

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:96-cv-01907-GK**

BUTLER v. DOJ, et al
Assigned to: Judge Gladys Kessler
Demand: \$0
Case in other court: USCA, 06-05116
Cause: 05:552 Freedom of Information Act

Date Filed: 08/16/1996
Date Terminated: 09/10/1999
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JAMES A. BUTLER

represented by **JAMES A. BUTLER**
R10256-050
EDGEFIELD FEDERAL
CORRECTIONAL INSTITUTION
P.O. Box 725
Edgefield, SC 29824
PRO SE

V.

Defendant

U.S. DEPARTMENT OF JUSTICE

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*ATTORNEY TO BE NOTICED***Defendant****EXECUTIVE OFFICE FOR UNITED STATES ATTORNEY**represented by **Alan R. Burch**
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Date Filed	#	Docket Text
08/16/1996	1	COMPLAINT filed by plaintiff JAMES A. BUTLER (mjk) (Entered: 08/16/1996)
08/16/1996		SUMMONS NOT ISSUED. (mjk) (Entered: 08/16/1996)
08/16/1996	2	APPLICATION by plaintiff JAMES A. BUTLER to proceed in forma pauperis (mjk) (Entered: 08/16/1996)
08/16/1996	3	ORDER by Judge Aubrey E. Robinson : directing prisoner plaintiff to provide a trust fund statement to the court by 9/16/96 for JAMES A. BUTLER . (N) (mjk) (Entered: 08/28/1996)
09/20/1996	4	TRUST FUND ACCOUNT filed by plaintiff JAMES A. BUTLER pursuant to order [3-1] . (mjk) (Entered: 09/24/1996)
09/30/1996	5	ORDER by Judge James Robertson : directing that monthly payments be made from the prisoner account of JAMES A. BUTLER . (N) (mjk) (Entered: 10/01/1996)
09/30/1996		CASE REASSIGNED to Judge Gladys Kessler (mjk) (Entered: 10/01/1996)
09/30/1996		SUMMONS issued to federal party(s) federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY , and non-parties: U.S. Attorney and U.S. Attorney General. (mjk) (Entered: 10/01/1996)
10/09/1996	6	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 10/7/96 (tth) (Entered: 10/10/1996)
10/09/1996	7	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 10/7/96 (tth) (Entered: 10/10/1996)
10/09/1996	8	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 10/7/96 upon federal defendant EXEC. OFFICE/US ATTY (tth) (Entered: 10/10/1996)
10/09/1996	9	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 10/7/96 upon federal defendant DOJ (tth) (Entered: 10/10/1996)
11/05/1996	10	MOTION filed by federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY to extend time to (no date given) to answer complaint [1-1] (tth) (Entered: 11/06/1996)

