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EN, Jury Trial, USMJ Numbers

#### **U.S. District Court EASTERN DISTRICT OF NORTH CAROLINA (Western Division)** CIVIL DOCKET FOR CASE #: 5:20-cv-00363-M

Queern v. The United States

Assigned to: Chief Judge Richard E. Myers, II

Cause: 28:1331 Fed. Question

Date Filed: 07/09/2020 Jury Demand: Plaintiff

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

#### **Plaintiff**

**Jacob Queern** 

represented by Jacob Queern

7761 NC Hwy 87 S Fayetteville, NC 28306 757–633–1206

Email: jqueern@jeqandco.com PRO SE

V.

#### **Defendant**

#### **The United States**

Date Filed	#	Docket Text
07/09/2020	<u>1</u>	MOTION for Leave to Proceed in forma pauperis, filed by Jacob Queern. (Attachments: # 1 Proposed Complaint, # 2 Motion for Leave Pursuant to Local Civil Rule 5.1(f), # 3 Notice of Unrelated Cases, # 4 Blank Report of the Parties Planning Meeting, # 5 Civil Cover Sheet, # 6 Certificate of Service, # 7 Envelope) (Rudd, D.) (Entered: 07/10/2020)
07/09/2020	2	Notice of Self–Representation filed by Jacob Queern. (Rudd, D.) (Entered: 07/10/2020)
07/09/2020	<u>3</u>	Financial Disclosure Statement filed by Jacob Queern. (Rudd, D.) (Entered: 07/10/2020)
07/14/2020		Motion Referred to United States Magistrate Judge Robert T. Numbers, II regarding 1 MOTION for Leave to Proceed in forma pauperis. (Waddell, K.) (Entered: 07/14/2020)
07/14/2020	4	ORDER: Plaintiff is DIRECTED to correct the deficiencies listed above and return the corrected documents within fourteen (14) days from the filing of this order. The Clerk is DIRECTED to provide all the necessary forms regarding the deficiencies above to Plaintiff for completion. Signed by Magistrate Judge Robert T. Numbers, II on 7/14/2020. (copy of Order and summons forms sent to Jacob Queern, 7761 NC Hwy 87 S, Fayetteville, NC 28306 via US Mail.) (Waddell, K.) (Entered: 07/14/2020)
07/15/2020		Notice of Pro Se E-Noticing – Pro se party has consented to receiving electronic service of all motions, notices, orders, and documents in civil cases in the Eastern District of North Carolina. All documents filed in CM–ECF will be served on this party via email pursuant to Rule 5 of the Federal Rules of Civil Procedure and Local Civil Rule 5.1. (Waddell, K.) (Entered: 07/15/2020)
07/28/2020	<u>5</u>	Document: Proposed Summons as to the Office of the U.S. Attorney filed by Jacob Queern. (Attachments: # <u>1</u> Envelope, # <u>2</u> Photocopy of Summonses and Envelope) (Waddell, K.) (Entered: 07/28/2020)
07/28/2020	<u>6</u>	Document: Proposed Summons as to the U.S. Attorney General filed by Jacob Queern. (Attachments: # 1 Envelope, # 2 Photocopy of Summonses and Envelope) (Waddell, K.) (Entered: 07/28/2020)

