

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

ORIYOMI ALOBA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:21-cv-00117-GZS
	)	
UNITED STATES EXECUTIVE	)	
OFFICE FOR THE DEPARTMENT	)	
OF JUSTICE, et al.,	)	
	)	
Defendants	)	

**RECOMMENDED DECISION ON PLAINTIFF’S COMPLAINT**

Plaintiff, an inmate in a federal facility in El Reno, Oklahoma, asserts a claim under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA) and the Privacy Act of 1974, 5 U.S.C. § 552a. Plaintiff alleges that he requested from the Department of Justice certain documents regarding investigatory activity in Texas and California, which activity is evidently related to a matter pending in California. Plaintiff asserts that the Federal Bureau of Investigation has the documents but has not produced them or otherwise responded to the requests.

The proper forum for an enforcement action under FOIA and the Privacy Act is “the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia.” 5 U.S.C. §§ 552(a)(4)(B), 552a(g)(5). Plaintiff does not reside in the District of Maine, and he does not allege that the requested documents are in the District of Maine. The District of Maine, therefore, is not the proper forum for this action.

Because the District of Maine is not the proper forum, the issue is whether this Court should dismiss or transfer the matter. 28 U.S.C. § 1406(a) (“The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.”) Depending on the location of the documents, Plaintiff could conceivably assert this action in one of several courts. Given that this Court is unaware of the location of the documents, that this Court does not know whether Plaintiff prefers to assert the action in the district in which he resides, and that the pleadings lack any suggestion that Plaintiff would be prejudiced by a dismissal without prejudice, the interests of justice do not support the transfer of the matter. Accordingly, I recommend the Court dismiss the matter without prejudice.

### **NOTICE**

A party may file objections to those specified portions of a magistrate judge’s report or proposed finds or recommended decisions entered pursuant to 28 U.S.C. Section 636(b)(1)(B) for which de novo review by the district court is sought, together with a supporting memorandum, within fourteen (14) days of being served with a copy thereof.

Failure to file a timely objection shall constitute a waiver of the right to de novo review by the district court and to appeal the district court's order.

/s/ John C. Nivison  
U.S. Magistrate Judge

Dated this 18th day of May, 2021.