

(ASx),CLOSED,DISCOVERY,MANADR,STAYED

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:15-cv-04901-DOC-AS**

Gary Ball Jr. v. U.S. Department of Justice  
Assigned to: Judge David O. Carter  
Referred to: Magistrate Judge Alka Sagar  
Cause: 05:552 Freedom of Information Act

Date Filed: 06/29/2015  
Date Terminated: 06/06/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Gary Ball, Jr**

represented by **Gary Ball, Jr**  
REG NO 17278-039  
FCI Elkton  
Federal Correctional Institution  
PO Box 10  
Lisbon, OH 44432  
PRO SE

V.

**Defendant****U.S. Department of Justice**

represented by **Jason K Axe**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/29/2015	<u>1</u>	COMPLAINT against Defendant U.S. Department of Justice. Case assigned to Judge Margaret M. Morrow for all further proceedings. Discovery referred to Magistrate Judge Alka Sagar., filed by Plaintiff Gary Ball, Jr. (et) (Entered: 06/30/2015)
06/29/2015	<u>2</u>	DECLARATION in Support of REQUEST to Proceed in Forma Pauperis filed by Plaintiff Gary Ball, Jr. (et) (Entered: 06/30/2015)
06/29/2015	<u>3</u>	NOTICE OF ASSIGNMENT to District Judge Margaret M. Morrow and Magistrate Judge Alka Sagar. (et) (Entered: 06/30/2015)
06/29/2015	<u>4</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (et) (Entered: 06/30/2015)
07/01/2015	<u>5</u>	ORDER RE REQUEST TO PROCEED WITHOUT PREPAYMENT OF FILING FEES by Magistrate Judge Alka Sagar. IT IS ORDERED that the Request to Proceed Without Prepayment of Filing Fees <u>2</u> is hereby GRANTED. (afe) (Entered: 07/02/2015)
07/01/2015	<u>6</u>	60 DAY Summons Issued re Complaint – (Discovery) <u>1</u> as to defendant U.S. Department of Justice. (afe) (Entered: 07/02/2015)
07/16/2015	<u>7</u>	TEXT ONLY ENTRY: Judge Margaret M. Morrow is participating in a pilot project regarding the submission of SEALED DOCUMENTS. All proposed sealed documents must be submitted via e-mail to the Judge's Chambers email at <a href="mailto:MMM_chambers@cacd.uscourts.gov">MMM_chambers@cacd.uscourts.gov</a> . ALL EXHIBITS/DECLARATIONS TO THE MAIN DOCUMENT MUST BE COMBINED INTO ONE PDF if applicable. Do not

