

**FILED**

**JUN 26 2014**

**Clerk, U.S. District and  
Bankruptcy Courts**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

John Joseph Coleman,

Plaintiff,

v.

Honorable Judge Ms. Brand *et al.*,

Defendants.

Civil Action No.

**14-1084**

MEMORANDUM OPINION

This matter is before the Court on its initial 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, which requires the Court to screen and dismiss a prisoner's complaint upon a determination that it fails to state a claim upon which relief may be granted.

Plaintiff is a Missouri state prisoner incarcerated in Jefferson City, Missouri. *See Coleman v. Missouri*, No. 4:10-CV-636-TIA, 2010 WL 2010514 (E.D.Mo. May 19, 2010). This action is captioned "Federal Freedom of Information Act Complaint," but plaintiff names individuals in Salem, Missouri, who are not subject to suit under the FOIA. *See Judicial Watch v. U.S. Secret Serv.*, 726 F.3d 208, 214 (D.C. Cir. 2013) ("Under FOIA, agencies must make requested records available 'to any person,' unless one of nine specific exemptions applies[,] [and] [t]he Act grants federal district courts jurisdiction 'to order the production of any agency records improperly withheld from the complainant.' ") (quoting 5 U.S.C. §§ 552(a)(3)(A), (a)(4)(B)); *see also Johnson v. Exec. Office for U.S. Attorneys*, 310 F.3d 771, 777 (D.C. Cir. 2002) ("[T]he comprehensiveness of FOIA precludes the creation of a *Bivens* remedy" against

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individuals for alleged constitutional violations) (citing *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971)). In addition, plaintiff has not alleged that he made a FOIA request to a federal agency, and he cannot obtain the requested relief to compel DNA testing at the government's expense of "the blood on the gun . . . and [] fingerprinting," Compl. at 5, under the FOIA. A separate Order of dismissal accompanies this Memorandum Opinion.

DATE: June 23, 2014

  
United States District Judge