

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:09-cv-02178-EGS**

MESHAL v. HIGGENBOTHAM et al
Assigned to: Judge Emmet G. Sullivan
Case in other court: USCA, 14-05194
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 11/10/2009
Date Terminated: 06/16/2014
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

AMIR MESHAL

represented by **Arthur B. Spitzer**
AMERICAN CIVIL LIBERTIES UNION
OF THE DISTRICT OF COLUMBIA
915 15th Street, NW
2nd Floor
Washington, DC 20005
(202) 601-4266
Fax: (202) 457-0805
Email: artspitzer@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Benjamin E. Wizner
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street
19th Floor
New York, NY 10004
(212) 519-7860
Fax: (212) 549-2651
Email: bwizner@aclu.org
TERMINATED: 02/21/2012

Benjamin Elihu Wizner
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street
17th Floor
New York, NY 10004
(212) 519-7860
TERMINATED: 02/21/2012
PRO HAC VICE

Hina Shamsi
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
National Security Project
125 Broad Street
18th floor
New York, NY 10004
(212) 284-7321
Fax: (212) 549-2654
Email: hshamsi@aclu.org
ATTORNEY TO BE NOTICED

Jonathan Hafetz
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street
18th Floor
New York, NY 10004

(212) 549-2500
Email: jhafetz@aclu.org
ATTORNEY TO BE NOTICED

Nusrat J. Choudhury
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street
18th Floor
New York, NY 10004
(212) 519-7876
Fax: (212) 549-2583
Email: nchoudhury@aclu.org
TERMINATED: 03/25/2014
PRO HAC VICE

V.

Defendant

CHRIS HIGGENBOTHAM
*FBI Supervising Special Agent, in his
individual capacity*

represented by **Glenn Stewart Greene**
U.S. DEPARTMENT OF JUSTICE
Constitutional and Specialized Tort
Litigation
P.O. Box 7146
Washington, DC 20044
(202) 616-4143
Fax: (202) 616-4314
Email: glenn.greene@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

STEVE HERSEM
*FBI Supervising Special Agent, in his
individual capacity*

represented by **Glenn Stewart Greene**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**TWO UNKNOWN NAMED
EMPLOYEES, OFFICERS, OR
AGENTS OF THE UNITED STATES
GOVERNMENT**
in their individual capacities
TERMINATED: 05/10/2010

represented by **Glenn Stewart Greene**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JOHN AND JANE DOES 3-10

Defendant

JOHN DOE 1

represented by **Glenn Stewart Greene**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JOHN DOE 2

represented by **Glenn Stewart Greene**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor

Date Filed	#	Docket Text
11/10/2009	<u>1</u>	MOTION for Leave to File Complaint without listing his home address by AMIR MESHAL. (Attachments: # <u>1</u> Text of Proposed Order)(jf,) (Entered: 11/19/2009)
11/10/2009	<u>2</u>	ORDER granting without prejudice to further review by the assigned judge <u>1</u> MOTION for Leave to File Complaint without listing his home address\ . Signed by Chief Judge Royce C. Lamberth on 11/10/09. (See Order for Full Detail) (jf,) (Entered: 11/19/2009)
11/10/2009	<u>3</u>	COMPLAINT against CHRIS HIGGENBOTHAM, STEVE HERSEM, TWO UNKNOWN NAMED EMPLOYEES, OFFICERS, OR AGENTS OF THE UNITED STATES GOVERNMENT, JOHN AND JANE DOES 3-10 (Filing fee \$ 350, receipt number 4616025546) filed by AMIR MESHAL. (Attachments: # <u>1</u> Civil Cover Sheet)(jf,) (Entered: 11/19/2009)
11/10/2009		SUMMONS (4) Issued as to CHRIS HIGGENBOTHAM, STEVE HERSEM, U.S. Attorney and U.S. Attorney General (jf,) (Entered: 11/19/2009)
11/10/2009	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Jonathan Hafetz, :Firm- American Civil Liberties Union Foundation, :Address- 125 Broad St, 17th floor, New York, NY 10004. Phone No. - 212-284-7321. Fax No. - 212-549-2583 by AMIR MESHAL (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(jf,) (Entered: 11/19/2009)
11/10/2009	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Nusrat J. Choudhury, :Firm- American Civil Liberties Union Foundation, :Address- 125 Broad St, 17th floor, New York, NY 10004. Phone No. - 212-519-7876. Fax No. - 212-549-2583 by AMIR MESHAL (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(jf,) (Entered: 11/19/2009)
11/19/2009	<u>6</u>	SEALED DOCUMENT filed by AMIR MESHAL. (This document is SEALED and only available to authorized persons.)(zdr) (Entered: 11/20/2009)
11/20/2009		MINUTE ORDER granting <u>4</u> and <u>5</u> motions for admission pro hac vice for Jonathan Hafetz and Nusrat Choudhury. Signed by Judge Emmet G. Sullivan on November 20, 2009. (lcegs2) (Entered: 11/20/2009)
11/20/2009	<u>7</u>	NOTICE of Filing Sealed Document by AMIR MESHAL (Spitzer, Arthur) (Entered: 11/20/2009)
11/22/2009	<u>8</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the US Attorney. (Spitzer, Arthur) Modified on 11/23/2009 (jf,). (Entered: 11/22/2009)
11/23/2009	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the US Attorney, served on 11/19/2009, answer due 1/18/2010. (jf,) (Entered: 11/23/2009)
11/23/2009		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>8</u> Summons Returned Executed as to US Attorney for DC was entered in error and refiled by the Clerk's Office with the service date.(jf,) (Entered: 11/23/2009)
11/30/2009	<u>10</u>	MOTION for Discovery -- <i>motion for leave to conduct limited expedited Doe discovery</i> by AMIR MESHAL (Attachments: # <u>1</u> Exhibit 1 - transcript of Texas hearing, # <u>2</u> Exhibit 2 - photograph of defendant Doe 1, # <u>3</u> proposed order)(Spitzer, Arthur) (Entered: 11/30/2009)
12/01/2009	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General 11/25/2009. (Spitzer, Arthur) (Entered: 12/01/2009)

