

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:96-cv-02261-PLF**

SMITH v. ATF  
Assigned to: Judge Paul L. Friedman  
Demand: \$0  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/30/1996  
Date Terminated: 09/30/1998  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****BRIAN E. SMITH**

represented by **BRIAN E. SMITH**  
R20452-038  
LEWISBURG UNITED STATES  
PENITENTIARY  
P.O. Box 1000  
Lewisburg, PA 17837  
PRO SE

V.

**Defendant****BUREAU OF ALCOHOL,  
TOBACCO, FIREARMS, AND  
EXPLOSIVES**

represented by **Cynthia Ann Schnedar**  
U.S. ATTORNEY'S OFFICE  
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*TERMINATED: 02/04/1998*  
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Date Filed	#	Docket Text
09/30/1996	1	COMPLAINT filed by plaintiff BRIAN E. SMITH; exhibits (4) (mjk) (Entered: 10/02/1996)
09/30/1996	2	APPLICATION by plaintiff BRIAN E. SMITH to proceed in forma pauperis (mjk) (Entered: 10/02/1996)
09/30/1996	3	ORDER by Judge James Robertson : directing prisoner plaintiff to provide a trust fund statement to the court by 10/30/96 for BRIAN E. SMITH . (N) (mjk) (Entered: 10/02/1996)
10/18/1996	5	NOTICE OF CHANGE OF ADDRESS by BRIAN E. SMITH . New address: c/o Donald W. Wyatt Dentention Facility, 950 High Street, Central Falls, RI 02863. (mjk) (Entered: 10/29/1996)

10/18/1996	6	MOTION filed by plaintiff BRIAN E. SMITH to extend time to comply with court's order 3-1. (mjk) (Entered: 10/29/1996)
11/12/1996	7	MEMORANDUM AND ORDER by Judge Aubrey E. Robinson : granting motion to extend time to comply with court's order 3-1. [6-1] by BRIAN E. SMITH brief due by 11/27/96 ; (N) (N) (mjk) (Entered: 11/12/1996)
11/29/1996	8	MOTION filed by plaintiff BRIAN E. SMITH to extend time to comply with the Court's Order of November 7. (mjk) (Entered: 12/05/1996)
01/06/1997	9	MEMORANDUM AND ORDER by Judge Aubrey E. Robinson : granting motion to extend time to comply with the Court's Order of November 7. [8-1] by BRIAN E. SMITH brief due by 1/23/97 ; (N) (N) (mjk) (Entered: 01/06/1997)
01/16/1997	10	TRUST FUND ACCOUNT filed by plaintiff BRIAN E. SMITH pursuant to order [3-2] . (mjk) (Entered: 01/22/1997)
01/27/1997	11	ORDER by Judge Aubrey E. Robinson : granting motion to proceed in forma pauperis [2-1] by BRIAN E. SMITH directing that monthly payments be made from the prisoner account of BRIAN E. SMITH . (N) (mjk) (Entered: 01/28/1997)
01/27/1997		CASE REASSIGNED to Judge Paul L. Friedman (ks) (Entered: 01/29/1997)
01/27/1997		SUMMONS (3) issued to federal party(s) federal defendant ATF , and non-parties: U.S. Attorney and U.S. Attorney General. (ks) (Entered: 01/30/1997)
02/07/1997	12	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 2/5/97 (ks) (Entered: 02/12/1997)
02/07/1997	13	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 2/5/97 (ks) (Entered: 02/12/1997)
03/03/1997	18	NOTICE OF CHANGE OF ADDRESS by BRIAN E. SMITH representing plaintiff BRIAN E. SMITH . New address: Federal Correctional Institution, P.O. Box 300, Ray Brook, New York, 12977 . (ks) (Entered: 03/21/1997)
03/07/1997	14	MOTION filed by federal defendant ATF to extend time to 4/9/97 to answer complaint [1-1] (bjsp) (Entered: 03/10/1997)
03/07/1997	15	ATTORNEY APPEARANCE for federal defendant ATF by Cynthia Schnedar (bjsp) (Entered: 03/10/1997)
03/10/1997	16	ORDER by Judge Paul L. Friedman : granting motion to extend time to 4/9/97 to file a dispositive motion [14-1] by ATF; an answer is not acceptable. (N) (bm) (Entered: 03/10/1997)
03/10/1997	17	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 2/27/97 upon federal defendant ATF (ks) (Entered: 03/11/1997)
03/20/1997	19	MOTION filed by plaintiff BRIAN E. SMITH to amend complaint [1-1] by BRIAN E. SMITH ; EXHIBIT (AMENDED COMPLAINT) (ks) (Entered: 03/21/1997)
03/27/1997	20	ORDER by Judge Paul L. Friedman : granting motion to amend complaint [1-1] by BRIAN E. SMITH [19-1] by BRIAN E. SMITH; the amended complaint attached to plaintiff's motion shall be deemed to have been filed and served by mail as of this date, pursuant to Local Rule 108(i). (N) (bm) (Entered: 03/27/1997)
03/27/1997	21	AMENDED COMPLAINT by plaintiff BRIAN E. SMITH [1-1] . (ks) (Entered: 03/27/1997)
04/09/1997	22	MOTION filed by federal defendant ATF for summary judgment ; Declaration (1); Exhibits (6). (ks) (Entered: 04/10/1997)
04/11/1997	23	ORDER by Judge Paul L. Friedman : plaintiff's response to motion for summary judgment due 5/16/97 (N) (bm) (Entered: 04/11/1997)
04/25/1997	24	ORDER by Judge Paul L. Friedman: directing defendants shall serve plaintiff with all their filings of 4/9/97, at his new address by 5/2/97; plaintiff shall respond to defendant's motion for summary judgment due 6/6/97 ; plaintiff is notified that the Court's Order of 4/10/97, with the exception of his date for response, remains in effect.

