

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEVVY KIDD,

Plaintiff,

v.

DEPARTMENT OF THE ARMY,
U.S. ARMY RESERVE, PERSONNEL
COMMAND,

Defendant.

Case No. CIV. 03-1436 (HHK)

RECEIVED

AUG 19 2003

**MOTION FOR SUMMARY JUDGMENT
WITH SUPPORTING DECLARATION AND BRIEF**

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Comes now the Plaintiff, Devvy Kidd, presently acting pro se, pursuant to Rule 56, F.R.Civ.P., and hereby moves this Honorable Court for summary judgment in her favor on the grounds that there are no material factual disputes present in this case and that she is entitled to judgment in her favor as a matter of law. In support hereof, Plaintiff Kidd shows as follows:

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended, to compel the production of records concerning Timothy James McVeigh, deceased, from the Defendant.

2. The Defendant United States Department of the Army, U.S. Army Reserve, Personnel Command, has wrongfully withheld documents the production of which has been sought by Plaintiff Kidd.

Devvy Kidd
P.O. Box 60543
Sacramento, California 95860
916-928-0199 / e-mail: power@devvy.com

Certified Mail Receipt: 7001 0360 0004 3146 9275

January 6, 2003

Commander
U.S. Army Reserve Personnel Command
Attn: ARPC-ZCC-A
1 Reserve Way
St. Louis, MO 63132-5200

FOIA Appeal

Enclosed is the history of my original Freedom of Information Act request.

Last week I received a final response dated December 20, 2002; attached with this appeal. Ms. Farrow forwarded me a document I did not request and denied my original request citing personal privacy to any family members of Timothy James McVeigh.

Mr. McVeigh was executed June 11, 2001. I have a copy of the death certificate which contains his social security number and all other information contained in such a document.

Dead people have no privacy rights. My FOIA does **not** extend to any family member of Mr. McVeigh. The information I have requested deals with McVeigh's military service and **his** medical records, **not** his family's.

Therefore, I appeal the decision of Ms. Farrow to withhold the documents I have requested under my original FOIA and ask that my request be processed and the documents I seek released.

Very truly yours,

Devvy Kidd

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DEVVY KIDD,

Plaintiff,

v.

DEPARTMENT OF THE ARMY,
U.S. ARMY RESERVE, PERSONNEL
COMMAND,

Defendants.

Case No. CIV. 03-1436 (HHK)

**PLAINTIFF'S BRIEF IN SUPPORT OF
HER MOTION FOR SUMMARY JUDGMENT**

This brief supports Plaintiff Devvy Kidd's motion for summary judgment.

This is a simple case involving uncomplicated facts. Plaintiff Kidd sought production via FOIA of certain documents clearly possessed by the Defendant Department of the Army regarding its former soldier, Oklahoma City Bomber Timothy McVeigh. This suit was prompted because the Defendant claimed an exemption from disclosure based upon 5 U.S.C. §552(b) (6), which provides that "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" may be exempted from disclosure.

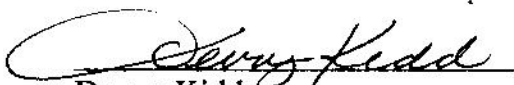
This "personal privacy" exemption was not intended to create a per se exemption allowing privacy to shield disclosures. See *Dept. of the Air Force v. Rose*, 425 U.S. 352

(1976). The problem for the Defendant is that this exemption cannot be used to protect any privacy of a dead man, as the dead simply have no privacy. The exemption under (b)(6) lapses upon the death of the individual whose records are sought under FOIA; see *Diamond v. FBI*, 532 F.Supp. 216, 227 (S.D.N.Y. 1981), affirmed 707 F.2d 75, 77 (2nd Cir. 1983); *Silets v. FBI*, 591 F.Supp. 490, 498 (N.D.Ill. 1984) ("Revealing the identities of deceased persons ... would not constitute an unwarranted invasion of personal privacy"); *Providence Journal Co. v. FBI*, 460 F.Supp. 762, 778, 793 (D.R.I. 1978), rev. on other grounds, 602 F.2d 1010 (1st Cir. 1979); and *United States v. Amalgamated Life. Ins. Co.*, 534 F.Supp. 676, 679 (S.D.N.Y. 1982). See also Restatement (Second) of Torts §652I.

