

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:98-cv-00071-EGS**

KIMBERLIN v. PAROLE COMMISSION
Assigned to: Judge Emmet G. Sullivan
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 01/09/1998
Date Terminated: 04/10/2001
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

BRETT C. KIMBERLIN

represented by **BRETT C. KIMBERLIN**
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Fax: AREA CODE (202)
PRO SE

V.

Defendant

**UNITED STATES PAROLE
COMMISSION**

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Date Filed	#	Docket Text
01/09/1998	1	COMPLAINT filed by plaintiff BRETT C. KIMBERLIN (JMF) (Entered: 01/23/1998)
01/09/1998		SUMMONS (3) issued to federal party(s) federal defendant PAROLE COMMISSION , and non-parties: U.S. Attorney and U.S. Attorney General. (JMF) (Entered: 01/23/1998)
01/09/1998	2	APPLICATION by plaintiff BRETT C. KIMBERLIN to proceed in forma pauperis (JMF) (Entered: 01/23/1998)
01/09/1998	3	MOTION filed by plaintiff BRETT C. KIMBERLIN for preliminary injunction (JMF) (Entered: 01/23/1998)
01/09/1998	4	ORDER by Judge Aubrey E. Robinson : granting motion to proceed in forma pauperis [2-1] by BRETT C. KIMBERLIN directing that monthly payments be made from the prisoner account of BRETT C. KIMBERLIN . (N) (tth) (Entered: 01/26/1998)
01/23/1998	5	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 1/21/98 upon federal defendant PAROLE COMMISSION (tth) (Entered: 01/27/1998)
01/23/1998	6	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 1/21/98 (tth) (Entered: 01/27/1998)
02/02/1998	7	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 1/26/98 (tth) (Entered: 02/03/1998)
03/23/1998	9	MOTION filed by federal defendant PAROLE COMMISSION to dismiss complaint [1-1] (st) (Entered: 03/26/1998)
03/24/1998	8	ERRATA by federal defendant PAROLE COMMISSION of exhibits to its Motion to Dismiss that were inadvertently omitted from the filing of the Motion and Memorandum of Points and Authorities; exhibits (22) (tth) (Entered: 03/25/1998)
04/27/1998	10	RESPONSE by plaintiff BRETT C. KIMBERLIN to motion to dismiss complaint [1-1] [9-1] by PAROLE COMMISSION; Exhibits (4) (tth) (Entered: 04/29/1998)
05/13/1998	11	REPLY by federal defendant PAROLE COMMISSION to response to motion to dismiss complaint [1-1] [9-1] by PAROLE COMMISSION; Attachment (1) (tth) (Entered: 05/14/1998)
05/27/1998	12	NOTICE OF SUPPLEMENTAL AUTHORITY by federal defendant PAROLE COMMISSION; Attachment (1) (tth) Modified on 05/28/1998 (Entered: 05/28/1998)
06/04/1998	13	MOTION filed by plaintiff BRETT C. KIMBERLIN for leave to file amended complaint ; EXHIBIT (AMENDED COMPLAINT) (tth) (Entered: 06/05/1998)
06/10/1998	14	RESPONSE by plaintiff BRETT C. KIMBERLIN to defendant's notice of filing [12-1] by PAROLE COMMISSION (tth) (Entered: 06/11/1998)
08/13/1998	15	AMENDED COMPLAINT by plaintiff BRETT C. KIMBERLIN amending complaint [1-1]; (fiat) GREENE, J. (tb) Modified on 08/17/1998 (Entered: 08/17/1998)

