

**U.S. District Court
 District of Columbia (Washington, DC)
 CIVIL DOCKET FOR CASE #: 1:19-cv-00650-TNM**

PHILIPS v. DEPARTMENT OF THE NAVY
 Assigned to: Judge Trevor N. McFadden
 Cause: 05:552 Freedom of Information Act

Date Filed: 03/04/2019
 Date Terminated: 07/15/2020
 Jury Demand: None
 Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)
 Jurisdiction: U.S. Government Defendant

Plaintiff

TARIK PHILIPS

represented by **TARIK PHILIPS**
 R#06A0363
 SHAWANGUNK CORRECTIONAL FACILITY
 P.O. Box 700
 Walkkill, NY 12589
 PRO SE

V.

Defendant

J. A. RIEHL
*Department of Navy Secretary of the Navy
 Council of Review Board Director*
 TERMINATED: 04/26/2019

represented by **Paul Cirino**
 U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2529
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 Email: paul.cirino@usdoj.gov
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

G. E. LATTIN
Office of the Judge Advocate General
 TERMINATED: 04/26/2019

represented by **Paul Cirino**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

DEPARTMENT OF THE NAVY

represented by **Paul Cirino**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/04/2019		Initiating Pleading & IFP Application Received on 03/04/2019. A copy of the docket sheet has been mailed to the address of record for the pro se party. (zsb) (Entered: 03/07/2019)
03/04/2019	<u>1</u>	COMPLAINT against G. E. LATTIN, J. A. RIEHL filed by TARIK PHILIPS. (Attachment: # <u>1</u> Exhibit)(zsb) (Entered: 03/07/2019)
03/04/2019	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by TARIK PHILIPS (zsb) (Entered: 03/07/2019)
03/04/2019	<u>3</u>	PARTIAL PRISONER TRUST FUND ACCOUNT STATEMENT by TARIK PHILIPS (zsb) (Entered: 03/07/2019)

03/04/2019	<u>4</u>	MOTION for Vaughn Index by TARIK PHILIPS (zsb) (Entered: 03/07/2019)
04/26/2019	<u>5</u>	ORDER directing an initial partial filing fee in the amount of \$26.69 from Prison Account of TARIK PHILLIPS and granting MOTION for Leave to Proceed In Forma Pauperis (see order for full details). Pro Se party has been notified by first class mail. Signed by Judge Emmet G. Sullivan on 04/25/2019. (zsb) (Entered: 04/29/2019)
04/29/2019		Case Assigned to Judge Trevor N. McFadden. (zsb) (Entered: 04/29/2019)
04/29/2019	<u>6</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 04/29/2019. (lctnm2) (Entered: 04/29/2019)
04/30/2019	<u>7</u>	SUMMONS (3) Issued as to TARIK PHILIPS, U.S. Attorney and U.S. Attorney General (zsb) (Entered: 04/30/2019)
05/16/2019	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/14/2019. (Answer due for ALL FEDERAL DEFENDANTS by 6/13/2019.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/14/19. (ztd) (Entered: 05/20/2019)
05/29/2019	<u>9</u>	Letter from TARIK PHILIPS. "Leave to file GRANTED" by Judge Trevor N. McFadden on 5/29/19. (tth) (Entered: 06/03/2019)
06/11/2019	<u>10</u>	NOTICE of Appearance by Paul Cirino on behalf of DEPARTMENT OF THE NAVY (Cirino, Paul) (Entered: 06/11/2019)
06/12/2019	<u>11</u>	ANSWER to <u>1</u> Complaint by DEPARTMENT OF THE NAVY, G. E. LATTIN, J. A. RIEHL.(Cirino, Paul) (Entered: 06/12/2019)
06/14/2019		MINUTE ORDER. Defendant has filed an Answer to Plaintiff's Complaint brought under the Freedom of Information Act (FOIA). FOIA actions are exempt from the requirements of Federal Rule of Civil Procedure 26(f) and Local Civil Rule 16.3. The Defendant shall, by July 18, 2019, submit a Report on the status of Plaintiff's request and propose a briefing schedule. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/14/19. (lctnm2) (Entered: 06/14/2019)
06/14/2019		Set/Reset Deadlines: Defendant's Report due by 7/18/2019. (hmc) (Entered: 06/14/2019)
07/01/2019	<u>12</u>	MOTION for Leave to File Reply Motion to Defendant's Answer by TARIK PHILIPS. "Leave to file GRANTED" signed by Judge Trevor N. McFadden on 07/01/2019 (jf) (Main Document 12 replaced on 7/12/2019) (ztd). (Entered: 07/02/2019)
07/01/2019	<u>13</u>	REPLY re <u>1</u> Complaint filed by TARIK PHILIPS. (Attachments: # <u>1</u> envelope)(ztd) (Entered: 07/05/2019)
07/08/2019		MINUTE ORDER granting <u>12</u> Motion for Leave to File. Upon consideration of the Plaintiff's <u>12</u> Motion for Leave to File and the attached <u>13</u> Reply, the Court hereby grants the Plaintiff leave to file his <u>13</u> Reply to the Defendants' Answer even though the federal rules do not call for any such Reply. The Defendants need not respond to the filing. Signed by Judge Trevor N. McFadden on 07/08/2019. (lctnm2) (Entered: 07/08/2019)
07/09/2019	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF THE NAVY served on 6/20/2019. (tth) (Entered: 07/12/2019)
07/17/2019	<u>15</u>	STATUS REPORT by DEPARTMENT OF THE NAVY. (Cirino, Paul) (Entered: 07/17/2019)
07/17/2019		MINUTE ORDER. Upon consideration of the Defendant's <u>15</u> Status Report, it is hereby ordered that the Defendant shall file a further Status Report on or before August 9, 2019. The Status Report should advise the Court of the Defendant's processing of the Plaintiff's FOIA request and, if appropriate, propose a briefing schedule for summary judgment motions. Signed by Judge Trevor N. McFadden on 07/17/2019. (lctnm2) (Entered: 07/17/2019)

