

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:95-cv-01780-SS**

GUZZINO v. FBI, et al  
Assigned to: Stanley Sporkin  
Demand: \$0  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/18/1995  
Date Terminated: 01/31/1997  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**NICHOLAS ALBERT GUZZINO**

represented by **NICHOLAS ALBERT GUZZINO**  
R 48813-080  
OXFORD FEDERAL CORRECTIONAL  
INSTITUTION  
P.O. Box 1000  
Oxford, WI 53952-1000  
PRO SE

V.

**Defendant**

**FEDERAL BUREAU OF  
INVESTIGATION**

represented by **Darya Geetter**  
U.S. ATTORNEY'S OFFICE  
Judiciary Center Building  
555 Fourth Street, NW  
Room 10-104  
Washington, DC 20530  
(202) 514-7151  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**EXECUTIVE OFFICE FOR UNITED  
STATES ATTORNEY**

represented by **Darya Geetter**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**TAX DIVISION OF THE UNITED  
STATES DEPARTMENT OF  
JUSTICE**

represented by **Darya Geetter**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Alan J.J. Swirski**  
SKADDEN, ARPS, SLATE, MEAGHER  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. POSTAL SERVICE**

represented by **Darya Geetter**  
(See above for address)

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**DRUG ENFORCEMENT  
ADMINISTRATION**

represented by **Darya Geetter**  
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*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**US MARSHAL SERVICE**

represented by **Darya Geetter**  
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*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**CRIMINAL DIVISION**

*Of the United States Department of  
Justice*

represented by **Darya Geetter**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**INTERNAL REVENUE SERVICE**

represented by **Darya Geetter**  
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*LEAD ATTORNEY  
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**Alan J.J. Swirski**  
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*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
09/18/1995	1	COMPLAINT filed by plaintiff NICHOLAS ALBERT GUZZINO (bjsp) (Entered: 09/25/1995)
09/18/1995		SUMMONS (10) issued to federal party(s) federal defendant FBI, federal defendant EXECUTIVE OFFICE, federal defendant TAX DIV. U.S. DOJ, federal defendant U.S. POSTAL SERVICE, federal defendant DEA, federal defendant U.S. MARSHAL SERVICE, federal defendant CRIMINAL DIVISION, federal defendant IRS , and non-parties: U.S. Attorney and U.S. Attorney General. (bjsp) (Entered: 09/25/1995)
09/18/1995	2	APPLICATION by plaintiff NICHOLAS ALBERT GUZZINO to proceed in forma pauperis (bjsp) (Entered: 09/25/1995)
09/18/1995		ORDER by Judge James Robertson granting motion to proceed in forma pauperis [2-1] by NICHOLAS ALBERT GUZZINO (fiat) (N) (bjsp) (Entered: 09/25/1995)
10/06/1995	3	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 10/3/95 (bjsp) (Entered: 10/06/1995)
10/06/1995	4	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 9/29/95 (bjsp) (Entered: 10/06/1995)
10/06/1995	5	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 9/29/95 upon federal defendant CRIMINAL DIVISION (bjsp) (Entered: 10/06/1995)
10/06/1995	6	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 9/29/95 upon federal defendant EXECUTIVE OFFICE (bjsp) (Entered: 10/06/1995)
10/06/1995	7	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 9/29/95 upon federal defendant TAX DIV. U.S. DOJ (bjsp) (Entered: 10/06/1995)