		08/17/1998)
05/07/1999	16	MOTION filed by plaintiff BRETT C. KIMBERLIN to supplement complaint and response with new evidence (st) (Entered: 05/10/1999)
06/02/1999	17	RESPONSE by federal defendant PAROLE COMMISSION to motion for preliminary injunction [3-1] by BRETT C. KIMBERLIN (tth) (Entered: 06/03/1999)
06/02/1999	18	MOTION filed by plaintiff BRETT C. KIMBERLIN for preliminary injunction ; Exhibits (2) (tth) (Entered: 06/03/1999)
06/11/1999	19	REPLY by plaintiff BRETT C. KIMBERLIN to motion for preliminary injunction [18-1] by BRETT C. KIMBERLIN (st) (Entered: 06/14/1999)
08/06/1999	20	MOTION filed by plaintiff BRETT C. KIMBERLIN to supplement the record (st) (Entered: 08/09/1999)
08/12/1999	21	SUBSTITUTION OF COUNSEL for federal defendant PAROLE COMMISSION , substituting Michael Anthony Humphries for attorney Halsey B. Frank for PAROLE COMMISSION (tth) (Entered: 08/13/1999)
09/13/1999		CASE REASSIGNED to Judge Emmet G. Sullivan (tth) (Entered: 09/15/1999)
09/27/1999	22	ORDER by Judge Emmet G. Sullivan :directing parties to file a joint status report by 11/1/99; (N) (clv) (Entered: 09/27/1999)
11/01/1999	23	STATUS REPORT by federal defendant PAROLE COMMISSION (tw) (Entered: 11/03/1999)
11/03/1999	24	STATUS REPORT by plaintiff BRETT C. KIMBERLIN (tth) (Entered: 11/05/1999)
11/16/1999	25	ORDER by Judge Emmet G. Sullivan : referring report and recommendation on the pending motions to Magistrate Judge Alan Kay (N) (clv) (Entered: 11/16/1999)
11/16/1999		CASE REFERRED to Magistrate Judge Alan Kay for report and recommendation on the pending motions (cjp) (Entered: 11/18/1999)
12/10/1999	26	ENTERED IN ERROR JOINT MOTION by plaintiff BRETT C. KIMBERLIN, federal defendant PAROLE COMMISSION for reconsideration of denial of defendant's unopposed motion to extend discovery at status conference held on 10/19/99 (tb) Modified on 06/13/2000 (Entered: 12/13/1999)
03/03/2000	27	MEMORANDUM by plaintiff BRETT C. KIMBERLIN verified new evidence in support of complaint. (tw) (Entered: 03/06/2000)
03/30/2000	28	ORDER by Judge Emmet G. Sullivan : granting motion to supplement the record [20-1] by BRETT C. KIMBERLIN, granting motion to supplement complaint and response with new evidence [16-1] by BRETT C. KIMBERLIN; plaintiff's motion for preliminary injunction, filed 6/2/99, is hereby consolidated with plaintiff's original motion for a preliminary injunction; denying motion for preliminary injunction [18-1] by BRETT C. KIMBERLIN (N) (clv) (Entered: 03/31/2000)
04/07/2000	29	MOTION filed by plaintiff BRETT C. KIMBERLIN to construe motions for preliminary injunction as one for summary judgment (tb) (Entered: 04/10/2000)
04/07/2000	30	MOTION filed by plaintiff BRETT C. KIMBERLIN to supplement previously filed verified new evidence (tb) (Entered: 04/10/2000)
05/02/2000	<u>31</u>	REPORT AND RECOMMENDATION of Magistrate Judge Alan Kay (lpp) (Entered: 05/03/2000)
05/10/2000	32	MOTION filed by plaintiff BRETT C. KIMBERLIN for order to adopt Magistrate's report and recommendation (bjsp) (Entered: 05/11/2000)
06/14/2000	33	ORDER by Judge Emmet G. Sullivan : denying plaintiff's motion to amend the complaint; denying motion to supplement previously filed verified new evidence [30-1] by BRETT C. KIMBERLIN, denying motion to construe motions for preliminary injunction as one for summary judgment [29-1] by BRETT C.