12/11/2009	<u>12</u>	MOTION to Intervene by UNITED STATES (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Response to Discovery Motion)(znmw,) (Entered: 12/14/2009)
12/19/2009	<u>13</u>	Memorandum in opposition to re <u>12</u> MOTION to Intervene : <i>NON-OPPOSITION</i> filed by AMIR MESHAL. (Spitzer, Arthur) (Entered: 12/19/2009)
12/19/2009	<u>14</u>	REPLY to opposition to motion re <u>10</u> MOTION for Discovery -- <i>motion for leave to conduct limited expedited Doe discovery</i> filed by AMIR MESHAL. (Spitzer, Arthur) (Entered: 12/19/2009)
12/22/2009		MINUTE ORDER granting <u>12</u> United States' unopposed motion to intervene for the purpose of responding to <u>10</u> plaintiff's motion for expedited Doe discovery. Signed by Judge Emmet G. Sullivan on December 22, 2009. (lcegs2) (Entered: 12/22/2009)
12/23/2009	<u>15</u>	WITHDRAWN PURSUANT TO MINUTE ORDER FILED 12/31/09.....REPLY re <u>10</u> MOTION for Discovery -- <i>motion for leave to conduct limited expedited Doe discovery</i> filed by UNITED STATES. (Greene, Glenn) Modified on 1/4/2010 (jf,). (Entered: 12/23/2009)
12/23/2009	<u>16</u>	ERRATA re <i>United States' Reply</i> by UNITED STATES <u>10</u> MOTION for Discovery -- <i>motion for leave to conduct limited expedited Doe discovery</i> filed by AMIR MESHAL. (Greene, Glenn) (Entered: 12/23/2009)
12/31/2009		MINUTE ORDER directing the United States government to withdraw <u>15</u> reply to motion for discovery. The Court will disregard the reply. Signed by Judge Emmet G. Sullivan on December 31, 2009. (lcegs2) (Entered: 12/31/2009)
01/11/2010		SUMMONS (2) REISSUED as to STEVE HERSEM, CHRIS HIGGENBOTHAM. (kb) (Entered: 01/11/2010)
01/12/2010	<u>17</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to STEVE HERSEM served on 1/11/2010, answer due 3/12/2010. (Choudhury, Nusrat) (Entered: 01/12/2010)
01/12/2010	<u>18</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to CHRIS HIGGENBOTHAM served on 1/11/2010, answer due 3/12/2010. (Choudhury, Nusrat) (Entered: 01/12/2010)
01/13/2010	<u>19</u>	ERRATA to <i>Summons Return Executed as to Defendant Hersem (Corrected docket number on attached Declaration of James Puzo)</i> by AMIR MESHAL <u>17</u> Summons Returned Executed as to Federal Defendant. (Choudhury, Nusrat) (Entered: 01/13/2010)
01/13/2010	<u>20</u>	ERRATA <i>Summons Return Executed as to Defendant Higgenbotham (Corrected docket number and date of service on attached Declaration of James Puzo)</i> by AMIR MESHAL <u>18</u> Summons Returned Executed as to Federal Defendant. (Choudhury, Nusrat) (Entered: 01/13/2010)
01/15/2010		MINUTE ORDER. The court sua sponte schedules a hearing on Plaintiff's Motion to Conduct Limited Expedited Discovery <u>10</u> on January 20, 2010 at 2:30 p.m. Signed by Judge Emmet G. Sullivan on January 15, 2010. (lcegs4) (Entered: 01/15/2010)
01/19/2010		MINUTE ORDER. Due to unforeseen circumstances, it is necessary to reschedule the motions hearing currently scheduled for January 20, 2010. The motions hearing will now take place on January 25, 2010 at 11:00 a.m. in Courtroom 24A. The Court regrets any inconvenience to the parties. Signed by Judge Emmet G. Sullivan on January 19, 2010. (lcegs1) (Entered: 01/19/2010)
01/20/2010		Set/Reset Hearings: Motion Hearing set for 1/25/2010 11:00 AM in Courtroom 24A before Judge Emmet G. Sullivan. (clv,) (Entered: 01/20/2010)
01/25/2010		Minute Entry for proceedings held before Judge Emmet G. Sullivan: Motion Hearing held on 1/25/2010 re <u>10</u> motion for leave to conduct limited expedited discovery heard. Order to be presented. (Court Reporter CATALINA KERR.) (clv,) (Entered: 01/25/2010)
01/25/2010		MINUTE ORDER. The Court has considered <u>10</u> plaintiff's Motion for Limited Expedited Doe Discovery, the response and reply thereto, and the arguments set forth in open court at the motions hearing in this matter on January 25, 2010. For the

