

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:93-cv-02238-SSH**

KIDWELL v. ARMY  
Assigned to: Stanley S. Harris  
Demand: \$0  
Cause: 05:552 Right to Privacy Act

Date Filed: 10/29/1993  
Date Terminated: 06/21/1994  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****BILLY RAY KIDWELL**

represented by **BILLY RAY KIDWELL**  
5772 Swaying Palm Drive  
Punta Gorda, FL 33982  
PRO SE

V.

**Defendant**

**U.S. DEPARTMENT OF THE ARMY**  
*Board for Correction of Military Records*

represented by **Marina Utgoff Braswell**  
U.S. ATTORNEY'S OFFICE  
Civil Division  
555 Fourth Street, NW  
Washington, DC 20530  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/29/1993	1	COMPLAINT filed (tth) (Entered: 11/01/1993)
10/29/1993		SUMMONS (3) issued to federal party(s) defendant ARMY , and non-parties: U.S. Attorney and U.S. Attorney General. (tth) (Entered: 11/01/1993)
10/29/1993	2	MOTION filed by plaintiff(s) BILLY RAY KIDWELL to proceed in forma pauperis (tth) (Entered: 11/01/1993)
10/29/1993		ORDER by Judge John H. Pratt granting motion to proceed in forma pauperis [2-1] by BILLY RAY KIDWELL (fiat) (N) (tth) (Entered: 11/01/1993)
11/09/1993	3	RETURN OF SERVICE/AFFIDAVIT executed upon U. S. Attorney on 11/3/93 (ew) (Entered: 11/10/1993)
11/23/1993	4	RETURN OF SERVICE/AFFIDAVIT executed upon U. S. Attorney General on 11/8/93 (dot) (Entered: 11/24/1993)
12/06/1993	5	ATTORNEY APPEARANCE for defendant ARMY by Marina Utgoff Braswell (dot) (Entered: 12/07/1993)
12/06/1993	6	MOTION filed by defendant ARMY to extend time to answer to 12/17/93 to complaint [1-1] . Appearance entered by attorney Marina Utgoff Braswell. (dot) (Entered: 12/07/1993)
12/14/1993	7	REQUEST by plaintiff(s) BILLY RAY KIDWELL for leave to file exhibits (3) ; EXHIBITS (3) (dot) (Entered: 12/15/1993)
12/17/1993	8	MOTION filed by defendant ARMY to extend time to answer the complaint [1-1] to 1/5/94 (dot) (Entered: 12/20/1993)

12/28/1993	9	ORDER by Judge Stanley S. Harris : granting nunc pro tunc motion to extend time to answer to 12/17/93 to complaint [1-1] . Appearance entered by attorney Marina Utgoff Braswell. [6-1] by ARMY (N) (emh) (Entered: 12/28/1993)
01/03/1994	11	RETURN OF SERVICE/AFFIDAVIT unexecuted as to defendant ARMY; via certified mail. (mlp) (Entered: 01/05/1994)
01/04/1994	10	ANSWER for defendant ARMY to complaint. (mlp) (Entered: 01/05/1994)
01/07/1994	12	ORDER by Judge Stanley S. Harris : granting nunc pro tunc motion to extend time to answer the complaint [1-1] to 1/5/94 [8-1] by ARMY (N) (emh) (Entered: 01/10/1994)
02/15/1994	13	MOTION filed by plaintiff(s) BILLY RAY KIDWELL for collateral estoppel , and for summary judgment (dot) (Entered: 02/23/1994)
02/25/1994	14	MOTION filed by defendant ARMY to extend time to 3/8/94, in which to respon to plaintiff's motion for summary judgment (dot) (Entered: 02/28/1994)
03/08/1994	15	MOTION filed by defendant ARMY for leave to file under seal the Administrative Record and statement of material facts and memorandum of law, filed 3/8/94 (dot) Modified on 03/28/1994 (Entered: 03/09/1994)
03/08/1994	16	MOTION filed by defendant ARMY to dismiss , or in the alternative for summary judgment ; exhibits (2) (memorandum in support and statement of material facts FILED UNDER SEAL IN VAULT IN ROOM 1800) (dot) Modified on 03/31/1994 (Entered: 03/09/1994)
03/10/1994	17	ORDER by Judge Stanley S. Harris : directing plaintiff to respond to defendant's motion within 28 days or the motion will be treated as conceded and the Court will enter judgment in favor of defendant. (N) (emh) Modified on 03/28/1994 (Entered: 03/15/1994)
03/17/1994	18	ORDER by Judge Stanley S. Harris : granting nunc pro tunc motion to extend time to 3/8/94, in which to respon to plaintiff's motion for summary judgment [14-1] by ARMY (N) (emh) Modified on 03/28/1994 (Entered: 03/21/1994)
03/29/1994	20	ORDER by Judge Stanley S. Harris : granting motion for leave to file under seal the Administrative Record and statement of material facts and memorandum of law, filed 3/8/94 [15-1] by ARMY (N) (dot) (Entered: 03/31/1994)
03/29/1994	21	ADMINISTRATIVE RECORD by defendant ARMY FILED UNDER SEAL IN VAULT IN ROOM 1800 (dot) (Entered: 03/31/1994)
03/29/1994	22	RESPONSE by defendant ARMY in opposition to motion for summary judgment [13-2] by BILLY RAY KIDWELL FILED UNDER SEAL IN VAULT IN ROOM 1800****UNSEALED PURSUANT TO ORDER DATED 4/22/94***** (dot) Modified on 05/17/1994 (Entered: 03/31/1994)
03/30/1994	19	LETTER dated 3/19/94 to Judge Harris from Billy Ray Kidwell re: Request for Fair Treatment "Let this be file" (fiat) HARRIS, J. (dot) (Entered: 03/30/1994)
04/05/1994	23	RESPONSE by plaintiff(s) BILLY RAY KIDWELL in opposition to motion for summary judgment [17-2] by ARMY, motion to dismiss [16-1] by ARMY; exhibits (5). (dot) (Entered: 04/05/1994)
04/05/1994	24	MOTION (unopposed) filed by defendant ARMY to extend time to 4/18/94, in which to respond to plaintiff's opposition to defendant's dispositive motion and to plaintiff's 3/19/94 letter to the Court (dot) (Entered: 04/06/1994)
04/08/1994	25	ORDER by Judge Stanley S. Harris : granting motion to extend time to 4/18/94, in which to respond to plaintiff's opposition to defendant's dispositive motion and to plaintiff's 3/19/94 letter to the Court [24-1] by ARMY (N) (emh) (Entered: 04/12/1994)
04/11/1994	32	REQUEST by plaintiff(s) BILLY RAY KIDWELL for order requiring defendant to produce complete administrative file ; declaration (1) (dot) (Entered: 05/11/1994)
04/13/1994	26	REQUEST by plaintiff(s) BILLY RAY KIDWELL to open the complete case to the public (dot) (Entered: 04/14/1994)

