Case: 2:19-cv-00983-PSG-MRW As of: 06/17/2019 03:30 AM PDT 1 of 3

ACCO,(MRWx),CLOSED,DISCOVERY,MANADR

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles) CIVIL DOCKET FOR CASE #: 2:19-cv-00983-PSG-MRW

ACLU of Southern California v. United States Department of

Homeland Security et al

Assigned to: Judge Philip S. Gutierrez

Referred to: Magistrate Judge Michael R. Wilner Cause: 05:552 Freedom of Information Act

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

ACLU of Southern California

represented by Neal James Gauger

Nixon Peabody LLP One California Plaza

Date Filed: 02/08/2019

Jury Demand: None

Date Terminated: 06/14/2019

300 South Grand Avenue Suite 4100

Los Angeles, CA 90071 213–629–6000 Fax: 213–629–6001

Email: ngauger@nixonpeabody.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Jason P Gonzalez

Nixon Peabody LLP One California Plaza

300 South Grand Avenue Suite 4100

Los Angeles, CA 90071 213–629–6000 Fax: 213–629–6001

Email: jgonzalez@nixonpeabody.com

ATTORNEY TO BE NOTICED

V.

Defendant

United States Department of Homeland Security

Defendant

United States Immigration and Customs Enforcement

a component of the Department of Homeland Security

Date Filed	#	Docket Text
02/08/2019	1	COMPLAINT Receipt No: 0973–23185251 – Fee: \$400, filed by Plaintiff ACLU of Southern California. (Attachments: # 1 Exhibit A to Complaint, # 2 Exhibit B to Complaint, # 3 Exhibit C to Complaint) (Attorney Neal James Gauger added to party ACLU of Southern California(pty:pla))(Gauger, Neal) (Entered: 02/08/2019)
02/08/2019	2	CIVIL COVER SHEET filed by Plaintiff ACLU of Southern California. (Gauger, Neal) (Entered: 02/08/2019)
02/08/2019	<u>3</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening), <u>1</u> filed by Plaintiff ACLU of Southern California. (Gauger, Neal) (Entered: 02/08/2019)
02/08/2019	4	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening), <u>1</u> filed by Plaintiff ACLU of Southern California. (Gauger, Neal) (Entered: 02/08/2019)