11/06/1996	11	ORDER by Judge Gladys Kessler : granting motion to extend time to 12/9/96 to answer complaint [1-1] [10-1] by EXEC. OFFICE/US ATTY, DOJ; Answer extended to 12/9/96 for EXEC. OFFICE/US ATTY, for DOJ (N) (pob) (Entered: 11/07/1996)
12/09/1996	12	ANSWER TO COMPLAINT [1-1] by federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY. attachment (1). (tth) (Entered: 12/10/1996)
12/18/1996	13	RESPONSE by plaintiff JAMES A. BUTLER to answer [12-1] by EXEC. OFFICE/US ATTY, DOJ (tth) (Entered: 12/20/1996)
01/02/1997	14	RESPONSE by plaintiff JAMES A. BUTLER to defendant answers [12-1]. (tth) (Entered: 01/06/1997)
01/06/1997	15	MOTION filed by plaintiff JAMES A. BUTLER to a response to defendant's time for enlargement of time and to plaintiff application to proceed inform a pauperis ; attachments; "Leave to file granted", KESSLER, J. (tth) (Entered: 01/06/1997)
03/12/1997	26	LETTER dated 2/10/98 from James Butler to Judge Kessler being treated as a motion for Death Certificate for Keith Ross. (pob) (Entered: 03/13/1998)
10/30/1997	16	ORDER by Judge Gladys Kessler : that defendant show cause by 11/28/97 why this case should not go forward. (N) (pob) (Entered: 10/30/1997)
11/28/1997	19	MOTION filed by federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY to dismiss complaint [1-1] , or, in the alternative, for summary judgment ; Exhibits (5) (tth) (Entered: 01/14/1998)
12/18/1997	17	ORDER by Judge Gladys Kessler : that plaintiff respond to the defendant's motion to dismiss or for summary judgment no later than 1/30/98. (N) (pob) (Entered: 12/19/1997)
01/07/1998	18	REQUEST by plaintiff JAMES A. BUTLER for entry of default as to DOJ (tth) (Entered: 01/09/1998)
01/23/1998	20	MOTION filed by plaintiff JAMES A. BUTLER to extend time to file a respond to the Defendant Motion to Dismiss or for Summary Judgment (tth) (Entered: 01/27/1998)
01/28/1998	21	ORDER by Judge Gladys Kessler : granting motion to extend time to file a respond to the Defendant Motion to Dismiss or for Summary Judgment [20-1] by JAMES A. BUTLER; dispositive motions due by 2/27/98 (N) (pob) (Entered: 01/28/1998)
03/05/1998	22	SUBSTITUTION OF COUNSEL for federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY, substituting David T. Smorodin for attorney June Marie Jeffries for EXEC. OFFICE/US ATTY, attorney June Marie Jeffries for DOJ (tth) Modified on 03/06/1998 (Entered: 03/06/1998)
03/05/1998	23	MEMORANDUM by federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY regarding remailing of Defendants' Motion to Dismiss or, in the Alternative for Summary Judgment. (tth) (Entered: 03/06/1998)
03/10/1998	24	ORDER by Judge Gladys Kessler : extending time to 4/15/98 to response to dispositive motions (N) (pob) (Entered: 03/12/1998)
03/10/1998	25	MOTION filed by plaintiff JAMES A. BUTLER to extend time to respond to Defendant's Motion to Dismiss or for Summary Judgment ; "Leave to file granted", KESSLER, J. (tth) (Entered: 03/12/1998)
03/12/1998	27	ORDER by Judge Gladys Kessler : denying motion for Death Certificate for Keith E. Ross by plaintiff JAMES BUTLER (N) (pob) (Entered: 03/13/1998)
04/28/1998	38	RESPONSE by plaintiff JAMES A. BUTLER in opposition to motion to dismiss complaint [1-1] [19-1] by EXEC. OFFICE/US ATTY, DOJ, motion for summary judgment [19-2] by EXEC. OFFICE/US ATTY, DOJ; Exhibits (7) (tth) (Entered: 03/23/1999)
09/14/1998	28	MEMORANDUM OPINION by Judge Gladys Kessler (N) (pob) (Entered: 09/14/1998)
09/14/1998	29	ORDER by Judge Gladys Kessler : granting motion to dismiss complaint [1-1] [19-1] by EXEC. OFFICE/US ATTY, DOJ; case dismissed without prejudice. (N) (pob)

		(Entered: 09/14/1998)
10/13/1998	30	MOTION filed by plaintiff JAMES A. BUTLER for reconsideration of order [29-1] ; Exhibit (1) (tth) (Entered: 10/20/1998)
11/24/1998	31	ORDER by Judge Gladys Kessler: granting motion for reconsideration of order [29-1] [30-1] by JAMES A. BUTLER (N) (pob) (Entered: 11/24/1998)
01/04/1999	32	MOTION filed by plaintiff JAMES A. BUTLER for summary judgment ; Attachment. (tth) (Entered: 01/29/1999)
01/04/1999	33	MOTION filed by plaintiff JAMES A. BUTLER for vaugh index (tth) (Entered: 01/29/1999)
02/24/1999	34	ORDER by Judge Gladys Kessler: that defendants file their opposition to plaintiff's motion for summary judgment and motion for vaughn index by 3/11/99; defendants counsel shall enter her appearance in this case by 3/11/99. (N) (pob) (Entered: 02/25/1999)
03/11/1999	35	SUBSTITUTION OF COUNSEL for federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY , substituting Lisa Barsoomian for attorney David T. Smorodin for EXEC. OFFICE/US ATTY, attorney David T. Smorodin for DOJ (tth) (Entered: 03/12/1999)
03/11/1999	36	MOTION filed by federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY to extend time to 3/26/99 to oppose plaintiff's motions for summary judgment and a Vaughn index , and request for document not in court file ; Exhibit (1) (tth) (Entered: 03/12/1999)
03/15/1999		Case Reopened (pob) (Entered: 03/15/1999)
03/15/1999	37	ORDER by Judge Gladys Kessler : granting motion to extend time to 3/26/99 to oppose plaintiff's motions for summary judgment and a Vaughn index [36-1] by EXEC. OFFICE/US ATTY, DOJ (N) (pob) (Entered: 03/15/1999)
03/26/1999	39	MOTION (REQUEST) filed by federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY to extend time to 4/1/99 to oppose plaintiff's motion for summary judgment and a vaughn index. (st) (Entered: 03/31/1999)
03/31/1999	40	ORDER by Judge Gladys Kessler : granting motion to extend time to 4/9/99 to oppose plaintiff's motion for summary judgment and a vaughn index. [39-1] by EXEC. OFFICE/US ATTY, DOJ; response to motion for summary judgment and a Vaughn index due 4/9/99 (N) (pob) (Entered: 04/01/1999)
04/09/1999	41	RESPONSE by federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY in opposition to motion for vaugh index [33-1] by JAMES A. BUTLER, motion for summary judgment [32-1] by JAMES A. BUTLER . (st) (Entered: 04/12/1999)
04/09/1999	45	CROSS MOTIONS by federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY for summary judgment (tth) (Entered: 05/27/1999)
04/14/1999	42	ORDER by Judge Gladys Kessler : for plaintiff to respond to defendant's opposition to plaintiff's motion for summary and vaughn index and defendant's cross-motion for summary judgment by 5/14/99. (N) (pob) (Entered: 04/15/1999)
04/29/1999	43	MOTION filed by plaintiff JAMES A. BUTLER to extend time to respond to defendant's Opposition to Plaintiff's Motion for Summary Judgment and Vaugh Index and Defendant's Cross-Motion for Summary Judgment (tth) (Entered: 04/30/1999)
05/19/1999	44	REPLY by plaintiff JAMES A. BUTLER to response to motion for vaugh index [33-1] by JAMES A. BUTLER, motion for summary judgment [32-1] by JAMES A. BUTLER; Exhibits (12) (tth) (Entered: 05/27/1999)
05/19/1999	46	RESPONSE by plaintiff JAMES A. BUTLER in opposition to cross motion for summary judgment [45-1] by EXEC. OFFICE/US ATTY, DOJ. (tth) (Entered: 05/27/1999)
08/31/1999	47	MOTION filed by federal defendant DOJ, federal defendant EXEC. OFFICE/US ATTY to extend time to 8/31/99 ; EXHIBIT (REPLY) (tth) (Entered: 09/01/1999)

