

FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

NOV 28 2011

JOHN EAKIN,
Plaintiff,

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

vs.

NO. SA-10-CA-784-FB-NSN

UNITED STATES DEPARTMENT
OF DEFENSE, LEON E. PANETTA¹,
Secretary of Defense, UNITED STATES
DEPARTMENT OF THE ARMY,
JOHN McHUGH, Secretary of the Army
Defendants

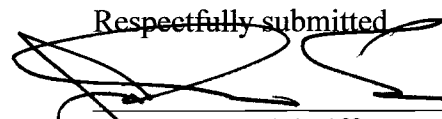
**PLAINTIFF'S OPPOSED MOTION TO COMPEL PRODUCTION OR ALLOW
DISCOVERY AND MOTION FOR MODIFIED SCHEDULING ORDER**

Plaintiff pro se John Eakin respectfully moves this Court to compel Defendants to fully and completely produce documents which they have represented as having been produced to Plaintiff and for which they have not claimed are exempt under the Freedom of Information Act. Alternatively, Plaintiff respectfully moves this Court to permit discovery of Defendants for the limited purpose of ascertaining the true number of responsive documents and related information concerning their location, when produced and ongoing digitization plans.

Further, Plaintiff pro se John Eakin respectfully moves this Court to allow additional time for parties to file dispositive motions.

Respectfully submitted

Dated: 11-26-11


John Eakin, Plaintiff pro se
9865 Tower View, Helotes, TX 78023
210-695-2204 jeakin@airsafety.com

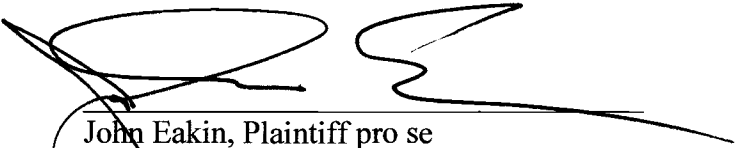
¹ Leon E. Panetta replaced Robert M. Gates as Secretary of Defense on July 1, 2011.

CERTIFICATE OF SERVICE

I, John Eakin, Plaintiff pro se, do hereby certify that on the 26th day of Nov, 2011, a true and correct copy of the foregoing pleading was forwarded to Defendants by First Class Mail at the following address:

Dimitri N. Rocha
Assistant United States Attorney
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216-5597

Dated: 11-26-11



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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JOHN EAKIN,
Plaintiff,

vs.

**UNITED STATES DEPARTMENT
OF DEFENSE, LEON E. PANETTA,
Secretary of Defense, UNITED STATES
DEPARTMENT OF THE ARMY,
JOHN McHUGH, Secretary of the Army
Defendants**

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NO. SA-10-CA-784-FB-NSN

ORDER

On this day, came on for consideration Plaintiff's Opposed Motion to Compel Production or Allow Discovery and to modify the scheduling order in this case.

The Court having reviewed said Motion finds that it should be, and hereby is,

GRANTED.

Defendants are hereby ordered to within thirty (30) days produce to Plaintiff all Individual Deceased Personnel Files (IDPF) and similar files pertaining to unidentified personnel (X-Files) which exist in digital format and are responsive to Plaintiff's original request under FOIA. Defendants are further ordered to supplement such production at not more than thirty day intervals.

Further, the scheduling order entered in this case is modified to allow dispositive motions to be filed within _____ days after receipt of the above ordered documents.

Signed this the _____ day of _____, 201_.

NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE