

CLOSED

**U.S. District Court [LIVE]
Western District of Texas (El Paso)
CIVIL DOCKET FOR CASE #: 3:14-cv-00050-KC**

Perez et al v. Clapper et al
Assigned to: Judge Kathleen Cardone
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 02/05/2014
Date Terminated: 08/06/2015
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Jaime O. Perez

represented by **Jaime O. Perez**
7600 Franklin Dr
El Paso, TX 79915
PRO SE

Plaintiff

Carl M. Starr

represented by **Carl M. Starr**
2560 S 106TH EAST AVE
TULSA, OK 74129
PRO SE

V.

Defendant

James R. Clapper

represented by **James R. Whitman**
U.S. Department of Justice
P.O. Box 7146
Washington, DC 20044
(202) 616-4169
Email: james.whitman@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julia Alexandra Berman
U.S. Department of Justice, Civil Division
20 Massachusetts Ave., NW
Washington, DC 20001
202-616-8480
Email: julia.berman@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. Attorney Genera Eric H. Holder,
Jr.**

represented by **James R. Whitman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julia Alexandra Berman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Director James B. Comey

represented by **James R. Whitman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julia Alexandra Berman
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/05/2014	<u>1</u>	COMPLAINT (Filing fee \$ 400 receipt number 300018416), filed by Jaime O Perez, Carl M. Starr.(jg1) (Entered: 02/06/2014)
02/05/2014	<u>2</u>	JS44 (Civil Cover Sheet) submitted by Jaime O Perez, Carl M. Starr. (jg1) (Entered: 02/06/2014)
02/05/2014		If ordered by the court, all referrals will be assigned to Magistrate Judge Garney (jg1) (Entered: 02/06/2014)
02/06/2014		All parties shall comply with the Standing Orders of Judge Kathleen Cardone located at: http://www.txwd.uscourts.gov/Rules/StandingOrders/default.asp#el Paso . (dl1) (Entered: 02/07/2014)
02/20/2014	<u>3</u>	Summons Issued as to James R. Clapper. (dl1) (Entered: 02/21/2014)
02/20/2014	<u>4</u>	Summons Issued as to Eric H. Holder, Jr. (dl1) (Entered: 02/21/2014)
02/20/2014	<u>5</u>	Summons Issued as to James B. Comey. (dl1) (Entered: 02/21/2014)
04/08/2014	<u>6</u>	SUMMONS Returned Executed by Jaime O. Perez, Carl M. Starr. James R. Clapper served on 3/25/2014, answer due 5/24/2014. (dl1) Modified on 4/9/2014 (dl1). (Entered: 04/08/2014)
04/08/2014	<u>7</u>	SUMMONS Returned Executed by Jaime O. Perez, Carl M. Starr. James B. Comey served on 3/19/2014, answer due 5/18/2014. (dl1) Modified on 4/9/2014 (dl1). (Entered: 04/08/2014)
04/08/2014		Set/Reset Deadlines: James R. Clapper answer due 5/24/2014. (dl1) (Entered: 04/09/2014)
04/08/2014		Set/Reset Deadlines: James B. Comey answer due 5/18/2014. (dl1) (Entered: 04/09/2014)
04/30/2014	<u>8</u>	SUMMONS Returned Executed by Jaime O. Perez, Carl M. Starr. Eric H. Holder, Jr served on 4/17/2014, answer due 6/17/2014. (dl1) (Entered: 05/01/2014)
05/20/2014	<u>9</u>	MOTION for Default Judgment against James B. Comey by Jaime O. Perez, Carl M. Starr. (dl1) (Entered: 05/22/2014)
05/20/2014	<u>10</u>	NOTICE of Filing Request for Clerks Entry of Default by Jaime O. Perez, Carl M. Starr (dl1) (Entered: 05/22/2014)
05/22/2014	<u>11</u>	ORDER DENYING <u>9</u> Motion for Default Judgment Signed by Judge Kathleen Cardone. (dl1) (Entered: 05/23/2014)
05/27/2014	<u>12</u>	AMENDED COMPLAINT against James R. Clapper, James B. Comey, Eric H. Holder, Jr amending COMPLAINT, filed by Jaime O. Perez.(mt) (Entered: 05/27/2014)
07/31/2014	<u>13</u>	MOTION for Default Judgment against All Defendants by Carl M. Starr. (Attachments: # <u>1</u> Proposed Entry of Default Judgment, # <u>2</u> Proposed Final Judgment)(mc6) (Entered: 07/31/2014)
08/06/2014	<u>14</u>	ORDER DENYING <u>13</u> Motion for Default Judgment Signed by Judge Kathleen Cardone. (dl1) (Entered: 08/06/2014)
08/07/2014	<u>15</u>	Doc#14 sent certified mail to Jaime O Perez (dl1) (Entered: 08/07/2014)
08/25/2014	<u>16</u>	Certified Mail Receipt returned marked – return to sender, unclaimed, unable to forward – sent to Jaime O. Perez of <u>14</u> Order on Motion for Default Judgment