CONCLUSION

For the foregoing reasons, summary judgment must be granted to Plaintiff Kidd.

Respectfully submitted this the 18th day of August, 2003.


Devvy Kidd
8 South Cherry Grove Avenue
Annapolis, Maryland 21401

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DEVVY KIDD,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV. 03-1436 (HHK)
)	
DEPARTMENT OF THE ARMY,)	
U.S. ARMY RESERVE, PERSONNEL)	
COMMAND,)	
)	
Defendant.)	

DECLARATION OF DEVVY KIDD

State of Maryland)
County of Anne Arundell)

I, Devvy Kidd, declare under the penalties of perjury as follows:

My name is Devvy Kidd and I am an American citizen. I am the Plaintiff in this case and I have personal knowledge of the facts set forth below. At the time that I made the Freedom of Information Act ("FOIA") request which is the subject of this litigation, I was living in Sacramento, California and that is where I first filed this suit. Since then, I have moved to the below address in Annapolis, Maryland and I requested that this case be transferred from Sacramento to this court.

I have had an interest in studying all events regarding the convicted Oklahoma City

Bomber, Timothy James McVeigh. I closely followed his trial and even read the trial transcript when it was later made available on the Internet. I have written articles about McVeigh and his trial. I know that Timothy James McVeigh was executed in Terre Haute, Indiana, on June 11, 2002. I desire to obtain little known information about McVeigh because I believe that there are as yet facts regarding him which are unknown to the public. Specifically I refer to Mr. McVeigh's own admission that he had a bio chip which was implanted into his body by the Department of the Army while in service.

I filed with the Defendant Department of the Army on May 28, 2002, via certified mail, a FOIA request (Exhibit 1 attached hereto) in the form of a letter to the Defendant's FOIA officer, requesting access to certain records under the FOIA. Access was requested for:

"Any document or form initiated by Timothy James McVeigh to separate from the Department of the Army when on active duty status.

"Any document or form initiated by the Department of the Army to separate Timothy James McVeigh for the reasons stated on the attached DD-214, Box 28.

"Copies of all deployment records for the period May 24, 1988 through December 31, 1999. These records should include where he was sent and duration of duty.

"Any and all documents from Timothy James McVeigh's medical records that document the insertion of a micro-chip, a bio-chip or any other foreign object to the human body that McVeigh received while in the U.S. Army. This would include documents for surgical implantation or any other method used.

"Any and all documents in Timothy James McVeigh's medical records that document any visits, phone calls or correspondence dealing with a Dr. Louis Jolyn (Jolly) West."

I received a letter from the Defendant dated July 11, 2002 (Exhibit 2 attached hereto) informing me that my request was being forwarded to a different location. I also received

another letter from the Defendant dated July 29, 2002 (Exhibit 3 attached hereto) informing me that my request was again being forwarded to another location. On December 8, 2002 via certified mail, I sent a new letter to the Army Reserve Personnel Command (Exhibit 4 attached hereto) documenting the "run around" in passing my FOIA request from one place to another.

On December 20, 2002, I received another letter from the Defendant (Exhibit 5 attached hereto) in which the Defendant provided me with a "sanitized" discharge order redacting the deceased Timothy McVeigh's social security number and address. I had already provided the Defendant with McVeigh's death certificate which contained McVeigh's social security number and his address at a federal penitentiary in Terra Haute, Indiana. The document provided to me by the Defendant was non-responsive to the documents and records which I sought. I filed an appeal via certified mail on January 6, 2003 (Exhibit 6 attached hereto). The Defendant's representative signed for this appeal on January 8, 2003. As of February 4, 2003, the Defendant had not responded to my appeal, so I filed a Complaint for Declaratory and Injunctive Relief (see the complaint in this case, Exhibit 7 attached hereto). Defendant requested a 30-day extension to file an answer which was granted by Plaintiff on March 5, 2003 (See Exhibit 8).

Plaintiff filed a Timely Service and Status Report on April 24, 2003 (See Exhibit 9).

Plaintiff filed a Rule 26(a) Conference document on April 24, 2003 (See Exhibit 10).

Plaintiff filed a Request to Transfer Case on June 11, 2003 (See Exhibit 11).

