of \$70.29, receipt number 202514. (znm) (Entered: 07/18/2022)
08/16/2022	<u>15</u>	STATUS REPORT by DEPARTMENT OF THE ARMY. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Haberland, John) (Entered: 08/16/2022)
08/17/2022		MINUTE ORDER. Plaintiff may file a status report by September 2, 2022, informing the Court whether he agrees with the summary judgment briefing schedule proposed in Defendant's <u>15</u> Status Report. If Plaintiff fails to respond, the Court will assume that he agrees to the schedule proposed by Defendant. Signed by Judge Florence Y. Pan on 8/17/2022. (znl) (Entered: 08/17/2022)
08/17/2022		Set/Reset Deadlines: Status Report due by 9/2/2022. (smc) (Entered: 08/17/2022)
09/07/2022		Partial Filing Fee Received from Aaron Whitman in the amount of \$189.13, receipt number 202925. (znm) (Entered: 09/07/2022)
09/23/2022		Judge Florence Y. Pan has been elevated to serve on the U.S. Court of Appeals for the D.C. Circuit. She is therefore no longer assigned to this case, and this matter has been reassigned to the Calendar Committee, which will oversee it until it is assigned to another district judge. Any questions should be directed to Judge Pan's former deputy clerk, Samantha Calloway, at 202-354-3163 or samantha_calloway@dcd.uscourts.gov. (ztnr) (Entered: 09/23/2022)
10/19/2022	<u>16</u>	REPLY re <u>15</u> Status Report filed by AARON J. WHITMAN. (Attachments: # <u>1</u> Exhibit)(znmw) (Entered: 10/20/2022)
10/24/2022	<u>17</u>	MOTION for Extension of Time to <i>file Motion for Summary Judgment</i> by DEPARTMENT OF THE ARMY. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Haberland, John) (Entered: 10/24/2022)
10/24/2022	<u>18</u>	MOTION for Leave to File Amended Complaint by AARON J. WHITMAN. (znmw) (Entered: 10/26/2022)
10/25/2022		MINUTE ORDER (paperless) GRANTING defendant's <u>17</u> Motion for Extension of Time, and DIRECTING defendant to file its motion for summary judgment by December 15, 2022. Signed by Chief Judge Beryl A. Howell on October 25, 2022. (lcbah4) (Entered: 10/25/2022)
10/25/2022		Set/Reset Deadlines: Summary Judgment motions due by 12/15/2022. (smc) (Entered: 10/26/2022)
11/01/2022		MINUTE ORDER (paperless) GRANTING plaintiff's <u>18</u> Motion for Leave to File an Amended Complaint, and DIRECTING plaintiff to file his Amended Complaint, submitted as an exhibit to his Motion, on the docket. Signed by Chief Judge Beryl A. Howell on November 1, 2022. (lcbah4) (Entered: 11/01/2022)
12/15/2022	<u>19</u>	MOTION for Extension of Time to <i>file MSJ</i> by DEPARTMENT OF THE ARMY. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Haberland, John) (Entered: 12/15/2022)

12/19/2022		MINUTE ORDER (paperless) GRANTING the government's motion for extension of time to file any dispositive motion by January 20, 2023. Signed by Chief Judge Beryl A. Howell on December 19, 2022. (lcbah4) (Entered: 12/19/2022)
12/19/2022		Set/Reset Deadlines: Dispositive Motions due by 1/20/2023. (smc) (Entered: 12/20/2022)
01/18/2023	<u>20</u>	MOTION for Order to Show Cause by DEPARTMENT OF THE ARMY. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Haberland, John) (Entered: 01/18/2023)
