

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

**David Mitchell,**

**Plaintiff,**

**v.**

**United States Department of Justice  
Executive Office for United States  
Attorneys *et al.*,**

**Defendants.**

**Civil Action No. 08-1980 (JDB)**

**MEMORANDUM**

In this action brought *pro se* under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, plaintiff sought records from the Executive Office for United States Attorneys and the Federal Bureau of Investigation pertaining to him. On March 18, 2009, defendants moved for summary judgment. By Order of March 18, 2009, plaintiff was directed to respond by April 27, 2009 to defendants' motion or risk entry of judgment for the movants on a conceded motion. Plaintiff has not responded to the motion or sought additional time to do so. Hence, the Court will grant defendants' motion for summary judgment as conceded.<sup>1</sup> A separate Order accompanies this Memorandum.

s/

JOHN D. BATES

United States District Judge

Dated: June 1, 2009

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<sup>1</sup> See *In re Miller*, 2004 WL 963819, 1 (D.C. Cir., May 4, 2004) (In managing its docket under the circumstances presented, "the court may choose to . . . resolve the motion for summary judgment on the merits without an opposition . . . or [] treat summary judgment as conceded.")