

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

DAMON ELLIOTT,

Plaintiff,

v.

**UNITED STATES DEPARTMENT OF
AGRICULTURE,**

Defendant.

Civil Action No. 07-341 (JDB)

MEMORANDUM OPINION

Plaintiff brings this civil action against the United States Department of Agriculture (“USDA”) under the Freedom of Information Act (“FOIA”), *see* 5 U.S.C. § 552. *See* Compl. at 1-2. On December 5, 2006, he submitted a FOIA request to the USDA. *See id.*, Attach. (Dec. 5, 2006 letter to the USDA). The request cited 40 U.S.C. § 255 and, essentially, stated plaintiff’s desire to purchase a copy of the title to the land on which the Beltsville Agricultural Research Center is located.¹ *Id.*

Review of the Court’s docket shows that plaintiff has filed a separate civil action based on a nearly identical FOIA request, also dated December 5, 2006, sent to the attention of the FOIA Coordinator at the USDA’s Agricultural Research Service. *See Elliott v. United States Dep’t of Agriculture*, Civ. No. 07-0202 (JDB) (D.D.C. filed Jan. 30, 2007). In that case, the

¹ Attached to its motion to dismiss is a copy of a Confirmatory Deed and survey of the tracts of land on which the Beltsville Agricultural Research Center is located. *See* Mem. of P. & A. in Supp. of Mot. to Dismiss, Ex. 3.

USDA's dispositive motion is fully briefed and ripe for review, and this Court today has granted summary judgment in favor of defendant.

Because both civil actions pertain to plaintiff's requests for the same information, the Court concludes that the instant action, Civ. No. 07-0341, is duplicative of the prior action, Civ. No. 07-0202. The Court will grant the USDA's motion to dismiss this action, and will deny the parties' other pending motions as moot. An Order consistent with this Memorandum Opinion will be issued separately.

/s/
JOHN D. BATES
United States District Judge

Date: August 24, 2007