

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:23-cv-08754-MEMF-JC**

Michael Graybill v. National Security Agency et al
Assigned to: Judge Maame Ewusi–Mensah Frimpong
Referred to: Magistrate Judge Jacqueline Chooljian
Cause: 05:552 Freedom of Information Act

Date Filed: 10/17/2023
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

Michael Robert Graybill

represented by **Michael Robert Graybill**
5610 Berkely Road
Goleta, CA 93117
805-698-0542
PRO SE

V.

Defendant

National Security Agency
NSA

represented by **Alarice M Medrano**
AUSA – Office of US Attorney
Civil Division
300 North Los Angeles Street Suite 7516
Los Angeles, CA 90012
213-894-0460
Fax: 213-894-7819
Email: alarice.medrano@usdoj.gov
ATTORNEY TO BE NOTICED

Sarah L Cronin
AUSA – Office of US Attorney
300 North Los Angeles Street, Suite 7516
Los Angeles, CA 90012
213-894-3986
Fax: 213-894-7819
Email: sarah.cronin@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

Central Intelligence Agency
CIA

represented by **Alarice M Medrano**
(See above for address)
ATTORNEY TO BE NOTICED

Sarah L Cronin
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/17/2023	<u>1</u>	COMPLAINT against Defendants Central Intelligence Agency, National Security Agency. Case assigned to Judge Maame Ewusi–Mensah Frimpong for all further proceedings. Discovery referred to Magistrate Judge Jacqueline Chooljian., filed by plaintiff Michael Robert Graybill. (Attachments: # <u>1</u> CV-71, # <u>2</u> Summons) (ghap) (Entered: 10/19/2023)
10/17/2023	<u>2</u>	REQUEST to Proceed In Forma Pauperis with Declaration in Support filed by plaintiff Michael Robert Graybill. (ghap) (Entered: 10/19/2023)

