

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:94-cv-00271-GK**

THOMAS v. FBI, et al
Assigned to: Judge Gladys Kessler
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 02/14/1994
Date Terminated: 04/29/1997
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

HERBERT THOMAS

represented by **HERBERT THOMAS**
202-204 Edgewcombe Avenue
New York, NY 10030
PRO SE

V.

Defendant

FEDERAL BUREAU OF INVESTIGATION

represented by **Darya Geetter**
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TERMINATED: 09/28/1995
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Defendant

U.S. DEPARTMENT OF JUSTICE

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

Patricia Daniells Carter
(See above for address)
TERMINATED: 07/19/1994

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Sherri Evans Harris
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*TERMINATED: 09/28/1995
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ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
02/14/1994	1	COMPLAINT filed; Exhibits (tth) (Entered: 02/15/1994)
02/14/1994	2	APPLICATION by plaintiff(s) HERBERT THOMAS to proceed in forma pauperis (tth) (Entered: 02/15/1994)
02/14/1994		ORDER by Judge John H. Pratt granting motion to proceed in forma pauperis [2-1] by HERBERT THOMAS (fiat) (N) (tth) (Entered: 02/15/1994)
02/14/1994		SUMMONS (4) issued to federal party(s) defendant FBI, defendant DOS , and non-parties: U.S. Attorney and U.S. Attorney General. (tth) (Entered: 02/15/1994)
02/14/1994	3	APPLICATION by plaintiff(s) HERBERT THOMAS for appointment of counsel (tth) (Entered: 02/15/1994)
03/16/1994	4	RETURN OF SERVICE/AFFIDAVIT executed upon U. S. Attorney on 3/8/94 (mlp) (Entered: 03/25/1994)
03/16/1994	5	RETURN OF SERVICE/AFFIDAVIT executed upon U. S. Attorney General on 3/9/94 (mlp) (Entered: 03/25/1994)
03/25/1994	9	STRICKEN FROM THE DOCKET PURSUANT TO COURT ORDER DATED 4/8/94 ---- NOTICE OF FILING by plaintiff HERBERT THOMAS of change of address to: Herbert Thomas, 79A1632, Great Meadow Correctional Facility, P. O. Box 51, Comstock, N.Y. 12821-0051 (mlp) Modified on 04/08/1994 (Entered: 04/08/1994)
03/28/1994	6	RETURN OF SERVICE/AFFIDAVIT executed upon defendant FBI on 3/8/94 via certified mail; attachment. (mlp) (Entered: 04/04/1994)
04/06/1994	7	ATTORNEY APPEARANCE for defendant DOJ by Patricia Daniells Carter (mlp) (Entered: 04/07/1994)
04/06/1994	8	STRICKEN FROM THE DOCKET PURSUANT TO COURT ORDER DATED 4/8/94 ---- MOTION filed by defendant FBI, defendant DOJ to extend time to 5/4/94 to answer the complaint [1-1] . Appearance entered for FBI by attorney Patricia Daniells Carter. (mlp) Modified on 04/08/1994 (Entered: 04/07/1994)
04/08/1994	10	ORDER by Judge Royce C. Lamberth: striking the notice [9-1] by HERBERT THOMAS indicating his change of address, as it had no certificate of service. (N) (mlp) (Entered: 04/08/1994)
04/08/1994	11	ORDER by Judge Royce C. Lamberth: striking motion to extend time to 5/4/94 to answer the complaint [1-1], [8-1] by DOJ, FBI, as the motion did not indicate both defendants and their addresses in the caption of this initial filing. (N) (mlp) (Entered: 04/08/1994)
04/11/1994	12	ATTORNEY APPEARANCE for defendant DOJ by Patricia D. Carter (dot) (Entered: 04/13/1994)
04/11/1994	13	MOTION filed by defendant FBI, defendant DOJ to extend time to answer to 4/13/94 to complaint [1-1]. (dot) (Entered: 04/13/1994)
04/18/1994	14	MOTION filed by plaintiff HERBERT THOMAS for an order reinstating the defendant U.S. Justice Dept. and for the Court to provide plaintiff with a copy of the Local Rules for the U.S. District Court for the District of Columbia ; affidavit (mlp) (Entered: 04/21/1994)

