

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:98-cv-01247-TPJ**

SACCO v. FBI, et al
Assigned to: Judge Thomas Penfield Jackson
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 05/19/1998
Date Terminated: 03/20/2001
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**FRANK SACCO**

represented by **FRANK SACCO**
R95551-131
MARION FEDERAL PRISON CAMP
P.O. Box 1000
Marion, IL 62959
PRO SE

V.

Defendant**FEDERAL BUREAU OF INVESTIGATION**

represented by **Brian J. Sonfield**
US DEPARTMENT OF TREASURY
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**RICHARD BALLEZZA**
Special FBI Agent & FBI

represented by **Brian J. Sonfield**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/19/1998	1	COMPLAINT filed by plaintiff FRANK SACCO; attachments (4) (tb) (Entered: 05/20/1998)
05/19/1998		SUMMONS NOT ISSUED. (tb) (Entered: 05/20/1998)
05/19/1998	2	MOTION filed by plaintiff FRANK SACCO to proceed in forma pauperis ; attachments (1) (tb) (Entered: 05/20/1998)
05/19/1998	3	ORDER by Judge James Robertson : directing prisoner plaintiff to provide a trust fund statement to the court by 6/18/98 for FRANK SACCO . (N) (tb) (Entered: 05/21/1998)
06/09/1998	4	TRUST FUND ACCOUNT filed by plaintiff FRANK SACCO pursuant to order [3-2] by Judge James Robertson : directing prisoner plaintiff to provide a trust fund statement to the court by 06/19/98 for FRANK SACCO. (pt) (Entered: 06/19/1998)
06/19/1998	5	ORDER by Judge Aubrey E. Robinson : directing that monthly payments be made from the prisoner account of FRANK SACCO . (N) (pt) (Entered: 06/19/1998)

06/19/1998		SUMMONS issued to federal party(s) federal defendant FBI , and non-parties: U.S. Attorney and U.S. Attorney General. (pt) (Entered: 06/19/1998)
06/19/1998		CASE REASSIGNED from Unassigned to Judge Thomas P. Jackson (tth) (Entered: 06/22/1998)
06/30/1998	6	AMENDED COMPLAINT by plaintiff FRANK SACCO adding federal defendant RICHARD BALLEZZA, and amending complaint [1-1]. (tth) (Entered: 07/01/1998)
07/10/1998	7	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 7/6/98 upon federal defendant FBI (tth) (Entered: 07/13/1998)
07/10/1998	8	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 7/6/98 (tth) (Entered: 07/13/1998)
07/10/1998	9	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 7/2/98 (tth) (Entered: 07/13/1998)
07/30/1998	10	MOTION filed by plaintiff FRANK SACCO for discovery schedule (tb) (Entered: 07/31/1998)
07/31/1998	11	ATTORNEY APPEARANCE for federal defendant FBI, federal defendant RICHARD BALLEZZA by Brian J. Sonfield (tb) (Entered: 08/04/1998)
07/31/1998	12	MOTION filed by federal defendant FBI, federal defendant RICHARD BALLEZZA to extend time to 8/21/98 to answer complaint [1-1] (tb) (Entered: 08/04/1998)
08/04/1998	13	ORDER by Judge Thomas P. Jackson : granting motion to extend time to 8/21/98 to answer complaint [1-1] [12-1] by RICHARD BALLEZZA, FBI ; Answer extended to 8/21/98 for RICHARD BALLEZZA, for FBI (N) (pao) (Entered: 08/04/1998)
08/21/1998	14	ANSWER TO COMPLAINT [1-1] by federal defendant FBI . (JMF) (Entered: 08/24/1998)
08/31/1998	15	MOTION filed by federal defendant FBI for protective order staying all discovery in the case until further order of this court. (tw) (Entered: 09/01/1998)
09/01/1998	16	MOTION filed by plaintiff FRANK SACCO for entry of default as to FBI, RICHARD BALLEZZA (tb) (Entered: 09/03/1998)
09/01/1998	17	NOTICE OF WITHDRAWAL of motion for entry of default as to FBI, RICHARD BALLEZZA [16-1] by FRANK SACCO (tb) (Entered: 09/03/1998)
09/01/1998		ORDER by Judge Thomas P. Jackson denying motion for entry of default [16-1] (fiat) (N) (tb) (Entered: 09/03/1998)
09/03/1998	18	MEMORANDUM RE: plaintiff's notice of inability to attend initial pretrial/scheduling conference by plaintiff FRANK SACCO (tb) (Entered: 09/04/1998)
09/09/1998	19	MOTION filed by federal defendant RICHARD BALLEZZA to extend time to respond to motion for entry of default (JMF) (Entered: 09/10/1998)
09/10/1998	20	ORDER by Judge Thomas P. Jackson : granting motion to extend time to respond to motion for entry of default [19-1] by RICHARD BALLEZZA ,and extending time to 30 days after defendant BALLEZZA has been served, directing that no amendment of the complaint to add defendant BALLEZZA or any other party shall be permitted until plaintiff has moved for such amendment. (N) (rew) (Entered: 09/11/1998)
09/14/1998	21	OBJECTIONS by plaintiff FRANK SACCO to FBI's motion for protective order staying all discovery in the case until further order of this court. [15-1] by FBI (tw) (Entered: 09/15/1998)
09/14/1998	22	MOTION filed by plaintiff FRANK SACCO for Vaughn Index (tw) (Entered: 09/15/1998)

