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JRG2,RWS1,STAYED

**U.S. District Court
Eastern District of TEXAS [LIVE] (Marshall)
CIVIL DOCKET FOR CASE #: 2:21-cv-00212-RWS**

McKinney v. Vilsack et al
Assigned to: District Judge Robert W. Schroeder, III
Cause: 05:702 Administrative Procedure Act

Date Filed: 06/10/2021
Jury Demand: None
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: U.S. Government
Defendant

Plaintiff

Jarrold McKinney

represented by **Wencong Fa**
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V.

Defendant

Thomas J Vilsack
*in his official capacity as U.S.
Secretary of Agriculture*

represented by **Michael F Knapp**
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PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Zach Ducheneaux
*in his official capacity as
Administrator, Farm Service Agency*

represented by **Michael F Knapp**
(See above for address)
PRO HAC VICE
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Amicus

**National Black Farmers
Association**

represented by **Randolph T Chen**
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Amicus

**Association of American Indian
Farmers**

represented by **Randolph T Chen**
(See above for address)
TERMINATED: 08/26/2021
LEAD ATTORNEY

David S Muraskin
(See above for address)
ATTORNEY TO BE NOTICED

Jessica L Culpepper
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/10/2021	1	COMPLAINT <i>for Declaratory and Injunctive Relief</i> against All Defendants (Filing fee \$ 402 receipt number 0540-8449551.), filed by Jarrod McKinney. (Attachments: # 1 Civil Cover Sheet)(Thompson, Joshua) (Entered: 06/10/2021)
06/10/2021		Case Assigned to District Judge Rodney Gilstrap. (nkl,) (Entered: 06/10/2021)
06/10/2021		In accordance with the provisions of 28 USC Section 636(c), you are hereby notified that a U.S. Magistrate Judge of this district court is available to conduct any or all proceedings in this case including a jury or non-jury trial and to order the entry of a final judgment. The form Consent to Proceed Before Magistrate Judge is available on our website. All signed consent forms, excluding pro se parties,

		should be filed electronically using the event <i>Notice Regarding Consent to Proceed Before Magistrate Judge</i> . (nkl,) (Entered: 06/10/2021)
06/10/2021	2	SUMMONS Issued as to Zach Ducheneaux, Thomas J Vilsack. (Attachments: # 1 Summons(es) Zach Ducheneaux)(nkl,) (Entered: 06/10/2021)
06/10/2021	3	NOTICE by Jarrod McKinney <i>of Related Cases in other Districts</i> (Thompson, Joshua) (Entered: 06/10/2021)
06/11/2021	4	ORDER OF RECUSAL. District Judge Rodney Gilstrap recused. Case reassigned to District Judge Robert W. Schroeder, III for all further proceedings. Signed by District Judge Rodney Gilstrap on 6/11/2021. (ch,) (Entered: 06/14/2021)
06/14/2021	5	NOTICE of Attorney Appearance - Pro Hac Vice by Christopher M. Kieser on behalf of Jarrod McKinney. Filing fee \$ 100, receipt number 0540-8453633. (Kieser, Christopher) (Entered: 06/14/2021)
06/14/2021	6	NOTICE of Attorney Appearance - Pro Hac Vice by Wencong Fa on behalf of Jarrod McKinney. Filing fee \$ 100, receipt number 0540-8453670. (Fa, Wencong) (Entered: 06/14/2021)
06/15/2021	7	NOTICE of Attorney Appearance - Pro Hac Vice by Glenn E Roper on behalf of Jarrod McKinney. Filing fee \$ 100, receipt number 0540-8455962. (Roper, Glenn) (Entered: 06/15/2021)
06/16/2021	8	SUMMONS Returned Executed by Jarrod McKinney. All Defendants. (Attachments: # 1 Exhibit A - Certified Mail Receipts)(Fa, Wencong) (Entered: 06/16/2021)
06/17/2021	9	MOTION for Preliminary Injunction by Jarrod McKinney. (Attachments: # 1 Exhibit 1 - Decision Granting TRO, # 2 Text of Proposed Order Granting Motion for Preliminary Injunction)(Fa, Wencong) (Entered: 06/17/2021)
06/17/2021	10	AFFIDAVIT in Support re 9 MOTION for Preliminary Injunction <i>filed by Jarrod McKinney</i> . (Fa, Wencong) (Entered: 06/17/2021)
06/18/2021	11	AFFIDAVIT of Service for Motion for Preliminary Injunction, Declaration of Jarrod McKinney, Exhibit 1, and Proposed Order <i>by certified mail</i> , served on Thomas Vilsack, Zach Ducheneaux, Merrick Garland, and Nicholas Ganjei on 6/18/2021, filed by Jarrod