10/17/2023	<u>3</u>	NOTICE TO FILER OF DEFICIENCIES in Filed Document RE: Complaint – (Discovery), <u>1</u> . The following error(s) was/were found: No interested parties. In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (ghap) (Entered: 10/19/2023)
10/19/2023	<u>4</u>	NOTICE OF ASSIGNMENT to District Judge Maame Ewusi–Mensah Frimpong and Magistrate Judge Jacqueline Chooljian. (ghap) (Entered: 10/19/2023)
10/19/2023	<u>5</u>	NOTICE TO PARTIES OF COURT–DIRECTED ADR PROGRAM filed. (ghap) (Entered: 10/19/2023)
10/19/2023	<u>6</u>	Notice to Counsel Re Consent to Proceed Before a United States Magistrate Judge. (ghap) (Entered: 10/19/2023)
10/20/2023	<u>7</u>	ORDER ON REQUEST TO PROCEED IN FORMA PAUPERIS (NON–PRISONER CASE) by Judge Maame Ewusi–Mensah Frimpong. IT IS THEREFORE ORDERED that: The Request is GRANTED.; granting <u>2</u> REQUEST to Proceed In Forma Pauperis, Declaration in Support. (aco) (Entered: 10/23/2023)
02/05/2024	<u>8</u>	AMENDED COMPLAINT against defendant Central Intelligence Agency, National Security Agency amending Complaint – (Discovery), <u>1</u> , filed by Plaintiff Michael Robert Graybill(yl) (Entered: 02/07/2024)
02/07/2024	<u>9</u>	PROOF OF SERVICE Executed by Plaintiff Michael Robert Graybill, upon Defendant Central Intelligence Agency served on 2/7/2024, answer due 4/8/2024. Service of the Summons and Complaint were NOT executed upon the United States Attorneys Office which was NOT served. The Attorney Generals Office of the United States was NOT served. Executed upon the officer agency or corporation by delivering a copy to (name not indicated). Service was executed in compliance with Federal Rules of Civil Procedure. Due diligence declaration NOT attached. Registered or certified mail return receipt NOT attached. (yl) (Entered: 02/09/2024)
02/07/2024	<u>10</u>	PROOF OF SERVICE Executed by Plaintiff Michael Robert Graybill, upon Defendant National Security Agency served on 2/7/2024, answer due 4/8/2024. Service of the Summons and Complaint were NOT executed upon the United States Attorneys Office which was NOT served. The Attorney Generals Office of the United States was NOT served. The officer agency or corporation was NOT served. Service was executed in compliance with Federal Rules of Civil Procedure. Due diligence declaration NOT attached. Registered or certified mail return receipt NOT attached. (yl) (Entered: 02/09/2024)
02/23/2024	<u>11</u>	CERTIFICATION AND NOTICE of Interested Parties filed by plaintiff Michael Robert Graybill (yl) (Entered: 02/26/2024)
02/23/2024	<u>12</u>	CERTIFICATION AND NOTICE of Interested Parties filed by Plaintiff Michael Robert Graybill, identifying Lockheed Martin Corporation, Other Affiliate Microsoft Corporation, Other Affiliate RTX (Raytheon) Corporation, Other Affiliate Constellis Corporation, Other Affiliate Triple Canopy Corporation, Other Affiliate Department of Defense Contractors and Central Intelligence Contractors for Michael Robert Graybill. (yl) (Entered: 02/26/2024)
03/21/2024	<u>13</u>	61 DAY Summons Issued on Amended Complaint <u>8</u> as to Defendants Central Intelligence Agency and National Security Agency. (yl) (Entered: 03/21/2024)
04/19/2024	<u>14</u>	DECLARATION AND MOTION FOR LEAVE FOR EMERGENCY COURT Ordered Protection filed by Plaintiff Michael Robert Graybill. (yl) (Entered: 04/22/2024)
04/24/2024	<u>15</u>	EX PARTE APPLICATION to Extend Time to File Answer to 6/9/2024 re Amended Complaint <u>8</u> filed by Defendant National Security Agency. (Attachments: # <u>1</u> Proposed Order to Extend Time to Respond to Complaint) (Attorney Sarah L Cronin added to party National Security Agency(pty:dft)) (Cronin, Sarah) (Entered: 04/24/2024)
04/25/2024	<u>16</u>	Order Denying Plaintiff's Motion for Leave [ECF No. <u>14</u>] and Granting Defendants Time to Respond to Complaint [ECF No. <u>15</u>] by Judge Maame Ewusi–Mensah

