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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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Division
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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	<u>1</u>	COMPLAINT <i>for Declaratory and Injunctive Relief</i> against All Defendants (Filing fee \$ 402 receipt number 0540-8449551.), filed by Jarrod McKinney. (Attachments: # <u>1</u> 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 <u>Consent to Proceed Before Magistrate Judge</u> 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	<u>2</u>	SUMMONS Issued as to Zach Ducheneaux, Thomas J Vilsack. (Attachments: # <u>1</u> Summons(es) Zach Ducheneaux)(nkl,) (Entered: 06/10/2021)
06/10/2021	<u>3</u>	NOTICE by Jarrod McKinney <i>of Related Cases in other Districts</i> (Thompson, Joshua) (Entered: 06/10/2021)
06/11/2021	<u>4</u>	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	<u>5</u>	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	<u>6</u>	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	<u>7</u>	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	<u>8</u>	SUMMONS Returned Executed by Jarrod McKinney. All Defendants. (Attachments: # <u>1</u> Exhibit A - Certified Mail Receipts)(Fa, Wencong) (Entered: 06/16/2021)
06/17/2021	<u>9</u>	MOTION for Preliminary Injunction by Jarrod McKinney. (Attachments: # <u>1</u> Exhibit 1 - Decision Granting TRO, # <u>2</u> Text of Proposed Order Granting Motion for Preliminary Injunction)(Fa, Wencong) (Entered: 06/17/2021)
06/17/2021	<u>10</u>	AFFIDAVIT in Support re <u>9</u> MOTION for Preliminary Injunction <i>filed by Jarrod McKinney</i> . (Fa, Wencong) (Entered: 06/17/2021)
06/18/2021	<u>11</u>	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	<u>27</u>	ORDER re <u>25</u> 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	<u>28</u>	REPLY to Response to Motion re <u>25</u> 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	<u>29</u>	RESPONSE in Opposition re <u>16</u> Opposed MOTION for Leave to File <i>Amicus Brief in Opposition to Plaintiff's Motion for Preliminary Injunction</i> filed by Jarrod McKinney. (Attachments: # <u>1</u> Text of Proposed Order Denying Motion)(Fa, Wencong) (Entered: 07/16/2021)
07/22/2021	<u>30</u>	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: # <u>1</u> Text of Proposed Order)(Fa, Wencong) (Entered: 07/22/2021)
07/26/2021	<u>31</u>	ORDER granting <u>30</u> 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	<u>32</u>	RESPONSE in Opposition re <u>24</u> MOTION to Stay <i>Proceedings</i> filed by Jarrod McKinney. (Attachments: # <u>1</u> Exhibit 1 - Order, Holman v Vilsack, # <u>2</u> Exhibit 2 - Joint Report, Miller v Vilsack, # <u>3</u> Text of Proposed Order denying Motion for Stay)(Fa, Wencong) (Entered: 08/06/2021)
08/13/2021	<u>33</u>	REPLY to Response to Motion re <u>24</u> MOTION to Stay <i>Proceedings</i> filed by Zach Ducheneaux, Thomas J Vilsack. (Knapp, Michael) (Entered: 08/13/2021)
08/16/2021	<u>34</u>	NOTICE by Zach Ducheneaux, Thomas J Vilsack re <u>24</u> MOTION to Stay <i>Proceedings (Supplemental Authority)</i> (Attachments: # <u>1</u> Exhibit 1 - Carpenter Order)(Knapp, Michael) (Entered: 08/16/2021)
08/19/2021	<u>35</u>	NOTICE by Zach Ducheneaux, Thomas J Vilsack re <u>24</u> 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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