10/06/1995	8	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 9/29/95 upon federal defendant IRS (bjsp) (Entered: 10/06/1995)
10/06/1995	9	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 9/29/95 upon federal defendant FBI (bjsp) (Entered: 10/06/1995)
10/11/1995	10	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 10/5/95 upon federal defendant U.S. MARSHAL SERVICE certified green card received on 10/11/95. (bjsp) (Entered: 10/12/1995)
11/01/1995	11	MOTION filed by federal defendants' to extend time to 12/5/95 to answer complaint [1-1] (bjsp) (Entered: 11/02/1995)
11/01/1995	12	ATTORNEY APPEARANCE federal defendants by Darya Geetter. (bjsp) (Entered: 11/02/1995)
11/01/1995	13	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 10/3/95 upon federal defendant U.S. POSTAL SERVICE (bjsp) (Entered: 11/02/1995)
11/01/1995	14	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 10/30/95 upon federal defendant DEA (bjsp) (Entered: 11/02/1995)
11/02/1995	15	MOTION filed by federal defendant TAX DIV. U.S. DOJ to dismiss count III of the complaint [1-1] ; attachments; declarations (1) (bjsp) (Entered: 11/03/1995)
11/02/1995	16	ANSWER TO (COUNT VIII) of the COMPLAINT [1-1] by federal defendant IRS . (bjsp) (Entered: 11/03/1995)
12/05/1995	17	ANSWER TO COMPLAINT [1-1] by federal defendant FBI, federal defendant EXEC. OFFICE/US ATTY, federal defendant TAX DIVISION/DOJ, federal defendant U.S. POSTAL SERVICE, federal defendant DEA, federal defendant U.S. MARSHAL SERVICE, federal defendant CRIMINAL DIVISION . (bjsp) (Entered: 12/06/1995)
01/05/1996	18	MOTION filed by plaintiff NICHOLAS ALBERT GUZZINO for a (VAUGHN INDEX & AFFIDAVIT) Court order directing the defendants to produce a list of the withheld information with supporting affidavits pursuant to Vaugh V Rosen (D C Cir 1973) (bjsp) (Entered: 01/11/1996)
01/22/1996	19	MEMORANDUM OPINION by Judge Stanley Sporkin (N) (bjl) (Entered: 01/24/1996)
01/22/1996	20	ORDER by Judge Stanley Sporkin directing plaintiff to respond to U.S. Dept. of Justice, Tax Division's motion to dismiss Count III of the Complaint by 2/15/96. : (N) (bjl) (Entered: 01/24/1996)
01/22/1996	21	ORDER by Judge Stanley Sporkin : directing defendants to show cause by 2/15/96 as to why the relief requested should not be granted. (N) (bjl) (Entered: 01/24/1996)
02/08/1996	22	RESPONSE by plaintiff NICHOLAS ALBERT GUZZINO to motion to dismiss count III of the complaint [1-1] [15-1] by TAX DIVISION/DOJ (bjsp) (Entered: 02/09/1996)
02/08/1996	23	MOTION filed by plaintiff NICHOLAS ALBERT GUZZINO for partial summary judgment ; affidavits (1); attachments (bjsp) (Entered: 02/09/1996)
02/15/1996	24	REPLY by federal defendants' to the Court's order directing defendants' to show cause by 2/15/96 as to why the relief requested should not be granted. [21-1], order [21-2] ; exhibits (3) (bjsp) (Entered: 02/16/1996)
02/22/1996	25	RESPONSE by federal defendant FBI, federal defendant EXEC. OFFICE/US ATTY, federal defendant U.S. POSTAL SERVICE, federal defendant DEA, federal defendant U.S. MARSHAL SERVICE, federal defendant CRIMINAL DIVISION in opposition to motion for partial summary judgment [23-1] by NICHOLAS ALBERT GUZZINO . (bjsp) (Entered: 02/23/1996)
02/22/1996	26	MOTION filed by federal defendant FBI, federal defendant EXEC. OFFICE/US ATTY, federal defendant U.S. POSTAL SERVICE, federal defendant DEA, federal defendant U.S. MARSHAL SERVICE, federal defendant CRIMINAL DIVISION for a Court order striking plaintiff's motion for partial summary judgment [23-1] (bjsp)