		submit separately unless the document has a title page pursuant to Local Rules 11-3.8. Please refer to the judge's procedures and schedules for detailed instructions for submission of sealed documents. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (ah) TEXT ONLY ENTRY (Entered: 07/16/2015)
07/22/2015	<u>8</u>	PROOF OF SERVICE Executed by Plaintiff Gary Ball, Jr, upon Defendant U.S. Department of Justice served on 7/20/2015, answer due 9/18/2015. Service of the Summons and Complaint were executed upon the United States Attorneys Office by unspecified means. Executed upon the Attorney Generals Office of the United States by unspecified means. Service was executed in compliance with Federal Rules of Civil Procedure. Due diligence declaration NOT attached. Registered or certified mail return receipt NOT attached. Original Summons NOT returned. (bm) (Entered: 08/10/2015)
07/22/2015	<u>9</u>	PROOF OF SERVICE Executed by Plaintiff Gary Ball, Jr, upon U.S. Attorney General. Service of the Summons and Complaint were Service was executed in compliance with Federal Rules of Civil Procedure. Due diligence declaration NOT attached. Registered or certified mail return receipt NOT attached. Original Summons NOT returned. (bm) (Entered: 08/10/2015)
07/22/2015	<u>10</u>	PROOF OF SERVICE Executed by Plaintiff Gary Ball, Jr, upon Defendant Service of the Summons and Complaint were Executed upon the U.S. Assistant District Attorney of the United States by unspecified means. Service was executed in compliance with Federal Rules of Civil Procedure. Due diligence declaration NOT attached. Registered or certified mail return receipt NOT attached. Original Summons NOT returned. (bm) (Entered: 08/10/2015)
08/19/2015	<u>11</u>	PROOF OF SERVICE Executed by Plaintiff Gary Ball, Jr, upon Defendant U.S. Department of Justice served on 8/14/2015, answer due 10/13/2015. Service of the Summons and Complaint were executed upon the United States Attorneys Office by delivering a copy to Civil Process Clerk. The Attorney Generals Office of the United States was NOT served. The officer agency or corporation was NOT served. Service was executed in compliance with Federal Rules of Civil Procedure. Due diligence declaration NOT attached. Registered or certified mail return receipt attached. Original Summons NOT returned. (bm) (Entered: 08/20/2015)
10/16/2015	<u>12</u>	EX PARTE APPLICATION to Extend Time to File Answer to 11/20/2015 re Complaint - (Discovery) <u>1</u> filed by Defendant U.S. Department of Justice. (Attachments: # <u>1</u> Proof of Service, # <u>2</u> Proposed Order, # <u>3</u> Proof of Service) (Attorney Jason K Axe added to party U.S. Department of Justice(pty:dft)) (Axe, Jason) (Entered: 10/16/2015)
10/20/2015	<u>13</u>	ORDER EXTENDING TIME FOR DEFENDANT TO ANSWER, PLEAD, OR OTHERWISE RESPOND TO COMPLAINT <u>12</u> by Judge Margaret M. Morrow. IT IS SO ORDERED that Defendant shall have an extension of time, up to and including November 20, 2015, within which to answer, plead, or otherwise respond to Plaintiff's Complaint. (lom) (Entered: 10/20/2015)
11/02/2015	<u>14</u>	SUPPLEMENT TO THE RECORD PURSUANT TO RULE 15(d) FED RULES OF CIVIL PROCEDURE filed by Plaintiff Gary Ball, Jr. (Attachments: # <u>1</u> Part 2, # <u>2</u> Part 3, # <u>3</u> Part 4)(bm) (Entered: 11/05/2015)
11/19/2015	<u>15</u>	EX PARTE APPLICATION to Extend Time to File Answer to 12/11/2015 re Complaint - (Discovery) <u>1</u> filed by Defendant U.S. Department of Justice. (Attachments: # <u>1</u> Proposed Order) (Axe, Jason) (Entered: 11/19/2015)
11/24/2015	<u>16</u>	ORDER EXTENDING TIME FOR DEFENDANT TO ANSWER, PLEAD, OR OTHERWISE RESPOND TO COMPLAINT by Judge Margaret M. Morrow granting <u>15</u> EX PARTE APPLICATION for Extension of Time to Answer: NOTE CHANGES MADE BY THE COURT. IT IS SO ORDERED that Defendant shall have an extension of time, up to and including December 11, 2015, within which to answer, plead, or otherwise respond to Plaintiff's Complaint. No further extensions will be granted. (bm) (Entered: 11/24/2015)
12/09/2015	<u>17</u>	EX PARTE APPLICATION to Extend Time to File Answer to 1/8/2016 re Complaint - (Discovery) <u>1</u> filed by Defendant U.S. Department of Justice. (Attachments: # <u>1</u> Proposed Order) (Axe, Jason) (Entered: 12/09/2015)

