

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

WILLIAM A. WHITE,

Plaintiff,

v.

OFFICE OF THE FEDERAL DEFENDER FOR
THE MIDDLE DISTRICT OF FLORIDA,

Defendant.

Case No. 16-cv-971-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court for case management purposes. In this case, plaintiff William A. White seeks documents under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, from the defendant Office of the Federal Defender for the Middle District of Florida. White was granted leave to proceed *in forma pauperis* and has since paid the entire filing fee. Nevertheless, his case is subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) if it is frivolous or fails to state a claim on which relief can be granted. Additionally, “[d]istrict judges have ample authority to dismiss frivolous or transparently defective suits spontaneously, and thus save everyone time and legal expense. This is so even when the plaintiff has paid all fees for filing and service.” *Hoskins v. Poelstra*, 320 F.3d 761, 763 (7th Cir. 2003). The test for determining if an action is frivolous or without merit is whether the plaintiff can make a rational argument on the law or facts in support of the claim. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

White’s claim is frivolous. FOIA only applies to federal “agencies,” which are defined to include “any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency,” 5 U.S.C.

§ 552(f)(1), but expressly to exclude “the courts of the United States.” 5 U.S.C. § 551(1)(B). Thus, “[t]he judicial branch is exempt from the Freedom of Information Act.” *United States v. Casas*, 376 F.3d 20, 22 (1st Cir. 2004). This exemption includes federal defender offices, which are within the judicial branch. Criminal Justice Act, 18 U.S.C. § 3006A(g)(2)(A) (authorizing district court to establish federal public defender organization); Criminal Justice Act Plan for the Middle District of Florida § 1.04(c)(1) (2010) (in which court establishes the Federal Public Defender Organization for the Middle District of Florida); see *United States v. Terry*, 500 F. App’x 519, 519 n. 1 (7th Cir. 2013); *Koch v. Federal Pub. Def.’s Office*, No. 4:16-CV-1553, 2016 WL 7007552, * 6 (M.D. Pa. July 28, 2016) (“Since the Federal Public Defender’s office is not an agency of the executive branch of government, but rather serves a function within the court system, FOIA is simply inapplicable to this private indigent criminal defense organization.”), *report and recommendation adopted*, 2016 WL 6949556 (M.D. Pa. Nov. 28, 2016)).

Because the Office of the Federal Defender for the Middle District of Florida is part of the judicial branch of government and not subject to FOIA, there is no rational argument on the law or facts that White can prevail against that office on his FOIA claim. For this reason, the Court **DISMISSES** this case **with prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: July 27, 2017

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE