

**This docket is current through 07/16/2019**

Today's Date: 4/23/2024

Source: US COURT OF APPEALS FOR THE DC CIRCUIT

Court:

US COURT OF APPEALS FOR THE DC CIRCUIT

Case Title:

ERICK LITTLE, ET AL v. WMATA, ET AL

Appeal From:

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Termed:

09/11/2018

Date Filed:

05/08/2018

#### **CASE INFORMATION**

Case Number:

18-7071

Fee Status:

IFP

Case Type:

APPEALS

Case Subtype:

CIVIL PRIVATE, PRIVATE

Nature of Suit:

3442 JOBS

Key Nature of Suit:

CIVIL RIGHTS; EMPLOYMENT (110.25)

#### **LOWER COURT INFORMATION**

District:

0090-1

Lower Court Docket Number:

1:14-CV-01289-RMC

Trial Judge(s):

ROSEMARY M. COLLYER, U.S. SENIOR DISTRICT JUDGE

Court Reporter(s):

CRYSTAL PILGRIM

Date Filed:

07/30/2014

Date Order/Judgment:

04/27/2018

Date NOA Filed:

04/30/2018

District:

0090-1

Lower Court Docket Number:

1:15-CV-00098-RMC

Trial Judge(s):

ROSEMARY M. COLLYER, U.S. SENIOR DISTRICT JUDGE

Date Filed:

01/21/2015

Date Order/Judgment:

04/27/2018

Date NOA Filed:

04/30/2018

**NAMES**

<b>ERICK LITTLE</b>
---------------------

<b>Type:</b>	PLAINTIFF - APPELLEE
<b>Attorney:</b>	JOHN A. FREEDMAN
<b>Attorney Phone:</b>	202-942-5316
<b>Firm Name:</b>	ARNOLD & PORTER KAYE SCHOLER LLP
<b>Firm Address:</b>	601 MASSACHUSETTS AVENUE, NW WASHINGTON, DC 20001-3743
<b>Firm Phone:</b>	202-942-5000
<b>Attorney:</b>	RACHEL KLEINMAN
<b>Attorney Phone:</b>	212-965-2200
<b>Firm Name:</b>	NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC.
<b>Firm Address:</b>	40 RECTOR STREET 5TH FLOOR NEW YORK, NY 10006
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<b>Attorney:</b>	PETER THOMAS GROSSI
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<b>Firm Name:</b>	ARNOLD & PORTER KAYE SCHOLER LLP
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**TIMOTHY MCCLOUGH**

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**GERALD TUCKER**

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**LEROY QUARLES**

**Type:** PLAINTIFF - APPELLEE

**Attorney:** JOHN A. FREEDMAN

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**Attorney:** RACHEL KLEINMAN

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**FITZGERALD STONEY**

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**MARCELLO VIRGIL**

Type:	PLAINTIFF - APPELLEE
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**LEON MCKENZIE**

Type:	PLAINTIFF - APPELLEE
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Attorney:	AJMEL AHSEN QUERESHI, ESQUIRE
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**LOUIA MCKENZIE, ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED**

Type:	PLAINTIFF - APPELLEE
-------	----------------------

Attorney:	JOHN A. FREEDMAN
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Attorney:	AJMEL AHSEN QUERESHI, ESQUIRE
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**D. W., A MINOR CHILD, AS SUCCESSORS TO THE CLAIMS OF LAWRENCE WHITTED**

Type:	PLAINTIFF - APPELLEE
Attorney:	JOHN A. FREEDMAN
Attorney Phone:	202-942-5316
Attorney:	PETER THOMAS GROSSI
Attorney Phone:	202-942-5670

**JOYCE SHORT, NEXT FRIEND TO HER SON D.W., AS SUCCESSORS TO THE CLAIMS OF LAWRENCE WHITTED**

Type:	PLAINTIFF - APPELLEE
Attorney:	JOHN A. FREEDMAN
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Attorney:	PETER THOMAS GROSSI
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**BERNARD S. LEVI**