		(dl1) (Main Document 16 replaced on 8/28/2014) (dl1). (Entered: 08/27/2014)
09/04/2014	<u>17</u>	SUMMONS Returned Executed James R. Clapper served on 8/14/2014, answer due 10/14/2014. (mc6) (Entered: 09/09/2014)
09/04/2014	<u>18</u>	SUMMONS Returned Executed Eric H. Holder, Jr served on 8/14/2014, answer due 10/14/2014. (mc6) (Entered: 09/09/2014)
09/04/2014	<u>19</u>	SUMMONS Returned Executed James B. Comey served on 8/14/2014, answer due 10/14/2014. (mc6) (Entered: 09/09/2014)
09/10/2014	<u>20</u>	MOTION for Leave to File Amended Complaint by Jaime O. Perez, Carl M. Starr. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> proposed document)(dl1) (Entered: 09/11/2014)
09/12/2014		Text Order GRANTING <u>20</u> Motion for Leave to File entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 09/12/2014)
09/12/2014	<u>21</u>	AMENDED COMPLAINT against James R. Clapper, James B. Comey, Eric H. Holder, Jr amending, filed by Jaime O. Perez, Carl M. Starr.(dl1) (Entered: 09/15/2014)
09/17/2014	<u>22</u>	SUPPLEMENT to <u>21</u> Amended Complaint by Carl M. Starr. (dl1) (Entered: 09/18/2014)
10/14/2014	<u>23</u>	NOTICE of Attorney Appearance by James R. Whitman on behalf of James R. Clapper, James B. Comey, Eric H. Holder, Jr. Attorney James R. Whitman added to party James R. Clapper(pty:dft), Attorney James R. Whitman added to party James B. Comey(pty:dft), Attorney James R. Whitman added to party Eric H. Holder, Jr(pty:dft) (Whitman, James) (Entered: 10/14/2014)
10/14/2014	<u>24</u>	MOTION to Dismiss for Lack of Jurisdiction by James R. Clapper, James B. Comey, Eric H. Holder, Jr. (Whitman, James) (Entered: 10/14/2014)
10/30/2014	<u>25</u>	MOTION for Leave to File Third Amended Complaint by Jaime O. Perez, Carl M. Starr. (Attachments: # <u>1</u> Amended Complaint)(dl1) (Entered: 10/30/2014)
10/31/2014		Text Order GRANTING <u>25</u> Motion for Leave to File entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 10/31/2014)
10/31/2014		Text Order DENYING <u>24</u> Motion to Dismiss for Lack of Jurisdiction entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 10/31/2014)
10/31/2014	<u>26</u>	THIRD AMENDED COMPLAINT against James R. Clapper, James B. Comey, Eric H. Holder, Jr amending, filed by Jaime O. Perez, Carl M. Starr.(dl1) (Entered: 11/03/2014)
11/03/2014	<u>27</u>	MOTION for Leave to File Third Amended Complaint by Jaime O. Perez, Carl M. Starr. (Attachments: # <u>1</u> exhibits)(dl1) (Entered: 11/03/2014)
11/13/2014	<u>29</u>	MOTION to Stay Case by Jaime O. Perez, Carl M. Starr. (dl1) (Entered: 11/17/2014)
11/14/2014	<u>28</u>	Joint MOTION to Stay Case <i>Pending Related Appellate Decisions</i> by James R. Clapper, James B. Comey, Eric H. Holder, Jr. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit A)(Berman, Julia) (Entered: 11/14/2014)
12/02/2014		Text Order DENYING <u>28</u> Motion to Stay Case entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 12/02/2014)
12/02/2014		Text Order MOOTING <u>29</u> Motion to Stay Case entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 12/02/2014)
12/02/2014	<u>30</u>	NOTICE of Attorney Appearance by Julia Alexandra Berman on behalf of James R. Clapper, James B. Comey, Eric H. Holder, Jr. Attorney Julia Alexandra Berman

