

**U.S. District Court
District of South Dakota (Southern Division)
CIVIL DOCKET FOR CASE #: 4:23-cv-04164-ECS**

Walsh v. Department of the Navy
Assigned to: U.S. District Judge Eric C. Schulte
Cause: 05:552 Freedom of Information Act

Date Filed: 10/17/2023
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Captain Rory M. Walsh
USMC (Ret.)

represented by **Rory M. Walsh**
1012 N. Caleb Ave.
Sioux Falls, SD 57103
605-271-0107
Email: rorywalsh78@hotmail.com
PRO SE

V.

Defendant

Department of the Navy

represented by **Stephanie C. Bengford**
U.S. Attorney's Office (Sioux Falls, SD)
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

United States of America

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

Date Filed	#	Docket Text
10/17/2023	<u>1</u>	COMPLAINT , \$402 fee paid, receipt #400002560, filed by Rory M. Walsh. (Attachments: # <u>1</u> Exhibits 1-6) (CLR) Modified on 10/17/2023 to add payment information. (CLR) (Entered: 10/17/2023)
10/17/2023	<u>2</u>	REGISTRATION for Electronic Notice by Rory M. Walsh. Pro se party Rory M. Walsh will now receive electronic notice of unsealed documents filed in this case. Refer to the CM/ECF User Manual located on the court website at www.sdd.uscourts.gov for information about accessing documents. (CLR) (Entered: 10/17/2023)
10/17/2023	<u>3</u>	Summonses Issued as to USA. 2 Summmons, 3 AO 85 Forms, and Rule 73 Memo provided to pro se plaintiff over counter at SF Clerk's Office. (CLR) (Entered: 10/17/2023)
10/17/2023	4	NOTICE TO PLAINTIFF: The Clerks Office has received your Complaint together with the filing fee and completed summonses. A new case has been opened. Your summons have been issued. You are responsible for arranging service of the summons and complaint on the defendant(s). Copy of docket sheet sent to plaintiff. (CLR)
<hr/> <p>Any further documents or correspondence you send to the Clerks Office concerning your case must include the case number. All documents submitted for filing must also</p>		

		contain an original signature. Pursuant to the E–Government Act and D.S.D. Civ. LR 5.2, you must redact personal identifiers from documents submitted to the Court. The Clerks Office will not review for compliance. Submitted documents are electronically scanned for filing and they become the official court record. The quality of the official court record is determined by the quality of the original documents received for filing. Writing should only be on one side of the paper and writing must be dark enough for scanning. All documents must be on 8.5 x 11 inch paper. A request to electronically file documents in your case must be made through the PACER Service Center at www.pacer.uscourts.gov. The plaintiff must keep the Court informed of the plaintiff's address changes, including changes to primary and secondary email addresses. If the Court is not kept informed and multiple items are returned as undelivered, the plaintiff's case may be dismissed without prejudice for failure to prosecute. (Entered: 10/17/2023)
10/18/2023	5	MOTION to Electronically File Documents pursuant to e–filing registration request submitted through PACER. Pro se party Rory M. Walsh will now begin receiving electronic notice of unsealed documents filed in this case, but must wait for a Court ruling regarding e–filing. Refer to the CM/ECF User Manual located on the court website at www.sdd.uscourts.gov for information about accessing documents. (DJP) (Entered: 10/18/2023)
10/27/2023	<u>6</u>	NOTICE of Appearance by Stephanie C. Bengford on behalf of All Defendants. (Bengford, Stephanie) (Entered: 10/27/2023)
10/27/2023	<u>7</u>	ADMISSION of Service of Summons and Complaint served on US Attorney's Office on 10/23/2023, filed by Department of the Navy, United States of America. (Bengford, Stephanie) (Entered: 10/27/2023)
10/27/2023	<u>8</u>	(FILED IN ERROR) RETURN OF SERVICE as to United States of America served on 10/23/2023. Department of The Navy Summons returned UnExecuted see Enclosure (2). (KLE) Modified on 10/30/2023 (DJP). (Entered: 10/27/2023)
10/27/2023	<u>9</u>	Plaintiff's AFFIDAVIT of Service filed by Rory M. Walsh. (DJP) (Entered: 10/30/2023)
10/30/2023		NOTICE of Filing Error (missing pages): <u>8</u> Return of Service was filed in error and should be disregarded. (DJP) (Entered: 10/30/2023)
11/02/2023	<u>10</u>	AFFIDAVIT of Service Addendum filed by Rory M. Walsh. (Attachments: # <u>1</u> Enclosure (1), # <u>2</u> Affidavit of Service; Addendum Certificate of Service)(DJP) (Entered: 11/02/2023)
11/03/2023	11	TEXT ORDER granting 5 MOTION to Electronically File Documents. Signed by Chief Judge Roberto A. Lange on 11/3/23. (KMH) (Entered: 11/03/2023)
11/21/2023	<u>12</u>	MOTION to Strike <u>1</u> Complaint , MOTION to DISMISS pursuant to FRCP 12(b)(5), MOTION to DISMISS for Failure to State a Claim by Department of the Navy, United States of America. (Bengford, Stephanie) (Entered: 11/21/2023)
11/21/2023	<u>13</u>	MEMORANDUM in Support re <u>12</u> MOTION to Strike <u>1</u> Complaint MOTION to DISMISS pursuant to FRCP 12(b)(5) MOTION to DISMISS for Failure to State a Claim filed by Department of the Navy, United States of America. (Bengford, Stephanie) (Entered: 11/21/2023)
12/01/2023	<u>14</u>	Summons Issued as to USA Attorney General Merrick B. Garland US Department of Justice. Summmons(es) delivered to Roy Walsh via hand–delivery. (KLE) (Entered: 12/01/2023)
12/04/2023	<u>15</u>	AFFIDAVIT of Service of Affidavit of Service; Second Addendum served on Defendants' Counsel of Record on 12/04/2023, filed by Rory M. Walsh. (Attachments: # <u>1</u> Certificate of Service)(Walsh, Rory) (Entered: 12/04/2023)
12/04/2023	<u>16</u>	BRIEF by Plaintiff Rory M. Walsh re <u>13</u> Memorandum in Support of Motion, <u>12</u> MOTION to Strike <u>1</u> Complaint MOTION to DISMISS pursuant to FRCP 12(b)(5) MOTION to DISMISS for Failure to State a Claim Plaintiff's Brief in Opposition to the Defendants motion to dismiss or to strike (Attachments: # <u>1</u> Exhibit Statement of Material Facts not in dispute, # <u>2</u> Proposed Order Brief in Opposition to Dismiss Draft Order, # <u>3</u> Certificate of Service) (Walsh, Rory)