01/19/2023		MINUTE ORDER (paperless) Upon Consideration of Defendant's <u>20</u> Motion for an Order to Show Cause and Stay, and plaintiff's failure to file his amended complaint after the Court gave him leave to do so on November 1, 2022, <i>see</i> Minute Order (Nov. 1, 2022), plaintiff is DIRECTED, by February 24, 2023, to either (1) file his amended complaint with the Court; or (2) show cause as to why his case should not be dismissed for failure to prosecute in accordance with Federal Rule of Civil Procedure 41(b) and Local Civil Rule 83.23. Plaintiff is expressly warned that a failure to respond to this Order may result in the dismissal of this action for failure to prosecute. <i>See Neal v. Kelly</i> , 963 F.2d 453, 456 (D.C. Cir. 1992); <i>Fox v. Strickland</i> , 837 F.2d 507, 509 (D.C. Cir. 1988). All deadlines in this case are STAYED pending submission from plaintiff. Signed by Chief Judge Beryl A. Howell on January 19, 2023. (lcbah4) (Entered: 01/19/2023)
01/19/2023		Set/Reset Deadlines: Amended Pleadings due by 2/24/2023. (smc) (Entered: 01/20/2023)
02/21/2023	<u>21</u>	AMENDED COMPLAINT against DEPARTMENT OF THE ARMY filed by AARON J. WHITMAN. "LEAVE TO FILE GRANTED." Signed by Chief Judge Beryl A. Howell. (Attachment: # <u>1</u> Exhibits)(zed) (Main Document 21 replaced on 2/24/2023) (zed). (Entered: 02/22/2023)
02/24/2023		Case directly reassigned to District Judge Ana C. Reyes. Circuit Judge Florence Y. Pan is no longer assigned to the case. (ztnr) (Entered: 02/24/2023)
03/01/2023	<u>22</u>	ORDER (1) DISMISSING with prejudice Defendants Wormuth, Glover, Payne, Snyder, Jones, and "Unknown Chairperson," and (2) ENTERING Briefing Schedule: Defendant Department of the Army shall file its Motion for Summary Judgment, in response to the Amended Complaint, by April 4, 2023; Plaintiff shall file an Opposition to the Motion for Summary Judgment by June 6, 2023, and; Defendant shall file any Reply by June 20, 2023. Signed by Judge Ana C. Reyes on 3/1/2023. (psu3) (Entered: 03/01/2023)
03/03/2023		Set/Reset Deadlines/Hearings: Defendant's Summary Judgment motion due by 4/4/2023. Response to Motion for Summary Judgment due by 6/6/2023. Reply to Motion for Summary Judgment due by 6/20/2023. (zcdw) (Entered: 03/03/2023)
03/08/2023	<u>23</u>	ANSWER to <u>21</u> Amended Complaint by DEPARTMENT OF THE ARMY. (Attachments: # <u>1</u> Certificate of Service)(Haberland, John) (Entered: 03/08/2023)
03/31/2023	<u>24</u>	MOTION for Summary Judgment by DEPARTMENT OF THE ARMY OFFICE OF INSPECTOR GENERAL. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order, # <u>4</u> Certificate of Service, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit)(Haberland, John) (Entered: 03/31/2023)
03/31/2023	<u>25</u>	ORDER advising Plaintiff to respond, in accordance with the Court's briefing schedule, by June 6, 2023, to Defendant's Motion for Summary Judgment <u>24</u> or risk entry of judgment in Defendant's favor without his input (see document for details). Signed by Judge Ana C. Reyes on 3/31/2023. (psu3) (Entered: 03/31/2023)
04/03/2023	<u>26</u>	MOTION for Leave to File Amended Complaint by AARON J. WHITMAN. (Attachment: # <u>1</u> Exhibit – Amended Complaint)(ztth) (Entered: 04/07/2023)
04/11/2023	<u>27</u>	MOTION for Extension of Time to File Response/Reply as to <u>26</u> MOTION for Leave to File by DEPARTMENT OF THE ARMY OFFICE OF INSPECTOR GENERAL. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Haberland,

		John) (Entered: 04/11/2023)
04/12/2023		MINUTE ORDER: The Court hereby GRANTS, for good cause shown, Defendant's <u>27</u> Motion for Extension of Time to file a response to Plaintiff's <u>26</u> Motion for Reconsideration and for Leave to Amend the First Amended Complaint. Defendant shall file any response by May 5, 2023. Signed by Judge Ana C. Reyes on 4/12/2023. (psu3) (Entered: 04/12/2023)
