

CLOSED,NPROSE

U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:11-cv-00023-NGG-LB

Labella v. Federal Bureau of Investigation et al
Assigned to: Judge Nicholas G. Garaufis
Referred to: Magistrate Judge Lois Bloom
related Case: [1:02-cv-02355-NGG-KAM](#)
Cause: 28:1331 Fed. Question

Date Filed: 01/04/2011
Date Terminated: 03/30/2012
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff**Keith Salvatore Labella**

represented by **Keith Salvatore Labella**
64-15 Perry Avenue
Maspeth, NY 11378
718-326-1704
PRO SE

V.

Defendant**Federal Bureau of Investigation**

represented by **Ameet B. Kabrawala**
United States Attorney's Office
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ATTORNEY TO BE NOTICED

Defendant**Office of Justice Programs**

represented by **Ameet B. Kabrawala**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**United States Department of Justice**

represented by **Ameet B. Kabrawala**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/04/2011	<u>1</u>	COMPLAINT against Federal Bureau of Investigation, Office of Justice Programs, United States Department of Justice Disclosure Statement on Civil Cover Sheet completed -no., filed by Keith Salvatore Labella. (Attachments: # <u>1</u> Civil Cover Sheet) (Sica, Michele) (Entered: 01/05/2011)
01/04/2011		Summons Issued as to Federal Bureau of Investigation, Office of Justice Programs, United States Department of Justice. (Sica, Michele) (Entered: 01/05/2011)
01/04/2011	<u>2</u>	FILING FEE: \$ 350, receipt number 4653023799; filed by Keith Salvatore Labella, dated 1/4/2011. (Sica, Michele) (Entered: 01/05/2011)
01/04/2011	<u>4</u>	SUMMONS Returned Executed by Keith Salvatore Labella. Federal Bureau of Investigation served on 1/4/2011, answer due 3/7/2011; Office of Justice Programs served on 1/4/2011, answer due 3/7/2011; United States Department of Justice served on 1/4/2011, answer due 3/7/2011. (Lee, Tiffeny) (Entered: 01/13/2011)

01/11/2011	<u>3</u>	ORDER: Plaintiff is to provide a copy of this Order and the enclosed rules to defendants along with the summons and complaint. Accordingly, if service is not made upon defendants by May 4, 2011 or plaintiff fails to show good cause why such service has not been effected, it will be recommended that the Court dismiss this action without prejudice. SO ORDERED. (Ordered by Magistrate Judge Lois Bloom, on 1/11/2011) <i>C/mailed w/Attachments: #<u>1</u> Individual Practices of Magistrate Judge Lois Bloom.</i> (Latka-Mucha, Wieslawa) (Entered: 01/12/2011)
01/18/2011	<u>5</u>	AFFIDAVIT / Certificate of Service re: Judge Lois Bloom's 1/11/11 Order <u>3</u> , served upon Defendants on 1/18/2011; filed by <i>pro se</i> Keith Salvatore Labella. (Latka-Mucha, Wieslawa) (Entered: 01/25/2011)
02/22/2011	<u>6</u>	Letter MOTION for Extension of Time to File Answer <i>or otherwise respond to the Complaint</i> , by Federal Bureau of Investigation, Office of Justice Programs, United States Department of Justice. (Kabrawala, Ameet) (Entered: 02/22/2011)
02/24/2011	<u>7</u>	ORDER endorsed on doc.# <u>6</u> . The Court grants defendants' <u>6</u> request for an extension of time, but 60 days is too long. Defendants shall respond to plaintiff's complaint by 3/31/11. SO ORDERED. (Ordered by Magistrate Judge Lois Bloom, on 2/24/2011) <i>C/mailed.</i> (Latka-Mucha, Wieslawa) (Entered: 02/24/2011)
03/31/2011	<u>8</u>	ANSWER to <u>1</u> Complaint, by Federal Bureau of Investigation, Office of Justice Programs, United States Department of Justice. (Kabrawala, Ameet) (Entered: 03/31/2011)
04/04/2011	<u>9</u>	SCHEDULING ORDER: Initial Pretrial Conference set for 5/17/2011 at 02:00 PM in Courtroom 11A South before Magistrate Judge Lois Bloom. No planning conference shall be required at this time. Parties must contact each other before making any request for an adjournment to the Court. A request for an adjournment just be received in writing at least 48 hours before the scheduled conference. So Ordered by Magistrate Judge Lois Bloom on 4/1/2011. C/M to plaintiff. (Manuel, Germaine) (Entered: 04/04/2011)
04/18/2011	<u>10</u>	Letter MOTION for pre motion conference <i>requesting leave to file a motion for summary judgment</i> , by Federal Bureau of Investigation, Office of Justice Programs, United States Department of Justice. (Kabrawala, Ameet) (Entered: 04/18/2011)
04/20/2011	<u>11</u>	ORDER re <u>10</u> Motion: The motion/cross-motion schedule is approved: Defendants shall serve their summary judgment motion by 5/23/2011; Plaintiff shall serve any opposition to defendants' summary judgment motion, together with any cross-motion for summary judgment by 6/27/2011; Defendants shall file any opposition to plaintiff's cross-motion for summary judgment, together with their reply in further support of their summary judgment motion by 7/11/2011; and Plaintiff shall serve any reply in support of his cross-motion, and the fully-briefed cross-motions for summary judgment shall be electronically filed by defendants' counsel by 7/25/2011. So Ordered by Judge Nicholas G. Garaufis on 4/19/2011. (c/m to pro se) (Lee, Tiffeny) (Entered: 04/20/2011)
04/21/2011	<u>12</u>	ORDER: The Honorable Nicholas G. Garaufis has <u>11</u> approved the briefing schedule for the parties' cross-motions for summary judgment in this Freedom of Information Act action. Accordingly, the Court hereby cancels the initial pretrial conference scheduled for 5/17/2011. SO ORDERED. (Ordered by Magistrate Judge Lois Bloom, on 4/21/2011) <i>C/mailed.</i> (Latka-Mucha, Wieslawa) (Entered: 04/22/2011)
05/18/2011	<u>13</u>	Letter MOTION for Extension of Time to File <i>motion for summary judgment</i> by Federal Bureau of Investigation, Office of Justice Programs, United States Department of Justice. (Kabrawala, Ameet) (Entered: 05/18/2011)
05/20/2011	<u>14</u>	ORDER re <u>13</u> Letter MOTION for Extension of Time to File <i>motion for summary judgment</i> filed by United States Department of Justice, Office of Justice Programs, Federal Bureau of Investigation. Referred to Magistrate Judge Bloom for decision. Upon completion of briefing, the motion is referred to Judge Bloom for Report and Recommendation. So Ordered by Judge Nicholas G. Garaufis on 5/18/2011. (c/m to pro se) (Lee, Tiffeny) (Entered: 05/23/2011)