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	DER regarding 1 MOTION for Leave to Proceed in forma pauperis filed by
the c prov does furth Copy	b Queern. The Plaintiff must complete the financial affidavit and file it with ourt within 14 days from the date of this order. The Clerk of Court shall ide Queern with a blank affidavit for him to complete and submit. If Queern not submit a financial affidavit, the court may deny his motion without her notice. Signed by Magistrate Judge Robert T. Numbers, II on 9/4/2020. If sent to Jacob Queern, 7761 NC Hwy 87 S, Fayetteville, NC 28306 via US along with the blank form. (Edwards, S.) (Entered: 09/04/2020)
(Atta	ENDED MOTION for Leave to Proceed in forma pauperis filed by Jacob Queern. chments: # 1 Photocopy of Contents, # 2 Envelope) (Waddell, K.)(Waddell, K.). ered: 09/17/2020)
AME	on Referred to US Magistrate Judge Robert T. Numbers, II regarding 8 ENDED MOTION for Leave to Proceed in forma pauperis. (Waddell, K.) ared: 09/17/2020)
MOT Ame Quee clain bid p Mem objec the s must objec	DER AND MEMORANDUM AND RECOMMENDATION regarding 1 TION for Leave to Proceed in forma pauperis filed by Jacob Queern and 8 moded MOTION for Leave to Proceed in forma pauperis filed by Jacob ern. The court grants Plaintiff's IFP motion (D.E. 1, 8) and allows his FOIA in to proceed. The undersigned recommends that the district court dismiss his protest claim based on a lack of subject matter jurisdiction. Objections to dorandum and Recommendations due by 11/2/2020. If the time to file an ection passes without an objection being filed, the Clerk of Court must issue tummonses Plaintiff submitted. If an objection is filed, the Clerk of Court and issue the summonses until the objection a district judge rules on his ection. Signed by Magistrate Judge Robert T. Numbers, II on 10/16/2020. Idell, K.) (Entered: 10/19/2020)
	IPLAINT against The United States, filed by Jacob Queern. (Waddell, K.) ered: 10/19/2020)
(Atta	ECTION to 2 Memorandum and Recommendations by Jacob Queern. chments: # 1 Envelope 1, # 2 Envelope 2, # 3 Envelope 3, # 4 Envelope 4) Idell, K.) (Entered: 11/03/2020)
Exhil 2 – E –DL. to DI Conv Senic Dam: 12 – 14 –	ENDIX of Exhibits regarding 11, filed by Jacob Queern. (Attachments: # 1 bit 1–NEF regarding USDC–EDVA Case 2:19–CV–485–RBS–LRL, # 2 Exhibit D.E. 45 regarding USDC–EDVA Case 2:19–CV–485–RBS–LRL, # 3 Exhibit 3 A Cover Letter, # 4 Exhibit 4 – Document Properties Page, # 5 Exhibit 5 –Email LA Commander, # 6 Exhibit 6 –Plaintiff's Note on 12/10/2018 Phone Persation, # 7 Exhibit 7 – Email to DLA DIGI, # 8 Exhibit 8 – Email to DLA or Counsel, # 9 Exhibit 9 – Responsive Records, # 10 Exhibit 10 – Claim for ages, # 11 Exhibit 11 – Purchase Request Numbers of Solicitations, # 12 Exhibit Closed FOIA Requests, # 13 Exhibit 13 – Overdue FOIA Requests, # 14 Exhibit Under Agency Review FOIA Requests, # 15 Exhibit 15 – Email to FBI) Idell, K.) (Entered: 11/03/2020)
Quee Requ Lette Senic GOA 5/30/ Adm 13 Ex Hous Reco	ENDIX of Exhibits (continued from DE–12) regarding 11, filed by Jacob rn. (Attachments: # 1 Exhibit 16 – Background Origins, # 2 Exhibit 17 – FOIA est SBA–2018–899, # 3 Exhibit 18 – Email to GOA, # 4 Exhibit 19 – Decision r, # 5 Exhibit 20 – Email of Protest to GOA, # 6 Exhibit 21 – Email from DLA or Counsel, # 7 Exhibit 22 – Request for Dismissal, # 8 Exhibit 23 – Email from Senior Attorney, # 9 Exhibit 24 – Privacy Act Form (VA–02) Submitted 2018, # 10 Exhibit 25 – Response to VA–02, # 11 Exhibit 26 – Email from SBA inistrator, # 12 Exhibit 27 – Miscellaneous Documents Served on Defendant(s), # shibit 28 – Response to Second Congressional Office of VA, # 14 Exhibit 29 – e Ethic Rules, # 15 Exhibit 30 – Recommendation for Senatorial Public gnition of Courage, # 16 Exhibit 31 – Notice from DOJ Internal Affairs) Idell, K.) (Entered: 11/03/2020)
	ament Submitted to District Judge Richard E. Myers II: 11 Objection to 9 orandum and Recommendation. (Waddell, K.) (Entered: 11/03/2020)
	on Submitted to District Judge Richard E. Myers II regarding 9 MORANDUM AND RECOMMENDATIONS regarding 1 MOTION for Leave to

