

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:98-cv-00730-ESH**

SALDANA v. BATF  
Assigned to: Judge Ellen S. Huvelle  
Demand: \$0  
Cause: 05:552 Freedom of Information Act

Date Filed: 03/23/1998  
Date Terminated: 03/25/2003  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**FRANCISCO SALDANA**

represented by **FRANCISCO SALDANA**  
R49160-004  
ESSEX COUNTY CORRECTIONAL FACILITY  
354 Doremus Avenue  
Inmate Mail/Parcels  
Newarj, NJ 07105  
PRO SE

V.

**Defendant**

**BUREAU OF ALCOHOL,  
TOBACCO, FIREARMS, AND  
EXPLOSIVES**

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Date Filed	#	Docket Text
03/23/1998	1	COMPLAINT filed by plaintiff FRANCISCO SALDANA (lkn) (Entered: 03/25/1998)
03/23/1998	2	APPLICATION by plaintiff FRANCISCO SALDANA to proceed in forma pauperis (lkn) (Entered: 03/25/1998)
03/23/1998	3	PRISON ACCOUNT STATEMENT filed by plaintiff FRANCISCO SALDANA pursuant to order . (lkn) (Entered: 03/25/1998)
03/23/1998	4	ORDER by Judge Aubrey E. Robinson : granting motion to proceed in forma pauperis [2-1] by FRANCISCO SALDANA directing that monthly payments be made from the prisoner account of FRANCISCO SALDANA . (N) (lkn) (Entered: 03/25/1998)
04/03/1998		SUMMONS (3) issued to federal party(s) federal defendant BATF , and non-parties: U.S. Attorney and U.S. Attorney General. (lkn) (Entered: 04/06/1998)
04/15/1998	5	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 4/1/98 (JMF) (Entered: 04/16/1998)
04/15/1998	6	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 4/1/98 (JMF) (Entered: 04/16/1998)
04/21/1998	7	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 4/17/98 upon federal defendant BATF (lkn) (Entered: 04/22/1998)
04/21/1998	8	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed on 4/17/98 upon federal defendant BATF (lkn) (Entered: 04/22/1998)
04/21/1998	9	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney General on 4/9/98 (lkn) (Entered: 04/22/1998)

04/21/1998	10	RETURN OF SERVICE/AFFIDAVIT of summons and complaint executed upon U.S. Attorney on 4/17/98 (lkn) (Entered: 04/22/1998)
05/01/1998	11	ANSWER TO COMPLAINT [1-1] by federal defendant BATF . (JMF) (Entered: 05/04/1998)
08/04/1998	12	ORDER by Judge Thomas F. Hogan: that defendant may have 45 days from the date of this Order within which to file a dispositive motion or, in the alternative, to file a report setting forth the schedule according to which it will complete production of documents to plaintiff. (N) (bm) (Entered: 08/05/1998)
09/18/1998	13	MOTION filed by federal defendant BATF to dismiss complaint [1-1] , or, in the alternative for summary judgment ; exhibits (1), declarations (1) (JMF) (Entered: 09/21/1998)
10/13/1998	14	SUBSTITUTION OF COUNSEL for federal defendant BATF , substituting Paul S. Padda for attorney Meredith Manning (JMF) (Entered: 10/14/1998)
10/20/1998	15	ORDER by Judge Thomas F. Hogan : advising pro se plaintiff of his obligations under the Federal Rules of Civil Procedure and the rules of this Court; plaintiff's response to defendant's motion to dismiss due 11/16/98 ; (N) (gew) (Entered: 10/20/1998)
11/23/1998	16	MOTION filed by plaintiff FRANCISCO SALDANA to extend time to 12/16/98 to file a reply to motion to dismiss (jf) (Entered: 11/24/1998)
01/04/1999	17	REPLY by federal defendant BATF to plaintiff's opposition to motion to dismiss complaint [1-1] [13-1] by BATF, motion for summary judgment [13-2] by BATF (lkn) (Entered: 01/05/1999)
06/15/1999	18	ORDER by Judge Thomas F. Hogan : directing that the attached Plaintiff's Opposition to Defendant's Motion to Dismiss be filed. (N) (gew) (Entered: 06/15/1999)
12/22/1999		REASSIGNMENT OF CIVIL CASE from Judge Hogan to Judge Ellen S. Huvelle by direction of the Calendar Committee. Emergency matters will continue to be handled by Judge Hogan until Judge Huvelle takes the oath of office. (N) (jeb) (Entered: 12/22/1999)
01/07/2000	19	MOTION filed by plaintiff FRANCISCO SALDANA for Vaughn Index (tw) (Entered: 01/11/2000)
04/28/2000	<u>20</u>	MEMORANDUM AND ORDER by Judge Ellen S. Huvelle: denying motion without prejudice for Vaughn Index [19-1] by FRANCISCO SALDANA, denying motion without prejudice to dismiss complaint [1-1] [13-1] by BATF, denying without prejudice motion for summary judgment [13-2] by BATF; FUTHER ORDERED that Defendant may file a renewed motion for summary judgment no later than May 22, 2000, and Plaintiff may file an opposition by June 14, 2000. (N) (See order for detail) (gdf) (Entered: 05/01/2000)
05/22/2000	21	MOTION filed by federal defendant BATF to extend time to 6/30/00 to file renewed motion for summary judgment (bjsp) (Entered: 05/23/2000)
05/24/2000	<u>22</u>	ORDER by Judge Ellen S. Huvelle: granting motion to extend time to 6/30/00 to file renewed motion for summary judgment [21-1] by BATF; motion for summary judgment due by 6/30/00 ; (N) (kmk) (Entered: 05/25/2000)
06/09/2000	23	MOTION filed by plaintiff FRANCISCO SALDANA for Vaughn Index to be provided to plaintiff for reviewing ; attachments (bjsp) Modified on 06/12/2000 (Entered: 06/12/2000)
06/09/2000	24	MOTION filed by plaintiff FRANCISCO SALDANA for the Court to order the defendants to to provide plaintiff with Vaughn Index information (bjsp) (Entered: 06/13/2000)
08/07/2000	25	MOTION filed by federal defendant BATF to stay proceedings , and to extend time for defendant to file a renewed motion for summary judgment ; attachments (bjsp) Modified on 08/08/2000 (Entered: 08/08/2000)