05/02/1994	18	MOTION filed by plaintiff(s) HERBERT THOMAS for Vaughn Index , and for appointment of special master ; Affidavit (sm) (Entered: 05/11/1994)
05/03/1994	15	ORDER nunc pro tunc by Judge Royce C. Lamberth : finding motion for an order reinstating the defendant U.S. Justice Dept. by HERBERT THOMAS [14-1] moot, granting motion to extend time to answer to 4/13/94 to complaint [1-1]. [13-1] by DOJ, FBI (N) (mon) (Entered: 05/03/1994)
05/03/1994	16	ORDER by Judge Royce C. Lamberth : directing the Defendants to produce a Vaughn index of any withheld document, and a supporting dispositive motion within 15 days, or such further time as the court may allow (N) (fle) (Entered: 05/03/1994)
05/03/1994	17	ANSWER TO COMPLAINT [1-1] by defendant FBI, defendant DOJ; (filed pursuant to Order dated 5/3/94) (mlp) (Entered: 05/03/1994)
05/10/1994	19	RESPONSE by defendant FBI, defendant DOJ in opposition to motion for Vaughn Index [18-1] by HERBERT THOMAS . (sm) (Entered: 05/11/1994)
05/18/1994	20	MOTION filed by defendants FBI and DOJ to extend time to 6/16/94 in which to answer complaint [1-1] ; Declaration of Thomas P. Weldon, III; Exhibits (14) (pob) (Entered: 05/19/1994)
05/27/1994	21	ORDER by Judge Royce C. Lamberth : granting motion to extend time to 6/16/94 in which to answer complaint [1-1] [20-1] by DOJ, FBI (N) (bh) (Entered: 05/27/1994)
06/08/1994	22	ORDER by Judge Royce C. Lamberth : directing the Clerk to file letter for change of address, advising plaintiff that he must serve upon the U. S. Arrorney's Office, as counsel for defendant, a copy of every further pleading or other document submitted for consideration. Any paper received from the plaintiff which has not been filed with the clerk or which fails to include a certificate of service will be disregarded by the court. (N) (fle) (Entered: 06/08/1994)
06/08/1994	23	NOTICE OF CHANGE OF ADDRESS (in the form of a letter dated 5/23/94 to Clerk of the Court and Ms. Patricia D. Carter, counsel for plaintiffs by HERBERT THOMAS representing plaintiff HERBERT THOMAS. New address: (79A-1632), Great Meadow Correctional Facility, P. O. Box 51, Comstock, NY 12821-0051. (copy forwarded to counsel for plaintiff pursuant to Court Order dated 6/8/94) (mlp) (Entered: 06/08/1994)
06/08/1994	24	AFFIDAVIT by plaintiff(s) HERBERT THOMAS stating that on 6/2/94 a copy of an order granting plaintiff's Vaughn Index motion dated 5/3/94, was forwarded to AUSA Patricia Carter via first class mail (mlp) (Entered: 06/16/1994)
06/16/1994	25	MOTION filed by defendant FBI, defendant DOJ to stay case as to plaintiff(s) HERBERT THOMAS, defendant FBI, defendant DOJ until 12/30/94 ; declaration of Thomas P. Weldon III (mlp) (Entered: 06/17/1994)
07/01/1994	26	REASSIGNMENT OF CIVIL CASE from Judge Royce C. Lamberth to Judge Gladys Kessler by direction of the Calendar Committee. Emergency matters will continue to be handled by Judge Royce C. Lamberth until Judge Gladys Kessler takes the oath of office. (N) (dot) (Entered: 07/05/1994)
07/13/1994	27	RESPONSE by plaintiff(s) HERBERT THOMAS in opposition to motion to stay case as to plaintiff(s) HERBERT THOMAS, defendant FBI, defendant DOJ until 12/30/94 [25-1] by DOJ, FBI . (mlp) (Entered: 07/14/1994)
07/14/1994	28	ORDER by Judge Gladys Kessler : granting motion to stay case as to plaintiff(s) HERBERT THOMAS, defendant FBI, defendant DOJ until 12/30/94 [25-1] by DOJ, FBI (N) (fle) (Entered: 07/14/1994)
07/19/1994	29	SUBSTITUTION OF COUNSEL for defendant FBI, defendant DOJ , substituting Sherri Lanette Evans for attorney Patricia Daniells Carter for DOJ, attorney Patricia Daniells Carter for FBI (mlp) (Entered: 07/20/1994)
07/19/1994	30	MOTION filed by defendant FBI, defendant DOJ to extend time to 8/18/94 to respond to plaintiff's opposition to defendants' motion for a stay of proceedings (mlp) (Entered: 07/20/1994)