		added to party James R. Clapper(pty:dft), Attorney Julia Alexandra Berman added to party James B. Comey(pty:dft), Attorney Julia Alexandra Berman added to party Eric H. Holder, Jr(pty:dft) (Berman, Julia) (Entered: 12/02/2014)
12/03/2014		Text Order DENYING AS MOOOT <u>27</u> Motion for Leave to File. This motion is identical to the previously granted motion and it attaches an identical complaint to that currently on file with this Court. Accordingly, the Court finds it duplicative and DENIES IT AS MOOT. Entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 12/03/2014)
12/08/2014	<u>31</u>	Text orders sent certified mail to Jaime O. Perez (dl1) (Entered: 12/08/2014)
12/08/2014	<u>32</u>	Text orders sent certified mail to Carl M. Starr (dl1) (Entered: 12/08/2014)
12/09/2014	<u>33</u>	Joint MOTION to Set Briefing Schedule, Expand Page Limits, and Toll Pretrial Deadlines Until Fourteen Days after the Courts Decision on Defendants Dispositive Motion by James R. Clapper, James B. Comey, Eric H. Holder, Jr. (Attachments: # <u>1</u> Proposed Order)(Berman, Julia) (Entered: 12/09/2014)
12/12/2014	<u>34</u>	ORDER GRANTING <u>33</u> Motion to Set Briefing Schedule and Expand Page Limits Signed by Judge Kathleen Cardone. (dl1) (Entered: 12/12/2014)
12/15/2014	<u>35</u>	Document #34 sent certified mail to Carl M Starr (dl1) (Entered: 12/15/2014)
12/15/2014	<u>36</u>	Document #34 sent certified mail to Jaime O Perez (dl1) (Entered: 12/15/2014)
12/22/2014	<u>37</u>	Certified Mail Receipt of Order on Motion to Stay Case, Order on Motion to Stay Case, Order on Motion for Leave to File to Carl M Starr on 12/17/14 (dl1) (Entered: 12/23/2014)
12/29/2014	<u>38</u>	Certified Mail Receipt of Order on Motion to Stay Case, Order on Motion to Stay Case, Order on Motion for Leave to File, RETURNED UNCLAIMED as to Jaime O. Perez (mn) (Entered: 12/31/2014)
12/29/2014	<u>39</u>	Certified Mail Receipt of <u>34</u> Order on Motion for Miscellaneous Relief RETURNED UNCLAIMED as to Jaime O. Perez (mn) (Entered: 12/31/2014)
01/23/2015	<u>40</u>	MOTION to Dismiss Defendants Motion to Dismiss and Memorandum in Support Thereof by James R. Clapper, James B. Comey, Eric H. Holder, Jr. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17)(Berman, Julia) (Entered: 01/23/2015)
02/13/2015	<u>41</u>	Response in Opposition to Motion, filed by Carl M. Starr, re <u>40</u> MOTION to Dismiss Defendants Motion to Dismiss and Memorandum in Support Thereof filed by Defendant James B. Comey, Defendant Eric H. Holder, Jr., Defendant James R. Clapper (mt) (Entered: 02/19/2015)
03/06/2015	<u>42</u>	RESPONSE in Support, filed by James R. Clapper, James B. Comey, Eric H. Holder, Jr, re <u>40</u> MOTION to Dismiss Defendants Motion to Dismiss and Memorandum in Support Thereof filed by Defendant James B. Comey, Defendant Eric H. Holder, Jr., Defendant James R. Clapper (Berman, Julia) (Entered: 03/06/2015)
03/16/2015	<u>43</u>	MOTION for Leave to File Plaintiff's Response to Defendant's Reply by Carl M. Starr. (Attachments: # <u>1</u> Plaintiff's Response to Defendant's Reply)(vm1) (Entered: 03/16/2015)
03/16/2015	<u>44</u>	MOTION for Leave to File DECLARATION OF PLAINTIFFS by Carl M. Starr. (Attachments: # <u>1</u> DECLARATION OF CARL STARR, # <u>2</u> DECLARATION OF JAIME O. PEREZ)(vm1) (Entered: 03/16/2015)
03/18/2015		Text Order GRANTING <u>43</u> Motion for Leave to File entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 03/18/2015)

