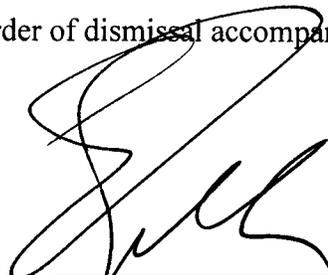




*Federal Bureau of Narcotics*, 403 U.S. 388 (1971), the remedy for which “is damages or nothing.” *Davis v. Passman*, 442 U.S. 228, 245 (1979) (citation and internal quotation marks omitted). And plaintiff’s FOIA request must be directed to an executive branch agency in accordance with the agency’s FOIA regulations. An agency’s obligation to produce responsive records is triggered by its receipt of a request that “(i) reasonably describes such records and (ii) is made in accordance with published rules[.]” 5 U.S.C. § 552(a)(3)(A). Because there is no indication from the complaint that plaintiff properly submitted a FOIA request to an agency, this Court lacks jurisdiction to entertain such a claim. *See* 5 U.S.C. § 552(a)(4)(B) (creating federal court jurisdiction over claims arising from the improper withholding of agency records); *McGehee v. CIA*, 697 F.2d 1095, 1105 (D.C. Cir. 1983) (federal jurisdiction under the FOIA “is dependent upon a showing that an agency” improperly withheld agency records) (quoting *Kissinger v. Reporters Committee for Freedom of the Press*, 445 U.S. 136, 150 (1980)) (internal quotation marks omitted). A separate Order of dismissal accompanies this Memorandum Opinion.



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United States District Judge

Date: September 14, 2010