

General Docket
United States Court of Appeals for District of Columbia Circuit

Court of Appeals Docket #: 18-5302

Docketed: 10/16/2018
Termed: 12/06/2019

Nature of Suit: 2895 Freedom of Information Act of 1974

Kay Khine, et al v. DHS

Appeal From: United States District Court for the District of Columbia

Fee Status: Fee Paid

Case Type Information:

- 1) Civil US
- 2) United States
- 3)

Originating Court Information:

District: 0090-1 : [1:17-cv-01924-RC](#)

Lead: [1:17-cv-01924-RC](#)

Motions Judge: Rudolph Contreras, U.S. District Judge

Date Filed: 09/21/2017

Date Order/Judgment:

Date NOA Filed:

09/24/2018

10/05/2018

Prior Cases:

None

Current Cases:

None

Panel Assignment:

Panel: SS PAM CTLP

Date of Hearing: 11/08/2019

Date of Decision: 12/06/2019

Date Completed: 12/06/2019

Kay Khine

Plaintiff - Appellant

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(see above)

v.

United States Department of Homeland Security
Defendant - Appellee

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Kay Khine; Catholic Charities,















Plaintiffs - Appellants












v.





United States Department of Homeland Security,

Defendant - Appellee

10/16/2018		US CIVIL CASE docketed. [18-5302] [Entered: 10/16/2018 11:14 AM]
10/16/2018	 25 pg, 3.89 MB	NOTICE OF APPEAL [1755420] seeking review of a decision by the U.S. District Court in 1:17-cv-01924-RC filed by Catholic Charities and Kay Khine. Appeal assigned USCA Case Number: 18-5302. [18-5302] [Entered: 10/16/2018 11:15 AM]
10/16/2018	 2 pg, 46.42 KB	CLERK'S ORDER [1755422] filed directing party to file initial submissions: APPELLANT docketing statement due 11/15/2018. APPELLANT certificate as to parties due 11/15/2018. APPELLANT statement of issues due 11/15/2018. APPELLANT underlying decision due 11/15/2018. APPELLANT deferred appendix statement due 11/15/2018. APPELLANT notice of appearance due 11/15/2018. APPELLANT transcript status report due 11/15/2018. APPELLANT procedural motions due 11/15/2018. APPELLANT dispositive motions due 11/30/2018; directing party to file initial submissions: APPELLEE certificate as to parties due 11/15/2018. APPELLEE entry of appearance due 11/15/2018. APPELLEE procedural motions due 11/15/2018. APPELLEE dispositive motions due 11/30/2018 [18-5302] [Entered: 10/16/2018 11:16 AM]
10/29/2018	 2 pg, 12.58 KB	CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1757505] filed by Kay Khine [Service Date: 10/29/2018] [18-5302] (Cleveland, David) [Entered: 10/29/2018 12:43 PM]
10/29/2018	 2 pg, 121.44 KB	DOCKETING STATEMENT [1757506] filed by Kay Khine [Service Date: 10/29/2018] [18-5302] (Cleveland, David) [Entered: 10/29/2018 12:46 PM]
10/29/2018	 1 pg, 40.86 KB	ENTRY OF APPEARANCE [1757507] filed by David L. Cleveland on behalf of Appellant Kay Khine. [18-5302] (Cleveland, David) [Entered: 10/29/2018 12:48 PM]
10/29/2018	 2 pg, 12.16 KB	STATEMENT OF INTENT REGARDING APPENDIX DEFERRAL [1757512] filed by Kay Khine [Service Date: 10/29/2018] Intent: AppxDeferred [18-5302] (Cleveland, David) [Entered: 10/29/2018 12:54 PM]
10/29/2018	 3 pg, 122.5 KB	STATEMENT OF ISSUES [1757514] filed by Kay Khine [Service Date: 10/29/2018] [18-5302] (Cleveland, David) [Entered: 10/29/2018 12:55 PM]
10/29/2018	 1 pg, 38.78 KB	TRANSCRIPT STATUS REPORT [1757516] filed by Kay Khine [Service Date: 10/29/2018]. Status of Transcripts: Final - No transcripts are needed for the appeal. [18-5302] (Cleveland, David) [Entered: 10/29/2018 12:57 PM]
10/29/2018	 21 pg, 1.26 MB	UNDERLYING DECISION IN CASE [1757517] submitted by Kay Khine [Service Date: 10/29/2018] [18-5302] (Cleveland, David) [Entered: 10/29/2018 12:59 PM]
11/15/2018	 1 pg, 14.16 KB	ENTRY OF APPEARANCE [1760170] filed by Joshua Kolsky and co-counsel R. Craig Lawrence on behalf of Appellee DHS. [18-5302] (Kolsky, Joshua) [Entered: 11/15/2018 06:24 PM]
11/15/2018	 3 pg, 18.98 KB	CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1760171] filed by DHS [Service Date: 11/15/2018] [18-5302] (Kolsky, Joshua) [Entered: 11/15/2018 06:25 PM]
11/21/2018	 3 pg, 18.64 KB	UNOPPOSED MOTION [1761144] to extend time to file motion to 12/07/2018 filed by DHS [Service Date: 11/21/2018] Length Certification: 232 words. [18-5302] (Kolsky, Joshua) [Entered: 11/21/2018 04:54 PM]

