

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

JACOB LOGAN STONE,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

Civil Action No. 21-1947 (RDM)

MEMORANDUM OPINION

Now before the Court is Defendant’s motion to dismiss, Dkt. 6, this Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, action. For the reasons that follow, the Court will **GRANT** Defendant’s motion.

On July 16, 2021, Plaintiff Jacob Logan Stone, proceeding *pro se*, filed this suit. Dkt. 1 (Compl.). Stone, who was incarcerated within the Bureau of Prisons (“BOP”) from 2010 until 2020, *id.* at 2 (Compl. ¶ 4), alleges that in September 2020 he submitted a FOIA request to the BOP “seeking copies of all medical, dental, and psychological records from his period of incarceration,” *id.* at 4 (Compl. ¶ 17). Stone further alleges that, despite several emails to the BOP regarding the status of his request, at the time of filing he “ha[d] not received any responsive records from the FOIA Office of the Bureau of Prisons for his September 24, 2020 FOIA request.” *Id.* at 4 (Compl. ¶ 23). Finally, Stone alleges, he “has fully exhausted his administrative remedies, as required by FOIA, prior to seeking judicial review in this matter.” *Id.* at 5 (Compl. ¶ 24).

Stone filed suit in this Court, alleging that “Defendant Bureau of Prisons has violated FOIA by failing to provide Plaintiff with all non-exempt records for his September 24, 2020

FOIA request and by failing to perform an adequate search for records responsive to this FOIA request in a manner reasonably calculated to locate all responsive records.” *Id.* at 5 (Compl. ¶ 26). Stone asks the Court to declare that Defendant has violated FOIA and to direct that Defendant “provide Plaintiff with all non-exempt responsive records to Plaintiff’s September 24, 2020 FOIA request.” *Id.* at 6 (Compl. Prayer for Relief ¶¶ 1–2).

Defendant moved to dismiss on August 27, 2021, arguing that the case is moot because, “on August 5, 2021, BOP provided Plaintiff with the responsive records.” Dkt. 6-1 at 2; *see also* Dkt. 6-2 at 3 (Fenstermaker Decl. ¶ 12). In total, Defendant released 1,005 pages, only one of which included redactions. Dkt. 6-2 at 3 (Fenstermaker Decl. ¶ 12). Plaintiff responded by email, according to Defendant, “acknowledging receipt of the records and informing [Defendant] that the released records appeared to be satisfactory.” *Id.* at 3 (Fenstermaker Decl. ¶ 13). Defendant has attached this email to the declaration accompanying its motion to dismiss, in which Stone writes, “I have received in total 1005 pages of records and it appears satisfactory,” and “I would be willing to settle my lawsuit.” Dkt. 6-2 at 9 (Fenstermaker Decl., Ex. B). As a result, Defendant argues, “Plaintiff’s claim against [Defendant] is [now] moot.” Dkt. 6-1 at 3.

In light of Defendant’s motion to dismiss, the Court issued a *Fox/Neal* Order instructing Plaintiff to respond on or before October 1, 2021. *See Fox/Neal* Order (Aug. 27, 2021). That deadline passed nearly a month ago, and, to date, Plaintiff has not opposed Defendant’s motion. The Court must, accordingly, accept the truth of Defendant’s factual submissions, *Xenophon Strategies, Inc. v. Jernigan Copeland & Anderson, PLLC*, 268 F. Supp. 3d 61, 72 (D.D.C. 2017), including its assertion that it has released all responsive records and that Plaintiff indicated that the release appeared satisfactory, Dkt. 6-2 at 3 (Fenstermaker Decl. ¶¶ 12–13). With that factual record, no case or controversy remains for the Court to resolve, and so the Court will dismiss this

case as moot pursuant to Federal Rule of Civil Procedure 12(b)(1). *See Hoffman v. DEA*, No. 90-cv-0853, 1990 WL 108997, at *1 (D.D.C. July 16, 1990) (dismissing FOIA action as moot because “it [wa]s undisputed that defendant ha[d] responded to plaintiff’s FOIA request”).

CONCLUSION

For the foregoing reasons, the Court will **GRANT** Defendant’s motion to dismiss, Dkt. 6.

A separate order will issue.

SO ORDERED.

/s/ Randolph D. Moss
RANDOLPH D. MOSS
United States District Judge

Date: October 29, 2021