

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Manuel A. Geronimo,

Plaintiff,

v.

Executive Office for United States Attorneys,

Defendant.

Civil Action No. 05-1057 (JDB)

MEMORANDUM

This action brought under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, is before the Court on defendant’s unopposed motions for summary judgment.¹ Plaintiff was advised pursuant to *Fox v. Strickland*, 837 F.2d 507 (D.C. Cir. 1988), and *Neal v. Kelly*, 963 F.2d 453 (D.C. Cir. 1992), about his obligation to respond to each motion. *See* Orders of March 24, 2006, May 19, 2006, and September 11, 2006. However, plaintiff has never responded to any of the motions. He did file an interlocutory appeal on August 9, 2006. But because neither a final appealable order nor an order staying the case has been entered, this Court maintains jurisdiction. *See* 28 U.S.C. § 1292(b) (An “application for an [interlocutory] appeal [] shall not stay proceedings in the district court unless the district judge or the Court of Appeals or a judge thereof shall so order.”). Having considered each of defendant’s three motions in light of the uncontested statements of material facts and supporting evidence, the Court concludes that

¹ The motions are defendant Executive Office for United States Attorneys’ (“EOUSA”) renewed motion for summary judgment [Dkt. No. 38], filed in response to the Order of July 14, 2006; defendant’s motion for partial summary judgment concerning records referred to U.S. Immigration and Customs Enforcement [Dkt. No. 29]; and defendant’s motion for partial summary judgment concerning records referred to the Drug Enforcement Administration [Dkt. No. 26].

defendant has satisfied its obligations under the FOIA and is entitled to judgment as a matter of law on those motions. A separate Order consistent with this conclusion accompanies this Memorandum.

s/

JOHN D. BATES
United States District Judge

Dated: November 1, 2006