

**U.S. District Court  
 District of Columbia (Washington, DC)  
 CIVIL DOCKET FOR CASE #: 1:19-cv-01402-BAH**

WATTLETON V. U.S. DEPARTMENT OF JUSTICE  
 Assigned to: Chief Judge Beryl A. Howell  
 Cases: [1:19-cv-01404-BAH](#)  
       [1:19-cv-01893-BAH](#)  
 Cause: 05:552 Freedom of Information Act

Date Filed: 05/14/2019  
 Date Terminated: 08/12/2020  
 Jury Demand: None  
 Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)  
 Jurisdiction: Federal Question

**Plaintiff**

**DAVID EARL WATTLETON**

represented by **DAVID EARL WATTLETON**  
 R#50260-019  
 ROCHESTER  
 FEDERAL MEDICAL CENTER  
 Inmate Mail/Parcels  
 P.O. BOX 4000  
 ROCHESTER, MN 55903  
 PRO SE

V.

**Defendant**

**U.S. DEPARTMENT OF JUSTICE**

represented by **Diana Viggiano Valdivia**  
 U.S. ATTORNEY'S OFFICE FOR THE  
 DISTRICT OF COLUMBIA  
 555 Fourth Street, NW  
 Washington, DC 20530  
 (202) 252-2545  
 Email: [diana.valdivia@usdoj.gov](mailto:diana.valdivia@usdoj.gov)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/14/2019		<b>Initiating Pleading &amp; IFP Application Received on 05/14/2019.</b> A copy of the docket sheet has been mailed to the address of record for the pro se party. (zsb) (Entered: 05/22/2019)
05/14/2019	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE filed by DAVID EARL WATTLETON.(zsb) (Entered: 05/22/2019)
05/14/2019	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by DAVID EARL WATTLETON (zsb) (Entered: 05/22/2019)
06/10/2019	<u>3</u>	PRO SE ORDER directing within 30 days of this Order plaintiff to provide a six month trust fund prisoner account statement or provide the Court with the reasoning as to why he cannot obtain such information and failure to comply will result in dismissal of this action without prejudice. Plaintiff shall provide the requested information specific within this order. Pro Se party has been notified by first class mail. Signed by Judge James E. Boasberg on 06/07/2019. (zmc) (Entered: 06/12/2019)
06/24/2019	<u>4</u>	MOTION for Leave to Proceed in forma pauperis by DAVID EARL WATTLETON (zmc) (Entered: 06/26/2019)
06/24/2019	<u>5</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by DAVID EARL WATTLETON (zmc) (Entered: 06/26/2019)
07/10/2019	<u>6</u>	ORDER granting <u>4</u> Motion for Leave to Proceed in forma pauperis; granting <u>2</u> Motion for Leave to Proceed in forma pauperis (see order for further details). Signed by Judge Amy Berman Jackson on 7/8/2019. (zeg) (Entered: 07/10/2019)

