

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

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**ALISHIA N. MORRIS,**

**Plaintiff,**

**v.**

**UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION**

**Defendants.**

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) **Case No. 19-cv-887 (APM)**  
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**MEMORANDUM OPINION**


Plaintiff Alishia Morris brings this action under the Freedom of Information Act to compel the Securities and Exchange Commission (“SEC”) to produce records that appear to relate to child custody proceedings in the Texas state courts. See Compl., ECF No. 1, at 5–6 (seeking Texas state court records); Def.’s Mot. to Dismiss or, in the Alternative, for Summ. J., ECF No. 10 [hereinafter Def.’s Mot.], Decl. of Jason Luetkenhaus, ECF No. 10-2 [hereinafter Luetkenhaus Decl.], Ex. 1. The SEC did not conduct a search, as it knew that the agency would not possess the type of records sought — and it so advised Plaintiff. See Luetkenhaus Decl. ¶¶ 6–7. The agency now moves to dismiss or, alternatively, for summary judgment. See generally Def.’s Mot.

The SEC’s Motion for Summary Judgment is granted. The agency has sufficiently explained through a sworn affidavit why it would not possess responsive records. See *Military Audit Project v. Casey*, 656 F.2d 724, 738 (D.C. Cir. 1981) (“[I]t is now well established that summary judgment on the basis of such agency affidavits is warranted if the affidavits describe the documents and the justifications for nondisclosure with reasonably specific detail . . . and are

not controverted by either contrary evidence in the record nor by evidence of agency bad faith.”). Plaintiff offers no reason, and the court cannot think of one, to doubt the agency’s representation. See *id.* After all, the SEC is a federal agency whose mission is to protect investors nationwide and to regulate the securities markets. See Luetkehaus Decl., Ex. 2, at 12<sup>1</sup>. Thus, there is no reason to think that it would possess records concerning a state child custody matter.

Accordingly, Defendant’s Motion for Summary Judgment, ECF No. 10, is granted. A final appealable order accompanies this Memorandum Opinion.

Dated: September 20, 2019



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Amit P. Mehta  
United States District Judge

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<sup>1</sup> The court uses ECF pagination.