

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

JAMES R. SKRZYPEK,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 10-0256 (CKK)
	:	
FEDERAL BUREAU OF	:	
INVESTIGATION, <i>et al.</i> ,	:	
	:	
Defendants.	:	

MEMORANDUM OPINION


Plaintiff, a federal prisoner, brought this action under the Freedom of Information Act (“FOIA”) in order to obtain information from the Federal Bureau of Investigation (“FBI”) and the Executive Office for United States Attorneys (“EOUSA”) pertaining to his home in Chicago, Illinois. Defendants filed a motion for summary judgment on June 11, 2010 [Dkt. #14]. Because resolution of the motion would potentially have disposed of this case, in its June 15, 2010 Order, the Court advised plaintiff of his obligation to respond to defendants’ motion and warned him that the Court would treat the motion as conceded if he failed to file a timely opposition. The Court initially set July 23, 2010 as the deadline for plaintiff’s opposition, and subsequently granted plaintiff’s request for an extension of time to August 23, 2010.

On August 27, 2010, plaintiff filed a Rule 56(f) Motion for Continuance [Dkt. #18]. He asserted that searches by the EOUSA (finding no responsive records) and the FBI (locating seven pages of records, portions of which were redacted under Exemptions 6 and 7(C)), were conducted in bad faith. Plaintiff claimed that the depositions he proposed to take would show

(N)

that the records he sought once existed, thereby demonstrating the existence of a genuine issue of material fact in dispute as to the agencies' compliance with the FOIA. Whether the discovery plaintiff proposed was likely to lead to the location of additional responsive records was speculative, and by order dated September 24, 2010, the Court denied the motion. That order also directed plaintiff to file his opposition or other response to defendants' motion for summary judgment not later than October 15, 2010. To date, plaintiff has filed neither an opposition to defendant's motion nor a request for more time to do so. Accordingly, the Court treats defendants' motion as conceded.

An Order accompanies this Memorandum Opinion.


COLLEEN KOLLAR-KOTELLY
United States District Judge

DATE: Dec. 9, 2010