

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

Eric William Giannini v. U.S. Government, Department of Justice,  
and Federal Bureau of Investigations

No. 26-CV-0312-CVE-JFJ (N.D. Okla. June 4, 2026) · No. No. 26-CV-0312-CVE-JFJ · Decided June 4, 2026

SUMMARY

The United States District Court for the Northern District of Oklahoma denied Eric William Giannini's motion to proceed in forma pauperis and dismissed his complaint for lack of subject-matter jurisdiction. The court held that the application did not provide sufficient financial information and that the complaint failed to adequately plead FOIA claims, including improper withholding and exhaustion, or an individualized injury supporting the Appropriations Clause claim.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of Oklahoma                                                                                                                                                                                                                                                                                                                      |
| WRITING FOR THE COURT | Claire V. Eagan                                                                                                                                                                                                                                                                                                                                                                         |
| JURISDICTION          | United States District Court for the Northern District of Oklahoma                                                                                                                                                                                                                                                                                                                      |
| DECIDED               | June 4, 2026                                                                                                                                                                                                                                                                                                                                                                            |
| DOCKET                | No. 26-CV-0312-CVE-JFJ                                                                                                                                                                                                                                                                                                                                                                  |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | Plaintiff filed a complaint asserting three FOIA claims and a claim under the Appropriations Clause, together with an application to proceed in forma pauperis. The district court denied the in forma pauperis application and dismissed the complaint for lack of subject-matter jurisdiction.                                                                                        |
| STANDARD OF REVIEW    | The court independently examined subject-matter jurisdiction, construed the pro se complaint liberally, accepted well-pleaded allegations as true for purposes of Rule 12(b)(6), and applied the pleading standard requiring factual allegations sufficient to state a plausible claim. The court also reviewed the adequacy of the in forma pauperis affidavit under 28 U.S.C. § 1915. |
| PRECEDENTIAL VALUE    | unpublished and nonprecedential                                                                                                                                                                                                                                                                                                                                                         |
|                       |                                                                                                                                                                                                                                                                                                                                                                                         |

## PARTIES

Eric William Giannini v. U.S. Government, Department of Justice,  
Federal Bureau of Investigations

## TOPICS

subject matter jurisdiction

motions to dismiss

civil procedure

administrative procedure act

standing

## PRACTICE AREAS

civil procedure

constitutional law

administrative law

freedom of information

## QUESTIONS PRESENTED

1. Whether plaintiff demonstrated financial inability to pay filing fees sufficient to proceed in forma pauperis.
2. Whether plaintiff's FOIA claims stated a plausible claim where he alleged that the FBI responded to his request but did not allege exhaustion of administrative remedies or facts showing an improper withholding of agency records.
3. Whether plaintiff established subject-matter jurisdiction over his FOIA claims.
4. Whether plaintiff had Article III standing to assert an Appropriations Clause claim based on the alleged failure to publish statements and accounts of public money receipts and expenditures.

## HOLDINGS

1. An applicant for in forma pauperis status must provide sufficient financial information to permit the court to determine whether the applicant can pay the filing fee while still providing the necessities of life. Plaintiff's affidavit did not provide sufficient information, so the application was properly denied.
2. The complaint failed to state plausible FOIA claims because it did not allege exhaustion after the FBI timely responded, and its allegations concerning an inadequate search and wrongful withholding were merely conclusory recitations of the elements.
3. The court lacked subject-matter jurisdiction over the FOIA claims because plaintiff did not allege facts showing that the agency improperly withheld agency records.
4. Plaintiff lacked Article III standing because he alleged no concrete, particularized, and personal injury resulting from the asserted Appropriations Clause violation.

## KEY QUOTATIONS

*"in order to succeed on a motion to proceed IFP, the movant must show a financial inability to pay the required filing fees, as well as the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised in the action."* (at 2)

*"Federal courts are courts of limited jurisdiction and lack the power to hear any case that is beyond their subject-matter jurisdiction."* (at 6)

*"A court may raise the issue of subject-matter jurisdiction sua sponte and at any stage of litigation."* (at 9)

## FACTUAL BACKGROUND

In September 2025, Giannini submitted a FOIA request to the FBI seeking records concerning the FBI's employment of individuals allegedly affiliated with several socialist or progressive organizations. The FBI responded by invoking an exception concerning disclosure of personal information. Giannini alleged that the response violated FOIA and asserted that the defendants violated the Appropriations Clause by failing to publish statements and accounts of public receipts and expenditures.

## PROCEDURAL HISTORY

Giannini submitted a complaint and motion to proceed in forma pauperis. The court found the financial affidavit insufficient, concluded in the alternative that the complaint failed to state a claim, determined that the FOIA claims did not establish jurisdiction and that the constitutional claim lacked standing, denied the application, and dismissed the complaint.

## DISPOSITION

dismissed

## CASES CITED

- *Lister v. Department of Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005)
- *Martinez v. Kristi Kleaners, Inc.*, 364 F.3d 1305, 1306 n.1 (11th Cir. 2004)
- *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948)
- *White v. Colorado*, 157 F.3d 1226, 1233 (10th Cir. 1998)
- *Rivera v. Allin*, 144 F.3d 719, 724 (11th Cir. 1998)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Alvarado v. KOB-TV, LLC*, 593 F.3d 1210, 1215 (10th Cir. 2010)
- *Moffett v. Halliburton Energy Services, Inc.*, 291 F.3d 1227, 1231 (10th Cir. 2002)
- *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991)
- *Ogden v. San Juan County*, 32 F.3d 452, 455 (10th Cir. 1994)
- *Roberts v. Paulson*, 263 F. App'x 745, 747-48 (10th Cir. 2008)
- *Taylor v. Appleton*, 30 F.3d 1365, 1367-68 (11th Cir. 1994)
- *Hull v. Internal Revenue Service*, 656 F.3d 1174, 1182-83 (10th Cir. 2011)
- *Kissinger v. Reporters Committee for Freedom of the Press*, 445 U.S. 136, 139, 150 (1980)
- *Merida Delgado v. Gonzalez*, 428 F.3d 916, 919 (10th Cir. 2005)
- *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 89 (1998)
- *New Mexicans for Bill Richardson v. Gonzalez*, 64 F.3d 1495, 1499 (10th Cir. 1995)
- *Renne v. Geary*, 501 U.S. 312, 317 (1991)
- *McNutt v. General Motors Acceptance Corp. of Indiana, Inc.*, 298 U.S. 178, 182 (1936)
- *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 514 (2006)

- Image Software, Inc. v. Reynolds & Reynolds Co., 459 F.3d 1044, 1048 (10th Cir. 2006)
- Tafoya v. U.S. Department of Justice, 748 F.2d 1389, 1390 (10th Cir. 1984)
- United States Department of Justice v. Tax Analysts, 492 U.S. 136, 142 (1989)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Office of Personnel Management v. Richmond, 496 U.S. 414, 424, 428 (1990)
- Cincinnati Soap Co. v. United States, 301 U.S. 308, 321 (1937)
- Spokeo, Inc. v. Robbins, 578 U.S. 330, 339 (2016)
- Lujan v. Defenders of Wildlife, 504 U.S. 555, 560, 573-74 (1992)
- Flast v. Cohen, 392 U.S. 83, 106 (1968)

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