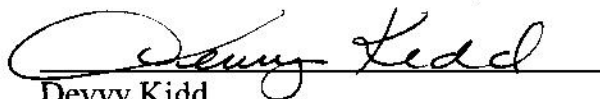
Plaintiff received notice dated June 16, 2003 that Defendant had no opposition to Plaintiff's Request to Transfer Case. Plaintiff received a June 19, 2003 notification that this case was now transferred to the United States District Court for the District of Columbia (See Exhibit 12).

Plaintiff received a notice dated June 27, 2003 (See Exhibit 13) from Judge Kennedy's court regarding requirements for counsel for all parties to enter their appearance in accordance with Local Civil Rule 83.6. Plaintiff is pro se and therefore has not submitted any response.

Sometime during the early part of July 2003 (Plaintiff was transition from moving and mail was sent to former residence), Defendant sent Plaintiff a copy of her Request to transfer case, along with a letter addressed to Plaintiff's husband requesting "Mr. Devvy Kidd's" social security and/or service number, complete middle name and date of birth. Plaintiff's husband, John, is a retired Army Colonel. Devvy Kidd is the wife of John. It defies any logic to connect the Request for Transfer on a civil case with the cover letter received (See Exhibit 14).

As a member of the public, I believe that I am entitled to obtain the records I sought regarding Timothy James McVeigh, an individual who is dead. The Defendant has asserted as a defense to this suit an exemption from disclosure based upon 5 U.S.C. §552(b) (6). However, such exemption does not apply to protect the personal privacy of one who is dead.

I, Devvy Kidd, declare under penalty of perjury, pursuant to 28 U.S.C. §1746, that the foregoing facts are true and correct.

A handwritten signature in cursive script, reading "Devvy Kidd", written over a horizontal line.

Devvy Kidd
8 South Cherry Grove Avenue
Annapolis, Maryland 21401

Devvy Kidd
P.O. Box 60543
Sacramento, California 95860

Certified Mail Receipt: 7001 2510 0000 2855 8617

May 28, 2002

Office of the Chief, Army Reserve
ATTN: DAAR-ZXP (FOIA)
1421 Jefferson Davis Highway, Suite 12300
Arlington, VA 22202

Re: Timothy James McVeigh (Executed June 11, 2001)
Social Security No. 129-58-4709

Sir/Madame:

This is a request under the **Freedom of Information Act** (5 U.S.C. §552) and the regulations thereunder. I am more than willing to pay any reasonable research and copies fees for responding to this request; however, if the costs thereof should exceed \$100, please inform me in advance of producing the requested documents. I am not a commercial requester and I seek the documents requested below for personal reasons.

Under this FOIA I am requesting the following:

1. Any document or form initiated by Timothy James McVeigh to separate from the Department of the Army when on active duty status.
2. Any document or form initiated by the Department of the Army to separate Timothy James McVeigh for the reasons stated on the attached DD-214, box 28.
3. Copies of all deployment records for the period May 24, 1988 through December 31 1991. These records should include where he was sent and duration of duty.
4. Any and all documents from Timothy James McVeigh's medical records that document the insertion of a micro-chip, a bio-chip or any other object foreign to the human body

that McVeigh received while in the U.S. Army. This would include documents for surgical implantation or any other method used.

5. Any and all documents in Timothy James McVeigh's medical records that document any visits, phone calls or correspondence dealing with a Dr. Louis Jolyn (Jolly) West.

Very truly yours,

Devvy Kidd



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF, ARMY RESERVE
WASHINGTON, DC 20310-2400

July 11, 2002

Chief, Army Reserve Staff Group

Ms. Devvy Kidd
P.O. Box 60543
Sacramento, California 95860

Dear Ms. Kidd:

This is in response to your Freedom of Information Act request dated May 28, 2002 for a copy of "Any document or form initiated by Timothy James McVeigh to separate from the Department of the Army when on active duty status. Any document or form initiated by the Department of the Army to separate Timothy James McVeigh for the reasons stated on the attached DD-214, box 28. Copies of all deployment records for the period May 24, 1988 through December 31, 1991. These records should include where he was sent and duration of duty. Any and all documents from Timothy James McVeigh's medical records that document the insertion of a micro-chip, a bio-chip or any other object foreign to the human body that McVeigh received in the U.S. Army. This would include documents for surgical implantation or any other method used. Any and all documents in Timothy James McVeigh's medical records that document any visits, phone calls or correspondence dealing with a Dr. Louis Jolyn (Jolly) West."

