

FILED

MAY - 8 2009

**NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Frankie Dean Thomas,)
)
Plaintiff,)
)
v.)
)
CUSIP Service Bureau,)
)
Defendant.)

Civil Action No.

09 0852

MEMORANDUM OPINION

This matter is before the Court on 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 (requiring dismissal of a prisoner's complaint upon a determination that the complaint, among other grounds, fails to state a claim upon which relief can be granted).

Plaintiff, an inmate at the United States Penitentiary Allenwood in White Deer, Pennsylvania, sues a private company based in New York, New York, *see* www.cusip.com, under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The federal FOIA applies only to executive-branch agencies of the United States. *See* 5 U.S.C. § 552(f) (defining agency as "any executive department. . . Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government . . . , or any independent regulatory agency"). The complaint therefore fails to state a claim upon which relief can be granted. A separate Order of dismissal accompanies this Memorandum Opinion.

Date: April 28th, 2009


United States District Judge

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