05/26/2011	<u>15</u>	ORDER: Defendants request an extension of time to serve their motion for summary judgment. The Court grants defendants' <u>13</u> request. Defendants shall serve their motion for summary judgment by 6/24/2011; plaintiff shall serve any opposition to defendants' motion for summary judgment, together with any cross-motion for summary judgment, by 7/25/2011;1 defendants shall serve any opposition to plaintiffs cross-motion for summary judgment, together with any reply in support of their motion for summary judgment, by 8/8/2011; and plaintiff shall serve any reply in support of his motion for summary judgment, and defendants shall electronically file the parties' fully-briefed cross- motions for summary judgment by 8/22/2011. SO ORDERED. (Ordered by Magistrate Judge Lois Bloom, on 5/26/2011) C/mailed. (Latka-Mucha, Wieslawa) (Entered: 05/27/2011)
08/19/2011	<u>16</u>	Notice of MOTION for Summary Judgment by Federal Bureau of Investigation, Office of Justice Programs, United States Department of Justice. (Kabrawala, Ameet) (Entered: 08/19/2011)
08/19/2011	<u>17</u>	NOTICE by Federal Bureau of Investigation, Office of Justice Programs, United States Department of Justice (<i>Notice to Pro Se Litigant Who Opposes a Motion for Summary Judgment</i>) (Kabrawala, Ameet) (Entered: 08/19/2011)
08/19/2011	<u>18</u>	RULE 56.1 STATEMENT <i>in Support of Defendants' Motion for Summary Judgment</i> , filed by Federal Bureau of Investigation, Office of Justice Programs, United States Department of Justice. (Kabrawala, Ameet) (Entered: 08/19/2011)
08/19/2011	<u>19</u>	DECLARATION <i>of David M. Hardy in Support of Defendants' Motion for Summary Judgment</i> , by Federal Bureau of Investigation, Office of Justice Programs, United States Department of Justice (Kabrawala, Ameet) (Entered: 08/19/2011)
08/19/2011	<u>20</u>	DECLARATION <i>of Dorothy A. Lee in Support of Defendants' Motion for Summary Judgment</i> , by Federal Bureau of Investigation, Office of Justice Programs, United States Department of Justice (Kabrawala, Ameet) (Entered: 08/19/2011)
08/19/2011	<u>21</u>	MEMORANDUM <i>in Support of Defendants' Motion for Summary Judgment</i> , filed by Federal Bureau of Investigation, Office of Justice Programs, United States Department of Justice. (Attachments: # <u>1</u> Appendix Unpublished case, # <u>2</u> Appendix Unpublished case, # <u>3</u> Appendix Unpublished case) (Kabrawala, Ameet) (Entered: 08/19/2011)
08/19/2011	<u>22</u>	Cross MOTION for Summary Judgment (<i>Plaintiff's Notice of Cross-Motion for Summary Judgment</i>) by Keith Salvatore Labella. (Kabrawala, Ameet) (Entered: 08/19/2011)
08/19/2011	<u>23</u>	NOTICE by Keith Salvatore Labella (<i>Plaintiff's Cross Motion</i>) (Kabrawala, Ameet) (Entered: 08/19/2011)
08/19/2011	<u>24</u>	RULE 56.1 STATEMENT (<i>Plaintiff's Response to Defendants' Rule 56.1 Statement</i>) filed by Keith Salvatore Labella. (Kabrawala, Ameet) (Entered: 08/19/2011)
08/19/2011	<u>25</u>	AFFIDAVIT/AFFIRMATION (<i>Plaintiff's Affidavit</i>) by Keith Salvatore Labella (Kabrawala, Ameet) (Entered: 08/19/2011)
08/19/2011	<u>26</u>	MEMORANDUM <i>in Support of Plaintiff's Cross-Motion for Summary Judgment and in Opposition to Defendants' Motion</i> , filed by Keith Salvatore Labella. (Kabrawala, Ameet) (Entered: 08/19/2011)
08/19/2011	<u>27</u>	REPLY <i>in Support of Defendants' Motion for Summary Judgment</i> , filed by Federal Bureau of Investigation, Office of Justice Programs, United States Department of Justice. (Kabrawala, Ameet) (Entered: 08/19/2011)
08/19/2011	<u>28</u>	REPLY <i>in Support of Plaintiff's Cross-Motion for Summary Judgment and in Opposition to Defendants' Motion</i> filed by Keith Salvatore Labella. (Kabrawala, Ameet) (Entered: 08/19/2011)