Your request has been forwarded to the National Personnel Records Center (NPRC), ATTN: Mrs. Virginia Barrett, 9700 Page Boulevard, St. Louis, Missouri 63132-5100 for a direct response to you. Upon discharge, separation or death from the United States Army, a soldier's record is transferred to the NPRC. The Army Reserve is not authorized to supply the requested documents. Enclosed is a copy of the transfer letter for your information. Should you have further questions about your request please contact NPRC, Mrs. Virginia Barrett, at (314) 538-4222. The NPRC also has a Website that may be useful and the address is <http://www.nara.gov/regional/mpr.html>.

I hope this information has been of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary M. Profit".

Gary M. Profit
Colonel, U.S. Army
Director, Chief, Army Reserve
Staff Group

Enclosures



National Personnel Records Center

Military Personnel Records 9700 Page Avenue St. Louis, Missouri 63132-5100

July 29, 2002

Devvy Kidd
PO Box 60543
Sacramento, CA 95860

RE: **Veteran's Name: McVeigh, Timothy J.**
SSN/SN: *Confidential*****
Case Reference Number: 2002-204-0963

Thank you for contacting the National Personnel Records Center. The NPRC is the physical custodian of the military records of former members of the U.S. Armed Forces. The Department of the Army retains legal custody of the military record. Therefore, we are referring your inquiry to the Army Reserve Personnel Command (AR-PERSCOM), which has jurisdiction over this matter. We regret that we cannot be of direct assistance; however, you may expect a response from the office shown below.

We have made every effort to assist you within the constraints of our resources. If you have any questions or comments regarding this response, you can reach me by phone at (314) 538-2191 or by mail at the address shown in the letterhead above, **ATTN: NRPM3-A, Room 3315**. Ensure you include the Case Reference Number listed above. All new requests for information or documents, or requests that pertain to other veterans, must be made in writing to the address shown in the letterhead above. Our web site also includes pertinent phone numbers and a request form.

Sincerely,

Francis Snead
Archives Technician

Cc: **Commander**
Army Reserve Personnel Command
ATTN: ARPC-ZCC-B
1 Reserve Way
St. Louis, MO 63132-5200

Devvy Kidd
P.O. Box 60543
Sacramento, California 95860
916-928-0199 / e-mail: power@devvy.com

December 8, 2002

Certified Mail Receipt No. 7001 0320 0003 8000 2211

Commander
Army Reserve Personnel Command
Attn: ZRPC-ZCC-B
1 Reserve Way
St. Louis, MO 63132-5200

Re: Freedom of Information Act Request Saga

On **May 28, 2002**, I filed a FOIA (See enclosed).

On **July 24, 2002**, I received a letter (copy enclosed) from the Office of the Chief, Army Reserve. This letter states that they **passed my FOIA** on to the National Personnel Records Center on Page Blvd., in St. Louis.

Next I receive a letter dated July 29, 2002 (see enclosed) from NPRC on Page Ave in St. Louis, MO stating that they have **passed my FOIA** on to you.

I feel I have waited long enough for this information. If I don't receive the documents I have requested within 20 calendar days after your agency signs for this letter, I will be left with no choice but to sue in Federal District Court.

Very truly yours,

Devvy Kidd

Encl: NPRC ltr dated 7.29.02
ARSG ltrs dated 7.11.02 (2)
Original FOIA request dated 5.28.02



DEPARTMENT OF THE ARMY
U.S. ARMY RESERVE PERSONNEL COMMAND
1 RESERVE WAY
ST. LOUIS MO 63132-5200



December 20, 2002

Special Inquiries Team

Ms. Devvy Kidd
PO Box 60543
Sacramento, CA 95860-0543

Dear Ms. Kidd:

This is in response to your request for copies of documents from the military personnel file and medical record of Timothy J. McVeigh. Your request was received in this office on December 13, 2002 and is being processed under the provisions of the Freedom of Information Act.

Enclosed is a sanitized copy of the discharge order that separated Mr. McVeigh from the U.S. Army Reserve. The social security number and address has been deleted on this order. Release of that information could result in an unwarranted invasion of personal privacy to any surviving family members. This information is being withheld in accordance with Title 5, U.S. Code, Section 552 (b)(6). Please be advised that there are no provisions under the Freedom of Information Act to provide explanations. The act pertains to existing records only.

