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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WARREN BRAD JOHNSON,)	Civil No. 08cv1798-L(JMA)
)	
Plaintiff,)	ORDER DENYING FREEDOM OF
)	INFORMATION ACT REQUEST
v.)	
)	
TIMOTHY WENNES, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

Plaintiff Warren Brad Johnson sent correspondence to the undersigned that is designated as a Freedom of Information (“FOIA) Request. The request concerns various items of information about the undersigned in his position as a United States District Court judge under Article III of the United States Constitution.

The Court first notes that correspondence with a judge in a pending case is forbidden:

Except as otherwise provided by law, attorneys or parties to any action or proceeding shall refrain from writing letters to the judge, or otherwise communicating with the judge unless opposing counsel is present. All matters to be called to a judge’s attention should be formally submitted as hereinafter provided.

Civ. L.R. 83.9. Plaintiff’s correspondence with the Court violates this Rule and will not be countenanced. Any further violations of this Rule shall result in sanctions being imposed on plaintiff.

More importantly, a FOIA request directed to a judge is outside the scope of the statute.

1 The FOIA makes certain government **agency** information accessible to people. *See* 5 U.S.C. §
2 552. Governmental **agencies** have a duty to provide full disclosure of all records that are not
3 specifically and reasonably exempt. In other words, FOIA applies to all 15 departments
4 (Education, Homeland Security, etc.) and 73 other federal agencies (Environmental Protection
5 Agency, Federal Reserve System, etc.) in the executive branch of the United States government.
6 FOIA expressly does not apply to the president, Congress or the courts. Section 551 of Title 5
7 specifically sets forth:

8 For the purpose of this subchapter –

9 (1) “agency” means each authority of the Government of the United States,
10 whether or not it is within or subject to review by another agency, **but does**
11 **not include** –

11 . . .

12 (B) **the courts of the United States; . . .**

13 5 U.S.C. § 551(1)(b) (emphasis added).

14 Accordingly, the Clerk of the Court is directed to file plaintiff’s correspondence as a
15 FOIA request. **IT IS FURTHER ORDERED** that plaintiff’s FOIA request directed to the
16 undersigned is **DENIED WITH PREJUDICE**.

17 **IT IS SO ORDERED.**

18 DATED: January 5, 2009

19 
20 M. James Lorenz
United States District Court Judge

21 COPY TO:

22 HON. JAN M. ADLER
23 UNITED STATES MAGISTRATE JUDGE

24 ALL PARTIES/COUNSEL
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