08/19/2011	<u>29</u>	Letter <i>Enclosing Courtesy Copies of Fully–Briefed Motion</i> , by Federal Bureau of Investigation, Office of Justice Programs, United States Department of Justice (Kabrawala, Ameet) (Entered: 08/19/2011)
02/09/2012	<u>30</u>	REPORT AND RECOMMENDATION: It is respectfully recommended that plaintiff's <u>22</u> motion for summary judgment should be denied and defendants' <u>16</u> motion for summary judgment should be granted. Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have 14 days from service of this Report to file written objections. SO ORDERED by Magistrate Judge Lois Bloom, on 2/9/2012. (<i>Copy of this Order sent to pro se Plaintiff along with the attached copies of all unreported cases cited herein.</i>) <i>Objections to RRdue by 2/27/2012.</i> (Latka–Mucha, Wieslawa) (Entered: 02/10/2012)
02/14/2012	<u>31</u>	Plaintiff's OBJECTIONS to <u>30</u> Report and Recommendation; filed by <i>pro se</i> Keith Salvatore Labella, dated 2/14/2012. (Latka–Mucha, Wieslawa) (Entered: 02/14/2012)
02/28/2012	<u>32</u>	MEMORANDUM in Opposition to <i>Plaintiff's Objections to the Report and Recommendation</i> , filed by Federal Bureau of Investigation, Office of Justice Programs, United States Department of Justice. (Kabrawala, Ameet) (Entered: 02/28/2012)
02/28/2012	<u>33</u>	AFFIDAVIT of Service (<i>Declaration of Service of Defendants' Feb. 28, 2012 Memorandum of Law</i>), filed by Federal Bureau of Investigation, Office of Justice Programs, United States Department of Justice. (Kabrawala, Ameet) (Entered: 02/28/2012)
03/30/2012	<u>34</u>	ORDER ADOPTING <u>30</u> REPORT AND RECOMMENDATIONS: Defendants' <u>16</u> motion for summary judgment is GRANTED pursuant to Federal Rule of Civil Procedure 56; Labella's <u>22</u> motion for summary judgment is DENIED. So Ordered by Judge Nicholas G. Garaufis on 3/16/2012. (c/m to pro se; fwd'd for jgm) (Originally Entered: 03/20/2012, ReDocketed 3/30/2012 to Correct Docketing Error) (Lee, Tiffeny) (Entered: 03/30/2012)
03/30/2012	<u>35</u>	CLERK'S JUDGMENT that Defendants' motion for summary judgment is granted pursuant to Federal Rule of Civil Procedure 56; and that Plaintiffs' motion for summary judgment is denied; and that judgment is hereby entered in favor of Defendants Federal Bureau of Investigation, Office of Justice Programs, and United States Department of Justice and against Plaintiff Keith Salvatore Labella. By Douglas C. Palmer, Clerk of Court by Michele Gapinski, Chief Deputy for Court Operations on 3/30/12. (c/m to plaintiff with appeals packet) (Lee, Tiffeny) (Entered: 04/02/2012)