

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUL 22 2010

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

Joseph Kinard,

Plaintiff,

v.

Office of Bar Counsel *et al.*,

Defendants.

Civil Action No. **10 1242**

MEMORANDUM OPINION

This matter is before the Court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed pursuant to 28 U.S.C. § 1915A(b) (requiring dismissal of a prisoner's action upon a determination that the complaint, among other grounds, fails to state a claim upon which relief can be granted).

Plaintiff, a prisoner at the Federal Correctional Institution in Oxford, Wisconsin, sues the District of Columbia Office of Bar Counsel and two of its employees under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 2671 *et seq.*, and the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. He seeks declaratory and injunctive relief and monetary damages stemming from defendants' alleged refusal to produce the Oath of Office of the assistant United States attorney who prosecuted him in this Court in 1997. *See* Compl. ¶¶ 6-19, 23-25; *id* at 7 ("Demands").

Plaintiff states no claim under either the FTCA or the FOIA because those statutes apply only to the United States and its agencies and officials, which the named defendants are not. *See*

Nwachukwu v. Rooney, 362 F. Supp. 2d 183, 192 (D.D.C. 2005) (establishing Bar Counsel as a component of the District of Columbia Court of Appeals' Board of Professional Responsibility). To the extent that plaintiff has "a common-law right of access to public records that stands independently of the Freedom of Information Act," *Hill v. Fed. Judicial Center*, 238 Fed. Appx. 622, 623 (D.C. Cir. 2007), his recourse lies in the Superior Court of the District of Columbia. A separate order of dismissal accompanies this Memorandum Opinion.

Date: July th 10, 2010


United States District Judge