

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Grigsby v. U.S. Dept. of Justice

Grigsby · No. 25-cv-00192-DMR · Decided August 19, 2025

SUMMARY

The United States District Court for the Northern District of California denied Calvin B. Grigsby's motion for summary judgment seeking expedited processing of his FOIA request to the Department of Justice and FBI. The court held that the FBI complied with FOIA's notification requirements and that Grigsby had not established a compelling need for expedited processing under the applicable statutory and regulatory standards. The court also noted that the FBI had begun processing and producing records from the request.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Donna M. Ryu
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 19, 2025
DOCKET	25-cv-00192-DMR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a Freedom of Information Act action seeking expedited processing of a records request and moved for expedited processing under Federal Rule of Civil Procedure 56. The court denied the motion for summary judgment.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law; the evidence is viewed in the light most favorable to the nonmoving party, and the court may not weigh evidence or assess witness credibility. The court reviewed the agency's FOIA expedited-processing determination under the statutory and regulatory compelling-need standards.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.

PARTIES

Calvin B. Grigsby v. U.S. Dept. of Justice, Federal Bureau of Investigation

TOPICS

summary judgment

judicial review of agency action

administrative law

civil procedure

PRACTICE AREAS

Administrative law

Freedom of Information Act

Civil procedure

QUESTIONS PRESENTED

1. Whether the FBI complied with FOIA's notification and timing requirements after receiving the additional information necessary to process Grigsby's request.
2. Whether alleged noncompliance with FOIA's response deadline entitled Grigsby to expedited processing.
3. Whether Grigsby demonstrated a compelling need for expedited processing under FOIA and the DOJ's implementing regulations.

HOLDINGS

1. The FBI complied with FOIA's notification requirements because November 8, 2021, the date it received Grigsby's additional requested information, triggered the statutory period, and the FBI's November 18, 2021 notices were timely and identified unusual circumstances and the required opportunities and dispute-resolution rights.
2. An allegedly improper or delayed agency response is not itself one of the statutory or regulatory circumstances that justifies expedited FOIA processing.
3. Grigsby failed to establish a compelling need for expedited processing because the record did not show a current substantial loss of due process rights, an imminent threat to life or physical safety, or current widespread and exceptional media interest raising questions about government integrity that affect public confidence.

KEY QUOTATIONS

“An allegedly improper agency response is not one of them.” (III.A)

“Given the lack of evidence of any current “substantial loss of due process” or “widespread and exceptional media interest,” 28 C.F.R. § 16.5(e)(1)(iii)-(iv), coupled with the fact that the “categories for compelling need are intended to be narrowly applied,” Al-Fayed, 254 F.3d at 310 (cleaned up), the court finds that Grigsby fails to establish that he is entitled to expedited processing.” (III.B)

FACTUAL BACKGROUND

Grigsby submitted a broad FOIA request seeking all FBI records referring to him over a thirty-six-year period, including records related to federal indictments from the 1990s. The FBI requested additional identifying information, denied expedited processing, and notified him that unusual circumstances and the large volume of potentially responsive records would require extended processing. Grigsby administratively appealed, but the DOJ Office of Information Policy denied the appeal. After this lawsuit was filed, the FBI began processing the request at approximately 250 pages per month and made a partial release.

PROCEDURAL HISTORY

Grigsby submitted a FOIA request to the FBI in 2021 and sought expedited processing. The FBI denied expedited processing, and the DOJ Office of Information Policy denied his administrative appeal. After Grigsby filed this action in January 2025, the FBI began processing the request and made an initial partial release. The court denied Grigsby's motion.

DISPOSITION

other

CASES CITED

- Fresno Motors, LCC v. Mercedes Benz USA, LLC, 771 F.3d 1119, 1125 (9th Cir. 2014)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 255 (1986)
- Cline v. Indus. Maint. Eng'g & Contracting Co., 200 F.3d 1223, 1229 (9th Cir. 2000)
- City of Pomona v. SQM N. Am. Corp., 750 F.3d 1036, 1049 (9th Cir. 2014)
- Ctr. for Investigative Reporting v. U.S. Dep't of Lab., No. 24-880, -- F.4th --, 2025 WL 2155687, at *3 (9th Cir. July 30, 2025)
- NLRB v. Robbins Tire & Rubber Co., 437 U.S. 214, 242 (1978)
- Elec. Frontier Found. v. Off. of the Dir. of Nat'l Intel., 542 F. Supp. 2d 1181, 1184 (N.D. Cal. 2008)
- Al-Fayed v. C.I.A., 254 F.3d 300, 310 (D.C. Cir. 2001)
- Seavey v. Dep't of Just., 266 F. Supp. 3d 241, 244 (D.D.C. 2017)
- Trupei v. Bureau of Customs & Border Prot., No. CIV. A. 07-0475 PLF, 2008 WL 249878, at *1 (D.D.C. Jan. 29, 2008)