		reasons stated in open court, and pursuant to <i>Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics</i> , 403 U.S. 388 (1971), the government is directed to serve the Complaint upon the two "federal agents who it is indicated by the records of the [Federal Bureau of Investigation] participated in" some or all of the actions ascribed in the Complaint to Defendants Doe 1 and Doe 2. <i>Bivens</i> , 403 U.S. at 389 n. 2. The government is directed to effect service upon the two agents by Monday, February 1, 2010, or to file a motion for reconsideration focusing strictly on <i>Bivens'</i> applicability to the government's service of Does 1 and 2. If a motion for reconsideration is filed, plaintiff is directed to file his response by February 8, 2010 and the government shall file its reply by February 10, 2010. Signed by Judge Emmet G. Sullivan on January 25, 2010. (lcegs4) (Entered: 01/25/2010)
01/26/2010		Set/Reset Deadlines: Government is directed to effect service upon the two agents or file a motion for reconsideration by 2/1/2010; Responses due by 2/8/2010; Replies due by 2/10/2010. (clv,) (Entered: 01/26/2010)
01/26/2010		MINUTE ORDER granting <u>5</u> Motion for Leave to Appear Pro Hac Vice. Nusrat J. Choudhury is granted leave to appear pro hac vice in the above-captioned case. Signed by Judge Emmet G. Sullivan on January 26, 2010. (lcegs4) (Entered: 01/26/2010)
02/01/2010	<u>21</u>	Unopposed MOTION for Protective Order (<i>Stipulated</i>) <i>In Response to the Court's Minute Order of January 25, 2010</i> by UNITED STATES (Attachments: # <u>1</u> Text of Proposed Order Exhibit A)(Greene, Glenn) (Entered: 02/01/2010)
02/04/2010	<u>22</u>	PROTECTIVE ORDER setting forth procedures for handling confidential material; allowing designated material to be filed under seal. Signed by Judge Emmet G. Sullivan on 2/3/10. (clv,) (Entered: 02/04/2010)
02/08/2010	<u>23</u>	Unopposed MOTION for an Order Directing the Clerk of Court to Issue Summonses for "John Doe 1" and "John Doe 2" in Compliance with the February 4, 2010, Stipulated protective Order re <u>22</u> Protective Order by AMIR MESHAL (Attachments: # <u>1</u> Text of Proposed Order)(Spitzer, Arthur) (Entered: 02/08/2010)
02/09/2010	<u>24</u>	ORDER granting <u>23</u> Plaintiff's Unopposed Motion for Clerk to Issue Summonses for John Does 1 and 2, as directed in attached order. Signed by Judge Emmet G. Sullivan on February 9, 2010. (lcegs4) (Entered: 02/09/2010)
02/18/2010	<u>25</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. TWO UNKNOWN NAMED EMPLOYEES, OFFICERS, OR AGENTS OF THE UNITED STATES GOVERNMENT served on 2/17/2010, answer due 3/10/2010 (Attachments: # <u>1</u> Declaration of Service on Doe 1, # <u>2</u> Declaration of Service on Doe 2)(Spitzer, Arthur) (Entered: 02/18/2010)
02/18/2010	<u>27</u>	SEALED Return of Service filed by AMIR MESHAL. re <u>24</u> granting <u>23</u> Plaintiff's Unopposed Motion for Clerk to Issue Summonses for John Does 1 and 2, as directed in attached order. (This document is SEALED and only available to authorized persons.)(zjf,) (Entered: 02/22/2010)
02/18/2010		RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. JOHN DOE 1 served on 2/17/2010, answer due 3/10/2010; JOHN DOE 2 served on 2/17/2010, answer due 3/10/2010 (DOCUMENT FILED UNDER SEAL) (See Docket Entry <u>24</u>) (jf,) (Entered: 02/22/2010)
02/19/2010	<u>26</u>	Consent MOTION for Extension of Time to File <i>Response and for Consolidated Response and Briefing Schedule</i> by STEVE HERSEM, CHRIS HIGGENBOTHAM, TWO UNKNOWN NAMED EMPLOYEES, OFFICERS, OR AGENTS OF THE UNITED STATES GOVERNMENT (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Greene, Glenn) (Entered: 02/19/2010)
02/19/2010		MINUTE ORDER. In view of the number of defendants involved in the case, the possibility that the parties will have to respond to several motions and oppositions, and the consensual nature of the motion, the court grants <u>26</u> Consent Motion for an Enlargement of Time and to Establish a Consolidated Briefing Schedule. Defendants Hersem, Higgenbotham, and Does 1 and 2 shall respond to the Complaint by no later than April 19, 2010; Plaintiff shall respond to any dispositive motion filed by the Defendants by no later than June 4, 2010, and the Defendants shall reply by no later

