

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DETROIT FREE PRESS, INC.,

Plaintiff,

Case No. 13-12939

v.

Hon. Patrick J. Duggan

UNITED STATES DEPARTMENT OF
JUSTICE,

Defendant.

JUDGMENT

The present dispute involves Plaintiff Detroit Free Press's ("Free Press") January 25, 2013 request for booking photographs (colloquially referred to as "mug shots") of four individuals then under indictment and awaiting trial on federal drug and public corruption charges in the United States District Court for the Eastern District of Michigan. The request was made pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The United States Marshal Service ("USMS"), a subordinate law enforcement bureau within Defendant Department of Justice ("DOJ"), denied the request, citing the FOIA's Exemption 7(C), 5 U.S.C. § 552(b)(7)(C), despite controlling Sixth Circuit precedent holding that the subjects of the photographs do not have a privacy interest warranting nondisclosure. The parties subsequently filed cross motions for summary judgment pursuant to Federal

Rule of Civil Procedure 56. In an Opinion and Order entered on this date, the Court granted summary judgment in favor of Free Press on Counts I (violation of the FOIA) and III (declaratory judgment) of its Amended Complaint but granted summary judgment in favor of DOJ on Count II (contempt).

Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that judgment is entered in favor of Plaintiff Detroit Free Press and against Defendant Department of Justice on Counts I and III of Free Press's Amended Complaint;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that judgment is entered in favor of Defendant Department of Justice and against Plaintiff Detroit Free Press on Count II of Free Press's Amended Complaint.

Date: April 21, 2014

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

Herschel P. Fink, Esq.
Galen Thorp, Esq.