

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

HYE YOUNG KIM,

Plaintiff,

v.

JANET NAPOLITANO, Secretary, U.S.  
Department of Homeland Security,

and

MICHAEL AYTES, Acting Director, U.S.  
Citizenship and Immigration Service,

Defendants.

Civil Action No. 09-174 (CKK)

**MEMORANDUM OPINION**

(September 3, 2009)

On August 13, 2009, Defendants Janet Napolitano, Secretary of the Department of Homeland Security, and Michael Aytes, Acting Director of the Citizenship and Immigration Service, filed a [10] Motion for Summary Judgment in this FOIA action. Plaintiff's response was due no later than August 31, 2009, but Plaintiff failed to file any such response by that date or anytime thereafter. Accordingly, on September 2, 2009, the Court issued a minute order advising Plaintiff that if she did not file a response to Defendants' motion, on or before September 4, 2009, the Court would treat Defendants' motion for summary judgment as conceded. *See* 9/2/09 Min. Order. On September 3, 2009, Plaintiff filed a response to the Court's Order, advising the Court that "Plaintiff did not file her opposition to the motion by August 31, 2009 because after analyzing the contents of Defendants' Motion for Summary Judgment, Plaintiff determined that a response in opposition would not be appropriate." Pl.'s Resp. to Order of the Court Issued September 2, 2009, Docket No. [12]. Accordingly, in light of

Plaintiff's response conceding to Defendants' [10] Motion for Summary Judgment, the Court shall GRANT the Defendants' motion as conceded. An appropriate Order accompanies this Memorandum Opinion.

Dated: September 3, 2009

/s/  
COLLEEN KOLLAR-KOTELLY  
United States District Judge