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		Proceed in forma pauperis filed by Jacob Queern, <u>8</u> MOTION for Leave to Proceed in forma pauperis filed by Jacob Queern. (Edwards, S.) (Entered: 11/05/2020)
11/13/2020	<u>14</u>	MOTION for Extension of Time to File Objection to 2 MEMORANDUM AND RECOMMENDATION, filed by Jacob Queern. (Attachments: # 1 Text of Proposed Order, # 2 Exhibit 1, # 3 Envelope) (Waddell, K.) (Entered: 11/13/2020)
11/13/2020		Motion Submitted to District Judge Richard E. Myers II regarding 14 MOTION for Extension of Time to File Objection to 9 MEMORANDUM AND RECOMMENDATION, filed by Jacob Queern. (Waddell, K.) (Entered: 11/13/2020)
11/16/2020	<u>15</u>	ORDER granting 14 Motion for Extension of Time to File Objection. The Court accepts as timely the Plaintiff's objection, filed November 3, 2020. Signed by District Judge Richard E. Myers II on 11/16/2020. (Edwards, S.) (Entered: 11/16/2020)
11/17/2020	<u>16</u>	OBJECTION, filed by Jacob Queern. (Attachments: # 1 Exhibit) (Waddell, K.) (Entered: 11/17/2020)
11/17/2020		Document Submitted: <u>16</u> Objection submitted to District Judge Richard E. Myers II. (Waddell, K.) (Entered: 11/17/2020)
11/30/2020	17	OBJECTION to <u>15</u> Order, filed by Jacob Queern. (Attachments: # <u>1</u> Exhibit 1 – USPS Delivery Confirmation, # <u>2</u> Exhibit 2 – Email 5.30.2018, # <u>3</u> Exhibit 3 – Letter 6.4.2018, # <u>4</u> Exhibit 4 – Letter 6.14.2018, # <u>5</u> Exhibit 5 – Letter 7.13.2018, # <u>6</u> Exhibit 6 – Letter 7.6.2018, # <u>7</u> Exhibit 7 – Email (annotated) 4.23.2018, # <u>8</u> Exhibit 8 –Email 5.1.2018, # <u>9</u> Exhibit 9 – Email 5.8.2018, # <u>10</u> Exhibit 10 – 5:20–cv–363–M Docket Sheet 11.28.2020, # <u>11</u> Exhibit 11 – Tracking Log, # <u>12</u> Exhibit 12 – SBA–2018–001098 Request Details, # <u>13</u> Exhibit 13 – Email 10.4.2018, # <u>14</u> Exhibit 14 – Email 6.5.2019, # <u>15</u> Exhibit 15 – Email 2.28.2020, # <u>16</u> Exhibit 16 – Email 4.17.2020, # <u>17</u> Envelope) (Waddell, K.) (Entered: 11/30/2020)
11/30/2020		Document Submitted: <u>17</u> Objection submitted to District Judge Richard E. Myers II. (Waddell, K.) (Entered: 11/30/2020)
12/01/2020	<u>18</u>	OBJECTION filed by Jacob Queern. (Attachments: # 1 Exhibit 1 – Inquiry 7.10.2018, # 2 Envelope) (Waddell, K.) (Entered: 12/01/2020)
12/01/2020		Document Submitted: <u>18</u> Objection submitted to District Judge Richard E. Myers II. (Waddell, K.) (Entered: 12/01/2020)
12/15/2020	<u>19</u>	MOTION for Expedited Consideration, filed by Jacob Queern. (Attachments: # 1 Envelope) (Waddell, K.) (Entered: 12/15/2020)
12/15/2020	<u>20</u>	MOTION [pursuant to] 28 U.S.C. 1915(e)(1), 5 U.S.C. 504, 28 U.S.C. 2412, filed by Jacob Queern. (Attachments: # 1 Exhibit 1 – document dated 4/15/1992, # 2 Exhibit 2 – Response to Agency Protest 0069658283 T–8584 V–4494, # 3 Exhibit 3 – Response to Agency Protest 007190623 7 T–4409 V–5441, # 4 Exhibit 4 – Response to Agency Protest 0073553997 T–8181 V–4835, # 5 Envelope) (Waddell, K.) Modified on 12/16/2020 to correct document description in the docket text (Waddell, K.). (Entered: 12/15/2020)
12/15/2020		Motions Submitted to District Judge Richard E. Myers II regarding 19 MOTION for Expedited Consideration and 20 MOTION for Expedited Consideration. (Waddell, K.) (Entered: 12/15/2020)
12/17/2020	<u>21</u>	ORDER regarding 16 Objection to Memorandum and Recommendation 17 Objection, and 18 Objection. The Court reminds the Plaintiff that any future filings failing to comply with the applicable federal and local rules may be stricken or denied. Signed by District Judge Richard E. Myers II on 12/17/2020. (Waddell, K.) (Entered: 12/17/2020)
12/17/2020	22	ORDER denying 19 Motion for Expedited Consideration; denying 20 Motion [pursuant to] 28 U.S.C. 1915(e)(1), 5 U.S.C. 504, 28 U.S.C. 2412;. Signed by District Judge Richard E. Myers II on 12/17/2020. (Waddell, K.) (Entered: 12/17/2020)