		Frimpong. The Court GRANTS Defendants' ex parte application and extends Defendants' response date to June 9, 2024. The Court finds that Graybill has not met his burden on demonstrating that notice need not be given to Defendants. Accordingly, the Court DENIES the Motion for Leave. (See document for further details) (yl) (Entered: 04/25/2024)
04/25/2024	<u>17</u>	PROOF OF SERVICE filed by Defendants Central Intelligence Agency, National Security Agency, re EX PARTE APPLICATION to Extend Time to File Answer to 6/9/2024 re Amended Complaint <u>8</u> <u>15</u> served on April 25, 2024. (Cronin, Sarah) (Entered: 04/25/2024)
04/28/2024	<u>18</u>	DECLARATION AND MOTION for Court Ordered Protection filed by Plaintiff Michael Robert Graybill. (gk) (Entered: 04/29/2024)
04/28/2024	<u>19</u>	MOTION TO DISQUALIFY JUDGE MAAME EWUSI-MEMSAH FRIMPONG filed by Plaintiff Michael Robert Graybill. (yl) (Entered: 04/30/2024)
05/01/2024	<u>20</u>	SUBMISSION OF DOCUMENT INTO EVIDENCE-AFFIDAVIT filed by Plaintiff Michael Robert Graybill (yl) (Entered: 05/03/2024)
05/01/2024	<u>21</u>	PROOF OF SERVICE FOR EVIDENCE SUBMITTED ON 5/1/2024 filed by Plaintiff Michael Robert Graybill. The Submission of Document into Evidence-Affidavit served on 5/1/2024. (yl) (Entered: 05/03/2024)
05/09/2024	<u>22</u>	Order Denying Plaintiff's Motion for Leave [ECF No. 18] and Motion to Disqualify [ECF No. 19] by Judge Maame Ewusi-Mensah Frimpong. Based on the foregoing, the Court finds that Graybill has failed to show that this Court's impartiality might reasonably be questioned and accordingly denies the disqualification motion. (See document for further details) (yl) (Entered: 05/10/2024)
05/31/2024	<u>23</u>	EX PARTE APPLICATION to Extend Time to File Answer to 7/9/2024 re Amended Complaint <u>8</u> filed by Defendants Central Intelligence Agency, National Security Agency. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> POS) (Attorney Sarah L Cronin added to party Central Intelligence Agency(pty:dft)) (Cronin, Sarah) (Entered: 05/31/2024)
06/06/2024	<u>24</u>	Order Granting Defendants' Time to Respond to Complaint [ECF No. <u>23</u>] by Judge Maame Ewusi-Mensah Frimpong. The Court finds that a limited 30-day extension at this point is warranted and would not significantly delay the case. Accordingly, the Court GRANTS Defendants' ex parte application and extends Defendants' response date to July 9, 2024. (See documents for further details) (yl) (Entered: 06/07/2024)
06/16/2024	<u>25</u>	DECLARATION filed by Plaintiff Michael Robert Graybill. (yl) (Entered: 06/18/2024)
06/20/2024	<u>26</u>	MOTION TO SCHEDULE INITIAL CASE MANAGEMENT CONFERENCE filed by Plaintiff Michael Robert Graybill. (yl) (Additional attachment(s) added on 6/21/2024: # <u>1</u> Proposed Order) (yl). (Entered: 06/21/2024)
06/27/2024	<u>27</u>	(IN CHAMBERS) ORDER TEXT ONLY ENTRY by Judge Maame Ewusi-Mensah Frimpong: The Court is in receipt of Plaintiff's Motion to Schedule Initial Case Management Conference ECF No. <u>26</u> . Pursuant to the Court's Civil Standing Order, "absent unusual circumstances, scheduling conferences will not be set until an answer has been filed." Civil Standing Order at 3. As Plaintiff has not set forth any unusual circumstances requiring a status conference before a response to the Complaint has been filed, the Court DENIES Plaintiff's Motion. IT IS SO ORDERED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dbe) TEXT ONLY ENTRY (Entered: 06/27/2024)
07/09/2024	<u>28</u>	NOTICE OF MOTION AND MOTION to Dismiss Case filed by Defendants Central Intelligence Agency, National Security Agency. Motion set for hearing on 8/29/2024 at 10:00 AM before Judge Maame Ewusi-Mensah Frimpong. (Attachments: # <u>1</u> Declaration of Alice Newman, Exhibits A-D, # <u>2</u> Declaration of Marcy C. Williams, Exhibits 1-4, # <u>3</u> Declaration of Sarah L. Cronin, # <u>4</u> Proposed Order) (Cronin, Sarah) (Entered: 07/09/2024)
07/09/2024	<u>29</u>	PROOF OF SERVICE filed by Defendants Central Intelligence Agency, National Security Agency, re NOTICE OF MOTION AND MOTION to Dismiss Case <u>28</u> served on July 9, 2024. (Cronin, Sarah) (Entered: 07/09/2024)