		McKinney. (Attachments: # 1 Exhibit A - Certified Mail Receipts)(Fa, Wencong) (Entered: 06/18/2021)
06/21/2021	12	Unopposed MOTION to Substitute Lead Attorney by Jarrod McKinney. (Attachments: # 1 Text of Proposed Order)(Fa, Wencong) (Entered: 06/21/2021)
06/22/2021	13	NOTICE of Attorney Appearance - Pro Hac Vice by Michael F Knapp on behalf of Zach Ducheneaux, Thomas J Vilsack. (nkl,) (Entered: 06/22/2021)
06/24/2021	14	ORDER granting 12 Motion to Substitute LeadAttorney. Signed by District Judge Robert W. Schroeder, III on 6/24/2021. (ch,) (Entered: 06/24/2021)
07/02/2021	15	NOTICE of Attorney Appearance - Pro Hac Vice by Randolph T Chen on behalf of National Black Farmers Association, Association of American Indian Farmers. Filing fee \$ 100, receipt number 0540-8480466. (Chen, Randolph) (Entered: 07/02/2021)
07/02/2021	16	Opposed MOTION for Leave to File <i>Amicus Brief in Opposition to Plaintiff's Motion for Preliminary Injunction</i> by Association of American Indian Farmers, National Black Farmers Association. (Attachments: # 1 Text of Proposed Order Granting Motion for Leave to File Amicus Brief)(Chen, Randolph) (Entered: 07/02/2021)
07/02/2021	17	NOTICE by Association of American Indian Farmers, National Black Farmers Association re 16 Opposed MOTION for Leave to File <i>Amicus Brief in Opposition to Plaintiff's Motion for Preliminary Injunction - Amicus Curiae Brief</i> (Attachments: # 1 Exhibit Exh. 1 - J. Boyd Decl., # 2 Exhibit Exh. 2 - K. Boyd Decl., # 3 Exhibit Exh. 3 - I. Williams Decl., # 4 Exhibit Exh. 4 - S. Lewis Decl.)(Chen, Randolph) (Entered: 07/02/2021)
07/02/2021	18	DEFICIENT DOCUMENT Joint MOTION for Extension of Time to File Response/Reply as to 9 MOTION for Preliminary Injunction by Zach Ducheneaux, Thomas J Vilsack. (Attachments: # 1 Text of Proposed Order)(Knapp, Michael) Modified on 7/6/2021 (nkl,). (Entered: 07/02/2021)
07/02/2021	19	Joint MOTION for Extension of Time to File Response/Reply as to 9 MOTION for Preliminary Injunction (<i>CORRECTED</i>) by

		Zach Ducheneaux, Thomas J Vilsack. (Attachments: # 1 Text of Proposed Order)(Knapp, Michael) (Entered: 07/02/2021)
07/06/2021		NOTICE of Deficiency regarding the Joint MOTION for Extension of Time to File Response/Reply submitted document 18 does not contain a Certificate of Conference. Correction should be made by one business day.(nkl,) (Entered: 07/06/2021)
07/06/2021	20	NOTICE of Attorney Appearance - Pro Hac Vice by David S Muraskin on behalf of Association of American Indian Farmers, National Black Farmers Association. Filing fee \$ 100, receipt number 0540-8482087. (Muraskin, David) (Additional attachment(s) added on 7/6/2021: # 1 Sealed Attachment) (nkl,). (Entered: 07/06/2021)
07/06/2021	21	NOTICE of Attorney Appearance - Pro Hac Vice by Jessica L Culpepper on behalf of Association of American Indian Farmers, National Black Farmers Association. Filing fee \$ 100, receipt number 0540-8482101. (Culpepper, Jessica) (Entered: 07/06/2021)
07/06/2021	22	Unopposed MOTION to Intervene <i>Conditionally and MEMORANDUM IN SUPPORT</i> by Association of American Indian Farmers, National Black Farmers Association. (Attachments: # 1 Exh. 1 - J. Boyd Decl., # 2 Exh. 2 - K. Boyd Decl., # 3 Exh. 3 - I. Williams Decl., # 4 Exh. 4 - S. Lewis Decl., # 5 Proposed Answer)(Chen, Randolph) (Entered: 07/06/2021)
07/08/2021	23	ORDER granting 19 Motion for Extension of Time to File Response/Reply re 9 MOTION for Preliminary Injunction Responses due by 7/13/2021 Replies due by 7/27/2021.. Signed by District Judge Robert W. Schroeder, III on 7/8/2021. (nkl,) (Entered: 07/08/2021)
07/12/2021	24	MOTION to Stay <i>Proceedings</i> by Zach Ducheneaux, Thomas J Vilsack. (Attachments: # 1 Exhibit A - Miller Order, # 2 Exhibit B - Faust Order, # 3 Text of Proposed Order)(Knapp, Michael) (Entered: 07/12/2021)
07/12/2021	25	MOTION to Stay (<i>Administrative</i>) (<i>TIME SENSITIVE</i>) by Zach Ducheneaux, Thomas J Vilsack. (Attachments: # 1 Text of Proposed Order (Primary), # 2 Text of Proposed Order (Alternative))(Knapp, Michael) (Entered: 07/12/2021)
07/13/2021	26	RESPONSE in Opposition re 25 MOTION to Stay (<i>Administrative</i>) (<i>TIME SENSITIVE</i>) filed by Jarrod McKinney. (Attachments: # 1 Text of Proposed Order)(Fa, Wencong) (Entered: 07/13/2021)

