

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

JEREMY BIGWOOD,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 11-cv-0602 (KBJ)
)	
UNITED STATES DEPARTMENT OF)	
DEFENSE and CENTRAL)	
INTELLIGENCE AGENCY,)	
)	
Defendants.)	

**MEMORANDUM OPINION ADOPTING
REPORT & RECOMMENDATION OF MAGISTRATE JUDGE**

This action arises out of requests that plaintiff Jeremy Bigwood (“Plaintiff”) submitted to the Department of Defense’s Southern Command (“Southcom”) and the Central Intelligence Agency (“CIA”) (collectively, “Defendants”), pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, in which Plaintiff sought information about the June 28, 2009, coup d’état in Honduras. On January 28, 2014, Defendants moved for summary judgment on Plaintiff’s complaint, asserting that they conducted an adequate search and turned over all responsive records, except those that they properly withheld under the applicable FOIA exemptions. (Defs.’ Mot. for Summ. J., ECF No. 25, at 6.)¹ In his opposition brief, Plaintiff conceded the CIA’s motion for summary judgment (Pl.’s Mem. of Law in Opp’n to Mot. for Summ. J. by DOD, ECF No. 28, at 7), leaving at issue in this matter only the adequacy of Southcom’s search for

¹ Page numbers herein refer to those that the Court’s electronic case filing system automatically assigns.

documents responsive to Plaintiff's FOIA requests and its invocation of FOIA exemptions. After this motion became ripe upon the filing of Defendants' reply on April 1, 2014 (ECF No. 33), Plaintiff filed a motion seeking leave to file a sur-reply (ECF No. 34). On February 24, 2015, this Court referred this matter to a Magistrate Judge for full case management.

Before this Court at present is the Report and Recommendation (ECF No. 42) that the assigned Magistrate Judge, G. Michael Harvey, has filed regarding Defendants' motion for summary judgment and Plaintiffs' motion for leave to file a surreply. The Report and Recommendation reflects Magistrate Judge Harvey's opinions that this Court should grant Defendants' motion for summary judgment and deny Plaintiff's motion for leave to file a surreply. (*Id.* at 1-2.) Specifically, Magistrate Judge Harvey finds that Southcom's search for responsive records was adequate (*id.* at 15-25); that it appropriately invoked FOIA Exemptions 1 and 7(E) to withhold responsive material (*id.* at 25-30); and that it produced all reasonably segregable non-exempt information (*id.* at 30-33). He also recommends that this Court deny Plaintiff's request that the undersigned conduct an *in camera* review of the material that Southcom withheld under Exemptions 1 and 7(E), finding that doing so would be an unnecessary expenditure of judicial resources under these circumstances. (*Id.* at 37-38.) Finally, Magistrate Judge Harvey recommends that this Court deny Plaintiff's motion for leave to file a sur-reply because the proposed sur-reply does not address matters that Southcom raised for the first time in its reply brief. (*Id.* at 38.)

The Report and Recommendation also advises the parties that either party may file written objections to the Report and Recommendation, which must include the

portions of the findings and recommendations to which each objection is made and the basis for each such objection. (*Id.* at 39.) The Report and Recommendation further advises the parties that failure to file timely objections may result in waiver of further review of the matters addressed in the Report and Recommendation. (*Id.* at 40.) Under this Court’s local rules, any party who objects to a Report and Recommendation must file a written objection with the Clerk of the Court within 14 days of the party’s receipt of the Report and Recommendation. LCvR 72.3(b). As of this date—over a month after the Report and Recommendation was issued—no objections have been filed.

This Court has reviewed Magistrate Judge Harvey’s report and agrees with its careful and thorough analysis and conclusions. Thus, the Court will **ADOPT** the Report and Recommendation in its entirety. Accordingly, Defendants’ Motion for Summary Judgment will be **GRANTED**; and Plaintiff’s Motion for Leave to File a Sur-reply will be **DENIED**.

A separate Order accompanies this Memorandum Opinion.

DATE: September 25, 2015

KetANJI Brown Jackson
KETANJI BROWN JACKSON
United States District Judge