09/15/1998	23	REPLY by federal defendant FBI to response to motion for protective order staying all discovery in the case until further order of this court. [15-1] by FBI (tth) (Entered: 09/16/1998)
09/21/1998	24	OBJECTIONS by plaintiff FRANK SACCO to Court's order of 9/10/98 [20-1] (ks) (Entered: 09/22/1998)
09/21/1998	25	MOTION filed by plaintiff FRANK SACCO to vacate Order of 9/10/98. (ks) (Entered: 09/22/1998)
09/21/1998	26	RESPONSE by plaintiff FRANK SACCO in opposition to motion for enlargement & cross-motion to strike. (ks) (Entered: 09/22/1998)
09/22/1998	27	MOTION filed by federal defendant FBI to extend time to 10/16/98 to respond to plaintiff's Vaughn Motion (tth) (Entered: 09/23/1998)
09/23/1998	28	ORDER by Judge Thomas P. Jackson: granting motion to extend time to 10/16/98 to respond to plaintiff's Vaughn Motion for "Open America" stay or otherwise respond to plaintiff's Vaughn [27-1] by FBI (N) (kmk) (Entered: 09/23/1998)
09/28/1998	29	MOTION filed by plaintiff FRANK SACCO for partial summary judgment against defendant FBI. (ks) (Entered: 09/29/1998)
10/05/1998		SCHEDULING NOTICE: Cancelling initial scheduling conference previously scheduled for 10/15/98 before Judge Thomas P. Jackson . (pao) (Entered: 10/19/1998)
10/06/1998	30	MOTION filed by federal defendant FBI to postpone scheduling conference presently set for 10/15/98 (tth) (Entered: 10/07/1998)
10/07/1998	31	ORDER by Judge Thomas P. Jackson : granting motion to postpone scheduling conference presently set for 10/15/98 [30-1] by FBI, to a date following defendant's response to plaintiffs complaint due 10-16-98. (N) (rew) (Entered: 10/08/1998)
10/16/1998	32	MOTION filed by federal defendant FBI for an Open America stay ; Declaration (1); Exhibits (12) (tth) (Entered: 10/19/1998)
10/21/1998	33	ORDER by Judge Thomas P. Jackson , directing plaintiff to respond to defendant motion for an Open America stay by 11-2-98, failing the Court may grant the motion. (N) (rew) (Entered: 10/21/1998)
10/21/1998	34	MOTION filed by plaintiff FRANK SACCO for partial summary judgment default (st) (Entered: 10/22/1998)
10/23/1998	35	MOTION filed by plaintiff FRANK SACCO allowing plaintiff the time afforded to him pursuant to Rule 108(b) to reply to defendant's motion for an Open America Stay (tb) (Entered: 10/26/1998)
10/29/1998	36	RESPONSE by plaintiff FRANK SACCO in opposition to motion for an Open America stay [32-1] by FBI; Exhibits (1). (tth) (Entered: 10/30/1998)
11/02/1998	37	MOTION filed by plaintiff FRANK SACCO for order permitting Richard Ballezza to be added as a defendant in this action (st) (Entered: 11/03/1998)
11/12/1998	38	RESPONSE by federal defendant FBI in opposition to motion for order permitting Richard Ballezza to be added as a defendant in this action [37-1] by FRANK SACCO; Exhibit (1) (tth) (Entered: 11/13/1998)
11/16/1998	39	MOTION filed by plaintiff FRANK SACCO for the Court to rule on plaintiff's motion for partial summary judgment 9/23/98 (st) (Entered: 11/17/1998)
12/04/1998	40	NOTICE RE: protest of court's lack or ruling on defendant's motion for an Open America Stay which has been fully submitted and other pending matters by plaintiff FRANK SACCO (tb) (Entered: 12/07/1998)
12/08/1998	41	STATUS REPORT by federal defendant FBI (tth) (Entered: 12/09/1998)
12/08/1998	42	AMENDED motion for an Open America stay [32-1] by FBI; Declaration (1) (tth) (Entered: 12/09/1998)