Case: 2:19-cv-00983-PSG-MRW As of: 06/17/2019 03:30 AM PDT 2 of 3

Source of Appearance or Withdrawal of Counsel: for attorney Jason P Gonzalez counsel for Palmitiff ACLU of Southern California, Adding Jason P, Gonzalez as counsel of record for ACLU of Southern California (Attorney Jason P) Gonzalez added to party ACLU of Southern California (Attorney Jason P) Gonzalez added to party ACLU of Southern California (Attorney Jason P) Gonzalez added to party ACLU of Southern California (Attorney Jason P) Gonzalez added to party ACLU of Southern California (Attorney Jason P) Gonzalez added to party ACLU of Southern California (Attorney Jason P) Genzelez and Magistrate Judge Michael R. Wilner. (ghap) (Entered: 02/11/2019) MOTICE OF ASSIGNMENT to District Judge Philip S. Gutierrez and Magistrate Judge Michael R. Wilner. (ghap) (Entered: 02/11/2019) MOTICE OF ASSIGNMENT to District Judge Philip S. Gutierrez and Magistrate Defendant United States Department of Homeland Security. (ghap) (Entered: 02/11/2019) MOTICE OF ASSIGNMENT to Complaint (Attorney Civil Case Opening), Las to Defendant United States Immigration and Customs Enforcement. (ghap) (Entered: 02/11/2019) MOTICE OF ERRATA filed by Plaintiff ACLU of Southern California, correcting Complaint (Attorney Civil Case Opening), L (Gauger, Neal) (Entered: 02/21/2019) MOTICE OF ERRATA filed by Plaintiff ACLU of Southern California, upon Defendant United States Immigration and Customs Enforcement served on 22/7/2019. Service of the Summons and Complaint were NOT executed upon the United States Attorneys Office which was NOT served. The Attorney Generals Office of the United States and NOT served. The Attorney Generals Office of the United States Attorneys Office which was NOT served. The Attorney Generals Office of the United States Attorneys Office which was NOT served. The Attorney Generals Office of the United States Attorneys Office which was NOT served. The Attorney Generals Office of the United States Attorneys Office which was NOT served. The Attorney Generals Office of the United States Attorneys Office which was NOT			-
102/11/2019 2 NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (ghap) (Entered: 02/11/2019) 3 30 DAY Summons Issued re Complaint (Attorney Civil Case Opening), 1 as to Defendant United States Department of Homeland Security. (ghap) (Entered: 02/11/2019) 9 30 DAY Summons Issued re Complaint (Attorney Civil Case Opening), 1 as to Defendant United States Immigration and Customs Enforcement. (ghap) (Entered: 02/11/2019) 10 STANDING ORDER REGARDING NEWLY ASSIGNED CASES by Judge Philip S. Gutierrez. (ji) (Entered: 02/11/2019) 11 NOTICE OF ERRATA filed by Plaintiff ACLU of Southern California, correcting Complaint (Attorney Civil Case Opening), 1 (Gauger, Neal) (Entered: 02/27/2019) 12 PROOF OF SERVICE Executed by Plaintiff ACLU of Southern California, upon Defendant United States Immigration and Customs Enforcement served on 2/27/2019. Service of the Summons and Complaint were NOT executed upon the United States Attorneys Office which was NOT served. The Attorney Generals Office of the United States Attorneys Office which was NOT served. The Attorney Generals Office of the United States as 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 NOT attached. Original Summons returned. (Gauger, Neal) (Entered: 03/15/2019) 13 PROOF OF SERVICE Executed by Plaintiff ACLU of Southern California, upon Defendant Service of the Summons and Complaint were NOT executed upon 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 NOT attached. Original Summons returned. (Gauger, Neal) (Entered: 03/15/2019) 16 PROOF OF SERVICE Executed by Plaintiff ACLU of Southern California, upon Defendant United States Attorneys Office which was NOT served. Th	02/08/2019	<u>5</u>	counsel for Plaintiff ACLU of Southern California. Adding Jason P. Gonzalez as counsel of record for ACLU of Southern California for the reason indicated in the G–123 Notice. Filed by Plaintiff ACLU of Southern California. (Attorney Jason P Gonzalez added to party ACLU of Southern California(pty:pla))(Gonzalez, Jason)
(Entered: 02/11/2019) 30 DAY Summons Issued re Complaint (Attorney Civil Case Opening), 1 as to Defendant United States Department of Homeland Security. (ghap) (Entered: 02/11/2019) 30 DAY Summons Issued re Complaint (Attorney Civil Case Opening), 1 as to Defendant United States Immigration and Customs Enforcement. (ghap) (Entered: 02/11/2019) 30 DAY Summons Issued re Complaint (Attorney Civil Case Opening), 1 as to Defendant United States Immigration and Customs Enforcement. (ghap) (Entered: 02/11/2019) 31 DAY SUMMON GORDER REGARDING NEWLY ASSIGNED CASES by Judge Philip S. Gutierrez. (ji) (Entered: 02/12/2019) 32 TANDING ORDER REGARDING NEWLY ASSIGNED CASES by Judge Philip S. Gutierrez. (ji) (Entered: 02/12/2019) 33 DAY Summons States Immigration and Customs Enforcement served on 2/27/2019. 34 PROOF OF SERVICE Executed by Plaintiff ACLU of Southern California, upon Defendant United States Immigration and Customs Enforcement served on 2/27/2019. 35 Service of the Summons and Complaint were NOT executed upon 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 NOT attached. Registered or certified mail return receipt NOT served. The Officer agency or corporation was NOT served. Service of the Summons and Complaint were NOT executed upon 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 NOT attached. Original Summons returned. (Gauger, Neal) (Entered: 03/15/2019)	02/11/2019	<u>6</u>	
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Gutierrez. Response to Order to Show Cause due by 5/17/2019. (wm) (Entered: 05/03/2019) 05/17/2019 17 REQUEST for Clerk to Enter Default against Defendants All Defendants filed by	04/15/2019	<u>15</u>	States Judges(ČV–18) – optional html form <u>6</u> , Notice to Parties of Court–Directed ADR Program (ADR–8) – optional html form <u>7</u> , Initial Order upon Filing of Complaint – form only <u>10</u> , Summons Issued (Attorney Civil Case Opening) <u>8</u> , Complaint (Attorney Civil Case Opening), <u>1</u> , Notice of Appearance or Withdrawal of Counsel (G–123), <u>5</u> , Civil Cover Sheet (CV–71) <u>2</u> of Due Diligence filed by Plaintiff
	05/03/2019	<u>16</u>	Gutierrez. Response to Order to Show Cause due by 5/17/2019. (wm) (Entered:
	05/17/2019	<u>17</u>	

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05/17/2019	<u>18</u>	DECLARATION of Neal J. Gauger re REQUEST for Clerk to Enter Default against Defendants All Defendants 17 filed by Plaintiff ACLU of Southern California. (Attachments: # 1 Exhibit A to Declaration)(Gauger, Neal) (Entered: 05/17/2019)
05/22/2019	<u>19</u>	NOTICE OF DEFICIENCY Re: REQUEST for Clerk to Enter Default against Defendants 17. The Clerk cannot enter the requested relief as: Request for Entry of Default has been forwarded to the assigned Judge. (bm) (Entered: 05/22/2019)
05/28/2019	<u>20</u>	MINUTES (IN CHAMBERS) The Court DENIES Plaintiff's request for entry of default by Judge Philip S. Gutierrez: denying 17 REQUEST for Clerk to Enter Default: Accordingly, the Court DENIES Plaintiff's request. The Court further ORDERS Plaintiff to show cause in writing no later than June 11, 2019 why this case should not be dismissed for failure to serve within ninety days under Federal Rule of Civil Procedure 4(m). Failure to respond will result in the case being dismissed without prejudice. (see document for further details) (bm) (Entered: 05/28/2019)
06/11/2019	<u>21</u>	RESPONSE filed by Plaintiff ACLU of Southern Californiato Order on Motion for Clerk to Enter Default,, 20 (Gauger, Neal) (Entered: 06/11/2019)
06/14/2019	22	MINUTE ORDER IN CHAMBERS Order dismissing the case by Judge Philip S. Gutierrez: On May 28, 2019, the Court ordered Plaintiff ACLU of Southern California ("Plaintiff") to show cause why the case should not be dismissed for failure to serve within ninety days under Federal Rule of Civil Procedure 4(m). See Dkt. no. 20. Plaintiff has filed a timely response, requesting the Court to dismiss the complaint without prejudice so that it can file a new pleading. See Dkt. no. 21. Accordingly, the Court DISMISSES the case without prejudice. This order closes the case. (Made JS–6. Case Terminated.) (bm) (Entered: 06/14/2019)