		(N) (bm) (Entered: 04/25/1997)
04/25/1997	25	LETTER dated 4/15/97 to the Clerk of the Court from the plaintiff. "Let this be filed" (fiat) (bm) (Entered: 04/25/1997)
05/09/1997	26	RESPONSE by plaintiff BRIAN E. SMITH in opposition to motion for summary judgment [22-1] by ATF; Exhibits (Bulky). (ks) (Entered: 05/12/1997)
05/16/1997	27	MOTION filed by federal defendant ATF to extend time to 5/22/97 to reply to their motion for summary judgment. (ks) (Entered: 05/19/1997)
05/20/1997	28	ORDER by Judge Paul L. Friedman : granting motion to extend time to 5/22/97 to reply to their motion for summary judgment. [27-1] by ATF (N) (bm) (Entered: 05/20/1997)
05/22/1997	29	REPLY by federal defendant ATF to response to motion for summary judgment [22-1] by ATF (ks) (Entered: 05/23/1997)
06/06/1997	30	LETTER dated 5/22/97 to the Court from plaintiff; attachment (1) "Let this be filed" (Fiat) (bm) (Entered: 06/06/1997)
06/19/1997	31	MOTION filed by plaintiff BRIAN E. SMITH to order defendant to produce for the court the withheld documents for in camera review. (ks) (Entered: 06/20/1997)
09/22/1997	32	OPINION by Judge Paul L. Friedman (N) (bm) (Entered: 09/22/1997)
09/22/1997	33	ORDER by Judge Paul L. Friedman : granting in part, denying in part motion for summary judgment [22-1] by defendant; defendant shall file a supplemental declaration by 10/20/97; denying motion to order defendant to produce for the court the withheld documents for in camera review. [31-1] by BRIAN E. SMITH (N) (bm) (Entered: 09/22/1997)
09/29/1997	34	NOTICE OF FILING by plaintiff BRIAN E. SMITH regarding records. (ks) (Entered: 09/30/1997)
09/29/1997	35	MOTION filed by plaintiff BRIAN E. SMITH to compel further searches. (ks) (Entered: 09/30/1997)
09/29/1997	36	MOTION filed by plaintiff BRIAN E. SMITH to compel the production of records and the preparation of a detailed vaughn index. (ks) (Entered: 09/30/1997)
09/29/1997	37	MOTION filed by plaintiff BRIAN E. SMITH for leave to file supplemental memorandum of law opposing defendant's motion for summary judgment ; EXHIBIT (SUPPLEMENTAL MEMORANDUM) (ks) (Entered: 09/30/1997)
10/02/1997	38	MOTION filed by plaintiff BRIAN E. SMITH for reconsideration of memorandum opinion [32-1] , and to stay Court's prior Opinion. (ks) (Entered: 10/03/1997)
11/05/1997	39	LETTER from plaintiff BRIAN SMITH regarding copies not being served to plaintiff pursuant to court's order of 9/22/97. "Let this be filed" (fiat) Judge Friedman (blj) (Entered: 11/07/1997)
11/26/1997	40	NOTICE OF FILING by plaintiff BRIAN E. SMITH of Privacy Act waivers (3). (ks) (Entered: 11/28/1997)
12/29/1997	41	ORDER by Judge Paul L. Friedman : that defendant shall serve on plaintiff and file with the Clerk of this Court a complete copy of the Supplemental Declaration of Robert L. Pritchett, dated 10/17/97, including Exhibit 1 (a copy of 60 Fed. Reg. 56679-56686), no later than 12/31/97; that defendant shall file under seal with the Clerk of this Court a complete copy of the Supplemental Declaration of Robert L. Pritchett, dated 10/17/97, including unredacted copies of both Exhibit 1 and Exhibit 2 (Document Nos. 45-46), no later than 12/31/97; that defendant shall have personally delivered to chambers no later than 12/31/97, a complete copy of the Supplemental Declaration of Robert L. Pritchett, dated 10/17/97, including unredacted copies of both exhibits, no later than 12/31/97; that to the extent defendant intends to respond to plaintiff's motion for reconsideration or other filings, the same must be served on plaintiff no later than 1/5/98; that plaintiff shall have until 1/20/98, in which to respond to the Supplemental Declaration of Robert L. Pritchett and file any further briefs in support of his motion for reconsideration and in opposition to defendant's motion for