OPINION

Grigsby v. U.S. Dept of Justice

PER CURIAM.

1 2 3 4

5 UNITED STATES DISTRICT COURT

6 NORTHERN DISTRICT OF CALIFORNIA

7 8 CALVIN B. GRIGSBY, Case No. 25-cv-00192-DMR 9 Plaintiff,

ORDER DENYING MOTION FOR

10 v. SUMMARY JUDGMENT

11 U.S. DEPT OF JUSTICE, et al., Re: Dkt. No. 16 12 Defendants. 13 On January 6, 2025, Plaintiff Calvin Grigsby filed this action pursuant to the Freedom of 14 Information Act (“FOIA”), 5 U.S.C. § 552, against the United States Department of Justice (“DOJ”) 15 and Federal Bureau of Investigation (“FBI”) (collectively, “Defendants”), seeking the expedited 16 production of documents related to indictments against him in the Southern District of Florida. [See 17 Docket No. 1 (Compl.).] Grigsby now brings this motion for expedited processing pursuant to 18 Federal Rule of Civil Procedure 56. [Docket No. 16 (Mot.).] Defendants filed an opposition, and 19 Grigsby filed a reply. [Docket No. 17 (Opp’n); Docket No. 18 (Reply).] 20 This matter is suitable for determination without oral argument. Civ. L.R. 7-1(b). For the 21 reasons set forth below, the motion is denied.

22 I. BACKGROUND

23 A. Factual History 24 On October 15, 2021, Grigsby submitted a FOIA request to the FBI “requesting all FBI 25 Agency records including, without limitation, FBI 302’s, which refer to in the subject line or body 26 Calvin Grigsby from January 1, 1985 to January 1 2021.” [Docket No. 17-2 at 3, 6.]¹ He also 27 1 sought expedited processing, explaining 2 I had two indictments in 1996. In the first heard the grand jury was shown “revised or restated financial statements in a Deloitte Touche 3 audit report that falsely created after the fact amounts I allegedly stole from the local agency. [T]he audit report was also modified to use an 4 accrual basis of accounting changing the cash basis of accounting used for the last 15 years to falsely create the \$10,000 jurisdictional 5 amount in a 666 case. In the second heard case all witnesses taken before the grand jury were give[n] inducements (reduced sentences, 6 immunity etc) against me and not a single witness given inducements showed up a trial. I am attempting to have the falsely procured 7 indictments set aside. I am 75 years old and not a lot of time left to try and clear my name. 8

9 Id. at 3; Docket No. 17-1 (Hammer Decl.) ¶ 5.

10 On October 22, 2021, the FBI sent Grigsby a letter “acknowledg[ing] receipt of [his] 11 Freedom of Information/Privacy Acts (FOIPA) request to the FBI.” [Docket No. 17-3 at 1.] The 12 letter further stated that “[his] letter did not contain sufficient information to conduct an accurate 13 search of the Central Records System” and sought additional personal and contact information. Id. 14 (both). Grigsby’s response is dated November 1, 2021; however, the FBI received it on November 15 8, 2021. [Docket No. 17-3 at 4-5; Hammer Decl. ¶ 7 & n.2.] 16 The FBI sent Grigsby three letters dated November 18, 2021. One letter stated that his 17 “request has been received at FBI Headquarters for processing.” [Docket No. 16-1 at 1; Docket 18 No. 17-4 at 2.] Another letter informed Grigsby that “[he] ha[d] not provided enough information

