

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

SEP 28 2007

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

William Henry Harrison,

Plaintiff,

v.

Federal Bureau of Prisons,

Defendant.

Civil Action No. 07-1543 PLF

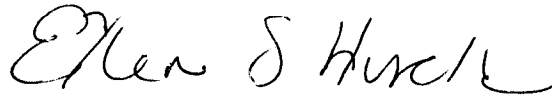
MEMORANDUM OPINION AND ORDER

This matter is before the Court on its initial screening of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. Plaintiff is a federal prisoner confined at the Canaan United States Penitentiary in Waymart, Pennsylvania. The complaint is captioned "Freedom of Information and Privacy Act Complaint" but plaintiff does not allege that an agency is unlawfully withholding records or maintaining inaccurate records. Plaintiff therefore fails to state a claim upon which relief may be granted under either the FOIA, 5 U.S.C. § 552, or the Privacy Act, 5 U.S.C. § 552a.

Also invoking the Administrative Procedure Act ("APA"), 5 U.S.C. §§ 553 *et seq.*, plaintiff seeks to enjoin the Bureau of Prisons from increasing commissary prices and telephone rates in an alleged arbitrary manner. Compl. at 2. He also alleges that BOP is unlawfully profiting from the price increases. *Id.* Because plaintiff seeks judicial review of agency action, the Court will permit the case to proceed under the APA. *See* 5 U.S.C. § 702. Accordingly, it is

ORDERED that pursuant to 28 U.S.C. § 1915A(b)(1), the claims brought under the FOIA and the Privacy Act are DISMISSED;¹ and it is

FURTHER ORDERED that the Clerk shall randomly assign this case to a district judge as brought pursuant to the Administrative Procedure Act, 5 U.S.C. § 702. A separate Order granting plaintiff's motion for leave to proceed *in forma pauperis* will issue contemporaneously.



United States District Judge

Date: September 27, 2007

¹ The Court is required to screen a prisoner's complaint and dismiss it in whole or in part as soon as practicable if, among other grounds, the complaint fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915A(a)-(b).