Type: PLAINTIFF - APPELLEE

Attorney: BERNARD S. LEVI

Attorney Status: PRO SE

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Attorney Phone: 202-427-6344

**GALEN PENDERGRASS**

Type: PLAINTIFF - APPELLANT

Attorney: GALEN PENDERGRASS

Attorney Status: PRO SE

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4005 23RD PARKWAY  
TEMPLE HILLS, MD 20748

Attorney Phone: 240-421-2905

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**

Type: DEFENDANT - APPELLEE

Attorney: MICHAEL K. GUSS, ESQUIRE

Firm Name: WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY  
(WMATA) OFFICE OF THE GENERAL COUNSEL

Firm Address: 600 5TH STREET, NW  
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Attorney: KATHLEEN E. KRAFT

Firm Name: THOMPSON COBURN LLP

Firm Address: 1909 K STREET, NW  
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Firm Phone: 202-585-6900

**DIAMOND TRANSPORTATION SERVICES, INC.**

**Type:** DEFENDANT - APPELLEE

**Attorney:** MICHAEL N. PETKOVICH

**Attorney Phone:** 703-483-8327

**Firm Name:** JACKSON LEWIS PC

**Firm Address:** 10701 PARKRIDGE BOULEVARD  
SUITE 300  
RESTON, VA 20191

**Firm Phone:** 703-483-8300

**EXECUTIVE PERSONNEL SERVICES, INC.**

**Type:** DEFENDANT - APPELLEE

**Attorney:** JOHN PETER GLAWS, IV, ESQUIRE

**Attorney Phone:** 202-310-5500

**Attorney Fax:** 202-310-5555

**Firm Name:** CARR MALONEY PC

**Firm Address:** 2020 K STREET, NW  
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WASHINGTON, DC 20006-1806

**Firm Phone:** 202-310-5500

**Attorney:** MATTHEW DAVID BERKOWITZ

**Attorney Phone:** 202-310-5500

**Attorney Fax:** 202-310-5555

**Firm Name:** CARR MALONEY PC

**Firm Address:** 2020 K STREET, NW  
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**Firm Phone:** 202-310-5500

**FIRST TRANSIT**

**Type:** DEFENDANT - APPELLEE

**Attorney:** RICHARD WILLIAM BLACK, ESQUIRE

**Attorney Phone:** 404-443-3515

**Firm Name:** LITTLER MENDELSON PC

**Firm Address:** 3344 PEACHTREE ROAD, NE  
SUITE 1500  
ATLANTA, GA 30326-4803

**Firm Phone:** 404-233-0330

**DOCKET PROCEEDINGS (35)**

Entry #:	Date:	Description:	
	10/23/2018	MANDATE ISSUED TO CLERK, U.S. DISTRICT COURT. [18-7071] [ENTERED: 10/23/2018 10:34 AM]	<a href="#">Docket Status</a> <a href="#">View Add to request</a>
	09/11/2018	PER CURIAM ORDER [1750018] DENYING MOTION TO APPOINT COUNSEL [ 1732651-2 ]; GRANTING MOTIONS TO DISMISS [ 1735164-2 ] [ 1734924-2 ]; WITHHOLDING ISSUANCE OF THE MANDATE. BEFORE JUDGES: GRIFFITH, WILKINS AND KATSAS. [18-7071] [ENTERED: 09/11/2018 02:14 PM]	<a href="#">Docket Status</a> <a href="#">View Add to request</a>
	07/02/2018	REPLY [1738833] FILED BY ERICK LITTLE, TIMOTHY MCCLOUGH, LEON MCKENZIE, LOUIA MCKENZIE, FITZGERALD STONEY, GERALD TUCKER, LEROY QUARLES, MARCELLO VIRGIL, JOYCE SHORT, D. W. AND SIDNEY DAVIS TO RESPONSE [ 1737637-2 ] [SERVICE DATE: 06/22/2018 BY US MAIL] LENGTH CERTIFICATION: 567. [18-7071] (FREEDMAN, JOHN) [ENTERED: 07/02/2018 04:31 PM]	<a href="#">View Add to request</a>
	06/29/2018	REPLY [1738573] FILED BY WMATA TO RESPONSE [ 1737637-2 ] [SERVICE DATE: 06/29/2018 BY CM/ECF NDA, US MAIL] LENGTH CERTIFICATION: 845 WORDS. [18-7071] (KRAFT, KATHLEEN)	<a href="#">View Add to request</a>