01/08/1999	43	MEMORANDUM AND ORDER by Judge Thomas P. Jackson : denying motion for the Court to rule on plaintiff's motion for partial summary judgment 9/23/98 [39-1] by FRANK SACCO, denying motion for order permitting Richard Ballezza to be added as a defendant in this action [37-1] by FRANK SACCO, denying motion allowing plaintiff the time afforded to him pursuant to Rule 108(b) to reply to defendant's motion for an Open America Stay [35-1] by FRANK SACCO, denying motion for partial summary judgment default [34-1] by FRANK SACCO, denying motion for partial summary judgment against defendant FBI. [29-1] by FRANK SACCO, denying motion for Vaughn Index [22-1] by FRANK SACCO, granting motion for protective order staying all discovery in the case until further order of this court. [15-1] by FBI, denying motion for discovery schedule [10-1] by FRANK SACCO, denying motion for an Open America stay [32-1] by FBI ,and directing defendant to provide a report to the Court by 2-1-99 (N) (N) (rew) (Entered: 01/12/1999)
01/28/1999	45	MOTION (DISCRIMINATION COMPLAINT) filed by plaintiff FRANK SACCO to recuse ; "Let this be filed", JACKSON, J. (tth) (Entered: 02/03/1999)
02/01/1999	44	STATUS REPORT by federal defendant FBI, federal defendant RICHARD BALLEZZA (st) (Entered: 02/02/1999)
02/02/1999	46	ORDER by Judge Thomas P. Jackson : denying motion to recuse [45-1] by FRANK SACCO (N) (tth) (Entered: 02/03/1999)
03/02/1999	47	ORDER by Judge Thomas P. Jackson , directing plaintiff to file a response to defendants status report by 3-26-99, failing the Court may dismiss the action and denying as moot plaintiff's motion to vacate order of 9-10-98 and defendants amended mo for open america stay. (N) (rew) (Entered: 03/03/1999)
03/23/1999	48	MOTION filed by plaintiff FRANK SACCO to extend time to 4/23/99 to file his response to status report (st) (Entered: 03/24/1999)
03/30/1999	49	ORDER by Judge Thomas P. Jackson : granting motion to extend time to 4/23/99 to file his response to status report [48-1] by FRANK SACCO, failing the Court may dismiss for lack of prosecution. (N) (rew) (Entered: 03/31/1999)
04/27/1999	50	RESPONSE by plaintiff FRANK SACCO to status report [44-1] by RICHARD BALLEZZA, FBI (tw) (Entered: 04/28/1999)
04/30/1999	51	STATUS REPORT by federal defendant FBI, federal defendant RICHARD BALLEZZA (st) (Entered: 05/03/1999)
06/11/1999	52	ORDER by Judge Thomas P. Jackson, directing plaintiff to establish exhaustion of administrative remedies by filing proof by 6-25-99; failing will result in dismissal. (N) (rew) (Entered: 06/14/1999)
06/28/1999	53	MOTION filed by plaintiff FRANK SACCO to extend time to 7/22/99 to pay for copying fees for FOIA request (tth) (Entered: 06/29/1999)
07/08/1999	54	ORDER by Judge Thomas F. Hogan , for Judge Thomas P. Jackson granting motion to extend time to 7/22/99 to pay for copying fees for FOIA request [53-1] by FRANK SACCO, and directing plaintiff to establish exhaustion of his administrative remedies by 7-22-99 by filing proof of copying fees for FOIA requests, failing the case will be dismissed and no further extensions will be granted without good cause shown. (N) (rew) (Entered: 07/13/1999)
08/02/1999	57	RESPONSE by plaintiff FRANK SACCO to order [54-1]; Attachment (1) (tth) (Entered: 08/13/1999)
08/03/1999	55	MEMORANDUM by Judge Thomas P. Jackson : (N) (N) (rew) (Entered: 08/06/1999)
08/03/1999	56	ORDER by Judge Thomas P. Jackson ,dismissing action for lack of prosecution, denying any pending motions. (N) (rew) (Entered: 08/06/1999)
08/13/1999	58	ORDER by Judge Thomas P. Jackson , vacating the 8-3-99 Order dismissing case and directing the case be reopened and setting status call for 9-16-99 at 9:30 am. (N) (rew) (Entered: 08/16/1999)