03/18/2015		Text Order GRANTING <u>44</u> Motion for Leave to File entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 03/18/2015)
03/18/2015	<u>45</u>	PLAINTIFF'S RESPONSE TO DEFENDANT'S REPLY BRIEF to <u>42</u> by Jaime O. Perez. (mt) (Entered: 03/19/2015)
03/18/2015	<u>46</u>	NOTICE of Filing DECLARATION OF CARL STARR by Jaime O. Perez (mt) (Entered: 03/19/2015)
03/20/2015	<u>47</u>	Clerk's Copy sent via certified mail as to Jaime O. Perez of Order on Motion for Leave to File, Order on Motion for Leave to File (bg) (Entered: 03/20/2015)
03/20/2015	<u>48</u>	Clerk's Copy sent via certified mail as to Carl M. Starr of Order on Motion for Leave to File, Order on Motion for Leave to File (bg) (Entered: 03/20/2015)
03/26/2015	<u>49</u>	Certified Mail Receipt as to Carl M. Starr of Order on Motion for Leave to File, Order on Motion for Leave to File (bg) (Entered: 03/30/2015)
04/08/2015	<u>50</u>	Certified Mail Receipt as to Jaime O. Perez RETURNED TO SENDER Re: Order on Motion for Leave to File, Order on Motion for Leave to File (bg) (Entered: 04/09/2015)
05/12/2015	<u>51</u>	MOTION for Leave to File Second Circuit Appellate Ruling by Carl M. Starr. (Attachments: # <u>1</u> Attachment 1 of 2, # <u>2</u> Attachment 2 of 2)(vm1) (Entered: 05/14/2015)
05/21/2015	<u>52</u>	RESPONSE to <u>51</u> MOTION for Leave to File by James R. Clapper, James B. Comey, Eric H. Holder, Jr. (Berman, Julia) (Entered: 05/21/2015)
05/26/2015	<u>53</u>	MOTION for Leave to File PLAINTIFF'S REPLY TO DEFENDANT'S RESPONSE TO ACLU V CLAPPER RULING by Jaime O. Perez, Carl M. Starr. (Attachments: # <u>1</u>)(bg) (Entered: 05/27/2015)
05/28/2015		Text Order GRANTING <u>51</u> Motion for Leave to File entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 05/28/2015)
05/28/2015		Text Order GRANTING <u>53</u> Motion for Leave to File entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 05/28/2015)
05/28/2015	<u>54</u>	NOTICE of Filing Second Circuit Appellate Ruling by Jaime O. Perez, Carl M. Starr (bg) (Entered: 05/29/2015)
05/28/2015	<u>55</u>	PLAINTIFFS REPLY TO DEFENDANTS RESPONSE TO ACLU V CLAPPER RULING, filed by Jaime O. Perez, Carl M. Starr, re <u>53</u> MOTION for Leave to File PLAINTIFF'S REPLY TO DEFENDANT'S RESPONSE TO ACLU V CLAPPER RULING filed by Plaintiff Carl M. Starr, Plaintiff Jaime O. Perez (bg) (Entered: 05/29/2015)
05/28/2015	<u>56</u>	MOTION for Leave to File PLAINTIFFS BRIEF OF ACLU V CLAPPER by Jaime O. Perez, Carl M. Starr. (Attachments: # <u>1</u> Sealed Document PLAINTIFFS BRIEF OF ACLU V CLAPPER)(bg) (Entered: 05/29/2015)
06/02/2015	<u>57</u>	Clerk's Copy sent via certified mail to Carl M. Starr of Order on Motion for Leave to File, Order on Motion for Leave to File (bg) (Entered: 06/02/2015)
06/02/2015	<u>58</u>	Clerk's Copy sent via certified mail to Jaime O.Perez of Order on Motion for Leave to File, Order on Motion for Leave to File (bg) (Entered: 06/02/2015)
06/04/2015	<u>59</u>	ORDER REGARDING NOTICE AND BRIEFING DEADLINES. Signed by Judge Kathleen Cardone. (bg) (Entered: 06/04/2015)
06/04/2015	<u>60</u>	Clerk's Copy sent via certified mail to Jaime O. Perez of <u>59</u> ORDER REGARDING NOTICE AND BRIEFING DEADLINES (bg) (Entered: 06/04/2015)
06/04/2015	<u>61</u>	Clerk's Copy sent via certified mail to Carl M. Starr of <u>59</u> ORDER REGARDING NOTICE AND BRIEFING DEADLINES (bg) (Entered: 06/04/2015)