		than July 6, 2010. The parties are instructed that the Court will view with disfavor any additional requests for extension of time. Signed by Judge Emmet G. Sullivan on February 19, 2010.(lcegs4) (Entered: 02/19/2010)
02/19/2010		Set/Reset Deadlines: Answer due by 4/19/2010, Response to Dispositive Motions due by 6/4/2010. Reply to Dispositive Motions due by 7/6/2010. (clv,) (Entered: 02/19/2010)
03/03/2010	<u>28</u>	SEALED Notice filed by UNITED STATES. re <u>24</u> ORDER granting <u>23</u> Plaintiff's Unopposed Motion for Clerk to Issue Summonses for John Does 1 and 2, as directed in attached order. (This document is SEALED and only available to authorized persons.)(zjf,) (Entered: 03/04/2010)
04/19/2010	<u>29</u>	MOTION to Dismiss <i>Filed</i> by STEVE HERSEM, CHRIS HIGGENBOTHAM, JOHN DOE 1, JOHN DOE 2 (Attachments: # <u>1</u> Text of Proposed Order)(Greene, Glenn) (Entered: 04/19/2010)
04/20/2010	<u>30</u>	ERRATA to <i>Motion to Dismiss (Corrected Pages i-viii)</i> by STEVE HERSEM, CHRIS HIGGENBOTHAM, JOHN DOE 1, JOHN DOE 2 <u>29</u> MOTION to Dismiss <i>Filed</i> filed by CHRIS HIGGENBOTHAM, JOHN DOE 2, STEVE HERSEM, JOHN DOE 1. (Attachments: # <u>1</u> Errata Corrected Pages i-viii)(Greene, Glenn) (Entered: 04/20/2010)
05/10/2010	<u>31</u>	AMENDED COMPLAINT against STEVE HERSEM, CHRIS HIGGENBOTHAM, JOHN AND JANE DOES 3-10, JOHN DOE 1, JOHN DOE 2 filed by AMIR MESHAL.(znmw,) (Entered: 05/10/2010)
05/13/2010	<u>32</u>	Consent MOTION for Extension of Time to <i>File Response to Amended Complaint and to Establish a Consolidated Briefing Schedule</i> by STEVE HERSEM, CHRIS HIGGENBOTHAM, JOHN DOE 1, JOHN DOE 2 (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Greene, Glenn) (Entered: 05/13/2010)
05/14/2010		MINUTE ORDER GRANTING <u>32</u> Consent Motion for extension of time and proposed briefing schedule. Defendants shall file their renewed motion to dismiss by no later than June 23, 2010; plaintiff shall file his opposition by no later than July 23, 2010; defendants shall file their response by no later than August 20, 2010. In light of defendants' representation that "[t]he Defendants will move to dismiss the Amended Complaint and in the interest of judicial economy they intend to file a single, full motion to dismiss rather than a supplement to the motion to dismiss that was filed on April 19, 2010", <u>29</u> Defendants' Motion to Dismiss is hereby DENIED without prejudice. Signed by Judge Emmet G. Sullivan on May 14, 2010. (lcegs4) (Entered: 05/14/2010)
05/18/2010		Set/Reset Deadlines: Dispositive Motions due by 6/23/2010. Response to Dispositive Motions due by 7/23/2010. Reply to Dispositive Motions due by 8/20/2010. (clv,) (Entered: 05/18/2010)
06/23/2010	<u>33</u>	MOTION to Dismiss <i>Plaintiff's Amended Complaint Filed</i> by STEVE HERSEM, CHRIS HIGGENBOTHAM, JOHN DOE 1, JOHN DOE 2 (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Greene, Glenn) (Entered: 06/23/2010)
07/13/2010	<u>34</u>	Consent MOTION for Extension of Time to <i>Respond to the Defendants' Motion to Dismiss the Amended Complaint</i> by AMIR MESHAL (Attachments: # <u>1</u> Text of Proposed Order)(Choudhury, Nusrat) (Entered: 07/13/2010)
07/14/2010		MINUTE ORDER granting <u>24</u> plaintiff's consent motion for extension of time to respond to defendants' motion to dismiss the amended complaint. Plaintiff shall file his opposition to the motion to dismiss by no later than September 3, 2010. Defendants shall file their reply by no later than October 15, 2010. Signed by Judge Emmet G. Sullivan on July 14, 2010. (lcegs4) (Entered: 07/14/2010)
07/14/2010		Set/Reset Deadlines: Response to Dispositive Motions due by 9/3/2010. Reply to Dispositive Motions due by 10/15/2010. (clv,) (Entered: 07/14/2010)
09/03/2010	<u>35</u>	Memorandum in opposition to re <u>33</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint Filed</i> filed by AMIR MESHAL. (Choudhury, Nusrat) (Entered: 09/03/2010)