		KIMBERLIN, denying motion to dismiss complaint [1-1] [9-1] by PAROLE COMMISSION, denying motion for preliminary injunction [3-1] by BRETT C. KIMBERLIN (N) (clv) (Entered: 06/14/2000)
08/24/2000	34	ERRATA RE: corrected copy of attachment four to the declaration of Carol Booner filed in support of motion inlime by federal defendant PAROLE COMMISSION; attachment (1) (tb) (Entered: 08/28/2000)
08/28/2000	35	MOTION filed by plaintiff BRETT C. KIMBERLIN for summary judgment ; exhibits (25) (tb) (Entered: 08/29/2000)
08/28/2000		CASE referral to Magistrate Judge Alan Kay ended. (kk) (Entered: 09/19/2000)
09/11/2000	36	MOTION filed by federal defendant PAROLE COMMISSION to extend time to 9/27/00 to respond to plaintiffs motion for summary judgment (dcn) (Entered: 09/12/2000)
09/21/2000	37	ORDER by Judge Emmet G. Sullivan : granting motion to extend time to 9/27/00 to respond to plaintiffs motion for summary judgment [36-1] by PAROLE COMMISSION response to motion for summary judgment due 9/27/00 ; (N) (clv) (Entered: 09/21/2000)
09/27/2000	38	MOTION filed by federal defendant PAROLE COMMISSION to extend time to 10/20/00 respond to plaintiff's motion for summary judgment (tb) (Entered: 09/28/2000)
09/27/2000	39	SUBSTITUTION OF COUNSEL for federal defendant PAROLE COMMISSION , substituting Robin Earnest for attorney Michael Anthony Humphrey for PAROLE COMMISSION (tb) (Entered: 09/28/2000)
09/27/2000	40	ORDER by Judge Emmet G. Sullivan : granting motion to extend time to 10/13/00 respond to plaintiff's motion for summary judgment [38-1] by PAROLE COMMISSION (N) (ks) (Entered: 10/02/2000)
10/10/2000	41	MOTION filed by federal defendant PAROLE COMMISSION to extend time to respond the plaintiff's motion for summary judgment until 10/20/00 , and to extend time to October 20, 2000 to answer amended complaint [15-1] (jdm) Modified on 10/12/2000 (Entered: 10/11/2000)
10/11/2000	42	ORDER by Judge Emmet G. Sullivan : granting motion to extend time to respond the plaintiff's motion for summary judgment until 10/20/00 [41-1] by PAROLE COMMISSION response to motion for summary judgment due 10/20/00 ; (N) (clv) (Entered: 10/11/2000)
10/17/2000	<u>43</u>	ORDER by Judge Emmet G. Sullivan : granting motion to extend time to respond the plaintiff's motion for summary judgment until 10/20/00 [41-1] by PAROLE COMMISSION motion for summary judgment due by 10/20/00 ; response to motion for summary judgment due 10/20/00 ; (N) (clv) (Entered: 10/17/2000)
10/20/2000	44	MOTION filed by federal defendant PAROLE COMMISSION to dismiss complaint [1-1] ; exhibits (17) (aet) (Entered: 10/23/2000)
11/06/2000	46	RESPONSE by plaintiff BRETT C. KIMBERLIN to motion to dismiss complaint [1-1] [44-1] by PAROLE COMMISSION (aet) (Entered: 11/13/2000)
11/08/2000	45	REPLY by federal defendant PAROLE COMMISSION in support of motion to dismiss complaint [1-1] [44-1]; exhibit (1) (td) (Entered: 11/11/2000)
12/21/2000	<u>47</u>	ORDER by Judge Emmet G. Sullivan : referring Report and Recommendation on pending motions to Magistrate Judge kay. (N) (pob) (Entered: 12/21/2000)
12/21/2000		CASE REFERRED to Magistrate Judge Alan Kay for report and recommendation on pending motions (cjp) (Entered: 12/21/2000)
03/09/2001	48	ATTORNEY APPEARANCE for federal defendant PAROLE COMMISSION by Jennifer U. Toth (td) (Entered: 03/16/2001)
03/19/2001	49	NOTICE OF FILING by federal defendant PAROLE COMMISSION; copy of recent decision of the United States District Court for the Eastern District of

		Virginia in Kimberlin v. United States Parole Commission, No. 2:00cv307 (E.D.VA 3/5/01) (bm) (Entered: 03/21/2001)
03/26/2001	<u>50</u>	REPORT AND RECOMMENDATION of Magistrate Judge Alan Kay (N) (kk) (Entered: 03/26/2001)
03/26/2001		CASE referral ended as to Magistrate Judge Alan Kay. (kk) (Entered: 04/04/2001)
04/05/2001	52	NOTICE OF CHANGE OF ADDRESS representing plaintiff BRETT C. KIMBERLIN . New address: 8100 Beech Tree Road Bethesda, MD 20817 . (td) (Entered: 04/10/2001)
04/05/2001	53	MOTION filed by plaintiff BRETT C. KIMBERLIN to dismiss [1-1] without prejudice (td) (Entered: 04/10/2001)
04/10/2001	<u>51</u>	ORDER by Judge Emmet G. Sullivan : granting motion to dismiss complaint [1-1] [44-1] by PAROLE COMMISSION (N) (clv) (Entered: 04/10/2001)
04/27/2001	54	NOTICE OF CHANGE OF ADDRESS by BRETT C. KIMBERLIN representing plaintiff BRETT C. KIMBERLIN . New address: P.O.B. 9576 Washington DC 20016 . (td) (Entered: 05/02/2001)
06/29/2001	55	ATTORNEY APPEARANCE for federal defendant PAROLE COMMISSION by Andrew David Auerbach (aet) (Entered: 07/03/2001)