[ENTERED: 06/29/2018 04:40 PM]

06/22/2018	<p>RESPONSE IN OPPOSITION [1737637] TO MOTION TO DISMISS CASE FOR LACK OF STANDING [ 1735164-2 ], MOTION FOR SUMMARY AFFIRMANCE [ 1735164-3 ] FILED BY GALEN PENDERGRASS [SERVICE DATE: 06/22/2018 BY US MAIL] LENGTH CERTIFICATION: 7 PAGES. [18-7071] [ENTERED: 06/25/2018 04:06 PM]</p>	<a href="#">View</a> <a href="#">Add to request</a>
06/22/2018	<p>STATEMENT [1737425] WITH DISCLOSURE LISTING FILED BY EXECUTIVE PERSONNEL SERVICES, INC. [SERVICE DATE: 06/22/2018 ] [18-7071] (GLAWS, JOHN) [ENTERED: 06/22/2018 04:37 PM]</p>	<a href="#">View</a> <a href="#">Add to request</a>
06/19/2018	<p>CLERK'S ORDER [1736617] FILED GRANTING MOTION TO PERMIT PRO SE ELECTRONIC FILING [ 1735141-2 ] [18-7071] [ENTERED: 06/19/2018 08:52 AM]</p>	<a href="#">View</a> <a href="#">Add to request</a>
06/08/2018	<p>STATEMENT [1735201] WITH DISCLOSURE LISTING FILED BY WMATA [SERVICE DATE: 06/08/2018 ] [18-7071] (KRAFT, KATHLEEN) [ENTERED: 06/08/2018 04:02 PM]</p>	<a href="#">View</a> <a href="#">Add to request</a>
06/08/2018	<p>CORRECTED MOTION [1735164] TO DISMISS CASE FOR LACK OF STANDING (RESPONSE TO MOTION SERVED BY HAND DUE ON 06/18/2018). (RESPONSE TO MOTION SERVED BY MAIL DUE ON 06/18/2018), FOR SUMMARY AFFIRMANCE (RESPONSE TO MOTION SERVED BY HAND DUE ON</p>	<a href="#">View</a> <a href="#">Add to request</a>

	06/18/2018). (RESPONSE TO MOTION SERVED BY MAIL DUE ON 06/18/2018) FILED BY WMATA (SERVICE DATE: 06/08/2018 BY CM/ECF NDA, US MAIL) LENGTH CERTIFICATION: 1,844 WORDS. [18-7071] (KRAFT, KATHLEEN) [ENTERED: 06/08/2018 03:06 PM]	
06/07/2018	ENTRY OF APPEARANCE [1734866] FILED BY J. PETER GLAWS, IV ON BEHALF OF APPELLEE EXECUTIVE PERSONNEL SERVICES, INC.. [18-7071] (GLAWS, JOHN) [ENTERED: 06/07/2018 03:35 PM]	<a href="#">View</a> <a href="#">Add to request</a>
06/07/2018	CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1734934] FILED BY WMATA [SERVICE DATE: 06/07/2018 ] [18-7071] (KRAFT, KATHLEEN) [ENTERED: 06/07/2018 05:57 PM]	<a href="#">View</a> <a href="#">Add to request</a>
06/07/2018	CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1734937] FILED BY EXECUTIVE PERSONNEL SERVICES, INC. [SERVICE DATE: 06/07/2018 ] [18-7071] (GLAWS, JOHN) [ENTERED: 06/07/2018 07:06 PM]	<a href="#">View</a> <a href="#">Add to request</a>
06/07/2018	DOCKETING STATEMENT [1735130] FILED BY GALEN PENDERGRASS [SERVICE DATE: 06/07/2018] [18-7071] [ENTERED: 06/08/2018 01:55 PM]	<a href="#">View</a> <a href="#">Add to request</a>
06/07/2018	CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1735133] FILED BY GALEN PENDERGRASS [SERVICE DATE: 06/07/2018] [18-7071] [ENTERED: 06/08/2018 01:58 PM]	<a href="#">View</a> <a href="#">Add to request</a>