10/08/2010	<u>36</u>	Unopposed MOTION for Leave to File Excess Pages by STEVE HERSEM, CHRIS HIGGENBOTHAM, JOHN DOE 1, JOHN DOE 2 (Attachments: # <u>1</u> Text of Proposed Order)(Greene, Glenn) (Entered: 10/08/2010)
10/12/2010		MINUTE ORDER granting <u>36</u> defendants' unopposed motion for enlargement of page limitation for defendants' reply brief. Defendants' reply brief shall be limited to no more than 33 pages. Signed by Judge Emmet G. Sullivan on October 12, 2010. (lcegs4) (Entered: 10/12/2010)
10/15/2010	<u>37</u>	REPLY to opposition to motion re <u>33</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint Filed</i> filed by STEVE HERSEM, CHRIS HIGGENBOTHAM, JOHN DOE 1, JOHN DOE 2. (Greene, Glenn) (Entered: 10/15/2010)
01/05/2011		MINUTE ORDER. The Court, sua sponte, schedules a hearing on <u>33</u> Defendants' Motion to Dismiss Plaintiff's Amended Complaint for February 8, 2011 at 10:00 a.m. in Courtroom 24A. Signed by Judge Emmet G. Sullivan on January 5, 2011. (lcegs4) (Entered: 01/05/2011)
01/05/2011		Set/Reset Hearings: Motion Hearing set for 2/8/2011 10:00 AM in Courtroom 24A before Judge Emmet G. Sullivan. (clv,) (Entered: 01/05/2011)
01/14/2011	<u>38</u>	Unopposed MOTION to Continue <i>the Hearing on Defendants' Motion to Dismiss the Amended Complaint</i> by AMIR MESHAL (Attachments: # <u>1</u> Text of Proposed Order)(Choudhury, Nusrat) (Entered: 01/14/2011)
01/17/2011		MINUTE ORDER granting <u>38</u> plaintiff's unopposed motion to continue the hearing on defendants' motion to dismiss the amended complaint. The hearing is hereby scheduled for March 1, 2011 at 11:00 am in Courtroom 24A. Signed by Judge Emmet G. Sullivan on January 17, 2011. (lcegs4) (Entered: 01/17/2011)
01/18/2011		Set/Reset Hearings: Motion Hearing set for 3/1/2011 11:00 AM in Courtroom 24A before Judge Emmet G. Sullivan. (clv,) (Entered: 01/18/2011)
01/26/2011	<u>39</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Benjamin E. Wizner, :Firm– American Civil Liberties Union Foundation, :Address– 125 Broad Street, New York, NY 10004. Phone No. – 212–519–7860. Fax No. – (212) 549–2652 by AMIR MESHAL (Attachments: # <u>1</u> Declaration of Benjamin E. Wizner, # <u>2</u> Text of Proposed Order)(Spitzer, Arthur) (Entered: 01/26/2011)
01/27/2011		ORDER granting <u>39</u> Motion for Leave to Appear Pro Hac Vice for Benjamin E. Wizner. Signed by Judge Emmet G. Sullivan on January 27, 2011. (lcegs4) (Entered: 01/27/2011)
02/09/2011		MINUTE ORDER. Due to the Court's calendar, the motions hearing previously scheduled for March 1, 2011 at 11:00 a.m. will now take place on March 1, 2011 at 10:00 a.m. in Courtroom 24A. PLEASE NOTE THE TIME CHANGE. The Court regrets any inconvenience to the parties. Signed by Judge Emmet G. Sullivan on February 9, 2011. (lcegs4) (Entered: 02/09/2011)
02/09/2011		Set/Reset Hearings: Motion Hearing set for 3/1/2011 10:00 AM in Courtroom 24A before Judge Emmet G. Sullivan. (clv,) (Entered: 02/09/2011)
02/22/2011	<u>40</u>	Unopposed MOTION to Continue <i>Hearing on Defendants' Motion to Dismiss</i> by AMIR MESHAL (Attachments: # <u>1</u> Text of Proposed Order)(Spitzer, Arthur) (Entered: 02/22/2011)
02/24/2011		MINUTE ORDER. In view of <u>40</u> the plaintiff's unopposed motion for an additional continuance of the hearing on defendant's motion to dismiss, the hearing previously scheduled for March 1, 2011 is hereby rescheduled for May 19, 2011 at 11:00 a.m. in Courtroom 24A. The proceedings in this matter are temporarily stayed until May 19, 2011. Signed by Judge Emmet G. Sullivan on February 24, 2011. (lcegs4) (Entered: 02/24/2011)
02/25/2011		Set/Reset Hearings: Motion Hearing set for 5/19/2011 11:00 AM in Courtroom 24A before Judge Emmet G. Sullivan. Case Stayed (clv,) (Entered: 02/25/2011)
03/03/2011	<u>41</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by STEVE HERSEM, CHRIS HIGGENBOTHAM, JOHN DOE 1, JOHN DOE 2 (Attachments: # <u>1</u> Exhibit Lebron, et al. v. Rumsfeld, et al., 2011 WL 554061)(Greene, Glenn) (Entered: 03/03/2011)