This office responded to your previous request on August 9, 2002 and sent a copy of the enclosed order. The remaining documents that you have requested are not available in Mr. Mc Veigh's file maintained at this command.

If you consider my response to be a denial of your request, you may appeal by writing to the Commander, U.S. Army Reserve Personnel Command, Attention: ARPC-ZCC-A, 1 Reserve Way, St. Louis, MO 63132-5200, within 60 days of your receipt of this letter. Your appeal should state the basis of your disagreement. Fees allowable under the Freedom of Information Act are waived. For additional information or assistance, please contact the Special Inquiries Team at (314) 592-0446.

Sincerely,


Wanda Farrow
Case Analyst

Enclosure

W3 F

DEPARTMENT OF THE ARMY
U. S. ARMY RESERVE PERSONNEL CENTER
9700 PAGE AVENUE
ST. LOUIS, MO 63132-5200

ARPC-SF5-R
ORDERS D-05-642653

14 MAY 96

MCVEIGH TIMOTHY JAMES
[REDACTED]

SFS-R

[REDACTED] SGT 11H2
USAR CONTROL GROUP (AT)

YOU ARE DISCHARGED FROM THE COMPONENT SHOWN.

AUTHORITY: AR 135-178
EFFECTIVE DATE: 14 MAY 96
COMPONENT: UNITED STATES ARMY RESERVE
TYPE OF DISCHARGE: HONORABLE
ADDITIONAL INSTRUCTIONS: IF RESERVE ID DD FORM 2A (RED) IS IN YOUR POSSESSION
RETURN IT TO THIS HQS, ATTN: ARPC-PAS-EVC. IF YOU HAVE ANY QUESTIONS IN THE
FUTURE ABOUT YOUR MILITARY RECORDS OR YOUR MILITARY SERVICE, ASK THE
NATIONAL PERSONNEL RECORDS CENTER, 9700 PAGE BLVD ST LOUIS MISSOURI
63132-5200. AS YOU NO LONGER HAVE ANY MILITARY STATUS, YOUR RECORDS ARE NO
LONGER HELD BY THE ARMY. REMEMBER TO INCLUDE YOUR FULL NAME, SOCIAL SECURITY
NUMBER AND ALL PREVIOUS SERVICE NUMBERS SO THAT YOUR RECORD CAN BE
POSITIVELY IDENTIFIED. SFSR-10

"SUBJECT BEING DISCHARGED ALTHOUGH ASSIGNED TO THIS ORGANIZATION,
IS NOT PRESENT FOR DUTY. DISCHARGE CERTIFICATE AND DISCHARGE ORDERS
ARE BEING MAILED TO LAST KNOWN ADDRESS THIS DATE, 08 July 1996."

FORMAT: 500

* ARPERCEN *
* OFFICIAL *

NORMAN S. BRINSLEY
COL, SF
COMMANDING

DISTRIBUTION: H2 PACKET: 15

3. Based upon the attached declaration of Plaintiff Devvy Kidd, its supporting exhibits, as well as the following brief, Plaintiff Kidd is entitled to judgment in her favor requiring the defendant to produce the requested documents.

4. There are no genuine issues of material fact present in this case and Plaintiff Kidd is entitled to a judgment as a matter of law.

Wherefore, the premises considered, Plaintiff Kidd moves this court for summary judgment in her favor.

Respectfully submitted this the 18th day of August, 2003.

A handwritten signature in cursive script, appearing to read "Devvy Kidd", written in black ink.

Devvy Kidd
8 South Cherry Grove Avenue
Annapolis, Maryland 21401

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FEB 5 2000

DEVVY KIDD,
2133 Sherington Way
Sacramento, California 95835

Plaintiff,

v.

Department of the Army
U.S. Army Reserve
Personnel Command
1 Reserve Way
St. Louis, MO 63132

Defendant.

CIV.S-03-0225 DFL GGH-PS
Case No. _____

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Plaintiff, Devvy Kidd, pro se, hereby files this complaint for compliance with the Freedom of Information Act, 5 U.S.C. § 552 *et seq.* As grounds therefore, Plaintiff respectfully alleges as follows:

JURISDICTION AND VENUE

1. This court has jurisdiction over this action pursuant to 28 U.S.C. § 1346 (a)(2) (United States as defendant), 5 U.S.C. § 552(a)(4)(b) (FOIA), and 5 U.S.C. § 552a(g)(5).
2. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

PARTIES

3. Plaintiff, Devvy Kidd, is a resident of the State of California, residing at 2133 Sherington Way, Sacramento, California 95835.