06/07/2018	UNDERLYING DECISION IN CASE [1735138] SUBMITTED BY GALEN PENDERGRASS [SERVICE DATE: 06/07/2018] [18-7071] [ENTERED: 06/08/2018 02:01 PM]	<a href="#">View</a> <a href="#">Add to request</a>
06/07/2018	MOTION [1735141] TO PERMIT PRO SE ELECTRONIC FILING STATUS FILED BY GALEN PENDERGRASS (SERVICE DATE: 06/08/2018 BY CLERK, CM/ECF NDA) LENGTH CERTIFICATION: 1 PAGE. [18-7071] [ENTERED: 06/08/2018 02:04 PM]	<a href="#">View</a> <a href="#">Add to request</a>
06/07/2018	MOTION [1734924] TO DISMISS CASE FOR LACK OF STANDING (RESPONSE TO MOTION SERVED BY HAND DUE ON 06/18/2018). (RESPONSE TO MOTION SERVED BY MAIL DUE ON 06/18/2018), FOR SUMMARY AFFIRMANCE (RESPONSE TO MOTION SERVED BY HAND DUE ON 06/18/2018). (RESPONSE TO MOTION SERVED BY MAIL DUE ON 06/18/2018) FILED BY ERICK LITTLE, TIMOTHY MCCLOUGH, LEROY QUARLES, FITZGERALD STONEY, MARCELLO VIRGIL, LEON MCKENZIE, LOUIA MCKENZIE, GERALD TUCKER, SIDNEY DAVIS, D. W. AND JOYCE SHORT (SERVICE DATE: 06/07/2018 BY CM/ECF NDA) LENGTH CERTIFICATION: 4,840 WORDS. [18-7071] (FREEDMAN, JOHN) [ENTERED: 06/07/2018 05:34 PM]	<a href="#">View</a> <a href="#">Add to request</a>
06/07/2018	MOTION [1734935] TO DISMISS CASE FOR LACK OF STANDING, FOR SUMMARY AFFIRMANCE (RESPONSE TO MOTION SERVED BY MAIL DUE ON 06/21/2018) FILED	<a href="#">View</a> <a href="#">Add to request</a>

BY WMATA (SERVICE DATE:  
06/07/2018 BY CM/ECF NDA, US  
MAIL) LENGTH CERTIFICATION:  
1,844 WORDS. [18-7071]--[EDITED  
06/08/2018 BY SHA] (KRAFT,  
KATHLEEN) [ENTERED: 06/07/2018  
06:01 PM]

06/07/2018 ENTRY OF APPEARANCE [1735129] [View](#) [Add to request](#)  
FILED BY GALEN PENDERGRASS.  
[18-7071] [ENTERED: 06/08/2018  
01:54 PM]

06/07/2018 STATEMENT OF ISSUES [1735132] [View](#) [Add to request](#)  
FILED BY GALEN PENDERGRASS  
[SERVICE DATE: 06/07/2018]  
[18-7071] [ENTERED: 06/08/2018  
01:57 PM]