		(Entered: 12/04/2023)
12/04/2023	<u>17</u>	AFFIDAVIT of Service of Addendum of service effected <i>Third Addendum of Service with evidence</i> served on Defendants' Counsel of Record on 12/04/2023, filed by Rory M. Walsh. (Attachments: # <u>1</u> Certificate of Service)(Walsh, Rory) (Entered: 12/04/2023)
12/18/2023	<u>18</u>	REPLY to Motion Response re <u>12</u> MOTION to Strike <u>1</u> Complaint MOTION to DISMISS pursuant to FRCP 12(b)(5) MOTION to DISMISS for Failure to State a Claim filed by Department of the Navy, United States of America. (Bengford, Stephanie) (Entered: 12/18/2023)
12/19/2023	<u>19</u>	SUPPLEMENT by Plaintiff Rory M. Walsh re <u>16</u> Brief,, <i>Plaintiff's Supplemental Pleading per FRCP15(d) to file a Supplemental Pleading due to the defendants throwing the FBI at the Plaintiff on 3 December 2023 to keep Plaintiff from filing his opposition to the defendants motion to dismiss.</i> (Attachments: # <u>1</u> Certificate of Service) (Walsh, Rory) (Entered: 12/19/2023)
01/02/2024	<u>20</u>	Unopposed MOTION for Extension of Time to File Answer re <u>19</u> Supplement, by Department of the Navy, United States of America. (Attachments: # <u>1</u> Proposed Order Proposed Order to Extension Request) (Bengford, Stephanie) (Entered: 01/02/2024)
01/03/2024	<u>21</u>	ORDER granting <u>20</u> Motion for Extension of Time to Answer. re <u>20</u> Unopposed MOTION for Extension of Time to File Answer re <u>19</u> Supplement, Department of the Navy answer due 1/5/2024... Signed by Chief Judge Roberto A. Lange on 1/3/2024. (SLT) (Entered: 01/03/2024)
01/05/2024	<u>22</u>	RESPONSE to <u>19</u> Supplement, filed by Department of the Navy, United States of America. (Bengford, Stephanie) (Entered: 01/05/2024)
01/08/2024	<u>23</u>	REPLY to <u>22</u> Response, <u>19</u> Supplement, <i>Plaintiff's Reply to the defendants filed opposition to the Plaintiff motion to file an FRCP 15(d) motion with this court due to the recent crimes by the defendants in front of Plaintiff's residence on 3 Dec 23 attempting to block Plaintiff from filing his opposition at docket 16 in violation of the Ku Klux Klan Act of 1871</i> filed by Rory M. Walsh. (Attachments: # <u>1</u> Certificate of Service) (Walsh, Rory) (Entered: 01/08/2024)
06/11/2024	24	TEXT ORDER REASSIGNING CASE. Case reassigned to U.S. District Judge Eric C Schulte for all further proceedings. Chief Judge Roberto A. Lange no longer assigned to case. Signed by Chief Judge Roberto A. Lange on 06/11/2024. (AKW) (Entered: 06/11/2024)
09/04/2024	<u>25</u>	OPINION & ORDER granting in part and denying in part <u>12</u> Defendant's MOTION to Strike and denying <u>12</u> Defendant's Motion to Dismiss. Signed by U.S. District Judge Eric C. Schulte on 09/04/2024. (KLE) (Entered: 09/04/2024)
09/17/2024	<u>26</u>	Defendant's ANSWER to <u>1</u> Plaintiff's Complaint by Department of the Navy, United States of America. (Attachments: # <u>1</u> Exhibit Complaint with Motion to Strike Applied) (Bengford, Stephanie) (Entered: 09/17/2024)
09/22/2024	<u>27</u>	First MOTION to Strike <u>26</u> Answer to Complaint <i>Plaintiff's Motion PER FRCP12(f) to STRIKE the unauthorized filing at docket 26, COMPEL the Navy to release same requested documents and for SANCTIONS against AUSA Bengford</i> by Rory M. Walsh. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Service) (Walsh, Rory) (Entered: 09/22/2024)
09/23/2024	<u>28</u>	ORDER denying <u>27</u> First MOTION to Strike <u>26</u> Answer to Complaint <i>Plaintiff's Motion PER FRCP12(f) to STRIKE the unauthorized filing at docket 26, COMPEL the Navy to release same requested documents and for SANCTIONS against AUSA Bengford</i> and Requiring Written Submissions from the Parties for Deadlines. Signed by U.S. District Judge Eric C. Schulte on 09/23/2024. (KLE) (Entered: 09/23/2024)