06/08/2015	<u>62</u>	Certified Mail Receipt sent to Carl M. Starr of Order on Motion for Leave to File, Order on Motion for Leave to File (bg) (Entered: 06/12/2015)
06/10/2015	<u>63</u>	Certified Mail Receipt sent to Jaime O. Perez of <u>59</u> ORDER REGARDING NOTICE AND BRIEFING DEADLINES (bg) (Entered: 06/12/2015)
06/12/2015	<u>64</u>	PLAINTIFFS NOTICE OF DESIRE TO CONTINUE THIS CASE by Jaime O. Perez, Carl M. Starr (bg) (Entered: 06/15/2015)
06/15/2015	<u>65</u>	PLAINTIFFS MOTION FOR LEAVE OF COURT TO FILE MOTION TO MODIFY OR EXTEND DEADLINES TO FILE BRIEF RE MOOTNESS AND USA FREEDOM ACT by Jaime O. Perez, Carl M. Starr. (Attachments: # <u>1</u> PLAINTIFFS MOTION TO MODIFY OR EXTEND TIME TO FILE MOOTNESS BRIEF)(bg) (Entered: 06/16/2015)
06/15/2015	<u>67</u>	Certified Mail Receipt as to Carl M. Starr of <u>59</u> ORDER REGARDING NOTICE AND BRIEFING DEADLINES (bg) (Entered: 06/17/2015)
06/17/2015	<u>66</u>	RESPONSE to Motion, filed by James R. Clapper, James B. Comey, Eric H. Holder, Jr, re <u>65</u> MOTION for Extension of Time to File filed by Plaintiff Carl M. Starr, Plaintiff Jaime O. Perez (Berman, Julia) (Entered: 06/17/2015)
06/18/2015		Text Order GRANTING <u>65</u> Motion for Extension of Time to File entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 06/18/2015)
06/18/2015		Text Order GRANTING <u>56</u> Motion for Leave to File entered by Judge Kathleen Cardone. (This is a text-only entry generated by the court. There is no document associated with this entry.) (KC) (Entered: 06/18/2015)
06/18/2015	<u>68</u>	NOTICE of Filing PLAINTIFFS BRIEF OF ACLU V CLAPPER by Jaime O. Perez, Carl M. Starr (bg) (Entered: 06/19/2015)
06/22/2015	<u>69</u>	Clerk's Copy sent via certified mail to Jaime O. Perez of Order on Motion for Leave to File (bg2) (Entered: 06/22/2015)
06/22/2015	<u>70</u>	Clerk's Copy sent via certified mail to Carl M. Starr of Order on Motion for Leave to File (bg2) (Entered: 06/22/2015)
06/22/2015	<u>71</u>	Clerk's Copy sent via certified mail to Jaime O. Perez of Order on Motion for Extension of Time to File (bg2) (Entered: 06/22/2015)
06/22/2015	<u>72</u>	Clerk's Copy sent via certified mail to Carl M. Starr of Order on Motion for Extension of Time to File (bg2) (Entered: 06/22/2015)
06/22/2015	<u>73</u>	Certified Mail Receipt as to Jaime O. Perez of Order on Motion for Leave to File, Order on Motion for Leave to File (bg2) (Entered: 06/23/2015)
06/24/2015	<u>74</u>	Certified Mail Receipt as to Jaime O. Perez of Order on Motion for Leave to File (bg2) (Entered: 06/25/2015)
06/29/2015	<u>75</u>	Certified Mail Receipt of Text order re #56 received by Carl M. Starr (mn) (Entered: 06/30/2015)
06/29/2015	<u>76</u>	Certified Mail Receipt of <u>72</u> received by Carl M. Starr (mn) (Entered: 06/30/2015)
06/30/2015	<u>77</u>	Certified Mail Receipt as to Jaime O. Perez of Order on Motion for Extension of Time to File (bg2) (Entered: 07/02/2015)
07/30/2015	<u>78</u>	PLAINTIFFS BRIEF ON USA FREEDOM ACT AND MOOTNESS by Jaime O. Perez, Carl M. Starr. (bg2) (Entered: 08/04/2015)
08/06/2015	<u>79</u>	ORDER DENYING AS MOOT <u>40</u> Motion to Dismiss. IT IS FURTHER ORDERED that the case be ADMINISTRATIVELY CLOSED. Signed by Judge Kathleen Cardone. (bg2) (Entered: 08/06/2015)
08/07/2015	<u>80</u>	Clerk's Copy sent via certified mail as to Carl M. Starr of <u>79</u> Order on Motion to Dismiss (bg2) (Entered: 08/07/2015)
08/07/2015	<u>81</u>	Clerk's Copy sent via certified mail as to Jaime O. Perez of <u>79</u> Order on Motion to Dismiss (bg2) (Entered: 08/07/2015)

08/17/2015	<u>82</u>	Certified Mail Receipt returned DELIVERED of <u>79</u> Order on Motion to Dismiss (vm1) (Entered: 08/17/2015)
------------	-----------	---