06/07/2018 STATEMENT OF INTENT [View](#) [Add to request](#)  
REGARDING APPENDIX DEFERRAL  
[1735135] FILED BY GALEN  
PENDERGRASS [SERVICE DATE:  
06/07/2018] INTENT:  
APPXNOTDEFERRED [18-7071]  
[ENTERED: 06/08/2018 01:59 PM]

06/07/2018 TRANSCRIPT STATUS REPORT [View](#) [Add to request](#)  
[1735139] FILED BY GALEN  
PENDERGRASS [SERVICE DATE:  
06/07/2018]. STATUS OF  
TRANSCRIPTS: TRANSCRIPTS  
NEEDED FOR THE APPEAL HAVE  
BEEN ORDERED, BUT NOT ALL  
TRANSCRIPTS HAVE BEEN  
RECEIVED. NEXT APPELLANT  
TRANSCRIPT STATUS REPORT DUE  
07/09/2018. [18-7071] [ENTERED:  
06/08/2018 02:02 PM]

06/05/2018 ENTRY OF APPEARANCE [1734334] [View](#) [Add to request](#)  
FILED BY AJMEL A. QUERESHI ON  
BEHALF OF APPELLEES SIDNEY

DAVIS, ERICK LITTLE, TIMOTHY MCCLOUGH, LEON MCKENZIE, LOUIA MCKENZIE, LEROY QUARLES, FITZGERALD STONEY AND MARCELLO VIRGIL. [18-7071] (QUERESHI, AJMEL) [ENTERED: 06/05/2018 11:36 AM]

06/04/2018	<p>RESPONSE IN OPPOSITION [1734225] TO MOTION TO APPOINT COUNSEL [ 1732651-2 ] FILED BY WMATA [SERVICE DATE: 06/04/2018 BY CM/ECF NDA, US MAIL] LENGTH CERTIFICATION: 1,169. [18-7071] (KRAFT, KATHLEEN) [ENTERED: 06/04/2018 04:38 PM]</p>	<a href="#">View</a> <a href="#">Add to request</a>
06/04/2018	<p>ENTRY OF APPEARANCE [1734203] FILED BY KATHLEEN E. KRAFT ON BEHALF OF APPELLEE WMATA. [18-7071] (KRAFT, KATHLEEN) [ENTERED: 06/04/2018 03:55 PM]</p>	<a href="#">View</a> <a href="#">Add to request</a>
05/23/2018	<p>MOTION [1732651] TO APPOINT COUNSEL FILED BY GALEN PENDERGRASS (SERVICE DATE: 05/24/2018 BY CLERK, CM/ECF NDA) LENGTH CERTIFICATION: 2 PAGES. [18-7071] [ENTERED: 05/24/2018 02:18 PM]</p>	<a href="#">View</a> <a href="#">Add to request</a>
05/23/2018	<p>ENTRY OF APPEARANCE [1732420] FILED BY RACHEL M. KLEINMAN ON BEHALF OF APPELLEES SIDNEY DAVIS, ERICK LITTLE, TIMOTHY MCCLOUGH, LEROY QUARLES, FITZGERALD STONEY, MARCELLO VIRGIL, LOUIA MCKENZIE AND LEON MCKENZIE. [18-7071] (KLEINMAN, RACHEL) [ENTERED: 05/23/2018 01:06 PM]</p>	<a href="#">View</a> <a href="#">Add to request</a>