04/26/2011	<u>42</u>	RESPONSE re <u>41</u> NOTICE OF SUPPLEMENTAL AUTHORITY filed by AMIR MESHAL. (Choudhury, Nusrat) Modified on 4/27/2011 to enhance docket text (jf,). (Entered: 04/26/2011)
05/12/2011		MINUTE ORDER. The motions hearing scheduled for 11:00 am on May 19, 2011 is hereby rescheduled for 10:00 am on May 19, 2011 in Courtroom 24A. PLEASE NOTE THE TIME CHANGE. The Court regrets any inconvenience to the parties. Signed by Judge Emmet G. Sullivan on May 12, 2011. (lcegs4) (Entered: 05/12/2011)
05/13/2011		Set/Reset Hearings: Motion Hearing set for 5/19/2011 10:00 AM in Courtroom 24A before Judge Emmet G. Sullivan. (clv,) (Entered: 05/13/2011)
05/16/2011		MINUTE ORDER. Due to the Court's calendar, the motions hearing scheduled for May 19, 2011 is VACATED, to be rescheduled for a later date. The Court regrets any inconvenience to the parties. Signed by Judge Emmet G. Sullivan on May 16, 2011. (lcegs4) (Entered: 05/16/2011)
05/24/2011		MINUTE ORDER scheduling a hearing on <u>33</u> defendants' motion to dismiss for July 12, 2011 at 10:00 a.m. in Courtroom 24A. Signed by Judge Emmet G. Sullivan on May 24, 2011. (lcegs4) (Entered: 05/24/2011)
05/25/2011		Set/Reset Hearings: Motion Hearing set for 7/12/2011 10:00 AM in Courtroom 24A before Judge Emmet G. Sullivan. (clv,) (Entered: 05/25/2011)
06/29/2011	<u>43</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by STEVE HERSEM, CHRIS HIGGENBOTHAM, JOHN DOE 1, JOHN DOE 2 (Attachments: # <u>1</u> Exhibit)(Greene, Glenn) (Entered: 06/29/2011)
07/12/2011		Minute Entry for proceedings held before Judge Emmet G. Sullivan: Motion Hearing held on 7/12/2011 re <u>33</u> MOTION to Dismiss; motion heard and taken under advisement. (Court Reporter LISA GRIFFITH.) (clv,) (Entered: 07/12/2011)
08/22/2011	<u>44</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by AMIR MESHAL (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Choudhury, Nusrat) (Entered: 08/22/2011)
12/01/2011	<u>45</u>	RESPONSE re <u>44</u> NOTICE OF SUPPLEMENTAL AUTHORITY filed by STEVE HERSEM, CHRIS HIGGENBOTHAM, JOHN DOE 1, JOHN DOE 2. (Greene, Glenn) (Entered: 12/01/2011)
01/18/2012	<u>46</u>	MOTION to Amend/Correct <u>31</u> Amended Complaint by AMIR MESHAL (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Choudhury, Nusrat) (Entered: 01/18/2012)
01/30/2012	<u>47</u>	RESPONSE re <u>46</u> MOTION to Amend/Correct <u>31</u> Amended Complaint filed by STEVE HERSEM, CHRIS HIGGENBOTHAM, JOHN DOE 1, JOHN DOE 2. (Attachments: # <u>1</u> Exhibit Text of Proposed Order)(Greene, Glenn) (Entered: 01/30/2012)
02/06/2012	<u>48</u>	REPLY to opposition to motion re <u>46</u> MOTION to Amend/Correct <u>31</u> Amended Complaint filed by AMIR MESHAL. (Choudhury, Nusrat) (Entered: 02/06/2012)
02/14/2012	<u>49</u>	MOTION to Withdraw as Attorney by AMIR MESHAL (Attachments: # <u>1</u> Text of Proposed Order)(Wizner, Benjamin) (Entered: 02/14/2012)
02/15/2012	<u>50</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Hina Shamsi, :Firm- American Civil Liberties Union Foundation, :Address- 125 Broad Street, New York, NY 10004. Phone No. - 212-284-7321. Fax No. - 212-549-2654 by AMIR MESHAL (Attachments: # <u>1</u> Declaration of Hina Shamsi, # <u>2</u> Text of Proposed Order)(Spitzer, Arthur) (Entered: 02/15/2012)
02/21/2012		MINUTE ORDER treating as opposed <u>46</u> plaintiff's motion for leave to file an amended complaint, and granting over objection. See Fed. R. Civ. P. 15(a)(2) (The court should freely give leave when justice so requires.); see also Richardson v. United States, 193 F.3d 545, 548-49 (D.C. Cir. 1999) (Leave to amend a complaint should be freely given in the absence of undue delay, bad faith, undue prejudice to the opposing party, repeated failure to cure deficiencies, or futility. (citing Foman v. Davis, 371 U.S. 178, 182 (1962))). Plaintiff's Second Amended Complaint is hereby deemed filed. It is further ordered, for the reasons set forth by plaintiff in his motion for leave to amend and his reply in support thereof, that defendants may file a supplemental memorandum