08/16/1999		SCHEDULING NOTICE: status hearing set for 9:30 9/16/99 ; before Judge Thomas P. Jackson . (rew) (Entered: 08/16/1999)
08/23/1999	59	MOTION filed by plaintiff FRANK SACCO to compel discovery (bjsp) (Entered: 08/26/1999)
08/31/1999	60	STATUS REPORT (CONFERENCE) by plaintiff FRANK SACCO (bjsp) (Entered: 09/02/1999)
09/01/1999	61	MOTION filed by federal defendant FBI to extend time for filing discovery to 10/18/99 ; exhibit (1) (bjsp) (Entered: 09/02/1999)
09/08/1999	62	ORDER by Judge Thomas P. Jackson : granting motion to extend time to oppose plaintiffs motion to compel and file any cross-motion for summary judgment to 10/18/99 [61-1] by FBI (N) (rew) (Entered: 09/13/1999)
09/09/1999		SCHEDULING NOTICE: status hearing set for 9:30 11/30/99 ; before Judge Thomas P. Jackson . (rew) (Entered: 09/09/1999)
10/18/1999	63	MOTION filed by federal defendant FBI, federal defendant RICHARD BALLEZZA for summary judgment on the grounds that there are no material facts in dispute ; declaration (1); exhibits (19) (tw) (Entered: 10/20/1999)
10/20/1999	64	ORDER by Judge Thomas P. Jackson: that plaintiffs' response to defendants' motion for summary judgment due 11/22/99 (N) (kmk) (Entered: 10/21/1999)
11/01/1999	65	RESPONSE by plaintiff FRANK SACCO in opposition to defendant's motion for summary judgment [63-1]. (tw) (Entered: 11/03/1999)
11/01/1999	66	REPLY by federal defendant FBI, federal defendant RICHARD BALLEZZA in further support of motion for summary judgment [63-1]; exhibits (5) (tw) (Entered: 11/03/1999)
11/15/1999	68	SURREPLY by plaintiff FRANK SACCO to defendant's reply memorandum in further support of motion for summary judgment [66-1]; "Let this be filed", JACKSON, J. (tth) (Entered: 12/03/1999)
11/30/1999	67	MEMORANDUM AND ORDER by Judge Thomas P. Jackson : denying motion for summary judgment on the grounds that there are no material facts in dispute [63-1] by RICHARD BALLEZZA, FBI, denying motion to compel discovery [59-1] by FRANK SACCO ; and defendants have 45 days to file a renewed motion for summary judgment.(N) (rew) (Entered: 11/30/1999)
01/05/2000	69	STATUS REPORT by plaintiff FRANK SACCO (tb) (Entered: 01/06/2000)
01/10/2000	70	MOTION filed by federal defendant FBI to extend time to 2/14/00 to file reply to renewed motion for summary judgment ; declaration (1) (tb) (Entered: 01/11/2000)
01/12/2000	71	ORDER by Judge Thomas P. Jackson: granting motion to extend time to 2/14/00 to file reply to renewed motion for summary judgment [70-1] by FBI motion for summary judgment due by 2/14/00 ; (N) (kmk) (Entered: 01/19/2000)
02/11/2000	72	MOTION filed by federal defendant FBI, federal defendant RICHARD BALLEZZA to extend time to 3/6/00 to file renewed motion for summary judgment (tb) (Entered: 02/14/2000)
02/14/2000	73	ORDER by Judge Thomas P. Jackson: granting motion to extend time to 3/6/00 to file renewed motion for summary judgment [72-1] by RICHARD BALLEZZA, FBI; motion for summary judgment due by 3/6/00 ; (N) (kmk) (Entered: 02/14/2000)
03/06/2000	74	MOTION filed by federal defendant FBI, federal defendant RICHARD BALLEZZA to extend time to 3/13/00 to file renewed motion for summary judgment (tb) (Entered: 03/07/2000)
03/07/2000	75	ORDER by Judge Thomas P. Jackson: granting motion to extend time to 3/13/00 to file renewed motion for summary judgment [74-1] by RICHARD BALLEZZA, FBI motion for summary judgment due by 3/13/00 ; (N) (kmk) (Entered: 03/09/2000)