07/18/2019		Set/Reset Deadlines: Defendant's Status Report due by 8/9/2019. (hmc) (Entered: 07/18/2019)
07/29/2019	<u>16</u>	RESPONSE re <u>15</u> Status Report filed by TARIK PHILIPS. (jf) (Entered: 07/31/2019)
08/09/2019	<u>17</u>	STATUS REPORT by DEPARTMENT OF THE NAVY. (Cirino, Paul) (Entered: 08/09/2019)
08/12/2019		MINUTE ORDER. Upon consideration of the Defendant's <u>17</u> Status Report, it is hereby ordered that the Defendant shall file a further Status Report on or before September 10, 2019. The Status Report should advise the Court of the status of the Defendant's processing of the Plaintiff's FOIA request and propose a briefing schedule for summary judgment in this matter. Signed by Judge Trevor N. McFadden on 08/12/2019. (lctnm2) (Entered: 08/12/2019)
08/12/2019		Set/Reset Deadlines: Defendant's further Status Report due by 9/10/2019. (tg) (Entered: 08/12/2019)
08/22/2019	<u>18</u>	RESPONSE re <u>17</u> Status Report filed by TARIK PHILIPS. (zttt) (Entered: 08/27/2019)
08/26/2019		MINUTE ORDER. Upon consideration of the proceedings in this case, the Court hereby denies without prejudice the Plaintiff's <u>4</u> Motion for a Vaughn Index as premature. Signed by Judge Trevor N. McFadden on 08/26/2019. (lctnm2) (Entered: 08/26/2019)
09/10/2019	<u>19</u>	STATUS REPORT by DEPARTMENT OF THE NAVY. (Cirino, Paul) (Entered: 09/10/2019)
09/10/2019		MINUTE ORDER. Upon consideration of the Defendant's <u>19</u> Status Report, it is hereby ordered that the parties shall adhere to the following schedule: the Defendant's motion for summary judgment is due on or before October 31, 2019. The Plaintiff's opposition and any cross-motion for summary judgment is due on or before November 28, 2019. The Defendant's response to the Plaintiff's filing is due on or before December 12, 2019. If the Plaintiff files a cross-motion for summary judgment with his opposition, his reply in support of that cross-motion is due on or before January 2, 2020. Signed by Judge Trevor N. McFadden on 09/10/2019. (lctnm2) (Entered: 09/10/2019)
09/10/2019		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 10/31/2019. Plaintiff's Opposition and Cross-Motion due by 11/28/2019. Defendant's response due by 12/12/2019. Plaintiff's reply due by 1/2/2020. (hmc) (Entered: 09/10/2019)
10/25/2019	<u>20</u>	MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by DEPARTMENT OF THE NAVY, G. E. LATTIN, J. A. RIEHL (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) (Entered: 10/25/2019)
10/28/2019		MINUTE ORDER granting Defendant's <u>20</u> Motion to Extend Time to File Summary Judgment Motion. The parties shall adhere to the following schedule: Defendant's motion for summary judgment is due on or before November 21, 2019. Plaintiff's opposition and any cross-motion for summary judgment is due on or before December 19, 2019. Defendant's response to Plaintiff's filing is due on or before January 2, 2020. If Plaintiff files a cross-motion for summary judgment with his opposition, his reply in support of that cross-motion is due on or before January 23, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/28/2019. (lctnm2) (Entered: 10/28/2019)
10/28/2019		Set/Reset Deadlines: Defendant's motion for summary judgment due by 11/21/2019. Plaintiff's opposition and cross-motion for summary judgment due by 12/19/2019. Defendant's opposition and reply due by 1/2/2020. Plaintiff's reply due by 1/23/2020. (hmc) (Entered: 10/28/2019)
11/21/2019	<u>21</u>	MOTION for Summary Judgment by DEPARTMENT OF THE NAVY, G. E. LATTIN, J. A. RIEHL (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Lieutenant Peter Tyson Marx, # <u>4</u> Text of Proposed Order)(Cirino, Paul) (Entered: 11/21/2019)
11/22/2019	<u>22</u>	CERTIFICATE OF SERVICE by DEPARTMENT OF THE NAVY, G. E. LATTIN, J. A. RIEHL re <u>21</u> MOTION for Summary Judgment . (Cirino, Paul) (Entered: 11/22/2019)

