

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

APR 18 2008

CLERK, U.S. DISTRICT COURT
U.S. DISTRICT COURT

Larry Lyle Lasko,

Plaintiff,

v.

United States Department of Justice *et al.*,

Defendants.

Civil Action No. 08-1850

MEMORANDUM OPINION AND ORDER

This matter is before the Court on its initial review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant the application and dismiss the complaint in part pursuant to the screening requirements of 28 U.S.C. § 1915A.¹

Plaintiff is an inmate at the Schuylkill Federal Correctional Institution in Minersville, Pennsylvania, suing the Department of Justice, the Drug Enforcement Administration, several individuals and the New York State Police under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. *See* Compl. Caption. The FOIA does not provide a private cause of action against individuals or state entities. *See Martinez v. Bureau of Prisons*, 444 F.3d 620, 624 (D.C. Cir. 2006) ("[T]he district court properly dismissed the named individual defendants because no cause of action exists that would entitle appellant to relief from them under the . . . FOIA."); *Sherwood Van Lines, Inc. v. U.S. Dep't of Navy*, 732 F. Supp. 240, 241 (D.D.C. 1990) ("[U]nder


¹ Section 1915A requires the Court to "review, before docketing, if feasible or . . . as soon as practicable after docketing[] a [civil] complaint . . . in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity" and to dismiss the complaint or "any portion" thereof for, among other grounds, failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915A(a)-(b).

the plain language of the statute[.] FOIA authorizes suit against federal agencies.”) Accordingly, it is

ORDERED that pursuant to 28 U.S.C. § 1915A(b)(1), the complaint against Thomas P. Walsh, Lisa Peebles, James Greenwald, Mark J. Nemier, Brian Besser, Scott Paully, Daniel Ortis and the New York State Police is DISMISSED; and it is

FURTHER ORDERED that the Clerk shall randomly assign this FOIA action maintained against the Department of Justice and the Drug Enforcement Administration to a district judge for further proceedings. A separate Order granting plaintiff’s motion for leave to proceed *in forma pauperis* will issue contemporaneously.

Date: November 21st, 2008



United States District Judge