		in support of their pending motion to dismiss, not to exceed 15 pages, within the time limits set forth by Federal Rule of Civil Procedure 15(a)(3). Plaintiff may file a response to defendants' supplemental memorandum, not to exceed ten pages, by no later than ten days after defendants' supplemental memorandum is filed. SO ORDERED. Signed by Judge Emmet G. Sullivan on February 21, 2012. (lcegs4) (Entered: 02/21/2012)
02/21/2012		MINUTE ORDER granting <u>49</u> Benjamin Wizner's motion to withdraw as attorney for plaintiff. Signed by Judge Emmet G. Sullivan on February 21, 2012. (lcegs4) (Entered: 02/21/2012)
02/21/2012		MINUTE ORDER granting <u>50</u> motion for leave to appear pro hac vice by Hina Shamsi. Signed by Judge Emmet G. Sullivan on February 21, 2012. (lcegs4) (Entered: 02/21/2012)
02/21/2012	<u>51</u>	SECOND AMENDED COMPLAINT against STEVE HERSEM, CHRIS HIGGENBOTHAM, JOHN AND JANE DOES 3-10, JOHN DOE 1, JOHN DOE 2 filed by AMIR MESHAL.(jf,) (Entered: 02/22/2012)
03/06/2012	<u>52</u>	SUPPLEMENTAL MEMORANDUM to re <u>37</u> Reply to opposition to Motion, <u>33</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint Filed</i> filed by STEVE HERSEM, CHRIS HIGGENBOTHAM, JOHN DOE 1, JOHN DOE 2. (Greene, Glenn) (Entered: 03/06/2012)
03/19/2012	<u>53</u>	RESPONSE re <u>52</u> Supplemental Memorandum, <u>35</u> Memorandum in Opposition to <i>Defendants' Renewed Motion to Dismiss the Second Amended Complaint</i> filed by AMIR MESHAL. (Choudhury, Nusrat) Modified on 3/20/2012 (jf,). (Entered: 03/19/2012)
05/11/2012	<u>54</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by STEVE HERSEM, CHRIS HIGGENBOTHAM, JOHN DOE 1, JOHN DOE 2 (Attachments: # <u>1</u> Exhibit Padilla v. Yoo, 2012 WL 1526156)(Greene, Glenn) (Entered: 05/11/2012)
05/24/2012	<u>55</u>	RESPONSE re <u>54</u> NOTICE OF SUPPLEMENTAL AUTHORITY filed by AMIR MESHAL. (Choudhury, Nusrat) (Entered: 05/24/2012)
06/22/2012	<u>56</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by STEVE HERSEM, CHRIS HIGGENBOTHAM, JOHN DOE 1, JOHN DOE 2 (Attachments: # <u>1</u> Exhibit)(Greene, Glenn) (Entered: 06/22/2012)
07/05/2012	<u>57</u>	RESPONSE re <u>56</u> NOTICE OF SUPPLEMENTAL AUTHORITY filed by AMIR MESHAL. (Choudhury, Nusrat) (Entered: 07/05/2012)
12/05/2012	<u>58</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by STEVE HERSEM, CHRIS HIGGENBOTHAM, JOHN DOE 1, JOHN DOE 2 (Attachments: # <u>1</u> Exhibit Vance v. Rumsfeld - 2012 WL 5416500)(Greene, Glenn) (Entered: 12/05/2012)
12/21/2012	<u>59</u>	RESPONSE re <u>58</u> NOTICE OF SUPPLEMENTAL AUTHORITY filed by AMIR MESHAL. (Choudhury, Nusrat) (Entered: 12/21/2012)
10/09/2013	<u>60</u>	STATUS REPORT by AMIR MESHAL. (Choudhury, Nusrat) (Entered: 10/09/2013)
11/01/2013		MINUTE ORDER. Pending before the Court is defendants' motion to dismiss plaintiffs' Second Amended Complaint. Due to the numerous circuit court decisions which have been issued since defendants initially filed this motion, which the Court recognizes could impact the parties' arguments and the Court's consideration of the motion, the Court believes that an additional hearing is appropriate. Accordingly, it is hereby ORDERED that the Court will hold a supplemental hearing in this matter on December 11, 2013 at 1:00 PM in Courtroom 24A. The parties should be prepared to address the recent circuit decisions in <i>Lebron v. Rumsfeld</i> , (4th Cir. 2012), <i>Padilla v. Yoo</i> , (9th Cir. 2012), <i>Doe v. Rumsfeld</i> , (D.C. Cir. 2012), and <i>Vance v. Rumsfeld</i> (7th Cir. 2012), and not to repeat arguments previously raised. Signed by Judge Emmet G. Sullivan on November 1, 2013. (lcegs4) (Entered: 11/01/2013)
11/04/2013		Set/Reset Hearings: Motion Hearing set for 12/11/2013 at 1:00 PM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 11/04/2013)