19 concerning statutory requirements permitting expedition; therefore, [his] request [for expedited 20 processing] iss denied.” [Docket No. 16-1 at 3; Docket No. 17-5 at 2.] 21 In the final letter, the FBI notified Grigsby “that ‘unusual circumstances’ apply to the 22 processing of [his] request” and explained what constitutes such “unusual circumstances”: 23 There is a need to search for and

collect records from field offices and/or other offices that are separate from the FBI 24 Record/Information Dissemination Section (RIDS). 25 There is a need to search for, collect, and examine a voluminous amount of separate and distinct records. 26 There is a need for consultation with another agency or two or more 27 DOJ components. 1 opportunity to reduce the scope of your request; this will accelerate the process and could potentially 2 place your request in a quicker processing queue” and “may also reduce search and duplication costs 3 and allow for a more timely receipt of your information.” Id. (both) The letter asked Grigsby to 4 “[p]lease advise in writing if you would like to discuss reducing the scope of your request.” Id. 5 (both). 6 On October 3, 2021, the FBI emailed Grigsby that “[t]he FBI located approximately 7,596 7 pages (multi subject) potentially responsive to [his] request.” [Docket No. 16-3 at 1; Docket No. 17- 8 7 at 3.] The emails advised Grigsby that “[t]he current average time to complete [his] x-large track 9 request is at least 79 months”² and that “[r]educing the scope of [his] request may accelerate the 10 processing, allow for a timelier receipt of the information [he] seek[s], and reduce the duplication 11 costs, if applicable.” Id. (both). The email thus asked, “Would you be willing to consider reducing 12 the scope of your request to place it in a smaller, potentially faster processing track?” [Docket

13 No. 16-3 at 1; Docket No. 17-7 at 2.]

14 On October 4, 2021, Grigsby responded, “I would like to wait however many years it takes 15 and can send a credit card or use whatever payment gets the process started.” Id. (both). The FBI 16 confirmed receipt of Grigsby’s email the next day and stated that “[o]nce the case is assigned out of 17 the backlog queue, . . . the FOIA analyst reviews approximately 500 potentially responsive pages 18 then a release of responsive material will be sent to you on CD.” [Docket No. 17-7 at 2.] 19 In letters dated July 10 and 11, 2024, the FBI wrote Grigsby that it “ha[d] located 20 approximately 7959 pages of potentially responsive documents,” re-stated that his request was 21 “currently in the x-large track,” and asked whether, “[g]iven the passage of time and a potential 22 2 The email explained the FBI’s “multi-track processing system”: 23 Small track requests (0-50 pages) current average time is 24 approximately 3 months to complete; Medium track requests (51-500 pages) current average time is 25 approximately 32 months to complete; Large track requests (501-4,999 pages) current average time 26 is approximately 67 months to complete; and Extra-large track requests (over 5,000 pages) current average 27 1 change in circumstance,” he was “still interested in having [his] FOIPA request processed.” [Docket

2 No. 16-4 at 1; Docket No. 17-8 at 2.]³

3 On August 8, 2024, Grigsby appealed the denial of his request for expedited processing. 4 [Docket No. 16-6; Docket No. 17-9.] According to Grigsby, 5 [t]his is unquestionably a matter qualified for expedited treatment and to date, after years, the FBI has not been able to find and release a 6 single document. The FBI can release documents as they find them and scan them it is not necessary to assemble all the possible 7 documents including archived documents before releasing the first document. 8 9 [Docket No. 16-6 at 1; Docket No. 17-9 at 3.] He further provided