07/20/1994	31	ORDER by Judge Royce C. Lamberth : denying motion to extend time to 8/18/94 to respond to plaintiff's opposition to defendants' motion for a stay of proceedings [30-1] by DOJ, FBI (N) (fle) (Entered: 07/21/1994)
07/25/1994	32	MOTION filed by plaintiff(s) HERBERT THOMAS for leave to file supplemental complaint ; EXHIBIT (supplemental complaint) (clv) (Entered: 07/26/1994)
07/26/1994	33	LETTER (copy) from plaintiff to defense counsel, dated 7/13/94, correcting information contained in declaration of Thomas P. Weldon, III, and requesting information and documents generated by Det. Tappan and Agent Marshall. "Let this be filed 7/26/94" Lamberth, J. (fiat) (mlp) (Entered: 07/27/1994)
08/03/1994	34	ORDER by Judge Royce C. Lamberth : denying motion for Vaughn Index [18-1] by HERBERT THOMAS; directing the Clerk to mail a copy of the Local Rules to the plaintiff. (N) (fle) (Entered: 08/04/1994)
08/08/1994	35	MOTION filed by plaintiff HERBERT THOMAS to compel production of documents ; exhibits (4) (clv) (Entered: 08/09/1994)
09/19/1994	36	ORDER by Judge Gladys Kessler : granting motion to compel production of documents [35-1] by HERBERT THOMAS (N) (pob) (Entered: 09/19/1994)
09/26/1994	37	MOTION filed by defendant FBI, defendant DOJ for reconsideration of order [36-1] ; exhibit (clv) (Entered: 09/27/1994)
10/11/1994	38	RESPONSE by plaintiff(s) HERBERT THOMAS in opposition to motion for reconsideration of order [36-1] [37-1] by DOJ, FBI . (kmk) (Entered: 10/13/1994)
10/19/1994	39	ORDER by Judge Gladys Kessler : granting motion for reconsideration of order [36-1] [37-1] by DOJ, FBI; Court's order of 9/19/94 is rescinded. (N) (pob) (Entered: 10/20/1994)
11/02/1994	40	MOTION filed by plaintiff HERBERT THOMAS for judgment (kmk) (Entered: 11/03/1994)
01/24/1995	41	ORDER by Judge Gladys Kessler: that the defendants are to inform the Court of the status of the FBI's efforts to locate the records responsive to plaintiff's request (N) (pob) (Entered: 01/25/1995)
02/10/1995	42	NOTICE OF CHANGE OF ADDRESS by HERBERT THOMAS representing plaintiff HERBERT THOMAS . New address: Great Meadow Correctional Facility, P.O. Box 51 Comstock, NY 12821-0051. (tth) (Entered: 02/13/1995)
02/15/1995	43	STATUS REPORT by defendants; attachment. (pob) Modified on 02/16/1995 (Entered: 02/16/1995)
02/21/1995	44	ORDER by Judge Gladys Kessler: advising that no action has been taken on plaintiffs' motion for leave to file supplemental complaint because the case is stayed [32-1] by HERBERT THOMAS (N) (kmk) (Entered: 02/22/1995)
03/31/1995	45	ORDER by Judge Gladys Kessler : denying motion for judgment [40-1] by HERBERT THOMAS (N) (pob) (Entered: 04/03/1995)
03/31/1995	46	ORDER by Judge Gladys Kessler : that by 4/28/95 defendants are to inform the Court of the status of their continued efforts to locate records responsive to plaintiff's request (N) (pob) (Entered: 04/03/1995)
03/31/1995	47	ORDER by Judge Gladys Kessler : granting motion for the Court to provide plaintiff with a copy of the Local Rules for the U.S. District Court for the District of Columbia [14-2] by HERBERT THOMAS (N) (pob) (Entered: 04/03/1995)
04/25/1995	48	STATUS REPORT by defendant FBI, defendant DOJ.; declarations (1) (dam) (Entered: 04/26/1995)
05/22/1995	49	ORDER by Judge Gladys Kessler : denying motion for appointment of counsel [3-1] by HERBERT THOMAS (N) (pob) (Entered: 05/22/1995)
06/30/1995	50	ORDER by Judge Gladys Kessler: that defendant must locate files and/or file a dispositive motion by 8/5/95. (N) (pob) (Entered: 06/30/1995)