4. Defendant Department of the Army, is an agency and entity of the United States Government. Defendant Department of the Army, has its principle place of

business in the District of Columbia. Defendant Department of the Army has possession of the documents to which Plaintiff seeks access.

STATEMENT OF FACTS

5. Plaintiff filed with Defendant Department of the Army on May 28, 2002, via certified mail, a FOIA request (See Exhibit 1) in the form of a letter to Defendant FOIA officer, requesting access to certain records under the FOIA. Access was requested for:

Any document or form initiated by Timothy James McVeigh to separate from the Department of the Army when on active duty status.

Any document or form initiated by the Department of the Army to separate Timothy James McVeigh for the reasons stated on the attached DD-214, box 28.

Copies of all deployment records for the period May 24, 1988 through December 31 1991. These records should include where he was sent and duration of duty.

Any and all documents from Timothy James McVeigh's medical records that document the insertion of a micro-chip, a bio-chip or any other object foreign to the human body that McVeigh received while in the U.S. Army. This would include documents for surgical implantation or any other method used.

Any and all documents in Timothy James McVeigh's medical records that document any visits, phone calls or correspondence dealing with a Dr. Louis Jolyn (Jolly) West.

6. Plaintiff received a letter from Defendant dated July 11, 2002 (See Exhibit 2)

7. Plaintiff received another letter from Defendant dated July 29, 2002 (See Exhibit 3).

8. On December 9, 2002, Plaintiff sent another letter to Defendant (See Exhibit 4).

9. Plaintiff then received another letter from Defendant dated December 20, 2002, (See Exhibit 5) which is non-responsive to the documents sought by Plaintiff.

10. Plaintiff filed an appeal via certified mail January 6, 2003 (See Exhibit 6). Defendant's representative signed for this appeal on January 8, 2003. It is now March 4,

2003 and Defendant has not responded to Plaintiff's appeal within the legal time allowed.

COUNT 1

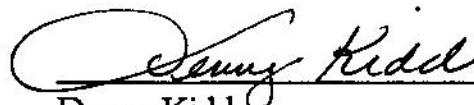
11. Plaintiff realleges paragraphs 1-13 as if fully set forth herein.

12. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i-ii), and 5 U.S.C. § 552 (a)(6)(C), Plaintiff shall be deemed to have exhausted her administrative remedies with respect to her FOIA request to Defendant Department of Army.

13. Pursuant to 5 U.S.C. § 552(a)(3), Plaintiff has a right of access to all of the documents requested in the FOIA request and Defendant has no legal basis for refusing to disclose all of these documents to Plaintiff, which has not occurred to date. The subject of this FOIA deals with neither privacy rights nor national security.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) declare that Defendant's refusal to disclose the documents requested by Plaintiff is unlawful; (2) order Defendant to make the requested documents available to Plaintiff; (3) award Plaintiff her costs and any applicable penalties under the law against Defendant in this action; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

A handwritten signature in cursive script, reading "Devvy Kidd", is written over a horizontal line.

Devvy Kidd
2133 Sherington Way
Sacramento, California 95835
916-928-0199

Pro se

Devvy Kidd
P.O. Box 60543
Sacramento, California 95860
916-928-0199 / e-mail: power@devvy.com

March 5, 2003

Faxed to: 916-554-2900

Yoshinori H. T. Himel
Asst. U.S. Attorney
U.S. Department of Justice
Eastern District of California
Sacramento, California 95814


Re: Kidd v Dept of the Army, CIV-S-03-0225-DFL/GGH-PS

Dear Mr. Himel:

I returned last night from Boston and Washington, DC. I left on February 20, 2003. It is for this reason that I have not responded to your letter dated February 17, 2003 (post marked February 18, 2003) and your telephonic voice mail. Obviously, I just missed your letter; my husband doesn't read my incoming mail.

