

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

EDWARD TUNICK,

Plaintiff,

v.

**FEDERAL BUREAU OF
INVESTIGATION,**

Defendant.

Civil Action 03-01970 (HHK)

MEMORANDUM

On January 14, 2005, the court ordered defendant FBI to renew its search for documents responsive to plaintiff's Freedom of Information Act ("FOIA") request, and to disclose any such documents, not properly withheld, to plaintiff. On June 7, 2005, defendant filed a notice indicating that it had conducted the required searches, located 1,647 pages of responsive documents, and released 1,581 of those pages to plaintiff. Defendant also indicated, in a letter to plaintiff, which FOIA exemptions it invoked in withholding the remaining 66 pages of material.

On June 28, 2005, the court ordered plaintiff to show cause, by July 17, 2005,¹ why this action should not be dismissed. Plaintiff has not responded to this order. The court deems the plaintiff's failure to respond to the court's order as a concession that defendant has discharged its obligations under the court's January 14, 2005, order and that plaintiff has received the documents or portions thereof to which he is entitled. Accordingly, this action shall be dismissed.

¹ July 17, 2005 falls on a Sunday. The court will construe its June 28, 2005 order as requiring plaintiff to show cause by July 18, 2005, the next working day.

An appropriate order accompanies this memorandum.

Henry H. Kennedy, Jr.
United States District Judge

Dated: July 25, 2005