04/13/1994	27	REQUEST by plaintiff(s) BILLY RAY KIDWELL for collateral estoppel (or issue preclusive effect in the case at Bar) (dot) (Entered: 04/14/1994)
04/18/1994	28	REPLY by defendant ARMY to response to motion for summary judgment [17-2] by ARMY, motion to dismiss [16-1] by ARMY; attachment (dot) (Entered: 04/19/1994)
04/18/1994	29	RESPONSE by defendant ARMY in opposition to motion for collateral estoppel (or issue preclusive effect in the case at Bar) [27-1] by BILLY RAY KIDWELL (dot) Modified on 04/19/1994 (Entered: 04/19/1994)
04/18/1994	30	RESPONSE by defendant ARMY in opposition to motion to open the complete case to the public [26-1] by BILLY RAY KIDWELL . (dot) (Entered: 04/19/1994)
04/22/1994	31	ORDER by Judge Stanley S. Harris : granting motion to open the complete case to the public [26-1] by BILLY RAY KIDWELL (N) (emh) (Entered: 04/26/1994)
05/13/1994	33	REQUEST by plaintiff(s) BILLY RAY KIDWELL that collateral estoppel be applied as to facts already fairly litigated, and decided by the Court (dot) (Entered: 05/18/1994)
05/13/1994	34	REPLY by plaintiff(s) BILLY RAY KIDWELL to response to motion for collateral estoppel (or issue preclusive effect in the case at Bar) [27-1] by BILLY RAY KIDWELL; affidavit (1) (dot) (Entered: 05/18/1994)
05/19/1994	35	ORDER by Judge Stanley S. Harris : denying motion that collateral estoppel be applied as to facts already fairly litigated, and decided by the Court [33-1] by BILLY RAY KIDWELL; denying motion for collateral estoppel (or issue preclusive effect in the case at Bar) [27-1] by BILLY RAY KIDWELL; denying motion for order requiring defendant to produce complete administrative file [32-1] by BILLY RAY KIDWELL; granting motion for summary judgment [17-2] by ARMY; granting motion to dismiss [16-1] by ARMY; denying motion for collateral estoppel [13-1] by BILLY RAY KIDWELL; denying motion for summary judgment [13-2] by BILLY RAY KIDWELL (N) (mal) (Entered: 05/19/1994)
06/03/1994	36	NOTICE OF APPEAL by plaintiff(s) BILLY RAY KIDWELL from order [35-1] , entered on: 5/19/94. In forma pauperis; Copy mailed to Marina Braswell. (Submitted to Judge Harris) (dot) (Entered: 06/06/1994)
06/06/1994		TRANSMITTED PRELIMINARY RECORD on appeal [36-1] by BILLY RAY KIDWELL to U.S. Court of Appeals (dot) (Entered: 06/06/1994)
06/30/1994		USCA # 94-5149 assigned for appeal [36-1] by BILLY RAY KIDWELL (dot) (Entered: 07/01/1994)
08/08/1995	37	CERTIFIED COPY of Judgment filed in USCA dated 6/13/95, on appeal [36-1] , affirming in part the judgment of USDC . , reversing in part the judgment of USDC ; Opinion. USCA # 94-5149 (mbd) (Entered: 08/09/1995)
08/08/1996		ADMINISTRATIVELY CLOSED ADMINISTRATIVE RECORD [21-1] filed by defendant ARMY filed under seal. (cjp) (Entered: 08/08/1996)