

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUL 31 2006

ROBERT P. DIXON, JR.,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Civil Action No. 03-2577 (RJL)

MEMORANDUM OPINION

(July 26, 2006)

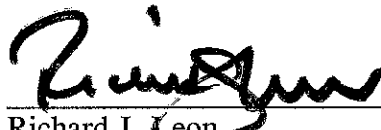
By Order of September 22, 2005, the Court directed defendant to supplement the record in this Freedom of Information Act ("FOIA") case by justifying its withholding of certain documents in their entirety. *See* Memorandum Opinion and Order ("Mem. Op.") [Dkt. No. 41] at 6-8. Defendant supplemented the record on December 19, 2005, with evidence that it has now released to plaintiff the previously withheld records with only third-party identifying information redacted pursuant to FOIA exemption 7(C). Supplemental Memorandum in Support of Defendant's Motion for Summary Judgment and Specifically in Support of Withholding Certain Information Appearing on NCIC Records and Disclosing the Remainder to Plaintiff [Dkt. No. 47], Attachment, Declaration of Thomas W. Bailey, III.

By Order of April 24, 2006, plaintiff was advised to respond to the supplemental memorandum by May 8, 2006, or risk dismissal of the case. On plaintiff's motion, the Court enlarged his response time to June 30, 2006. Order (May 30, 2006). Plaintiff has not responded to defendant's supplemental memorandum. The asserted facts therefore are deemed admitted. Defendant has properly justified redacting third-party identifying information under exemption

(14)

7(C), inasmuch as such information contained in law enforcement records is categorically protected from disclosure under this exemption. *See* Mem. Op. at 7; *Nation Magazine v. United States Customs Serv.*, 71 F.3d 885, 896 (D.C. Cir. 1995) (records revealing subjects, witnesses, and informants in law enforcement investigations are categorically exempt).

For the reasons stated here and in the previously issued ruling, the Court concludes that defendant is entitled to judgment as a matter of law. A separate Order accompanies this Memorandum Opinion.


Richard J. Leon
United States District Judge