		summary judgment. (N) (dot) (Entered: 12/29/1997)
12/29/1997	42	RESPONSE by federal defendant ATF to order [41-1] submitting a redacted facsimile copy of Robert L. Pritchett's supplemental declaration. (st) (Entered: 12/30/1997)
12/31/1997	43	NOTICE OF FILING by federal defendant ATF of the unredacted facsimile copy of Declaration of Robert L. Pritchett; Attachment (1). (ks) (Entered: 01/05/1998)
01/20/1998	44	STATEMENT filed by plaintiff BRIAN E. SMITH , regarding: defendant's repeated failure to abide by Court Orders and properly serve filings on plaintiff. (ks) (Entered: 01/20/1998)
01/27/1998	45	RESPONSE by federal defendant ATF to statement of defendant's repeated failure to abide by court Orders and properly serve filings on plaintiff [44-1] by BRIAN E. SMITH; Declaration (1); Exhibits (3). (ks) (Entered: 01/28/1998)
02/03/1998	46	ORDER by Judge Paul L. Friedman: plaintiff shall have until 2/18/98 in which to respond to the supplemental declaration of Robert L. Pritchett and file any further briefs in support of his motion for reconsideration and in opposition to defendant's motion for summary judgment (N) (bm) (Entered: 02/03/1998)
02/05/1998	47	NOTICE OF FILING by federal defendant ATF of remailing; Attachments. (ks) (Entered: 02/06/1998)
02/05/1998	48	REPLY by plaintiff BRIAN E. SMITH to response to plaintiff's notice of the defendant's repeated failure to abide by court orders and properly serve filings on plaintiff [45-1] by ATF; Exhibit (1). (ks) (Entered: 02/06/1998)
02/23/1998	49	MOTION filed by plaintiff BRIAN E. SMITH to extend time to 3/30/98 to respond to defendant's supplemental Declaration. (ks) (Entered: 02/24/1998)
02/25/1998	50	ORDER by Judge Paul L. Friedman : granting motion to extend time to 3/30/98 to respond to defendant's supplemental Declaration of Robert L. Pritchett and file any further brief in support of his motion for reconsideration and in opposition to defendant's motion for summary judgment [49-1] by BRIAN E. SMITH (N) (bm) (Entered: 02/25/1998)
04/02/1998	51	RESPONSE by plaintiff BRIAN E. SMITH to defendant's supplemental Declaration. (ks) (Entered: 04/03/1998)
04/02/1998	52	MEMORANDUM by plaintiff BRIAN E. SMITH in support of motion for reconsideration of memorandum opinion [32-1] [38-1] by BRIAN E. SMITH (ks) (Entered: 04/03/1998)
04/17/1998	53	MOTION filed by federal defendant ATF to extend time to 4/24/98 within which to reply to plaintiff's response to defendants' supplemental declaration and in support of plaintiff's motion for reconsideration (bm) (Entered: 04/20/1998)
04/21/1998	54	ORDER by Judge Paul L. Friedman : granting motion to extend time to 4/24/98 within which to reply to plaintiff's response to defendants' supplemental declaration and in support of plaintiff's motion for reconsideration [53-1] by ATF (N) (bm) (Entered: 04/21/1998)
04/21/1998	56	NOTICE OF CHANGE OF ADDRESS by plaintiff BRIAN E. SMITH . New address: P.O. Box 1000 Lewisburg, PA. 17837 . (ks) (Entered: 04/29/1998)
04/26/1998	55	REPLY by federal defendant ATF to response to defendant's supplemental Declaration and in support of plaintiff's motion for reconsideration [51-1] by BRIAN E. SMITH . (ks) (Entered: 04/27/1998)
05/11/1998	57	NOTICE by federal defendant ATF of remailing. (ks) (Entered: 05/12/1998)
09/30/1998	58	OPINION by Judge Paul L. Friedman (N) (bm) (Entered: 09/30/1998)
09/30/1998	59	ORDER AND JUDGMENT by Judge Paul L. Friedman: denying motion for reconsideration of memorandum opinion [32-1] [38-1] by E. SMITH; denying motion to compel further searches [35-1] by BRIAN E. SMITH; denying motion to compel the production of records and the preparation of a detailed vaughn index [36-1] by BRIAN E. SMITH; granting motion for summary judgment [22-1] by ATF; entering

