

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

JOSEPH A. CAMP,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 12-01729 (ABJ)
)	
U.S. DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	
)	

MEMORANDUM ORDER

Pending before the Court is defendant’s motion to dismiss, or alternatively, for summary judgment. Def.’s Mot. to Dismiss, or Alternatively, for Summ. J. [Dkt. # 28] (“Def.’s Mot.”). Plaintiff Joseph A. Camp’s complaint seeks the release of documents from the government under the Freedom of Information Act (“FOIA”) related to a criminal case against him in the Western District of Missouri. *See* Compl. [Dkt. # 1]. On April 23, 2013, defendant moved to dismiss the complaint on the ground that plaintiff waived his rights under FOIA pursuant a plea agreement with the government in his underlying criminal case. *See* Mem. of P. & A. in Supp. of Def.’s Mot. to Dismiss, or Alternatively, for Summ. J. [Dkt. # 28-2] at 3–5.

On May 6, 2013, plaintiff moved to stay the case on the ground that the government’s motion was premature because, although he agreed that “there is a FOIA Waiver and that he entered into the terms of that waiver knowingly and voluntarily,” the plea agreement had not yet been accepted by the court hearing his criminal case, so the motion was premature. Pl.’s Mot. to Stay Proceedings Until After Sentencing [Dkt. # 31] ¶¶ 1–3. Plaintiff asked the Court to stay the case “until the Plea-agreement has been accepted in full by the Criminal Court in the Western

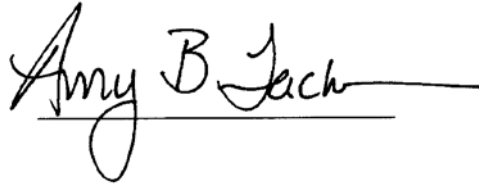
District of Missouri, and Plaintiff has been sentenced to the terms of the plea-agreement, at which time the Plaintiff will not contest the Defendant's Motion for Dismissal." *Id.* ¶ 6 (emphasis omitted). The Court granted the motion to stay and ordered defendant to file a status report with the Court on September 6, 2012 advising the Court of the status of plaintiff's criminal case. Minute Order of May 6, 2013.

On July 8, 2013, plaintiff moved to continue the stay because he had filed a notice of appeal of his criminal case. Mot. to Continue Stay [Dkt. # 34]. The Court denied the motion as moot because a stay was already in place and reiterated its order to defendant to file a status report by September 6, 2013 regarding plaintiff's criminal matter. Minute Order of July 15, 2013. Defendant filed a status report on September 6, 2013, advising that plaintiff had been sentenced consistent with the terms of his plea agreement but that plaintiff had filed a notice of appeal in his criminal matter. Status Report [Dkt. # 35] ¶¶ 3-4. *See also* Pl.'s Mot. to Continue Stay [Dkt. # 36] (advising Court of status of his criminal case and his filing of an appeal). The Court granted plaintiff's motion to continue the stay and ordered a further status report by December 13, 2013 regarding the status of plaintiff's criminal matter. Minute Order of September 13, 2013.

On November 21, 2013, defendant filed a status report advising that plaintiff moved to dismiss his appeal, which the U.S. Court of Appeals for the Eighth Circuit granted. Status Report [Dkt. # 38] ¶¶ 2-3 (attaching judgment and mandate issued by the U.S. Court of Appeals for the Eighth Circuit granting plaintiff's motion to dismiss the appeal [Dkt. # 38-2]).

In light of plaintiff's statement that he would not contest defendant's motion to dismiss this case once his plea was accepted and the judgment against him became final, and the fact that plaintiff's criminal case is now concluded, the Court will grant defendant's motion for summary

judgment. The Court will deny defendant's motion to dismiss as moot. A separate order will issue.

A handwritten signature in black ink that reads "Amy B. Jackson". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

AMY BERMAN JACKSON
United States District Judge

DATE: November 25, 2013