07/13/2021	27	ORDER re 25 MOTION to Stay (<i>Administrative</i>) (<i>TIME SENSITIVE</i>) filed by Zach Ducheneaux, Thomas J Vilsack. Signed by District Judge Robert W. Schroeder, III on 7/13/2021. (nkl,) (Entered: 07/13/2021)
07/15/2021	28	REPLY to Response to Motion re 25 MOTION to Stay (<i>Administrative</i>) (<i>TIME SENSITIVE</i>) filed by Zach Ducheneaux, Thomas J Vilsack. (Knapp, Michael) (Entered: 07/15/2021)
07/16/2021	29	RESPONSE in Opposition re 16 Opposed MOTION for Leave to File <i>Amicus Brief in Opposition to Plaintiff's Motion for Preliminary Injunction</i> filed by Jarrod McKinney. (Attachments: # 1 Text of Proposed Order Denying Motion)(Fa, Wencong) (Entered: 07/16/2021)
07/22/2021	30	Joint MOTION for Extension of Time to File <i>Plaintiff's Opposition to Motion for Stay and Defendants' Answer (Time Sensitive)</i> by Jarrod McKinney. (Attachments: # 1 Text of Proposed Order)(Fa, Wencong) (Entered: 07/22/2021)
07/26/2021	31	ORDER granting 30 Motion for Extension of Time to File Plaintiff's Opposition to Motion for Stay and Defendants' Answer (Time Sensitive). Signed by District Judge Robert W. Schroeder, III on 7/26/2021. (nkl,) (Entered: 07/26/2021)
08/06/2021	32	RESPONSE in Opposition re 24 MOTION to Stay <i>Proceedings</i> filed by Jarrod McKinney. (Attachments: # 1 Exhibit 1 - Order, Holman v Vilsack, # 2 Exhibit 2 - Joint Report, Miller v Vilsack, # 3 Text of Proposed Order denying Motion for Stay)(Fa, Wencong) (Entered: 08/06/2021)
08/13/2021	33	REPLY to Response to Motion re 24 MOTION to Stay <i>Proceedings</i> filed by Zach Ducheneaux, Thomas J Vilsack. (Knapp, Michael) (Entered: 08/13/2021)
08/16/2021	34	NOTICE by Zach Ducheneaux, Thomas J Vilsack re 24 MOTION to Stay <i>Proceedings (Supplemental Authority)</i> (Attachments: # 1 Exhibit 1 - Carpenter Order)(Knapp, Michael) (Entered: 08/16/2021)
08/19/2021	35	NOTICE by Zach Ducheneaux, Thomas J Vilsack re 24 MOTION to Stay <i>Proceedings (Supplemental</i>

		<i>Authority</i>) (Attachments: # 1 Exhibit 1 - Joyner Order)(Knapp, Michael) (Entered: 08/19/2021)
08/20/2021	36	SUR-REPLY to Reply to Response to Motion re 24 MOTION to Stay <i>Proceedings filed by Jarrod McKinney</i> . (Fa, Wencong) (Entered: 08/20/2021)
08/23/2021	37	NOTICE by Zach Ducheneaux, Thomas J Vilsack re 24 MOTION to Stay <i>Proceedings (Supplemental Authority)</i> (Attachments: # 1 Exhibit 1 - Faust Order Granting Stay)(Knapp, Michael) (Entered: 08/23/2021)
08/25/2021	38	Unopposed MOTION to Withdraw as Attorney (<i>Randolph T. Chen</i>) by Association of American Indian Farmers, National Black Farmers Association. (Attachments: # 1 Text of Proposed Order)(Chen, Randolph) (Entered: 08/25/2021)
08/26/2021	39	ORDER granting 38 Motion to Withdraw as Attorney. Attorney Randolph T Chen terminated. Signed by District Judge Robert W. Schroeder, III on 8/26/2021. (nkl,) (Entered: 08/26/2021)
08/30/2021	40	ORDER granting 24 Motion to Stay Proceedings. Signed by District Judge Robert W. Schroeder, III on 8/30/2021. (nkl,) (Entered: 08/30/2021)

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