		judgment in favor of defendant ; any other pending motions are denied as moot; dismissing this case; this is a final appealable order. (N) (bm) (Entered: 09/30/1998)
12/03/1998		USDC appeal fee and USCA docketing fee of \$120.00 received, for appeal [60-1] by BRIAN E. SMITH , by BRIAN E. SMITH . USCA notified. (tw) (Entered: 12/09/1998)
12/07/1998	60	NOTICE OF APPEAL by plaintiff BRIAN E. SMITH from order entering judgment in favor of defendant [59-1] , entered on: 9/30/98. \$105.00 fee not paid. Copy mailed to Brian E. Smith and Meredith Manning. (fiat. Judge Friedman) (tw) Modified on 12/07/1998 (Entered: 12/07/1998)
12/07/1998		TRANSMITTED PRELIMINARY RECORD on appeal [60-1] by BRIAN E. SMITH to U.S. Court of Appeals (tw) (Entered: 12/07/1998)
12/09/1998		TRANSMITTED supplemental record on appeal [60-1] by BRIAN E. SMITH USCA No.: . (tw) (Entered: 12/09/1998)
12/29/1998		USCA # 98-5560 assigned for appeal [60-1] by BRIAN E. SMITH (tw) (Entered: 01/05/1999)
01/04/1999	61	ORDER by Judge Aubrey E. Robinson : filing fee is paid in full (N) (pt) (Entered: 01/04/1999)
02/03/1999	62	CERTIFIED COPY of order filed in USCA dated 2/2/99, on appeal [60-1] , dismissing appeal . USCA # 98-5560 (cjp) (Entered: 02/04/1999)