09/02/1999	48	ORDER by Judge Gladys Kessler: granting motion to extend time to 8/31/99 for defendant to reply to Plaintiff's opposition to defendants' cross motion for summary judgment [47-1] by EXEC. OFFICE/US ATTY, DOJ. (nunc pro tunc) (N) (gdf) (Entered: 09/02/1999)
09/02/1999	56	REPLY by plaintiff JAMES A. BUTLER to plaintiff's opposition to defendants' cross-motion for summary judgment. (tth) (Entered: 10/05/2000)
09/10/1999	49	MEMORANDUM OPINION by Judge Gladys Kessler (N) (pob) (Entered: 09/10/1999)
09/10/1999	50	ORDER by Judge Gladys Kessler: granting cross motion for summary judgment [45-1] by EXEC. OFFICE/US ATTY, DOJ, denying motion for vaugh index [33-1] by JAMES A. BUTLER, denying motion for summary judgment [32-1] by JAMES A. BUTLER; case dismissed without prejudice; directing that if plaintiff files any further pleadings in this case, his certificate of service must be a sworn declaration. (N) (pob) (Entered: 09/10/1999)
10/07/1999	51	NOTICE OF APPEAL by plaintiff JAMES A. BUTLER from order [50-1], entered on: 9/10/99. NO FEES PAID; IFP. Copies mailed to: Lisa Barsoomian and James Butler. (tth) (Entered: 10/08/1999)
10/08/1999		TRANSMITTED PRELIMINARY RECORD on appeal [51-1] by JAMES A. BUTLER to U.S. Court of Appeals (tth) (Entered: 10/08/1999)
10/13/1999		USCA # 99-5341 assigned for appeal [51-1] by JAMES A. BUTLER (tth) (Entered: 10/13/1999)
11/12/1999	52	MOTION filed by plaintiff JAMES A. BUTLER to extend time , or to stay to give DOJ time to respond to letter (st) (Entered: 11/12/1999)
11/19/1999	53	ORDER by Judge Gladys Kessler: denying motion to extend time [52-1],and motion to stay to give DOJ time to respond to letter [52-2] by JAMES A. BUTLER (N) (gdf) (Entered: 11/22/1999)
12/17/1999	54	ORDER by Judge Gladys Kessler: that leave to file plaintiff's paper is denied; Clerk directed to return the paper to plaintiff. (N) (pob) (Entered: 12/17/1999)
01/05/2000	55	CERTIFIED COPY of order filed in USCA dated 11/19/99, on appeal [51-1] , dismissing appeal . USCA # 99-5341 (cjp) (Entered: 01/10/2000)
08/04/2005	<u>57</u>	MOTION for relief re 50 judgment Order; "Leave to file granted"(Fiat)Judge Kessler, by JAMES A. BUTLER. (Attachments: # <u>1</u> Exhibit 1-5)(rje,) (Entered: 08/05/2005)
09/09/2005	<u>58</u>	ORDER that the Government shall respond to Plaintiff's Motion for Relief Under Federal Rule of Civil Procedure 60(b)(6) From Judgment Order by October 15, 2005 . Signed by Judge Gladys Kessler on 9/9/05. (CS,) (Entered: 09/09/2005)
11/09/2005	<u>59</u>	ORDER that by November 21, 2005, the Government is to show cause why the Plaintiff's Motion for Relief should not be granted for failure to oppose. Signed by Judge Gladys Kessler on 11/9/05. (CS,) (Entered: 11/09/2005)
11/30/2005	<u>60</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Alan Burch on behalf of U.S. DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEYS Substituting for attorney Lisa Barsoomian (Burch, Alan) (Entered: 11/30/2005)
11/30/2005	<u>61</u>	MOTION for Extension of Time to File Response/Reply as to <u>57</u> MOTION for relief re 50 Order, by U.S. DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Text of Proposed Order)(Burch, Alan) (Entered: 11/30/2005)
12/20/2005		MINUTE ORDER granting <u>61</u> Defendants' Motion for Extension of Time; Defendants shall have up to and including February 20, 2006 in which to file their response to Plaintiff's motion . Signed by Judge Gladys Kessler on 12/20/05. (CS,) (Entered: 12/20/2005)
12/20/2005		Set/Reset Deadlines: Responses due by 2/20/2006 (CS,) (Entered: 12/20/2005)