I don't know why the DD-214 wasn't in the filing, but I am faxing you a copy with this letter. It would have been a simple matter for you to call VA and get a copy from them, although I didn't have that luxury. I filed a FOIA to get this DD-214. Same old non response I get from every government agency. It took Judicial Watch in DC to file a lawsuit on my behalf and after 9 1/2 months, VA finally coughed up one piece of paper.

I do not have any problem with a 30 day extension as you requested in your voice mail at 12:14 pm yesterday.


Devvy Kidd
Plaintiff

Faxed - copy of McVeigh's DD-214

**ORIGINAL
FILED**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

APR 24 2003

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEVVY KIDD,
2133 Sherington Way
Sacramento, California 95835

Plaintiff,

v.

Department of the Army
U.S. Army Reserve
Personnel Command
1 Reserve Way
St. Louis, MO 63132

Defendant.

)
)
) Case No. CIV. S-03-225 DFL GGH-
) PS

)
)
) Timely Service and Status Report

Timely Service and Status Report

(a) Service of process

Defendant was served as follows:

Yoshinori H. T. Himel
United States Attorney
501 I Street
Suite 10-100
Sacramento, California 95814

Certified Mail receipt 7001 0360 0004 3146 9305 was signed for on February 10, 2003.

(b) Joinder of additional parties. None.

(c) Amendment of pleadings. None.

(d) Jurisdiction and venue. Defendant is an agency of the U.S. Government.

(e) Anticipated motions. None.

(f) Anticipated discovery and disclosure of expert witnesses. None.

(g) Future proceedings, including setting appropriate deadlines for discovery, motions, and scheduling the pretrial conference and trial.

Plaintiff has not received any notification from the court for pretrial conference as of April 22, 2003. Plaintiff has received Defendant's Answer for this case.

(h) Estimate of length of trial. One hour.

(i) Modification of standard pretrial procedures specified by the rules due to the relative simplicity or complexity of the action or proceedings. None.

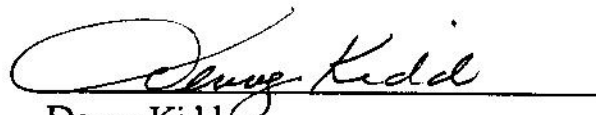
(j) Whether the case is related to any other case, including any matter in bankruptcy. Case CIV. S-03-0222-EGN PAN-PS is not related to any others.

(k) Whether a settlement conference should be scheduled. None.

(l) Any other matters that may add to the just and expeditious disposition of this matter.

If Defendant would turn over all the documents requested under the original FOIA, this matter could be concluded without a trial. There are no national security or privacy issues regarding Plaintiff's FOIA request. The subject of the FOIA has been dead for almost two years.

Respectfully submitted:


Devvy Kidd
2133 Sherington Way
Sacramento, California 95835
916-928-0199

**ORIGINAL
FILED**

**IN THE UNITED STATES DISTRICT COURT APR 24 2003
FOR THE NORTHERN DISTRICT OF CALIFORNIA**
EASTERN

**CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DEPUTY CLERK

DEVVY KIDD,
2133 Sherington Way
Sacramento, California 95835

Plaintiff,

v.

Department of the Army
U.S. Army Reserve
Personnel Command
1 Reserve Way
St. Louis, MO 63132

Defendant.

)
)
) Case No. CIV. S-03-225 DFL GGH-
) PS
)
)
)

) Rule 26(a) Conference
)
)

Plaintiff waives the necessity of Rule 26(a) under the Federal Rules of Civil Procedure:

Rule 26. General Provisions Governing Discovery; Duty of Disclosure

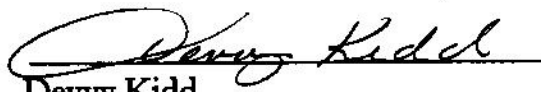
(a) Required Disclosures; Methods to Discover Additional Matter.

This is a Freedom of Information Act lawsuit and does not require discovery, only that Defendant release all documents sought by Plaintiff.

Plaintiff must be in the Washington, DC area from May 2, 2003 until at least May 28,

2003 due to job requirements. Plaintiff has informed Mr. Himel at the U.S. Attorney's office of this fact and will notify him of a number in Washington, DC when Plaintiff arrives at lodgings.

Respectfully submitted,

A handwritten signature in cursive script, reading "Devvy Kidd", written over a horizontal line.