12/09/2015	<u>18</u>	ORDER EXTENDING TIME FOR DEFENDANT TO ANSWER, PLEAD, OR OTHERWISE RESPOND TO COMPLAINT by Judge Margaret M. Morrow granting <u>17</u> EX PARTE APPLICATION for Extension of Time to Answer: IT IS SO ORDERED that Defendant shall have an extension of time, up to and including January 8, 2016, within which to answer, plead, or otherwise respond to Plaintiff's Complaint (bm) (Entered: 12/09/2015)
01/04/2016	<u>19</u>	ORDER OF THE CHIEF JUDGE (#16-005) approved by Chief Judge George H. King. IT IS ORDERED with the concurrence of the Case Management and Assignment Committee, that this case is transferred from the calendar of Judge Margaret M. Morrow to the calendar of Judge David O. Carter for all further proceedings. The case number will now reflect the initials of the transferee Judge CV15-04901 DOC (ASx). (mg) (Entered: 01/05/2016)
01/08/2016	<u>20</u>	ANSWER to Complaint – (Discovery) <u>1</u> filed by Defendant U.S. Department of Justice. (Attachments: # <u>1</u> Proof of Service)(Axe, Jason) (Entered: 01/08/2016)
01/08/2016	<u>21</u>	ORDER SETTING SCHEDULING CONFERENCE by Judge David O. Carter. Scheduling Conference set for 2/22/2016 @ 8:30 AM before Judge David O. Carter. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. TEXT ONLY ENTRY. (dgo) (Entered: 01/08/2016)
02/08/2016	<u>22</u>	DEFENDANT SCHEDULING REPORT, PURSUANT TO FED. R. CIV. P. 26 filed by Defendant U.S. Department of Justice re: Initial Order Setting R26 Scheduling Conference – form only <u>21</u> (Attachments: # <u>1</u> Proof of Service)(Axe, Jason) (Entered: 02/08/2016)
02/08/2016	<u>23</u>	REQUEST for ADR Procedure No. 1 filed. Parties request to Appear Before Magistrate Judge for settlement proceedings. Filed by Defendant U.S. Department of Justice. (Attachments: # <u>1</u> Proof of Service)(Axe, Jason) (Entered: 02/08/2016)
02/08/2016	<u>24</u>	REPLY to Defendant's Answer <u>20</u> , filed by Plaintiff Gary Ball, Jr. (dro) (Entered: 02/11/2016)
02/22/2016	25	MINUTES OF Scheduling Conference held before Judge David O. Carter: Plaintiff was not present. ADR Procedure No. 1 to be utilized. Discovery stayed until 8/29/2016. Scheduling Order to be issued. Court Reporter: CourtSmart. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. TEXT ONLY (dgo) (Entered: 02/22/2016)
02/22/2016	<u>26</u>	ORDER/REFERRAL to ADR Procedure No. 1 by Judge David O. Carter. Case ordered to Magistrate Judge for Settlement Conference. (dgo) (Entered: 02/22/2016)
02/22/2016	<u>27</u>	SCHEDULING ORDER & ORDER RE: PRETRIAL AND TRIAL PROCEDURES by Judge David O. Carter: Discovery cut-off 6/23/2016, Motion cut-off 8/29/2016 @ 8:30 AM, Final Pretrial Conference set for 10/11/2016 @ 8:30 AM before Judge David O. Carter, Jury Trial set for 10/25/2016 @ 8:30 AM before Judge David O. Carter. (dgo) (Entered: 02/22/2016)
08/01/2016	<u>28</u>	EX PARTE APPLICATION for Order for TO EXTEND DEADLINE FOR MOTION HEARING CUT-OFF AND TO CONTINUE PRETRIAL CONFERENCE AND TRIAL ; <i>DECLARATION OF JASON K. AXE</i> filed by Defendant U.S. Department of Justice. (Attachments: # <u>1</u> Proposed Order) (Axe, Jason) (Entered: 08/01/2016)
08/03/2016	<u>29</u>	MINUTES (IN CHAMBERS) Order Granting Ex Parte Application to Extend Deadline <u>28</u> by Judge David O. Carter: Having considered Defendants request, the Court concludes there is good cause to modify the Scheduling Order (Dkt. 27). The Court hereby GRANTS Defendants Motion and MODIFIES the Scheduling Order as follows: The motion cut-off date is continued from August 29, 2016 to October 24, 2016 at 8:30 a.m.; The final pretrial conference date is continued from October 11, 2016 to December 5, 2016 at 8:30 a.m.; The trial date is continued from October 25, 2015 to December 20, 2016 at 8:30 a.m. See document for further information. (lwag) (Entered: 08/03/2016)
09/26/2016	<u>30</u>	EX PARTE APPLICATION for Order for EXTENDING DEADLINE FOR MOTION HEARING CUT-OFF ; <i>DECLARATION OF JASON K. AXE</i> filed by Defendant U.S. Department of Justice. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proof of Service) (Axe, Jason) (Entered: 09/26/2016)