05/22/2018	CLERK'S ORDER [1732059] DISMISSING MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS [1730719-2 ] AS MOOT. [18-7071] [ENTERED: 05/22/2018 08:18 AM]	View Add to request
05/16/2018	CERTIFIED MAIL RECEIPT [1732649] RECEIVED FROM GALEN PENDERGRASS [SIGNED FOR ON 05/12/2018] FOR ORDER [1729891-2] SENT TO APPELLANT GALEN PENDERGRASS [18-7071] [ENTERED: 05/24/2018 02:16 PM]	View Add to request
05/11/2018	ENTRY OF APPEARANCE [1730579] FILED BY JOHN A. FREEDMAN ON BEHALF OF APPELLEES SIDNEY DAVIS, ERICK LITTLE, TIMOTHY MCCLOUGH, LEON MCKENZIE, LOUIA MCKENZIE, LEROY QUARLES, JOYCE SHORT, FITZGERALD STONE, GERALD TUCKER, MARCELLO VIRGIL AND D. W.. [18-7071] (FREEDMAN, JOHN) [ENTERED: 05/11/2018 04:08 PM]	View Add to request
05/10/2018	MOTION [1730719] TO PROCEED IN FORMA PAUPERIS FILED BY GALEN PENDERGRASS [SERVICE DATE: 05/10/2018] LENGTH CERTIFICATION: 7 PAGES. [18-7071] [ENTERED: 05/14/2018 01:54 PM]	View Add to request
05/08/2018	CERTIFIED MAIL AND FIRST CLASS MAIL SENT [1729891] WITH RETURN RECEIPT REQUESTED [RECEIPT NO.7016 3010 0000 2295 7779] OF ORDER [ 1729886-2 ]. CERTIFIED MAIL RECEIPT DUE 06/07/2018 FROM GALEN PENDERGRASS. [18-7071] [ENTERED: 05/08/2018 12:08 PM]	

05/08/2018	PRIVATE CIVIL CASE DOCKETED. [18-7071] [ENTERED: 05/08/2018 11:25 AM]	
05/08/2018	CLERK'S ORDER [1729886] FILED DIRECTING PARTY TO FILE INITIAL SUBMISSIONS: APPELLANT DOCKETING STATEMENT DUE 06/07/2018. APPELLANT CERTIFICATE AS TO PARTIES DUE 06/07/2018. APPELLANT STATEMENT OF ISSUES DUE 06/07/2018. APPELLANT UNDERLYING DECISION DUE 06/07/2018. APPELLANT DEFERRED APPENDIX STATEMENT DUE 06/07/2018. APPELLANT NOTICE OF APPEARANCE DUE 06/07/2018. APPELLANT TRANSCRIPT STATUS REPORT DUE 06/07/2018. APPELLANT PROCEDURAL MOTIONS DUE 06/07/2018. APPELLANT DISPOSITIVE MOTIONS DUE 06/22/2018; DIRECTING PARTY TO FILE INITIAL SUBMISSIONS: APPELLEE CERTIFICATE AS TO PARTIES DUE 06/07/2018. APPELLEE ENTRY OF APPEARANCE DUE 06/07/2018. APPELLEE PROCEDURAL MOTIONS DUE 06/07/2018. APPELLEE DISPOSITIVE MOTIONS DUE 06/22/2018; DIRECTING PARTY TO FILE APPOINTMENT OF COUNSEL MOTION: APPELLANT MOTION FOR APPOINTMENT OF COUNSEL DUE 06/07/2018. FAILURE TO RESPOND SHALL RESULT IN DISMISSAL OF THE CASE FOR LACK OF PROSECUTION. THE CLERK IS DIRECTED TO MAIL THIS ORDER TO APPELLANT BY CERTIFIED MAIL,	Docket Status <a href="#">View</a> <a href="#">Add to request</a>

RETURN RECEIPT REQUESTED AND  
BY 1ST CLASS MAIL. [18-7071]  
[ENTERED: 05/08/2018 12:00 PM]

05/08/2018      NOTICE OF APPEAL [1729877]      Docket Status  
SEEKING REVIEW OF A DECISION BY [View](#) Add to request  
THE U.S. DISTRICT COURT IN  
1:14-CV-01289-RMC FILED BY  
GALEN PENDERGRASS. APPEAL  
ASSIGNED USCA CASE NUMBER:  
18-7071. [18-7071] [ENTERED:  
05/08/2018 11:26 AM]

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End of Document