Devvy Kidd

2133 Sherington Way

Sacramento, California 95835

916-928-0199

**ORIGINAL
FILED**

JUN 16 2003

**CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BY DERIVCLERK

McGREGOR W. SCOTT
United States Attorney
YOSHINORI H. T. HIMEL #66194
Assistant U. S. Attorney
501 I Street, Suite 10-100
Sacramento, California 95814
Telephone: (916) 554-2760

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

DEVVY KIDD,

Plaintiff,

v.

DEPARTMENT OF THE ARMY,

Defendant.

CIV. S-03-0225-DFL/GGH-PS

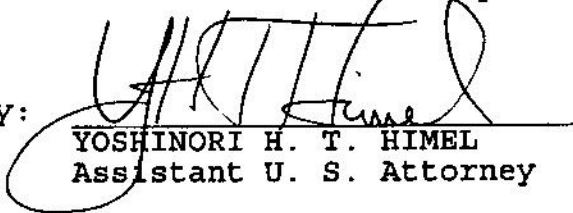
**DEFENDANT'S STATEMENT OF NO
OPPOSITION TO PLAINTIFF'S
REQUEST TO TRANSFER CASE**

Defendant takes no position on the plaintiff's Request to
Transfer Case, filed June 10, 2003.

Dated: June 16, 2003

McGREGOR W. SCOTT
United States Attorney

By:


YOSHINORI H. T. HIMEL
Assistant U. S. Attorney

**ORIGINAL
FILED**

JUN 16 2003

**CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BY DEVVY KIDD

McGREGOR W. SCOTT
United States Attorney
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Assistant U. S. Attorney
501 I Street, Suite 10-100
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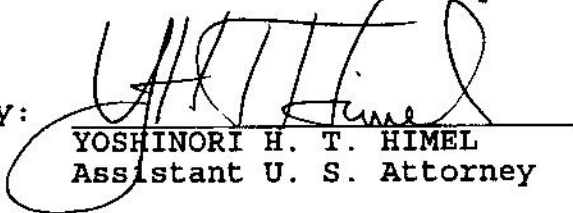
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McGREGOR W. SCOTT
United States Attorney

By:


YOSHINORI H. T. HIMEL
Assistant U. S. Attorney

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Eastern District of California and is a person of such age and discretion to be competent to serve papers.


That on June 16, 2003, she served a copy of:

**DEFENDANT'S STATEMENT OF NO OPPOSITION TO
PLAINTIFF'S REQUEST TO TRANSFER CASE**

by placing said copy in an envelope addressed to the persons hereinafter named, at the places and addresses shown below, which are the last known addresses, and mailing said envelope and contents in the U.S. Mail in Sacramento, California.

Addressees:

Ms. Devvy Kidd
2133 Sherington Way
Sacramento, CA 95835


PAMELA BEAUVAIS

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEVVY KIDD

v.

Civil Action No. **03 1436**

JUN 27 2003

DEPARTMENT OF THE ARMY

The above entitled action, transferred from the U.S. District Court for the EASTERN
DISTRICT OF CALIFORNIA, has been received and filed. It was
KENNEDY, JR. J. HHK
assigned to Judge . Any subsequent pleadings filed must contain both our
civil action number and the initials of the judge assigned this action.

To assist the Clerk's Office in properly recording all counsel of record and to ensure that
each counsel entered is authorized to practice before this Court pursuant to Local Civil Rule
83.8, counsel for all parties must enter their appearance in accordance with our Local Civil Rule
83.6. Timely compliance with this requirement will enable the Clerk's Office to ensure prompt
delivery of notices and orders.

NANCY MAYER-WHITTINGTON, CLERK

By M. Mayer-Whittington
Deputy Clerk

cc: DEVVY KIDD
JOS. HANCOCK HAMEL



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY RESERVE PERSONNEL COMMAND
1 RESERVE WAY
ST. LOUIS MO 63132-5200

June 24, 2003



Customer Contact Office

Colonel & Mrs. John B. Kidd
P.O. Box 60543
Sacramento, CA 95860

Dear Colonel Kidd:

In order to answer your enclosed request on Mr. Devvy Kidd we will need the following information. Please return your original request with the:

- a. Social Security Number and/or Service Number
- b. Complete middle name
- c. Date of birth.

Sincerely,

Elizabeth Hamilton
Chief, Inquiry Management Team

Enclosure