07/10/2019		Case Reassigned to Chief Judge Beryl A. Howell. Unassigned is no longer assigned to the case. (zeg) (Entered: 07/10/2019)
07/10/2019	<u>7</u>	SUMMONS (2) Issued as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zeg) Modified text on 7/15/2019 (zeg). (Entered: 07/10/2019)
07/19/2019	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/18/2019., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/18/2019. ( Answer due for ALL FEDERAL DEFENDANTS by 8/17/2019.) (zrdj) (Entered: 07/23/2019)
08/19/2019	<u>9</u>	NOTICE of Appearance by Diana Viggiano Valdivia on behalf of U.S. DEPARTMENT OF JUSTICE (Valdivia, Diana) (Entered: 08/19/2019)
08/19/2019	<u>10</u>	ANSWER to <u>1</u> Complaint by U.S. DEPARTMENT OF JUSTICE.(Valdivia, Diana) (Entered: 08/19/2019)
08/29/2019	<u>11</u>	ORDER directing defendant to file a status report by September 20, 2019. Signed by Chief Judge Beryl A. Howell on 8/28/19. (ms) (Entered: 08/29/2019)
08/29/2019		Set/Reset Deadlines: Defendant's Status Report due by 9/20/2019. (hmc) (Entered: 08/29/2019)
09/03/2019	<u>12</u>	RESPONSE re <u>10</u> Answer to Complaint filed by DAVID EARL WATTLETON. (zrdj) (Entered: 09/05/2019)
09/20/2019	<u>13</u>	STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Valdivia, Diana) (Entered: 09/20/2019)
10/07/2019	<u>14</u>	MOTION to Issue Subpoena by DAVID EARL WATTLETON (zrdj) (Entered: 10/10/2019)
10/24/2019	<u>15</u>	Memorandum in opposition to re <u>14</u> MOTION to Issue Subpoena filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration of Priscilla Jones)(Valdivia, Diana) (Entered: 10/24/2019)
11/04/2019	<u>16</u>	ORDER DENYING without prejudice <u>14</u> Plaintiff's motion to issue subpoena and further ORDERING that the following briefing schedule govern these proceedings: Defendant shall file its motion for summary judgment by November 27, 2019; Plaintiff shall file an opposition to Defendant's motion by December 27, 2019, and; Defendant shall file its reply by January 11, 2020. See order for further details. Signed by Chief Judge Beryl A. Howell on 11/04/2019. (dm) (Entered: 11/04/2019)
11/04/2019		Set/Reset Deadlines: Summary judgment motion due by 11/27/2019; opposition to motion for summary judgment due by 12/27/2019; reply to opposition to motion for summary judgment due by 1/11/2020. (tg) (Entered: 11/04/2019)
11/26/2019	<u>17</u>	MOTION for Extension of Time to file <i>Defendant's Motion for Summary Judgment</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Valdivia, Diana) (Entered: 11/26/2019)
11/27/2019		MINUTE ORDER GRANTING Defendant's <u>17</u> motion for extension of time to file motion for summary judgment and further ORDERING that the following briefing schedule shall now govern these proceedings: Defendant shall file any motion for summary judgment by December 11, 2019; Plaintiff shall file any opposition to Defendant's motion by January 10, 2020, and; Defendant shall file any reply by January 27, 2020. Signed by Chief Judge Beryl A. Howell on 11/27/2019. (dm) (Entered: 11/27/2019)
11/27/2019		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 12/11/2019. Plaintiff's Opposition to Defendant's Motion due by 1/10/2020. Defendant's Reply due by 1/27/2020. (hmc) (Entered: 11/27/2019)
12/05/2019	<u>18</u>	RESPONSE to Motion to Dismiss and for Summary Judgment filed by DAVID EARL WATTLETON. "Leave to file GRANTED", Signed by Chief Judge Beryl A. Howell on 12/5/2019.(zrdj) (Entered: 12/11/2019)

12/11/2019	<u>19</u>	MOTION for Extension of Time to <i>file Defendant's Motion for Summary Judgment</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Valdivia, Diana) (Entered: 12/11/2019)
12/12/2019		MINUTE ORDER: It is hereby ORDERED that Defendant's <u>19</u> motion for extension of time to file its motion for summary judgment is GRANTED and further ORDERING that the following briefing schedule shall now govern these proceedings: Defendant shall file any motion for summary judgment by January 2, 2020; Plaintiff shall file any opposition to Defendant's motion by February 3, 2020, and; Defendant shall file any reply by February 18, 2020. Signed by Chief Judge Beryl A. Howell on 12/12/2019. (dm) (Entered: 12/12/2019)
12/13/2019		Set/Reset Deadlines: Summary judgment motion due by 1/2/2020; opposition to motion for summary judgment due by 2/3/2020; reply due by 2/18/2020. (tg) (Entered: 12/13/2019)
01/02/2020	<u>20</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Theodore B. Smith, # <u>4</u> Declaration of Priscilla A. Jones, # <u>5</u> Declaration of Jeremy Nerstad, # <u>6</u> Text of Proposed Order)(Valdivia, Diana) (Entered: 01/02/2020)
03/03/2020	<u>21</u>	FOX NEAL ORDER advising the plaintiff to respond by April 2, 2020 to <u>20</u> the defendant's motion for summary judgment or suffer the risk that the defendant's motion will be granted, and that judgment will be entered in its favor. The defendant shall file a reply, if any, by April 17, 2020. See order for further details. Signed by Chief Judge Beryl A. Howell on 3/3/2020. (dm) (Entered: 03/03/2020)
03/03/2020		Set/Reset Deadlines: Response to Dispositive Motion due by 4/2/2020; reply, if any, due by 4/17/2020. (tg) Modified to add deadline on 3/4/2020 (tg). (Entered: 03/03/2020)
08/12/2020	<u>22</u>	MEMORANDUM OPINION GRANTING the United States Department of Justice's <u>20</u> motion for summary judgment and closing the case. Signed by Chief Judge Beryl A. Howell on 8/12/2020. (psu3) (Entered: 08/12/2020)
08/12/2020	<u>23</u>	ORDER GRANTING the United States Department of Justice's <u>20</u> motion for summary judgment and closing the case. Signed by Chief Judge Beryl A. Howell on 8/12/2020. (psu3) (Entered: 08/12/2020)