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03/03/2021	<u>23</u>	ORDER: The Memorandum and Recommendation at 2 is ACCEPTED IN PART AND REJECTED IN PART as set forth herein, and the Plaintiff's purported NDAA claim is DISMISSED WITHOUT PREJUDICE. The court will permit Plaintiff to file an Amended Complaint asserting these (and his original FOIA) claims on or before March 31, 2021. If Plaintiff fails to comply with this deadline, the court will proceed in the action on the Plaintiff's original FOIA claims as stated in the operative Complaint. Signed by Chief US District Judge Richard E. Myers II on 3/3/2021. (Waddell, K.) (Entered: 03/03/2021)
04/01/2021	<u>24</u>	Summons Issued as to the U.S. Attorney and U.S. Attorney General.*NOTICE: Plaintiff shall print the attached summonses and serve with other case opening documents in accordance with Fed.R.Civ.P.4.* (Waddell, K.) (Entered: 04/01/2021)
04/06/2021	<u>25</u>	"Motion to Join [David Wickersham and Elaine Luria] as Defendants in their Individual Capacity" filed by Jacob Queern. (Attachments: # 1 Table of Contents) (Waddell, K.) (Entered: 04/06/2021)
04/06/2021	<u>26</u>	"Motion for Amended or Additional Findings" regarding <u>23</u> Order, filed by Jacob Queern. (Waddell, K.) (Additional attachment(s) added on 4/6/2021: # <u>1</u> Table of Contents) (Waddell, K.). (Entered: 04/06/2021)
04/06/2021	<u>27</u>	"Motion for Expedited Consideration" regarding <u>25</u> "Motion to Join [David Wickersham and Elaine Luria] as Defendants in their Individual Capacity" and <u>26</u> "Motion for Amended or Additional Findings" filed by Jacob Queern. (Waddell, K.) (Entered: 04/06/2021)
04/06/2021	<u>28</u>	AMENDED COMPLAINT against The United States, filed by Jacob Queern. (Attachments: # 1 Exhibit 1 – Case History for Case No. CR19002398–00, # 2 Exhibit 2 – Email 7/20/2020, # 3 Exhibit 3 – Letter 7/20/2020, # 4 Exhibit 4 – DOD Complaint 7/17/2019) (Waddell, K.) (Entered: 04/06/2021)
04/06/2021		Motions Submitted to Chief US District Judge Richard E. Myers II regarding <u>25</u> "Motion to Join [David Wickersham and Elaine Luria] as Defendants in their Individual Capacity," <u>26</u> "Motion for Amended or Additional Findings," and <u>27</u> "Motion for Expedited Consideration." (Waddell, K.) (Entered: 04/06/2021)
04/09/2021	<u>29</u>	Certificate of Service, filed by Jacob Queern regarding <u>25</u> "Motion to Join [David Wickersham and Elaine Luria] as Defendants in their Individual Capacity"; <u>26</u> "Motion for Amended or Additional Findings"; <u>27</u> "Motion for Expedited Consideration"; and <u>28</u> Amended Complaint. (Waddell, K.) (Entered: 04/09/2021)
04/09/2021	<u>30</u>	ORDER denying <u>25</u> Motion to Join [David Wickersham and Elaine Luria] as Defendants in their Individual Capacity; denying <u>26</u> Motion for Amended or Additional Findings; denying <u>27</u> Motion for Expedited Consideration. The court will permit the Plaintiff to file a Second Amended Complaint, if he so chooses, on or before April 23, 2021. If Plaintiff fails to comply with this deadline, the court will proceed in the action on the Plaintiff's Amended Complaint (DE 28). Plaintiff is reminded to the read the order in its entirety for other critical information. Signed by Chief US District Judge Richard E. Myers II on 4/9/2021. (Waddell, K.) (Entered: 04/09/2021)
04/16/2021	<u>31</u>	MOTION for Expedited Consideration regarding 30 Order, filed by Jacob Queern. (Waddell, K.) (Additional attachment(s) added on 4/16/2021: # 1 Envelope) (Waddell, K.). (Entered: 04/16/2021)
04/16/2021	<u>32</u>	MOTION for Expedited Consideration regarding <u>23</u> Order on Memorandum and Recommendation, filed by Jacob Queern. (Attachments: # <u>1</u> Envelope) (Waddell, K.) (Additional attachment(s) added on 4/16/2021: # <u>2</u> Envelope) (Waddell, K.). (Entered: 04/16/2021)
04/19/2021		Motions Submitted to Chief US District Judge Richard E. Myers II regarding 31 MOTION for Expedited Consideration regarding 30 Order and 32 MOTION for Expedited Consideration regarding 23 Order. (Waddell, K.) (Entered: 04/19/2021)
07/21/2021	<u>33</u>	Notice to Plaintiff of Failure to Make Service within 90 Days regarding Defendant: The United States. (Waddell, K.) (Entered: 07/21/2021)