04/12/2023		Set/Reset Deadlines/Hearings: Defendant's response due by 5/5/2023. (zcdw) (Entered: 04/12/2023)
04/24/2023	<u>28</u>	MOTION for Leave to File Amended Complaint by AARON J. WHITMAN. (Attachment: # <u>1</u> Exhibit – Amended Complaint)(ztth) (Entered: 04/26/2023)
04/26/2023	<u>29</u>	MOTION for Discovery by AARON J. WHITMAN. (Attachment: # <u>1</u> Exhibit – Attachments)(ztth) (Entered: 05/02/2023)
05/04/2023	<u>30</u>	Memorandum in opposition to re <u>28</u> Motion for Leave to File, <u>26</u> Motion for Leave to File filed by DEPARTMENT OF THE ARMY OFFICE OF INSPECTOR GENERAL. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service, # <u>3</u> Exhibit)(Haberland, John) (Entered: 05/04/2023)
06/05/2023	<u>31</u>	MEMORANDUM OPINION AND ORDER DENYING Plaintiff's <u>26</u> Motion for Reconsideration, <u>28</u> Motion for Leave to Amend, and <u>29</u> Motion for Discovery. It is FURTHER ORDERED that that the existing briefing schedule governing Defendant's pending Motion for Summary Judgment, entered by this Court on March 1, 2023, is AMENDED; Plaintiff must file his Opposition by June 16, 2023, and the Army must file its Reply, if any, by June 30, 2023. See document for details. Signed by Judge Ana C. Reyes on 6/5/2023. (lcjo) Modified on to update document type 6/6/2023 (zcdw). (Entered: 06/05/2023)
06/06/2023		Set/Reset Deadlines/Hearings: Response to Motion for Summary Judgment due by 6/16/2023. Reply to Motion for Summary Judgment due by 6/30/2023. (zcdw) (Entered: 06/06/2023)
06/09/2023	<u>33</u>	REPLY to Defendant's <u>30</u> Opposition to Plaintiff's <u>26</u> Motion for Reconsideration, <u>28</u> Motion for Leave to Amend, filed by AARON J. WHITMAN. (Attachment: # <u>1</u> Exhibit)(ztth) Modified on 6/16/2023 (psu3). (Entered: 06/16/2023)
06/11/2023		Set/Reset Deadlines/Hearings: Response to Motion for Summary Judgment due by 6/16/2023. Reply to Motion for Summary Judgment due by 6/30/2023. (zcdw) (Entered: 06/11/2023)
06/12/2023	<u>32</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Patrick Doyle on behalf of DEPARTMENT OF THE ARMY OFFICE OF INSPECTOR GENERAL Substituting for attorney John Haberland (Doyle, Patrick) (Entered: 06/12/2023)
06/26/2023	<u>34</u>	MOTION for Extension of Time to File <i>Reply</i> by DEPARTMENT OF THE ARMY OFFICE OF INSPECTOR GENERAL. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Text of Proposed Order)(Doyle, Patrick) (Entered: 06/26/2023)
06/26/2023		MINUTE ORDER: The Court hereby GRANTS, for good cause shown, Defendant's <u>34</u> Motion for Extension of Time to File its Reply. Defendant shall file its Reply, if necessary, by July 21, 2023. Signed by Judge Ana C. Reyes on 6/26/2023. (psu3) (Entered: 06/26/2023)
06/27/2023		Set/Reset Deadlines/Hearings: Defendant's reply due by 7/21/2023. (zcdw) (Entered: 06/27/2023)
07/10/2023	<u>35</u>	RESPONSE re <u>34</u> MOTION for Extension of Time to File <i>Reply</i> filed by AARON J. WHITMAN. (ztth) (Entered: 07/14/2023)
07/24/2023	<u>36</u>	MOTION to Amend <u>1</u> Complaint by AARON J. WHITMAN. (Attachment: # <u>1</u> Exhibits)(ztth) (Entered: 07/26/2023)
08/07/2023	<u>37</u>	Memorandum in opposition to re <u>36</u> Motion to Amend/Correct filed by DEPARTMENT OF THE ARMY OFFICE OF INSPECTOR GENERAL. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Doyle, Patrick) (Entered: 08/07/2023)

