

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Steven A. McLeod,

Plaintiff,

v.

U.S. Department of Justice *et al.*,

Defendants.

Civil Action No. 06-0247 (JDB)

MEMORANDUM OPINION

In its previous ruling on October 18, 2006, the Court questioned the completeness of the Executive Office for United States Attorneys' ("EOUSA") search for records responsive to plaintiff's FOIA request. *See* Mem. Op. at 5-6 (finding genuine issue of material fact as to whether the search should have included inquiries to certain assistant United States attorneys). Through the supplemental declarations of David Luczynski and Christina Griffiths, defendant has clarified the record sufficiently for the Court to resolve the outstanding issue and the case.

Luczynski admits that he erroneously stated that e-mail inquiries were made (presumably by Griffiths) to an Assistant United States Attorney ("AUSA") in the Criminal Division of the Middle District of Florida. Luczynski Supp. Decl. ¶¶ 2-3. Griffiths states that "no AUSA was contacted in any manner regarding this request" because her computerized search, *see* Mem. Op. at 5-6, did not locate "a pending or closed matter or case regarding Mr. McLeod" in the Middle District of Florida to trigger such an inquiry. Griffiths Supp. Decl. ¶ 7. Also, Griffiths reasonably explains that the fact that the request was addressed to AUSA O'Neill, *see* Mem. Op. at 5, did not warrant an inquiry to him specifically because the processing of FOIA requests "is

not part of the duties of the AUSAs . . . unless requested to participate by the FOIA/PA staff,” Griffiths Supp. Decl. ¶ 7, to whom FOIA inquiries are “routed . . . as part of the normal course of business.” *Id.* ¶ 5.

Based on the foregoing clarification and Griffiths’ description of the search, *see* Mem. Op. at 5-6; Griffiths Supp. Decl. ¶ 10, the Court is now satisfied that EOUSA conducted an adequate search for responsive records. It therefore will grant defendant’s summary judgment motion on this issue and, having previously resolved all other issues, will enter judgment. A separate Order accompanies this Memorandum Opinion.

s/

JOHN D. BATES
United States District Judge

Dated: November 30, 2006