09/27/2016	<u>31</u>	ORDER by Judge David O. Carter granting <u>30</u> EX PARTE APPLICATION for Order Continuing Motion Hearing Cut-Off. IT IS SO ORDERED that for the reasons set forth in Defendant's Ex Parte Application, the Motion Hearing Deadline shall be continued by two weeks, from October 24, 2016 until November 7, 2016. Defendant will file its motion for summary judgment on or before September 30, 2016. (dro) (Entered: 09/27/2016)
09/30/2016	<u>32</u>	NOTICE OF MOTION AND MOTION for Summary Judgment ; <i>Memorandum of Points and Authorities</i> ; (3) <i>Declaration of Katherine L. Myrick</i> filed by Defendant U.S. Department of Justice. Motion set for hearing on 11/7/2016 at 08:30 AM before Judge David O. Carter. (Attachments: # <u>1</u> Declaration of Katherine L. Myrick, # <u>2</u> Statement of Uncontroverted Facts and Law, # <u>3</u> Pro Se Notice, # <u>4</u> [Proposed] Judgment, # <u>5</u> Proof of Service) (Axe, Jason) (Entered: 09/30/2016)
10/28/2016	<u>33</u>	MOTION to Stay Proceedings filed by Plaintiff Gary Ball, Jr. (lwag) (Entered: 10/28/2016)
10/31/2016	<u>34</u>	MINUTES (IN CHAMBERS) Order Granting Motion to Stay Proceedings <u>33</u> by Judge David O. Carter: Accordingly, the Court ORDERS the dates in this matter be continued as follows: The Motion for Summary Judgment hearing is continued from November 7, 2016 to December 12, 2016 at 8:30 a.m. The final pretrial conference date is continued from December 5, 2016 to January 9, 2017 at 8:30 a.m. The trial date is continued from December 20, 2016 to January 9, 2017 at 8:30 a.m. The Court reminds Plaintiff that he must file any future motions or applications directly with the Court, in addition to serving them on defendant. Plaintiff is ORDERED to provide the Court with his new mailing address as soon as reasonably possible. See document for further information. (lwag) (Entered: 10/31/2016)
11/09/2016	<u>35</u>	MOTION to Stay the Proceedings filed by Plaintiff Gary Ball, Jr. (lwag) (Entered: 11/09/2016)
11/09/2016	<u>36</u>	MINUTES (IN CHAMBERS) ORDER by Judge David O. Carter granting <u>35</u> MOTION to Stay Proceedings. Plaintiff is ORDERED to provide the Court with his new mailing address as soon as reasonably possible. Defendant is ORDERED to update the Court with any information they receive regarding Plaintiff's mailing address and location, and to promptly file with the Court any additional documents received from Plaintiff regarding this case. (see document for details). (dro) (Entered: 11/09/2016)
12/08/2016	<u>37</u>	Mail Returned addressed to Gary Bell 17278-039, USP-Victorville PO Box 3900, Adelanto, CA 92301 re Order on Motion to Stay Case, <u>36</u> (order mailed to new address: 8730 Scroggs Road, Lisbon, Oh 93436 via BOP website) (es) (Entered: 12/09/2016)
01/17/2017	<u>38</u>	NOTICE of Change of address Changing plaintiffs address to FCI Elkton P O Box 10 Lisbon OH 44432. Filed by Plaintiff Gary Ball, Jr. (es) (Entered: 01/18/2017)
03/31/2017	<u>39</u>	MINUTES (IN CHAMBERS) ORDER Lifting Stay and Setting Briefing Schedule by Judge David O. Carter. The Court therefore ORDERS briefing in this matter as follows: Plaintiff's opposition to Defendant's Motion for Summary Judgment (Dkt. 32) is to be filed on or before May 8, 2017. Defendant's reply brief is to be filed within fourteen days of the date that Plaintiff's opposition is filed. (see document for details). (dro) (Entered: 03/31/2017)
04/25/2017	<u>40</u>	MOTION to Stay Proceedings, filed by plaintiff Gary Ball, Jr. (mba) (Entered: 05/02/2017)
05/02/2017	<u>41</u>	MINUTES (IN CHAMBERS) ORDER GRANTING SECOND MOTION TO STAY PROCEEDINGS <u>40</u> by Judge David O. Carter: The case is stayed until Plaintiff is transferred to his next location and reunited with his legal papers. Once the Court is informed that Plaintiff is able to participate in this litigation, the Court will set new dates, including a new Motion for Summary Judgment hearing date. Plaintiff is ORDERED to provide the Court with his new mailing address as soon as reasonably possible. Defendant is ORDERED to update the Court with any information they receive regarding Plaintiffs mailing address and location, and to promptly file with the Court any documents received from Plaintiff regarding this case. See document for further information. (dv) (Entered: 05/02/2017)