07/10/2024	30	TEXT ONLY ENTRY (IN CHAMBERS) ORDER CONTINUING DEFENDANT'S MOTION TO DISMISS (ECF No. <u>28</u>) by Judge Maame Ewusi–Mensah Frimpong: The Court, on its own motion, continues the Motion from August 29, 2024 to October 10, 2024 at 10:00 a.m. before Judge Maame Ewusi–Mensah Frimpong. IT IS SO ORDERED.THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dbe) TEXT ONLY ENTRY (Entered: 07/10/2024)
08/08/2024	31	TEXT ONLY ENTRY (IN CHAMBERS) ORDER CONTINUING DEFENDANT'S MOTION TO DISMISS (ECF No. <u>28</u>) by Judge Maame Ewusi–Mensah Frimpong: The Court, on its own motion, continues the Motion from October 10, 2024 to October 17, 2024 at 10:00 a.m. before Judge Maame Ewusi–Mensah Frimpong. IT IS SO ORDERED.THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dbe) TEXT ONLY ENTRY (Entered: 08/08/2024)
08/19/2024	32	(IN CHAMBERS) ORDER TEXT ONLY ENTRY by Judge Maame Ewusi–Mensah Frimpong: Per this Court's standing order, an opposition to Defendant's Motion to Dismiss (ECF No. <u>28</u>) filed on July 9, 2024, was due on July 23, 2024. Civil Standing Order at <u>6</u> . No opposition has been filed to date. Plaintiff is ordered to file either an opposition or a notice of non–opposition no later than August 27, 2024. A reply, if any, will be due seven days from the filing of the opposition. Failure to timely an opposition may result in granting of the motion. L.R. 7–12. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (pk) TEXT ONLY ENTRY (Entered: 08/19/2024)
08/26/2024	<u>33</u>	OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND CROSS MOTION FOR SUMMARY JUDGMENT <u>28</u> filed by Plaintiff Michael Robert Graybill. (yl) (Entered: 08/28/2024)
08/26/2024	<u>34</u>	PROOF OF SERVICE FOR OPPOSITION TO MOTION FOR DISMISSAL AND CROSS MOTION FOR SUMMARY OF JUDGMENT filed by Plaintiff Michael Robert Graybill on August 26, 2024. (yl) (Entered: 08/28/2024)
09/03/2024	<u>35</u>	REPLY IN SUPPORT NOTICE OF MOTION AND MOTION to Dismiss Case <u>28</u> filed by Defendants Central Intelligence Agency, National Security Agency. (Attachments: # <u>1</u> Proof of Service)(Cronin, Sarah) (Entered: 09/03/2024)
09/16/2024	<u>36</u>	PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER AGAINST FBI DIRECTOR CHRISTOPHER WRAY filed by Plaintiff Michael Robert Graybill. Motion set for hearing on 9/16/2024 at 10:00 AM before Judge Maame Ewusi–Mensah Frimpong. (Attachments: # <u>1</u> Proposed Order) (yl) (Entered: 09/17/2024)
09/17/2024	<u>37</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Alarice M Medrano counsel for Defendants Central Intelligence Agency, National Security Agency. Adding Alarice M. Medrano as counsel of record for National Security Agency and Central Intelligence Agency for the reason indicated in the G–123 Notice. Filed by Defendants National Security Agency and Central Intelligence Agency. (Attachments: # <u>1</u> Proof of Service)(Attorney Alarice M Medrano added to party Central Intelligence Agency(pty:dft), Attorney Alarice M Medrano added to party National Security Agency(pty:dft))(Medrano, Alarice) (Entered: 09/17/2024)
09/18/2024	<u>38</u>	Opposition to Plaintiff's Request for TRO re: NOTICE OF MOTION AND MOTION for Temporary Restraining Order <u>36</u> filed by Defendants Central Intelligence Agency, National Security Agency. (Attachments: # <u>1</u> Proof of Service)(Medrano, Alarice) (Entered: 09/18/2024)
09/19/2024	<u>39</u>	(IN CHAMBERS) DENYING PLAINTIFF'S MOTION FOR TRO <u>36</u> by Judge Maame Ewusi–Mensah Frimpong. For the same reasons laid out in its prior orders, the Court finds that the relief sought in Graybill's TRO is "significantly different from the relief sought in the claims brought in Graybill's Complaint." ECF No. 22 at 2; see Pacific Radiation Oncology, LLC v. Queen's Medical Center, 810 F.3d 631, 636 (9th Cir. 2015). Therefore, Graybill has not shown a likelihood of success on the merits of his case. Moreover, Graybill has not shown the Court would be empowered to issue a restraining order against a non–party to this case. Accordingly, the Court DENIES Graybill's Motion for a Temporary Restraining Order. (yl) (Entered: 09/20/2024)