

FILED

MAY - 8 2009

**NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Frankie Dean Thomas,

Plaintiff,

v.

CUSIP Service Bureau,

Defendant.

Civil Action No.

09 0852

MEMORANDUM OPINION

This matter is before the Court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed pursuant to 28 U.S.C. § 1915A (requiring dismissal of a prisoner's complaint upon a determination that the complaint, among other grounds, fails to state a claim upon which relief can be granted).

Plaintiff, an inmate at the United States Penitentiary Allenwood in White Deer, Pennsylvania, sues a private company based in New York, New York, *see* www.cusip.com, under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The federal FOIA applies only to executive-branch agencies of the United States. *See* 5 U.S.C. § 552(f) (defining agency as "any executive department. . . Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government . . . , or any independent regulatory agency"). The complaint therefore fails to state a claim upon which relief can be granted. A separate Order of dismissal accompanies this Memorandum Opinion.

Date: April 28th, 2009


United States District Judge