08/25/2000	26	SUPPLEMENT by federal defendant BATF in support of motion to stay proceedings [25-1] by BATF (bjsp) (Entered: 08/28/2000)
08/30/2000	27	SUBSTITUTION OF COUNSEL for federal defendant BATF , substituting Michael Anthony Humphrey for attorney Paul S. Padda for BATF (bjsp) (Entered: 08/31/2000)
09/01/2000	<u>28</u>	ORDER by Judge Ellen S. Huvelle: granting motion to stay proceedings [25-1] by BATF, granting motion to extend time for defendant to file a renewed motion for summary judgment [25-2] by BATF; FURTHER ORDER that further proceedings in this case are stayed pending resolution of any petition for rehearing or hearing en banc in Maydak v. Department of Justice; FURTHER ORDERED that defendant shall notify this Court promptly when a decision is made whether or not to seek rehearing in Maydak and, if rehearing is sought, the outcome of such a petition; denying motion without prejudice for Vaughn Index to be provided to plaintiff for reviewing [23-1] by FRANCISCO SALDANA, denying motion without prejudice for the Court to order the defendants to to provide plaintiff with Vaughn Index information [24-1] by FRANCISCO SALDANA (N) (gdf) (Entered: 09/06/2000)
09/07/2000	<u>29</u>	ORDER by Judge Ellen S. Huvelle: granting motion to stay proceedings [25-1] by BATF, granting motion to extend time for defendant to file a renewed motion for summary judgment [25-2] by BATF; FURTHER ORDERED that Defendant shall file a status report on or before 9/14/00, stating when it expects to complete further processing of Plaintiff's FOIA request, and proposing a briefing schedule for the filing of a further motion for summary judgment; denying without prejudice the motion for Vaughn Index to be provided to plaintiff for reviewing [23-1] by FRANCISCO SALDANA, denying without prejudice the motion for the Court to order the defendants to to provide plaintiff with Vaughn Index information [24-1] by FRANCISCO SALDANA (N) (gdf) (Entered: 09/11/2000)
10/10/2001	<u>30</u>	ORDER by Judge Ellen S. Huvelle: that Defendant shall file a further dispositive motion in this case within 90 days of the date of this Order (N) (gdf) (Entered: 10/12/2001)
02/08/2002	31	MOTION filed by federal defendant BATF to extend time to 4/1/02 to file dispositive motion (nmr) (Entered: 02/11/2002)
02/15/2002	<u>32</u>	ORDER by Judge Ellen S. Huvelle : granting motion to extend time to 4/1/02 to file dispositive motion [31-1] by BATF (N) (adc) (Entered: 02/15/2002)
03/28/2002	33	MOTION filed by federal defendant BATF to extend time to 8/15/02 to answer complaint [1-1] ; Declaration (1) (nmr) (Entered: 03/29/2002)
04/02/2002	<u>34</u>	ORDER by Judge Ellen S. Huvelle: granting motion to extend time to 8/1/02 to answer complaint [1-1] [33-1] by BATF ; Answer extended to 8/1/02 for BATF (N) (gdf) (Entered: 04/02/2002)
08/15/2002	35	MOTION filed by federal defendant BATF to dismiss complaint [1-1] , or, in the alternative, for summary judgment ; Exhibit (1) (nmr) (Entered: 08/16/2002)
08/15/2002	36	SUBSTITUTION OF COUNSEL for federal defendant BATF , substituting Michael A. Krasnow for attorney Benton Peterson for BATF (nmr) (Entered: 08/16/2002)
08/21/2002	<u>37</u>	ORDER by Judge Ellen S. Huvelle, Directing pltf., to respond to the renewed motion for summary judgment filed by the defendant within 30 days of the date of this order. : response to motion for summary judgment due 9/20/02 (N) (whb) (Entered: 08/22/2002)
08/30/2002	38	RESPONSE by plaintiff FRANCISCO SALDANA in opposition to motion to dismiss complaint [1-1] [35-1] by BATF, motion for summary judgment [35-2] by BATF; Exhibits (6). (nmr) Modified on 09/03/2002 (Entered: 09/03/2002)
09/11/2002	39	REPLY by federal defendant BATF to response in opposition to motion to dismiss complaint [1-1] [35-1] by BATF, motion for summary judgment [35-2] by BATF; Attachment (1) (nmr) (Entered: 09/12/2002)

