

**UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUIT**

333 Constitution Avenue, NW  
Washington, DC 20001-2866  
Phone: 202-216-7000 | Facsimile: 202-219-8530

**CIVIL DOCKETING STATEMENT**

All Cases Other than Administrative Agency Cases (To be completed by appellant)

1. CASE NO. 11-5092 2. DATE DOCKETED: 4/15/2011
3. CASE NAME (lead parties only) Morris v. Davis v. James H. Billington
4. TYPE OF CASE:  District Ct -  US Civil  Private Civil  Criminal  Bankruptcy  
 Bankruptcy - if direct from Bankruptcy Court  Original proceeding
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED?  Yes  No  
If YES, cite statute \_\_\_\_\_
6. CASE INFORMATION:
- |                                       |                             |                      |
|---------------------------------------|-----------------------------|----------------------|
| a. District Court Docket No.          | Bankruptcy Court Docket No. | Tax Court Docket No. |
| Civil Action <u>1:10-cv-00036-RBW</u> | Bankruptcy _____            | Tax _____            |
| Criminal _____                        | Adversary _____             |                      |
| Miscellaneous _____                   | Ancillary _____             |                      |
- b. Review is sought of:  
 Final Order  Interlocutory Order appealable as of right  Interlocutory Order certified for appeal
- c. Name of judge who entered order being appealed:  
Judge Reggie B. Walton Magistrate Judge \_\_\_\_\_
- d. Date of order(s) appealed (use date docketed): 3/30/2011 e. Date notice of appeal filed: 4/13/2011
- f. Has any other notice of appeal been filed in this case?  Yes  No If YES, date filed: \_\_\_\_\_
- g. Are any motions currently pending in trial court?  Yes  No If YES, date filed: 4/29/11  
If YES, identify motion Plaintiff's motion for order setting scheduling conference
- h. Has a transcript of proceedings been ordered pursuant to FRAP 10(b)?  Yes  No  
If NO, why not? No hearing was held on the motion to dismiss, the denial of which is the basis for this appeal
- i. Has this case been before the Court under another appeal number?  Yes Appeal # \_\_\_\_\_  No
- j. Are any cases involving the same underlying order or, to counsel's knowledge, involving *substantially the same issue*, currently pending before the District Court, this Court, another Circuit Court, or the Supreme Court?  
 Yes  No If YES, give each case's court and case name, and docket number: \_\_\_\_\_
- k. Does this case turn on validity or correct interpretation or application of a statute?  Yes  No  
If YES, give popular name and citation of statute \_\_\_\_\_
7. Have the parties attempted to resolve issues in this case through arbitration, mediation, or another alternative for dispute resolution?  Yes  No If so, provide program name and participation dates \_\_\_\_\_

Signature /s/ Sharon Swingle Date 5/16/11  
Name of Party Daniel P. Mulhollan  
Name of Counsel for Appellant/Petitioner Sharon Swingle  
Address Dep't. of Justice, Civil Division, Appellate Staff, 950 Pennsylvania Ave., NW, Rm. 7250, Washington DC 20530  
Phone ( 202 ) 353-2689 Fax ( 202 ) 514-8151

ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement. Attach a certificate of service to this form.