11/26/2018	 1 pg, 38.73 KB	CLERK'S ORDER [1761219] filed granting motion to extend time [1761144-2] ; APPELLANT and APPELLEE dispositive motions, if any, due 12/07/2018 [18-5302] [Entered: 11/26/2018 10:09 AM]
12/07/2018	 7 pg, 28.66 KB	MOTION [1763393] for summary affirmance (Response to Motion served by hand due on 12/17/2018). (Response to Motion served by mail due on 12/17/2018) filed by DHS (Service Date: 12/07/2018 by CM/ECF NDA) Length Certification: 970 words. [18-5302] (Kolsky, Joshua) [Entered: 12/07/2018 03:55 PM]
12/10/2018	 2 pg, 15.39 KB	NOTICE [1763635] to substitute attorney Joshua M. Kolsky substituted by Paul Cirino filed by DHS [Service Date: 12/10/2018] [18-5302] (Cirino, Paul) [Entered: 12/10/2018 04:37 PM]
12/13/2018	 15 pg, 353.93 KB	RESPONSE IN OPPOSITION [1764010] to motion for summary affirmance [1763393-2] filed by Kay Khine [Service Date: 12/13/2018 by CM/ECF NDA] Length Certification: 3,104 words. [18-5302] (Cleveland, David) [Entered: 12/13/2018 09:32 AM]
12/13/2018	 22 pg, 130.57 KB	SUPPLEMENT [1764048] to motion for summary affirmance [1763393-2] filed by DHS [Service Date: 12/13/2018] [18-5302] (Cirino, Paul) [Entered: 12/13/2018 11:01 AM]
12/21/2018	 6 pg, 26.28 KB	MOTION [1765654] to extend time to file reply to 01/22/2019 filed by DHS (Service Date: 12/21/2018 by CM/ECF NDA) Length Certification: 539 words. [18-5302] (Cirino, Paul) [Entered: 12/21/2018 06:57 PM]
01/03/2019	 1 pg, 38.83 KB	CLERK'S ORDER [1766816] filed granting motion to extend time [1765654-2] ; reply to response [1764010-2] due 01/22/2019 [18-5302] [Entered: 01/03/2019 11:04 AM]
01/22/2019	 6 pg, 42.17 KB	REPLY [1769634] filed by DHS to response [1764010-2] [Service Date: 01/22/2019 by CM/ECF NDA] Length Certification: 795 words,. [18-5302] (Cirino, Paul) [Entered: 01/22/2019 05:30 PM]
03/01/2019	 1 pg, 39.52 KB	PER CURIAM ORDER [1775576] filed denying motion for summary affirmance [1763393-2] Because the court has determined that summary disposition is not in order, the Clerk is instructed to calendar this case for presentation to a merits panel. Before Judges: Henderson, Srinivasan and Millett. [18-5302] [Entered: 03/01/2019 12:19 PM]
03/27/2019	 2 pg, 78.82 KB	CLERK'S ORDER [1779760] filed setting briefing schedule: APPELLANT Brief due 05/06/2019. APPELLEE Brief due on 06/05/2019. APPELLANT Reply Brief due 06/26/2019. DEFERRED APPENDIX due 07/03/2019. Final Briefs due 07/17/2019. [18-5302] [Entered: 03/27/2019 11:40 AM]
05/06/2019	 103 pg, 512.08 KB	APPELLANT BRIEF [1786199] filed by Catholic Charities and Kay Khine [Service Date: 05/06/2019] Length of Brief: 10,437 words. [18-5302] (Cleveland, David) [Entered: 05/06/2019 02:35 PM]
05/06/2019	 2 pg, 74.91 KB	LETTER [1786201] Notice of Filing of Appendix with the Opening Brief and Not Deferred filed by Catholic Charities and Kay Khine [Service Date: 05/06/2019] [18-5302] (Cleveland, David) [Entered: 05/06/2019 02:38 PM]
05/06/2019	 128 pg, 4.43 MB	APPENDIX [1786206] filed by Catholic Charities and Kay Khine. [Volumes: 1] [Service Date: 05/06/2019] [18-5302] (Cleveland, David) [Entered: 05/06/2019 02:46 PM]
05/07/2019		CLERK'S ORDER [1786652] filed, on the court's own motion, that the remainder of the briefing schedule be revised as follows: APPELLEE Brief due on 06/05/2019. APPELLANT