08/07/2023	<u>38</u>	NOTICE of Change of Address by AARON J. WHITMAN. (zth) (Entered: 08/11/2023)
10/20/2023	<u>39</u>	NOTICE of Change of Address by AARON J. WHITMAN. (zth) (Entered: 10/26/2023)
10/26/2023	<u>40</u>	CERTIFICATE OF SERVICE by DEPARTMENT OF THE ARMY OFFICE OF INSPECTOR GENERAL re <u>37</u> Memorandum in Opposition . (Doyle, Patrick) (Entered: 10/26/2023)
11/08/2023		<p>MINUTE ORDER. For the reasons stated below, it is ORDERED that Defendant's <u>24</u> Motion for Summary Judgment is DENIED <i>WITHOUT PREJUDICE</i>, and Defendant is directed to address these issues and refile its Motion for Summary Judgment on or before March 4, 2024.</p> <p>Defendant has shown, with support from detailed and well-reasoned declarations, that (1) the U.S. Army Pacific Command, Staff Judge Advocate (SJA) and Army Office of Trial Counsels conducted adequate searches, and that SJA properly redacted documents under the invoked Exemption 6; and (2) the Army Criminal Investigation Division (CID) and Air Force Office of Special Investigations (OSI) conducted adequate searches.</p> <p>But Defendant has not provided sufficient evidence to prevail on the other issues in its Motion.</p> <p><i>First</i>, Defendant has not provided sufficient evidence that the Army Review Boards Agency (ARBA) and Army Clemency and Parole Board conducted an adequate search and properly invoked exemptions and withholdings. Defendant relies on a declaration from Paul Petty, which in turn relies on statements from ARBA's Final Determination Letter. The portions of the declaration relying on the Letter are not determinative because the Letter is not a sworn declaration or submission made under oath. <i>James Madison Proj. v. Dep't of Justice</i>, No. 17-cv-00597, 2019 WL 3430728, at *2 (D.D.C. July 30, 2019).</p> <p><i>Second</i>, the Court is separately unable to assess the CID and OSI's reliance on various exemptions because the Chidester and Jensen Declarations do not describe the records that were retrieved or released. Defendant provides neither a <i>Vaughn</i> index nor declarations that "describe the documents and the justifications for nondisclosure with reasonably specific detail." <i>Citizens for Resp. & Ethics in Wash. v. Dept of Labor</i>, 478 F. Supp. 2d 77, 80 (D.D.C. 2007) (cleaned up).</p> <p><i>Third</i>, Defendant's contention that a search by the Army's Trial Defense Service Office (TDS) was unnecessary because it previously provided Plaintiff his case file is inapposite. Agencies may not deny documents they possess "on the ground that they are available elsewhere." <i>Geronimo v. Exec. Off. of U.S. Att'ys</i>, No. 05-cv-1057, 2006 WL 1992625, at *2 (D.D.C. July 14, 2006) (cleaned up). Plaintiff retains an interest in knowing what documents TDS maintains. And although Defendant's concern with attorney-client privilege is appreciated, Plaintiff may waive that privilege, and Defendant may invoke Exemption 5 after it conducts an adequate search.</p> <p>* * *</p> <p>It is FURTHER ORDERED that Plaintiff's <u>36</u> Motion for Leave to Amend His Complaint is DENIED. Plaintiff has been generously allowed to file his Amended Complaint late, retain his original claims, and add new claims that arose well after the initiation of this litigation. Granting leave to amend here would cause undue delay. It is also well-established that "a plaintiff cannot amend his complaint in an opposition to a defendant's motion for summary judgment." <i>In Re Navy Chaplaincy</i>, 850 F. Supp. 2d 86, 116 (D.D.C. 2012) (cleaned up). And in any event, leave to amend would be futile. Plaintiff's hairsplitting of the precise location of the headers and the exact form of the digital signature which his motion presents as "evidence" of document falsification, Dkt. 36 at 1 is meritless.</p> <p>SO ORDERED.</p>

