

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ALAN GRECCO,

Plaintiff,

v.

DEPARTMENT OF JUSTICE *et al.*,

Defendants.

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Civil Action No. 97-0419 (JR)

MEMORANDUM OPINION

Defendant has renewed its motion for summary judgment in this Freedom of Information Act case. Plaintiff now concedes that the Federal Bureau of Investigation's search for records was adequate. He nonetheless seeks to reopen the judgment entered for the Executive Office for United States Attorney on March 31, 2000 [58, 59], on the basis of newly discovered evidence.

The asserted newly discovered evidence is the declaration of Bergen County (New Jersey) Deputy Executive Assistant Prosecutor Jeffrey S. Ziegelheim, dated October 17, 2006, executed in connection with New Jersey state court proceedings, to the effect that his office transferred files from the late 1980s and early 1990s to the United States Attorney's Office in Newark, New Jersey. Pl.'s Opp. [Dkt. No. 111], Ex. A. This revelation, in plaintiff's submission, calls into question the adequacy of the search EOUSA conducted prior to the entry of summary judgment for EOUSA in 2000. This assertion might have traction if EOUSA had located no responsive records, but the 2000 judgment in favor of EOUSA was based on the proper application of FOIA exemptions to information contained in records that EOUSA did retrieve. Plaintiff did not challenge EOUSA's search in 2000, and the declaration of Mr. Ziegelheim provides no basis for

allowing such a challenge now. Defendant's renewed motion for summary judgment will accordingly be granted, and this case finally will be dismissed.¹

JAMES ROBERTSON
United States District Judge

¹ A separate Order accompanies this Memorandum Opinion.