

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Sandoval v. U.S. Dep't of Justice

Sandoval v. U.S. Dep't of Justice, 322 F. Supp. 3d 101 (D.D.C. 2018) · Decided August 27, 2018

SUMMARY

Federal inmate's FOIA and Privacy Act claims dismissed on summary judgment for failure to exhaust administrative remedies as to FBI and BOP, and because the U.S. Attorney's Office conducted an adequate search and provided the 100 free pages to which plaintiff was entitled under FOIA and DOJ regulations. The court held that a FOIA requester must exhaust administrative remedies before suing, and that an agency's sworn affidavits demonstrating a reasonable search and compliance with fee limitations are sufficient to defeat claims of unlawful withholding. Plaintiff's unsupported allegations of innocence did not warrant Privacy Act record correction.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Christopher R. Cooper
JURISDICTION	Federal
DECIDED	August 27, 2018
DISPOSITION	summary judgment granted
PROCEDURAL POSTURE	Defendants' motion for dismissal or, alternatively, for summary judgment.
STANDARD OF REVIEW	For motion to dismiss under Rule 12(b)(1) or 12(b)(6): treat factual allegations as true, grant plaintiff benefit of all inferences. For summary judgment under Rule 56(a): no genuine dispute of material fact and movant entitled to judgment as a matter of law. In FOIA cases, de novo review, burden on agency to sustain action; summary judgment may be granted on basis of agency affidavits that are reasonably specific and not contradicted.
PRECEDENTIAL VALUE	Published
PARTIES	Hector Sandoval v. U.S. Department of Justice, Federal Bureau of Investigation, Bureau of Prisons, U.S. Attorney's Office for the Central District of Illinois

TOPICS

administrative law

exhaustion of remedies

judicial review of agency action

summary judgment

civil procedure

PRACTICE AREAS

FOIA

Privacy Act

Administrative Law

QUESTIONS PRESENTED

1. Whether Sandoval exhausted his administrative remedies before filing FOIA and Privacy Act claims against the FBI and BOP.
2. Whether the U.S. Attorney's Office conducted an adequate search under FOIA and the Privacy Act, and whether Sandoval's Privacy Act correction claim fails.

HOLDINGS

1. Sandoval failed to exhaust administrative remedies because he did not appeal the agencies' initial responses.
2. The U.S. Attorney's Office conducted an adequate search; Sandoval's claim of unlawful withholding fails because he only requested 100 free pages and received that amount.
3. Sandoval's unsupported assertions of innocence do not warrant correction of records.

KEY QUOTATIONS

"In evaluating a motion to dismiss under either Rule 12(b)(1) or 12(b)(6), a court must 'treat a complaint's factual allegations as true ... and must grant a plaintiff 'the benefit of all inferences that can be derived from the facts alleged.'" (at 104)

"Summary judgment is appropriate 'if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.'" (at 104)

"In FOIA cases, '[s]ummary judgment may be granted on the basis of agency affidavits' when those affidavits 'contain reasonable specificity of detail rather than merely conclusory statements' and when 'they are not called into question by contradictory evidence in the record or by evidence of agency bad faith.'" (at 104-105)

"Prior to filing suit, a FOIA requester must exhaust administrative remedies." (at 105)

"The Court thus concludes that Sandoval has failed to exhaust his administrative remedies and will dismiss the FOIA and Privacy Act claims against the FBI and BOP on that basis." (at 105)

"Sandoval has not argued that the documents produced to him by the Office are unresponsive, or that the Office's search could have been better tailored to find the most responsive documents; rather, he simply argues the Office should have produced more documents. But Sandoval indicated he wanted only the 100 free pages to which he was entitled under FOIA and did not wish the Office to search further." (at 105-106)

"As for Sandoval's additional Privacy Act demand that the Office correct purportedly inaccurate records, Sandoval's unsupported assertions that the case against him was a sham do not warrant such relief." (at 106)

FACTUAL BACKGROUND

Sandoval, a federal inmate convicted in 2002 of kidnapping and firearm offenses, submitted FOIA and Privacy Act requests in 2016 to the FBI, BOP, and U.S. Attorney's Office seeking records to prove his innocence. The FBI found no responsive records; BOP only located his presentence report; the U.S. Attorney's Office initially found none but later expanded its search and produced 100 pages. Sandoval did not administratively appeal the FBI and BOP responses, but he did appeal the U.S. Attorney's Office response, which was affirmed.

PROCEDURAL HISTORY

Sandoval filed FOIA and Privacy Act requests with FBI, BOP, and U.S. Attorney's Office. After the agencies processed the requests, Sandoval filed suit. The agencies moved for dismissal or summary judgment.

DISPOSITION

summary judgment granted

CASES CITED

- Sandoval v. United States, 2007 WL 2937124 (C.D. Ill. Sept. 26, 2007), aff'd, 574 F.3d 847 (7th Cir. 2009)
- Sparrow v. United Air Lines, Inc., 216 F.3d 1111 (D.C. Cir. 2000)
- Schuler v. United States, 617 F.2d 605 (D.C. Cir. 1979)
- Am. Nat'l Ins. Co. v. FDIC, 642 F.3d 1137 (D.C. Cir. 2011)
- Browning v. Clinton, 292 F.3d 235 (D.C. Cir. 2002)
- Land v. Dollar, 330 U.S. 731 (1947)
- Haase v. Sessions, 835 F.2d 902 (D.C. Cir. 1987)
- Gustave-Schmidt v. Chao, 226 F. Supp. 2d 191 (D.D.C. 2002)
- Military Audit Project v. Casey, 656 F.2d 724 (D.C. Cir. 1981)
- Brayton v. Office of U.S. Trade Rep., 641 F.3d 521 (D.C. Cir. 2011)
- Judicial Watch, Inc. v. U.S. Secret Serv., 726 F.3d 208 (D.C. Cir. 2013)
- Consumer Fed'n of Am. v. Dep't of Agric., 455 F.3d 283 (D.C. Cir. 2006)
- SafeCard Servs., Inc. v. SEC, 926 F.2d 1197 (D.C. Cir. 1991)
- Ground Saucer Watch, Inc. v. CIA, 692 F.2d 770 (D.C. Cir.1981)
- Chambers v. U.S. Dep't of the Interior, 568 F.3d 998 (D.C. Cir.2009)
- Hidalgo v. FBI, 344 F.3d 1256 (D.C. Cir.2003)
- Oglesby v. U.S. Dep't of the Army, 920 F.2d 57 (D.C. Cir.1990)
- Dick v. Holder, 67 F. Supp. 3d 167 (D.D.C. 2014)
- Pinson v. U.S. Dep't of Justice, 189 F. Supp. 3d 137 (D.D.C. 2016)

CITED IN

- Sandoval v. U.S. Dep't of Justice, Sandoval v. U.S. Dep't of Justice, 322 F. Supp. 3d 101, 104 (D.D.C. 2018)

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