		Signed by Judge Ana C. Reyes on 11/8/2023. (lcacr1) (Entered: 11/08/2023)
11/08/2023		Set/Reset Deadlines/Hearings: Defendant's Summary Judgment motion due by 3/4/2024. (zcdw) (Entered: 11/08/2023)
12/04/2023	<u>41</u>	MOTION to Strike <u>37</u> Memorandum in Opposition, MOTION to Compel Production of Records by AARON J. WHITMAN. (Attachments: # <u>1</u> Letter)(znmw) (Entered: 12/07/2023)
12/19/2023	<u>42</u>	RESPONSE re <u>41</u> MOTION to Strike <u>37</u> Memorandum in Opposition MOTION to Compel filed by DEPARTMENT OF THE ARMY OFFICE OF INSPECTOR GENERAL. (Attachments: # <u>1</u> Certificate of Service)(Doyle, Patrick) (Entered: 12/19/2023)
12/20/2023		MINUTE ORDER: On December 4, 2023, Plaintiff filed a <u>41</u> Motion to Strike Defendant's <u>37</u> Opposition to his <u>36</u> Third Motion to Amend Complaint and to Compel Production of Records, which Defendant filed four months prior, on August 7, 2023. The Court hereby DENIES AS MOOT Plaintiff's pending <u>41</u> Motion to Strike, upon consideration of that Motion, Defendant's <u>42</u> Opposition thereto, and the full record of this case. The Court already denied Plaintiff's <u>36</u> Third Motion to Amend Complaint and to Compel Production of Records, by Minute Order, on November 8, 2023. Furthermore, Plaintiff has failed to provide any valid basis to warrant the striking of Defendant's Opposition, nor does the Court independently find any such basis. Once again, to the extent that Plaintiff seeks to compel the records sought pursuant to the operative FOIA Requests, that issue will be addressed by and through summary judgment briefing. SO ORDERED. Signed by Judge Ana C. Reyes on 12/20/2023. (psu3) (Entered: 12/20/2023)
02/26/2024	<u>43</u>	MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by DEPARTMENT OF THE ARMY OFFICE OF INSPECTOR GENERAL. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Doyle, Patrick) (Entered: 02/26/2024)
02/26/2024		MINUTE ORDER granting Defendant's <u>43</u> Motion for Extension of Time to File. It is ORDERED that Defendant shall file its motion for summary judgment on or before April 18, 2024. SO ORDERED. Signed by Judge Ana C. Reyes on 2/26/2024. (lcacr1) (Entered: 02/26/2024)
02/28/2024		Set/Reset Deadlines/Hearings: Defendant's Summary Judgment motion due by 4/18/2024. (zcdw) (Entered: 02/28/2024)
04/18/2024	<u>44</u>	MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by DEPARTMENT OF THE ARMY OFFICE OF INSPECTOR GENERAL. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Doyle, Patrick) (Entered: 04/18/2024)
04/19/2024		MINUTE ORDER. Upon consideration of Defendant's <u>44</u> Motion for Extension of Time, it is hereby ORDERED that the Motion is GRANTED IN PART and DENIED IN PART; and it is further ORDERED that Defendant shall file its motion for summary judgment on or before April 24, 2024. Signed by Judge Ana C. Reyes on 4/19/2024. (lcacr1) (Entered: 04/19/2024)
