

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG - 2 2013

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

DAVID JACKSON,

Plaintiff,

v.

JIM HOOD, Attorney General
for the State of Mississippi,

Civil Action No.

13-1194

MEMORANDUM OPINION

According to the plaintiff, the Office of the Attorney General for the State of Mississippi refuses to produce certain public records pertaining to his criminal trial in response to his written request for such records under the Freedom of Information Act ("FOIA"), *see* 5 U.S.C. § 552. Compl. at 2; *see id.*, Ex. E. He files "[t]his complaint . . . pursuant to 5 U.S.C.A. [§] 552(a)(4)(B) of the Freedom of Information Act." Compl. at 1.

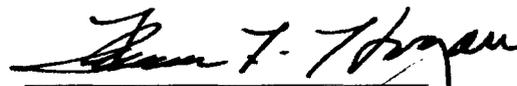
"[I]t is beyond question that FOIA applies only to federal and not to state agencies." *Grand Cent. P'ship, Inc. v. Cuomo*, 166 F.3d 473, 484 (2d Cir. 1999) (citations omitted); 5 U.S.C. § 551(f) (defining the term "agency" for purposes of the FOIA). Mississippi's Attorney General is not a federal entity to whom FOIA applies *See, e.g., Sykes v. United States*, 507 F. App'x 455, 463 (6th Cir. 2012) (affirming dismissal of FOIA claims against state university medical center); *Moreno v. Curry*, 2007 WL 4467580, at *1 (5th Cir. Dec. 20, 2008) (per curiam) (affirming district court ruling that "FOIA, by its terms, does not apply to state or municipal agencies"); *Martinson v. Drug Enforcement Admin.*, 1997 WL 634559, at *1 (D.C. Cir. Sept. 22, 1997) (per curiam) (affirming dismissal of complaint against Pennsylvania

Attorney General's Office because a state agency is not subject to the FOIA); *Willis v. U.S. Dep't of Justice*, 581 F. Supp. 2d 57, 67-698 (D.D.C. 2008) (dismissing claims against Missouri Police Department, which is not a federal agency subject to FOIA or the Privacy Act).

Accordingly, The Court will dismiss the complaint for failure to state a claim upon which relief can be granted. An Order is issued separately.

DATE:

7/29/13


United States District Judge