

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 21 2009

Clerk, U.S. District and
Bankruptcy Courts

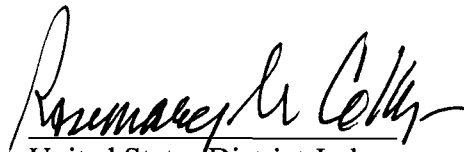
DeJuan B. Thornton-Bey,)
)
Plaintiff,)
)
v.)
)
Administrative Office of the U.S. Courts,)
)
Defendant.)

Civil Action No. **09 0958**

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 is a prisoner at the United States Penitentiary in Florence, Colorado, suing the Administrative Office of the United States Courts ("A.O.") for the release of a document pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The FOIA applies only to executive-branch agencies of the United States. *See* 5 U.S.C. § 552(f) (defining agency as "defined in section 551(1)," which specifically excludes "the courts of the United States"). The A.O. is part of the judicial branch of the federal government. *See* 28 U.S.C. § 601 ("Director and a Deputy Director [are] appointed and subject to removal by the Chief Justice of the United States, after consulting with the Judicial Conference."). The complaint therefore fails to state a claim upon which relief can be granted. A separate Order of dismissal accompanies this Memorandum Opinion.


United States District Judge

Date: May 7, 2009