04/24/2024	<u>45</u>	MOTION for Summary Judgment by DEPARTMENT OF THE ARMY OFFICE OF INSPECTOR GENERAL. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order, # <u>4</u> Certificate of Service, # <u>5</u> Declaration Mathers, # <u>6</u> Declaration Jensen, # <u>7</u> Declaration Chidester, # <u>8</u> Declaration McGarry, # <u>9</u> Declaration Kardelis, # <u>10</u> Declaration Jaudon, # <u>11</u> Exhibit CID Vaughn, # <u>12</u> Declaration Mitchell, # <u>13</u> Declaration Moats, # <u>14</u> Exhibit USDB Vaughn, # <u>15</u> Exhibit OSI Vaughn, # <u>16</u> Exhibit ARBA Vaughn)(Doyle, Patrick) (Entered: 04/24/2024)
04/25/2024	<u>46</u>	ORDER DIRECTING Plaintiff to file his Opposition to Defendant's <u>45</u> Renewed Motion for Summary Judgment, and any Cross-Motion for Summary Judgment, by May 28, 2024. If Plaintiff fails to file a timely response, the Court may decide the matter in Defendant's favor without the benefit of Plaintiff's position. Signed by Judge Ana C. Reyes on 4/25/2024. (psu3) (Entered: 04/25/2024)

06/07/2024	<u>47</u>	MOTION to Strike <u>45</u> MOTION for Summary Judgment by AARON J. WHITMAN. (mg) (Entered: 06/13/2024)
06/13/2024		MINUTE ORDER: Plaintiff filed a <u>47</u> Motion to Strike the Motion for Summary Judgment, which also contains arguments in opposition to the Motion for Summary Judgment. It appears that under the prison mailbox rule, Plaintiff provided his Motion for mailing on May 29, 2024, which was one day late. Yet given Plaintiff's pro se status and incarceration, the Court will accept and consider this Motion to Strike as timely filed, and it will concomitantly construe it as Plaintiff's Opposition to Defendant's Motion for Summary Judgment. Accordingly, Defendant shall file a combined Opposition to Plaintiff's Motion to Strike and Reply in support of its Motion for Summary Judgment by no later than July 12, 2024. Plaintiff shall file a combined Reply in support of his Motion to Strike and Surreply in support of his Opposition to Defendant's Summary Judgment by no later than August 12, 2024. SO ORDERED. Signed by Judge Ana C. Reyes on 6/13/2024. (psu3) (Entered: 06/13/2024)
06/13/2024		Set/Reset Deadlines: Responses due by 7/12/2024 Replies due by 8/12/2024. Reply to Motion for Summary Judgment due by 7/12/2024. (zjch,) (Entered: 06/21/2024)
07/12/2024	<u>48</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Alane Ballweg on behalf of DEPARTMENT OF THE ARMY OFFICE OF INSPECTOR GENERAL Substituting for attorney Patrick Doyle (Attachments: # <u>1</u> Certificate of Service)(Ballweg, Alane) (Entered: 07/12/2024)
07/12/2024	<u>49</u>	Memorandum in opposition to re <u>47</u> Motion to Strike filed by DEPARTMENT OF THE ARMY OFFICE OF INSPECTOR GENERAL. (Attachments: # <u>1</u> Certificate of Service)(Ballweg, Alane) (Entered: 07/12/2024)
07/12/2024	<u>50</u>	REPLY to opposition to motion re <u>45</u> MOTION for Summary Judgment (<i>identical filing to ECF No. 49</i>) filed by DEPARTMENT OF THE ARMY OFFICE OF INSPECTOR GENERAL. (Attachments: # <u>1</u> Certificate of Service)(Ballweg, Alane) (Entered: 07/12/2024)
08/05/2024	<u>51</u>	REPLY to opposition to motion re <u>47</u> MOTION to Strike <u>45</u> MOTION for Summary Judgment filed by AARON J. WHITMAN. (zdp) (Entered: 08/09/2024)
09/20/2024	<u>52</u>	Mail Returned as Undeliverable re <u>46</u> (twice) Order, and 6/13/2024 Sent to Aaron Whitman; Resent to New Address: n/a. (Attachments: # <u>1</u> returned mail, # <u>2</u> returned mail)(zjch,) (Entered: 09/20/2024)