09/13/1995	51	ORDER by Judge Gladys Kessler: granting motion for judgment [40-1] by HERBERT THOMAS (N) (pob) (Entered: 09/14/1995)
09/28/1995	52	SUBSTITUTION OF COUNSEL for defendant FBI, defendant DOJ , substituting Darya Geetter for attorney Sherri Lanette Evans for DOJ, attorney Sherri Lanette Evans for FBI (lpp) (Entered: 09/29/1995)
09/28/1995	53	MOTION filed by defendant FBI, defendant DOJ for leave to file defendant's motion to dismiss or in the alternative, for summary judgment ; EXHIBIT (defendant's motion to dismiss or, in the alternative for summary judgment) (kmk) (Entered: 09/29/1995)
09/28/1995	54	MOTION filed by defendant FBI, defendant DOJ for reconsideration of order of 09/13/95. [51-1] (kmk) (Entered: 09/29/1995)
10/03/1995	55	ORDER by Judge Gladys Kessler: denying motion for reconsideration of order of 09/13/95 [51-1] [54-1] by DOJ, FBI, denying motion for leave to file defendant's motion to dismiss or in the alternative, for summary judgment [53-1] by DOJ, FBI (N) (pob) (Entered: 10/04/1995)
11/09/1995	56	NOTICE OF APPEAL by defendant FBI from order [51-1], entered on: 09/14/95, NO FEE GOVERNMENT FILING. attorney's to receive copies of appeal are, Darya Geetter and Thomas Herbert (dam) (Entered: 11/13/1995)
11/13/1995		TRANSMITTED PRELIMINARY RECORD on appeal [56-1] by FBI to U.S. Court of Appeals (dam) (Entered: 11/13/1995)
11/21/1995		USCA # 95-5392 assigned for appeal [56-1] by FBI (dam) (Entered: 11/22/1995)
01/14/1996	61	ORDER by Judge Gladys Kessler : granting motion to extend time to 1/13/97 to file dispositive motion [59-1] by DOJ, FBI; dispositive motions due by 1/13/97 (N) (pob) (Entered: 01/15/1997)
11/20/1996	57	CERTIFIED COPY of order filed in USCA dated 9/16/96, on appeal [56-1] , District Court's orders of 9/13/95 & 10/3/95 vacated; and the remanding the case. USCA# 95-5392 (cjp) (Entered: 11/21/1996)
12/09/1996	58	ORDER by Judge Gladys Kessler: that defendant file dispositive pleadings by 1/10/97 (N) (pob) (Entered: 12/10/1996)
12/12/1996		Case Reopened (pob) (Entered: 12/12/1996)
01/10/1997	59	MOTION filed by defendant FBI, defendant DOJ to extend time to 1/13/97 to file dispositive motion (tth) (Entered: 01/13/1997)
01/13/1997	60	MOTION filed by defendant FBI to dismiss complaint [1-1] , or, in the alternative, for summary judgment ; exhibits (7) (tth) (Entered: 01/14/1997)
01/16/1997	62	ORDER by Judge Gladys Kessler: directing plaintiff to file response to the defendant FBI motion to dismiss or in the alternative, for summary judgment by 2/15/97. (N) (pob) (Entered: 01/21/1997)
02/11/1997	63	RESPONSE by plaintiff HERBERT THOMAS in opposition to motion to dismiss complaint [1-1] [60-1] by FBI, motion for summary judgment [60-2] by FBI; exhibit (1). (tth) (Entered: 02/13/1997)
02/14/1997	64	MOTION filed by defendant FBI to extend time to 2/20/97 to file a response to plaintiff's submission (tth) (Entered: 02/18/1997)
02/19/1997	65	ORDER by Judge Gladys Kessler : granting motion to extend time to 2/20/97 to file a response to plaintiff's submission [64-1] by FBI (N) (pob) (Entered: 02/19/1997)
02/19/1997	66	REPLY by defendant FBI, defendant DOJ to plaintiffs' opposition to defendant's motion to dismiss or, in the alternative, for summary judgment [63-1] by HERBERT THOMAS . (kmk) (Entered: 02/20/1997)
03/04/1997		Text not available. (Entered: 03/05/1997)
04/29/1997	67	MEMORANDUM OPINION by Judge Gladys Kessler (N) (pob) (Entered: 04/30/1997)

04/29/2007	68	ORDER by Judge Gladys Kessler : granting motion to dismiss complaint [1-1] [60-1] by FBI, granting motion for summary judgment [60-2] by FBI (N) (pob) (Entered: 04/30/1997)
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