		(Entered: 02/23/1996)
03/01/1996	27	MOTION filed by federal defendant TAX DIVISION/DOJ to extend time to 3/1/96 within which to file their reply memorandum in further support of their motion to dismiss for lack of subject matter jurisdiction (bjsp) (Entered: 03/04/1996)
03/08/1996	28	REPLY by plaintiff NICHOLAS ALBERT GUZZINO to defendants opposition to motion for partial summary judgment [23-1] by NICHOLAS ALBERT GUZZINO (bjsp) (Entered: 03/11/1996)
03/08/1996	29	REPLY by plaintiff NICHOLAS ALBERT GUZZINO in opposition to the Court's order directing defendants to show cause by 2/15/96 as to why the relief requested should not be granted. [21-1], order [21-2], order [20-1] (bjsp) (Entered: 03/11/1996)
03/18/1996	30	MOTION filed by federal defendants to dismiss as to federal defendant DEA , or, in the alternative for summary judgment on behalf of the Drug Enforcement Administration ; affidavit (1) (tw) (Entered: 03/19/1996)
03/18/1996	31	MOTION filed by federal defendant to dismiss complaint [1-1] , or, in the alternative, for summary judgment on behalf of the UNITED STATES POSTAL SERVICE ; declarations (1) ; exhibits (13) (bjsp) (Entered: 03/20/1996)
03/22/1996	32	MOTION filed by federal defendant for summary judgment on behalf of the U.S. Marshals Service ; attachment (1); exhibits (9) (tw) Modified on 03/25/1996 (Entered: 03/25/1996)
03/29/1996	33	MOTION filed by federal defendant IRS to dismiss count VIII of the complaint under Rule 12 (h) (3) for lack of subject matter jurisdiction [1-1] ; exhibits (16) ; attachments; declarations (5) (bjsp) (Entered: 04/01/1996)
04/15/1996	34	ERRATA by federal defendants' to the Court of an original declaration of Florastine P. Graham which was filed in defendants' motion for summary judgment on behalf of the U.S. Marshals Service on 3/22/96. ; exhibits (9) (bjsp) Modified on 04/16/1996 (Entered: 04/16/1996)
04/15/1996	35	MOTION filed by federal defendants' for summary judgment on behalf off the UNITED STATES DEPARTMENT OF JUSTICE, and CRIMINAL DIVISION on the grounds that the plaintiff fails to state a claim upon which relief can be granted ; exhibits (7); declarations (1) (bjsp) (Entered: 04/16/1996)
04/30/1996	36	MOTION filed by federal defendant to extend time to 5/13/96 on behalf of the FBI within which to file its motion for a stay. (bjsp) (Entered: 05/01/1996)
05/07/1996	37	ORDER by Judge Stanley Sporkin : granting motion to extend time to 5/13/96 on behalf of the FBI within which to file its motion for a stay. [36-1] by federal defendantssssss motion(s) due by 5/13/96 ; (N) (lin) (Entered: 05/08/1996)
05/13/1996	39	MOTION filed by federal defendant FBI, federal defendant EXEC. OFFICE/US ATTY, federal defendant TAX DIVISION/DOJ, federal defendant U.S. POSTAL SERVICE, federal defendant DEA, federal defendant U.S. MARSHAL SERVICE, federal defendant CRIMINAL DIVISION, federal defendant IRS to stay this case on behalf of FBI ; exhibits (20) ; attachments ; declarations (1) (bjsp) Modified on 07/11/1996 (Entered: 07/11/1996)
05/28/1996	38	MOTION filed by federal defendant FBI, federal defendant EXEC. OFFICE/US ATTY, federal defendant TAX DIVISION/DOJ, federal defendant U.S. POSTAL SERVICE, federal defendant DEA, federal defendant U.S. MARSHAL SERVICE, federal defendant CRIMINAL DIVISION, federal defendant IRS to extend time to 5/28/96 within which to file a stay on behalf on the Federal Bureau of Investigation EXHIBIT (motion for a stay) (bjsp) (Entered: 05/29/1996)
07/18/1996	40	STATUS REPORT by federal defendants' (bjsp) (Entered: 07/22/1996)
07/22/1996	41	ERRATA by federal defendants' to the Court of a determination letter dated 7/17/96. This letter was referred to as exhibit A in defendants' status report filed 7/19/96. However, exhibit A was inadvertently left out of the pleading. ; exhibit (1) (bjsp) (Entered: 07/23/1996)