12/11/2013		Minute Entry for proceedings held before Judge Emmet G. Sullivan. Motion Hearing held on 12/11/2013 re <u>33</u> MOTION to Dismiss. (Court Reporter CATHRYN JONES.) (mac) (Entered: 12/12/2013)
03/25/2014	<u>61</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AMIR MESHAL. Attorney Nusrat J. Choudhury terminated. (Choudhury, Nusrat) (Entered: 03/25/2014)
06/13/2014	<u>62</u>	ORDER granting <u>33</u> , <u>52</u> Motions to Dismiss. The Clerk of the Court is directed to close this case. Signed by Judge Emmet G. Sullivan on June 13, 2014. (lcegs4) (Entered: 06/13/2014)
06/13/2014	<u>63</u>	MEMORANDUM OPINION. Signed by Judge Emmet G. Sullivan on June 13, 2014. (lcegs4) (Entered: 06/13/2014)
08/07/2014	<u>64</u>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>62</u> Order on Motion to Dismiss, <u>63</u> MEMORANDUM OPINION by AMIR MESHAL. Filing fee \$ 505, receipt number 0090-3803505. Fee Status: Fee Paid. Parties have been notified. (Shamsi, Hina) Modified on 8/8/2014 to add linkage (rdj). (Entered: 08/07/2014)
08/08/2014	<u>65</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date re <u>64</u> Notice of Appeal to DC Circuit Court. (rdj) (Entered: 08/08/2014)
08/11/2014		USCA Case Number 14-5194 for <u>64</u> Notice of Appeal to DC Circuit Court, filed by AMIR MESHAL. (kb) (Entered: 08/11/2014)
02/10/2016	<u>66</u>	MANDATE of USCA (certified copy) ORDERED and ADJUDGED that the judgment of the District Court appealed from in this cause is hereby affirmed, in accordance with the opinion of the court filed herein this date as to <u>64</u> Notice of Appeal to DC Circuit Court, filed by AMIR MESHAL. USCA Case Number 14-5194. (zrdj) (Entered: 02/12/2016)