11/22/2019	<u>23</u>	MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION for Summary Judgment by DEPARTMENT OF THE NAVY, G. E. LATTIN, J. A. RIEHL (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) (Entered: 11/22/2019)
11/22/2019		NOTICE OF ERROR re <u>22</u> Certificate of Service; emailed to paul.cirino@usdoj.gov, cc'd 4 associated attorneys -- The PDF file you docketed contained errors: 1. In future, the Certificate of Service should be filed with the Motion. (zth,) (Entered: 11/22/2019)
11/22/2019	<u>24</u>	ORDER advising that if Plaintiff fails to respond to Defendant's <u>21</u> Motion for Summary Judgment by December 19, 2019, the Court may consider any factual assertions in the Defendant's affidavits as conceded. See attached Order for details. Signed by Judge Trevor N. McFadden on 11/22/2019. (lctnm2) (Entered: 11/22/2019)
11/22/2019		MINUTE ORDER granting Defendant's <u>23</u> Motion to Extend Time to File Response. Defendant shall file its response to Plaintiff's opposition and any cross-motion on or before January 23, 2020. Plaintiff shall file his reply, if any, to Defendant's response on or before February 13, 2020. Plaintiff is advised that his opposition to Defendant's <u>21</u> Motion for Summary Judgment, and any cross-motion, remain due on or before December 19, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/22/2019. (lctnm2) (Entered: 11/22/2019)
11/25/2019		Set/Reset Deadlines: Defendant's response to Plaintiff's opposition and any cross-motion due by 1/23/2020. Plaintiff's reply due by 2/13/2020. Plaintiff's opposition to Defendant's <u>21</u> Motion for Summary Judgment, and any cross-motion due by 12/19/2019. (hmc) (Entered: 11/25/2019)
12/20/2019	<u>25</u>	Memorandum in opposition to re <u>21</u> MOTION for Summary Judgment filed by TARIK PHILIPS. (Attachment: # <u>1</u> Exhibit) (zth) (Entered: 12/30/2019)
01/23/2020	<u>26</u>	REPLY to opposition to motion re <u>21</u> MOTION for Summary Judgment <i>and Opposition to Plaintiff's Cross-Motion for Summary Judgment</i> filed by DEPARTMENT OF THE NAVY, G. E. LATTIN, J. A. RIEHL. (Attachments: # <u>1</u> Exhibit A -- Complete Version of Plaintiff's Motion/Opposition)(Cirino, Paul) (Entered: 01/23/2020)
02/13/2020	<u>27</u>	SURREPLY to re <u>21</u> MOTION for Summary Judgment filed by TARIK PHILIPS. "Leave to file GRANTED". Signed by Judge Trevor N. McFadden on 02/13/2020. (eg) (Entered: 02/14/2020)
07/15/2020	<u>28</u>	MEMORANDUM OPINION re Defendant's <u>21</u> Motion for Summary Judgment. Signed by Judge Trevor N. McFadden on 7/15/2020. (lctnm2) (Entered: 07/15/2020)
07/15/2020	<u>29</u>	ORDER. In accordance with the <u>28</u> Memorandum Opinion, Defendant's <u>21</u> Motion for Summary Judgment is GRANTED. The Clerk of the Court is directed to close the case. This is a final, appealable Order. Signed by Judge Trevor N. McFadden on 7/15/2020. (lctnm2) (Entered: 07/15/2020)