02/17/2006	<u>62</u>	Second MOTION for Extension of Time to <i>File Opposition</i> by U.S. DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Text of Proposed Order)(Burch, Alan) (Entered: 02/17/2006)
02/20/2006		MINUTE ORDER granting <u>62</u> Motion for Extension of Time. Defendant shall respond to Plaintiff's Motion for Reconsideration no later than February 24, 2006. Signed by Judge Gladys Kessler on 2/20/06. (lckg2,) (Entered: 02/20/2006)
02/23/2006	<u>63</u>	Memorandum in opposition to re <u>57</u> for Rule 60(b)(6) relief filed by U.S. DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEYS. (Attachments: # <u>1</u> Exhibit DC Cir. docket sheet# <u>2</u> Exhibit Kornmeier dec.# <u>3</u> Text of Proposed Order)(Burch, Alan) (Entered: 02/23/2006)
03/09/2006	<u>64</u>	ORDER denying <u>57</u> Plaintiff's Motion for Relief Under Federal Rule of Civil Procedure 60(b)(6) From Judgment Order . Signed by Judge Gladys Kessler on 3/9/06. (CS,) (Entered: 03/09/2006)
03/16/2006	<u>65</u>	MOTION for Enlargement of Time by JAMES A. BUTLER. (tg,) (Entered: 03/20/2006)
03/20/2006		MINUTE ORDER granting <u>65</u> Plaintiff's Motion for Extension of Time; Plaintiff shall have up to and including May 1, 2006 in which to file his reply . Signed by Judge Gladys Kessler on 3/20/06. (CS,) (Entered: 03/20/2006)
03/20/2006		Set/Reset Deadlines: Replies due by 5/1/2006. (CS,) (Entered: 03/20/2006)
04/21/2006	<u>66</u>	NOTICE OF APPEAL as to <u>64</u> Order on Motion by JAMES A. BUTLER. Filing fee \$ 0.00. (tg,) (Entered: 04/24/2006)
04/21/2006	<u>67</u>	MOTION for Extension of Time by JAMES A. BUTLER. (tg,) (Entered: 04/24/2006)
04/24/2006		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>66</u> Notice of Appeal (tg,) (Entered: 04/24/2006)
04/26/2006		USCA Case Number 06-5116 for <u>66</u> Notice of Appeal filed by JAMES A. BUTLER. (tg,) (Entered: 04/27/2006)
05/08/2006		LEAVE TO FILE DENIED "the Motion has been decided" by Judge Kessler (Plaintiff's Motion in Opposition to Defendants' Opposition to Plaintiff's Rule 60 (b) (6) Motion). Pleading will be returned to Plaintiff. (tg,) (Entered: 05/09/2006)
10/30/2007	<u>68</u>	MANDATE of USCA (certified copy) as to <u>66</u> Notice of Appeal filed by JAMES A. BUTLER that this case be dismissed for lack of prosecution. (kb) (Entered: 11/08/2007)