019	1 pg, 39.64 KB	Reply Brief due 06/26/2019. [18-5302] [Entered: 05/07/2019 05:45 PM]
05/29/2019	 3 pg, 14.54 KB	CONSENT UNOPPOSED MOTION [1790038] to extend time to file brief to 07/05/2019 filed by DHS [Service Date: 05/29/2019] Length Certification: 223 words. [18-5302] (Cirino, Paul) [Entered: 05/29/2019 05:05 PM]
05/30/2019	 1 pg, 39.5 KB	CLERK'S ORDER [1790262] filed granting appellee's unopposed motion to extend time [1790038-2] , The following revised briefing schedule will now apply: APPELLEE Brief due on 07/05/2019. APPELLANT Reply Brief due 07/26/2019 [18-5302] [Entered: 05/30/2019 03:59 PM]
06/17/2019	 1 pg, 103.31 KB	ENTRY OF APPEARANCE [1793206] filed by Matthew J. Glover on behalf of Appellee DHS. [18-5302] (Glover, Matthew) [Entered: 06/17/2019 04:40 PM]
06/28/2019	 6 pg, 110.26 KB	MOTION [1795074] to extend time to file brief to 07/19/2019 filed by DHS (Service Date: 06/28/2019 by CM/ECF NDA) Length Certification: 837 Words. [18-5302] (Glover, Matthew) [Entered: 06/28/2019 03:23 PM]
07/05/2019	 1 pg, 39.71 KB	CLERK'S ORDER [1795965] filed granting appellee's partial consent motion to extend time [1795074-2] , The following revised briefing schedule will now apply: APPELLEE Brief due on 07/19/2019. APPELLANT Reply Brief due 08/09/2019. Appellant is advised tht the granting of the request will not affect the date that this case is scheduled for argument. [18-5302] [Entered: 07/05/2019 03:51 PM]
07/16/2019	 2 pg, 76.84 KB	AMENDED ENTRY OF APPEARANCE [1797535] filed by Peter C. Pfaffenroth on behalf of Appellee DHS. [18-5302] (Pfaffenroth, Peter) [Entered: 07/16/2019 04:58 PM]
07/18/2019	 70 pg, 381.44 KB	APPELLEE BRIEF [1797984] filed by DHS [Service Date: 07/18/2019] Length of Brief: 12,658 Words. [18-5302] (Glover, Matthew) [Entered: 07/18/2019 06:08 PM]
07/30/2019	 36 pg, 155.5 KB	APPELLANT REPLY BRIEF [1799708] filed by Catholic Charities and Kay Khine [Service Date: 07/30/2019] Length of Brief: 5,841. [18-5302] (Cleveland, David) [Entered: 07/30/2019 12:07 PM]
08/12/2019	 1 pg, 51.41 KB	LETTER [1801731] advising of arguing counsel's availability for oral argument filed by Kay Khine [Service Date: 08/12/2019] [18-5302] (Cleveland, David) [Entered: 08/12/2019 03:58 PM]
09/11/2019	 1 pg, 41.15 KB	CLERK'S ORDER [1806020] filed scheduling oral argument on Friday, 11/08/2019. [18-5302] [Entered: 09/11/2019 12:27 PM]
10/29/2019	 1 pg, 41.51 KB	PER CURIAM ORDER [1813177] filed allocating oral argument time as follows: Appellants - 10 Minutes, Appellee - 10 Minutes. One counsel per side to argue; directing party to file Form 72 notice of arguing attorney by 11/01/2019 [18-5302] [Entered: 10/29/2019 04:35 PM]
10/29/2019		FORM 72 submitted by arguing attorney, David Laundon Cleveland, on behalf of Appellant Kay Khine (<i>For Internal Use Only: Form is restricted to protect counsel's personal contact information</i>). [18-5302] (Cleveland, David) [Entered: 10/29/2019 06:45 PM]
10/30/2019		FORM 72 submitted by arguing attorney, Matthew J. Glover, on behalf of Appellee DHS (<i>For Internal Use Only: Form is restricted to protect counsel's personal contact information</i>). [18-5302] (Glover, Matthew) [Entered: 10/30/2019 11:10 AM]

11/08/2019	 1 pg, 40.04 KB	ORAL ARGUMENT HELD before Judges Srinivasan, Millett and Pillard. [18-5302] [Entered: 11/22/2019 03:57 PM]
12/06/2019	 1 pg, 54.42 KB	PER CURIAM JUDGMENT [1819051] filed that the judgment of the District Court appealed from in this cause is hereby affirmed, for the reasons in the accompanying opinion . Before Judges: Srinivasan, Millett, and Pillard. [18-5302] [Entered: 12/06/2019 09:55 AM]
12/06/2019	 12 pg, 165.54 KB	OPINION [1819053] filed (Pages: 12) for the Court by Judge Pillard. [18-5302] [Entered: 12/06/2019 09:58 AM]
12/06/2019	 1 pg, 38.89 KB	CLERK'S ORDER [1819054] filed withholding issuance of the mandate. [18-5302] [Entered: 12/06/2019 09:59 AM]
