

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

THE CORNUCOPIA INSTITUTE,)	
)	
DOMINIC MARCHESE, and)	
)	
REBECCA GOODMAN,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 16-cv-246
)	
UNITED STATES DEPARTMENT OF)	
AGRICULTURE, and)	
)	
TOM VILSACK, in his official capacity as)	
SECRETARY OF AGRICULTURE,)	
)	
Defendants.)	
)	

SEVENTH CIRCUIT RULE 3(c)(1) DOCKETING STATEMENT

Pursuant to Seventh Circuit Rules 3(c)(1) and 28(a), Plaintiffs the Cornucopia Institute, Dominic Marchese, and Rebecca Goodman (collectively, Plaintiffs) file this docketing statement.

I. DISTRICT COURT JURISDICTION

The District Court had subject matter jurisdiction over this action under 28 U.S.C. § 1331 (federal question) and the Administrative Procedure Act, 5 U.S.C. §§ 702, 704. The federal statutes giving rise to federal question jurisdiction are the Administrative Procedure Act, 5 U.S.C. §§ 701-06, the Organic Foods Production Act of 1990, 7 U.S.C. §§ 6501–6522, and the Federal Advisory Committee Act, 5 U.S.C. App. 2 §§ 1–16.

II. APPELLATE JURISDICTION

The United States Court of Appeals for the Seventh Circuit has jurisdiction over this appeal pursuant to 28 U.S.C. § 1291 and 28 U.S.C. § 1294(1). Plaintiffs appeal the District Court’s final

judgment entered on May 23, 2017, Dkt. 37, and the Opinion and Order dismissing Plaintiffs' first amended complaint entered by the District Court on May 23, 2017, Dkt. 36.

No party has filed a motion for alteration of the judgment or any other motion that tolls the time within which to appeal. Plaintiffs timely filed their Notice of Appeal with the District Court on July 13, 2017. *See* Fed. R. App. Proc. 4(a)(1)(B)(ii), (iii). This case is not a direct appeal from the decision of a magistrate judge.

III. ADDITIONAL REQUIREMENTS OF CIRCUIT RULE 3(c)(1)

There have been no prior or related appellate proceedings in this matter.

Plaintiffs sued Defendant Tom Vilsack in his official capacity as United States Secretary of Agriculture. The current occupant of that office is Sonny Perdue.

This is a civil case that does not involve any criminal convictions. 28 U.S.C. § 1915(g) is inapplicable.

DATED: July 13, 2017

Respectfully Submitted,

/s/ Sarah J. Fox

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