09/30/2002	40	MOTION filed by plaintiff FRANCISCO SALDANA for leave to file additional exhibit ; Attachment (1) (nmr) (Entered: 10/01/2002)
10/08/2002	<u>41</u>	ORDER by Judge Ellen S. Huvelle: granting motion for leave to file additional exhibit [40-1] by FRANCISCO SALDANA (N) (gdf) (Entered: 10/11/2002)
11/12/2002	42	SUBSTITUTION OF COUNSEL for federal defendant BATF , substituting Fred E. Haynes for attorney Michael A. Krasnow for BATF (nmr) (Entered: 11/13/2002)
01/22/2003	<u>43</u>	MEMORANDUM OPINION AND ORDER by Judge Ellen S. Huvelle : denying motion to dismiss complaint [1-1] [35-1] by BATF, granting in part, denying in part motion for summary judgment [35-2] (N) (gdf) (Entered: 01/24/2003)
02/11/2003	44	AMENDED (Supplemental) Motion for Summary Judgment filed by defendant; Exhibit (1). (nmr) Modified on 02/12/2003 (Entered: 02/12/2003)
02/13/2003	<u>45</u>	ORDER by Judge Ellen S. Huvelle: that within 15 days of the date of this order defendant shall submit to the Court for in camera review copies of Documents 59, both unredacted and the redacted versions as released to plaintiff (N) (gdf) (Entered: 02/19/2003)
02/13/2003	<u>46</u>	ORDER by Judge Ellen S. Huvelle: directing Plaintiff shall respond to the renewed motion for summary judgment filed by Defendant within 30 days of the date of this order. If Plaintiff does not respond or seek an enlargement of time by that date, the Court may treat the motion as conceded and enter final judgment in favor of the Defendant (N) (gdf) (Entered: 02/24/2003)
02/28/2003	47	NOTICE OF FILING by federal defendant BATF redacted version of document provided to chambers for in camera review. (nmr) (Entered: 03/03/2003)
03/06/2003	48	MOTION filed by plaintiff FRANCISCO SALDANA for order directing defendant provide plaintiff with requested document No. 59 (nmr) (Entered: 03/07/2003)
03/24/2003	49	RESPONSE by federal defendant BATF to motion for order directing defendant provide plaintiff with requested document No. 59 [48-1] by FRANCISCO SALDANA (bcs) (Entered: 03/25/2003)
03/25/2003	<u>50</u>	MEMORANDUM OPINION by Judge Ellen S. Huvelle (N) (gdf) (Entered: 03/26/2003)
03/25/2003	<u>51</u>	ORDER by Judge Ellen S. Huvelle: denying motion for order directing defendant provide plaintiff with requested document No. 59 [48-1] by FRANCISCO SALDANA, granting amend/amended motion [44-1] dismissing complaint [1-1] with prejudice (N) (gdf) (Entered: 03/26/2003)