07/31/1996	42	MOTION filed by federal defendants' for summary judgment on behalf of THE EXECUTIVE OFFICE FOR U.S. ATTORNEYS ; exhibits (9) ; declarations (1) (bjsp) (Entered: 08/01/1996)
08/07/1996	43	MEMORANDUM AND ORDER by Judge Royce C. Lamberth : response to dispositive motions due 8/20/96 ; (lin) (Entered: 08/07/1996)
08/23/1996	44	MOTION filed by plaintiff NICHOLAS ALBERT GUZZINO to extend time to 9/18/96 within which to respond to the Court's memorandum opinion and order of 8/7/96 (bjsp) (Entered: 08/26/1996)
09/03/1996	45	MOTION filed by plaintiff NICHOLAS ALBERT GUZZINO for appointment of counsel (bjsp) (Entered: 09/04/1996)
09/04/1996	46	ORDER by Judge Stanley Sporkin : granting motion to extend time to 9/18/96 within which to respond to the Court's memorandum opinion and order of 8/7/96 [44-1] by NICHOLAS ALBERT GUZZINO (N) (lin) (Entered: 09/09/1996)
01/10/1997	47	MEMORANDUM OPINION by Judge Stanley Sporkin (N) (lin) (Entered: 01/10/1997)
01/10/1997	48	ORDER by Judge Stanley Sporkin : denying motion for partial summary judgment [23-1] by NICHOLAS ALBERT GUZZINO granting motion for summary judgment on behalf of THE EXECUTIVE OFFICE FOR U.S. ATTORNEYS [42-1] by federal defendantsssssss, granting motion for summary judgment on behalf off the UNITED STATES DEPARTMENT OF JUSTICE, and CRIMINAL DIVISION on the grounds that the plaintiff fails to state a claim upon which relief can be granted [35-1] by federal defendantsssssss, granting motion to dismiss count VIII of the complaint under Rule 12 (h) (3) for lack of subject matter jurisdiction [1-1] [33-1] by IRS, granting motion for summary judgment on behalf of the U.S. Marshals Service [32-1] by federal defendantsssssss, granting motion to dismiss as to federal defendant DEA [30-1] by federal defendantsssssss, granting motion for summary judgment on behalf of the Drug Enforcement Administration [30-2] by federal defendantsssssss, granting motion to dismiss complaint [1-1] [31-1] by federal defendantsssssss, granting motion for summary judgment on behalf of the UNITED STATES POSTAL SERVICE [31-2] by federal defendants; dismissing without prejudice plaintiff's claim against defendant FBI with leave to refile within 90 days; dismissing remaining claims for all purposes. (N) (lin) (Entered: 01/14/1997)
03/20/1997	49	NOTICE OF APPEAL by plaintiff NICHOLAS ALBERT GUZZINO from order [48-1] , entered on: 1/14/97. (IFP). Copies were sent out to Nicholas Guzzino, Darya Geetter and Alan Swirski. (fiat) SPORKIN, J. (bjsp) Modified on 03/21/1997 (Entered: 03/21/1997)
03/21/1997		TRANSMITTED PRELIMINARY RECORD on appeal [49-1] by NICHOLAS ALBERT GUZZINO to U.S. Court of Appeals (bjsp) (Entered: 03/21/1997)
03/31/1997		USCA # 97 5083 assigned for appeal [49-1] by NICHOLAS ALBERT GUZZINO (bjsp) (Entered: 04/01/1997)
01/28/1998	50	CERTIFIED COPY of order filed in USCA dated 12/8/97, on appeal [49-1] , dismissing appeal . USCA # 97-5083 (cjp) (Entered: 01/29/1998)