

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 16 2011

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

Carlos Espino,)
)
 Plaintiff,)
)
 v.)
)
 U.S. Department of Justice,)
)
 Defendant.)

Civil Action No.

11 1909

MEMORANDUM OPINION

This matter is before the Court on its initial review of plaintiff's *pro se* complaint and application for leave to proceed *in forma pauperis*. The Court will grant the *in forma pauperis* application and dismiss the case because the complaint fails to meet the minimal pleading requirements of Rule 8(a) of the Federal Rules of Civil Procedure.

Pro se litigants must comply with the Federal Rules of Civil Procedure. *Jarrell v. Tisch*, 656 F. Supp. 237, 239 (D.D.C. 1987). Rule 8(a) of the Federal Rules of Civil Procedure requires complaints to contain "(1) a short and plain statement of the grounds for the court's jurisdiction [and] (2) a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a); see *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1950 (2009); *Ciralsky v. CIA*, 355 F.3d 661, 668-71 (D.C. Cir. 2004). The Rule 8 standard ensures that defendants receive fair notice of the claim being asserted so that they can prepare a responsive answer and an adequate defense and determine whether the doctrine of *res judicata* applies. *Brown v. Califano*, 75 F.R.D. 497, 498 (D.D.C. 1977).

Plaintiff, a prisoner at the United States Penitentiary Hazelton in Bruceton Mills, West Virginia, alleges that since October 20, 2009, he has requested "under the Federal Prisoners . . . Freedom of Information Act . . . the results of the [DNA] testing done in Case Number # F 4313-1998" in the Superior Court of the District of Columbia. Compl. at 6 (brackets in original). He names as the sole defendant the Department of Justice. The federal district court's FOIA jurisdiction extends to claims arising from an agency's improper withholding of records requested in accordance with agency rules. See 5 U.S.C. §§ 552(a)(3)(A), (4)(B)(1); *McGehee v. CIA*, 697 F.2d 1095, 1105 (D.C. Cir. 1983) (quoting *Kissinger v. Reporters Committee for Freedom of the Press*, 445 U.S. 136, 150 (1980)). The instant complaint neither references a FOIA request number nor contains any other information, e.g., a copy of the actual request allegedly submitted to DOJ, from which a FOIA request may be reasonably identified. It therefore fails to provide adequate notice of a claim and grounds for federal court jurisdiction. A separate Order of dismissal accompanies this Memorandum Opinion.



United States District Judge

Date: May 17, 2011