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08/09/2021	<u>34</u>	MOTION to Alter or Amend Judgment regarding 33 Notice to Plaintiff and for Relief from a Final Judgment, Order, or Proceeding, filed by Jacob Queern. (Attachments: # 1 Table of Contents, # 2 Appendix, # 3 Attachment 1) (Waddell, K.) (Entered: 08/10/2021)
08/10/2021		Motion Submitted to Chief US District Judge Richard E. Myers II regarding <u>34</u> MOTION to Alter or Amend Judgment regarding <u>33</u> Notice to Plaintiff and for Relief from a Final Judgment, Order, or Proceeding. (Waddell, K.) (Entered: 08/10/2021)
08/12/2021	<u>35</u>	ORDER denying 31 Motion for Expedited Consideration regarding 30 Order; granting in part and denying in part 32 Motion for Expedited Consideration regarding 23 Order on Memorandum and Recommendation; denying as moot 34 Motion to Alter or Amend Judgment regarding 33 Notice to Plaintiff and for Relief from a Final Judgment, Order, or Proceeding. The court will permit the Plaintiff to file, on or before September 10, 2021, a Second Amended Complaint as directed herein. The ninety—day period for service required by Rule4(m) of the Federal Rules of Civil Procedure will commence upon the filing of the Second Amended Complaint on or before September 10, 2021 or, if no such pleading is filed, the court will extend the time for service to September 30, 2021 based on the filing of the Amended Complaint (DE 28). Signed by Chief US District Judge Richard E. Myers II on 8/12/2021. Plaintiff is reminded to read the order in its entirety for other critical information and deadlines. (Waddell, K.) (Entered: 08/12/2021)
09/14/2021	<u>36</u>	MOTION for "Vindication of Petitioner's First Amendment Rights" filed by Jacob Queern. (Attachments: # 1 Envelope) (Waddell, K.) (Entered: 09/14/2021)
09/14/2021		Remark – Filed–stamped copies of <u>24</u> Summonses and <u>28</u> Amended Complaint forwarded to U.S. Marshal for service, along with USM–285 forms. (Waddell, K.) (Entered: 09/14/2021)
09/14/2021		Motion Submitted to Chief US District Judge Richard E. Myers II regarding <u>36</u> MOTION for "Vindication of Petitioner's First Amendment Rights". (Waddell, K.) (Entered: 09/14/2021)
09/29/2021	<u>37</u>	MOTION to Stay Execution of Judgment or Any Proceedings to Enforce Judgment regarding <u>36</u> MOTION for "Vindication of Petitioner's First Amendment Rights", filed by Jacob Queern. (Attachments: # <u>1</u> Table of Contents, # <u>2</u> Envelope) (Waddell, K.) (Entered: 09/29/2021)
09/29/2021		Motion Submitted to Chief Judge Richard E. Myers II: <u>37</u> MOTION to Stay Execution of Judgment or Any Proceedings to Enforce Judgment regarding <u>36</u> MOTION for "Vindication of Petitioner's First Amendment Rights". (Waddell, K.) (Entered: 09/29/2021)
10/14/2021	<u>38</u>	MOTION for Jury Trial, filed by Jacob Queern. (Attachments: # 1 Table of Contents, # 2 Instructions to the Clerk of Court, # 3 Appendix 1(a) – Direct Evidence of Agreement, # 4 Appendix 1(b) – Direct Evidence of the Agreement, # 5 Appendix 2 – Direct Evidence of a Pattern of Rackeeting Activity, # 6 Envelope) (Waddell, K.) (Entered: 10/14/2021)
10/14/2021		Motion Submitted to Chief US District Judge Richard E. Myers II regarding 38 MOTION Jury Trial. (Waddell, K.) (Entered: 10/14/2021)
10/20/2021	<u>39</u>	Process Receipt and Return – US Attorney served on 10/4/2021, answer due 12/3/2021. (Waddell, K.) (Entered: 10/21/2021)
10/22/2021	<u>40</u>	Process Receipt and Return – US Attorney General served on 10/4/2021. (Waddell, K.) (Entered: 10/22/2021)