03/14/2000	76	MOTION filed by federal defendant FBI, federal defendant RICHARD BALLEZZA to extend time to 3/20/00 within which to file its renewed motion for summary judgment (pob) (Entered: 03/15/2000)
03/15/2000	77	ORDER by Judge Thomas P. Jackson: granting motion to extend time to 3/20/00 within which to file its renewed motion for summary judgment [76-1] by RICHARD BALLEZZA, FBI; defendant's renewed motion for summary judgment due by 3/20/00 ; (N) (kmk) (Entered: 03/20/2000)
03/17/2000	78	MOTION filed by federal defendant to extend time, to 3/14/00, to file its motion for enlargement of time (dcn) (Entered: 03/20/2000)
03/20/2000	79	MOTION filed by federal defendant FBI, federal defendant RICHARD BALLEZZA for summary judgment ; declaration (1); exhibits (4); bulky pleading (tb) (Entered: 03/21/2000)
03/20/2000	<u>80</u>	ORDER by Judge Thomas P. Jackson : granting motion to extend time, to 3/14/00, to file its motion for enlargement of time [78-1] by RICHARD BALLEZZA, FBI (N) (rew) (Entered: 03/21/2000)
03/22/2000	<u>81</u>	ORDER by Judge Thomas P. Jackson :directing plaintiff to respond to defendant motion for summary judgment by 4-24-00, failing the court may treat the motion as conceded. (N) (rew) (Entered: 03/27/2000)
04/03/2000	82	STATUS REPORT by plaintiff FRANK SACCO; attachment (tb) (Entered: 04/04/2000)
04/11/2000	84	RESPONSE (OPPOSITIONS) by federal defendant FBI, federal defendant RICHARD BALLEZZA to motion for a vaughn index (tb) (Entered: 04/29/2000)
04/24/2000	83	OBJECTIONS by plaintiff FRANK SACCO to motion for summary judgment [79-1] by RICHARD BALLEZZA, FBI; exhibit (1) (bjsp) (Entered: 04/25/2000)
03/19/2001	<u>85</u>	MEMORANDUM OPINION by Judge Thomas P. Jackson (N) (rew) (Entered: 03/20/2001)
03/19/2001	<u>86</u>	ORDER by Judge Thomas P. Jackson : granting motion for summary judgment [79-1] by RICHARD BALLEZZA, FBI and this action is dismissed for lack of subject matter jurisdiction with leave to reopen within 30 days and all pending motions are denied as moot. (N) (rew) (Entered: 03/20/2001)