the following “justification for expedited treatment”: (1) FBI information leading to Grigsby’s indictments continue to pose an imminent threat to his making a living or his livelihood; (2) There was actual fraudulent government activity in falsifying transcripts and accounting records taken to the Grand Jury; (3) the indictments lacked due process because of lack of integrity in governmental activity of falsifying records; and (4) the matter of two federal indictments where Grigsby was acquitted of both involved 100s of pages of widespread and exceptional media interest and possible questions government integrity in how could any individual be found innocent in two separate indictments resulting in judge ordered acquittals. (5) This governmental falsification of records also resulted in a 3 year SEC investigation involving hundreds of subpoenas to a widespread group of municipal issuers ending in a letter of “no enforcement” or in plain English “no violations.” There was not a single corroboration of the FBI’s false claims other than from a paid informant who had already signed a plea Agreement admitting bribery of City of Miami officials which the prosecutor agreed would be forgiven or “torn up” if he testified [Falsely] against Grigsby. [Docket No. 16-6 at 2 (brackets in the original); Docket No. 17-9 at 4 (brackets in the original); see Docket No. 16-2 at 1 (August 14, 2024 email from Grigsby repeating his justifications for expedited processing).] The Office of Information Policy (“OIP”) of the DOJ acknowledged receipt of Grigsby’s appeal the same day. [Docket No. 17-10.] OIP denied Grigsby’s appeal on August 21, 2024. [Docket No. 17-11.] OIP found that Grigsby submits a letter dated July 11, 2024, which appears to be nearly identical to a July 10, 2024 letter submitted by Defendants. [Compare Docket No. 16-4 with Docket No. 17-8.] The only Grigsby “ha[d] not established that [his] request fits within any of the four Department of Justice standards for expedited treatment” such that “the FBI properly determined that [he] failed to meet [his] burden under any standard for expedited processing. Id. at 1. 4 B. Procedural History Grigsby initiated this action on January 6, 2025, seeking expedited processing of his FOIA request. See Compl. “[O]nce Plaintiff filed litigation the request was pulled from the backlog where it resided in the extra-large queue, and it was assigned directly to a FOIA analyst for review and processing at a rate of 250 pages reviewed per month. Hammer Decl. ¶ 21. Grigsby’s request is being processed at the standard rate of 250 pages reviewed per month. Id. “Given that there are an estimated 7,959 pages potentially responsive to Plaintiff’s request, completion of the processing of Plaintiff’s request is now anticipated to be approximately 33 months[,]” inclusive of “a two-month start-up time for the FOIA analyst to begin review of the first 250-page increment, apply redactions to the first batch of exempt information, move the proposed monthly interim through the review and quality control process, run security protocols, and make the first interim release to Plaintiff.” Id. ¶ 21 & n.5. The FBI filed a status report on August 5, 2025. [Docket No. 20.] On July 15, 2025, the FBI mailed its first monthly release of documents to Grigsby. Id. at 1. For that tranche, the FBI reviewed 252 out of the 7,595 pages. Out of those 252 pages, 135 pages were released to Grigsby. Id. Another 114 pages, which originated with or contained information

concerning other 20 government agencies, were sent to those agencies for review. *Id.* The FBI will provide Grigsby 21 with update about those pages once the consultation is complete. *Id.* at 1-2. The FBI anticipates 22 that its next monthly release will be on or around August 15, 2025. *Id.* at 2.

23 II. LEGAL STANDARD

24 A. Federal Rule of Civil Procedure 56 25 A court shall grant summary judgment “if . . . there is no genuine dispute as to any material 26 fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). The burden 27 of establishing the absence of a genuine issue of material fact lies with the moving party. See 1 U.S. 317, 323 (1986)). The court must view the evidence in the light most favorable to the non- 2 moving party. See *Fresno Motors, LLC v. Mercedes Benz USA, LLC*, 771 F.3d 1119, 1125 (9th Cir. 3 2014) (citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986)). A genuine issue of fact 4 exists if sufficient evidence favors the non-movant such that “a reasonable [judge or] jury could 5 return a verdict for the nonmoving party.” *Cline v. Indus. Maint. Eng’g & Contracting Co.*, 200 6 F.3d 1223, 1229 (9th Cir. 2000) (alteration in original; (quoting *Anderson*, 477 U.S. at 248). The 7 court may not weigh the evidence, assess the credibility of witnesses, or resolve issues of 8 fact. See *City of Pomona v. SQM N. Am. Corp.*, 750 F.3d 1036, 1049 (9th Cir. 9 2014) (quoting *Anderson*, 477 U.S. at 255).

10 B. FOIA’s Expedited Processing Standard 11 “Congress enacted [FOIA] to facilitate public access to government records and thereby 12 ‘ensure an informed citizenry’ that could hold the government ‘accountable to the governed.’” *Ctr. 13 for Investigative Reporting v. U.S. Dep’t of Lab.*, No. 24-880, -- F.4th --, 2025 WL 2155687, at *3 14 (9th Cir. July 30, 2025) (quoting *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978)). 15 “A governmental agency normally must process FOIA requests for agency records on a first-in, 16 first-out basis.” *Elec. Frontier Found. v. Off. of the Dir. of Nat’l Intel.*, 542 F. Supp. 2d 1181, 1184 17 (N.D. Cal. 2008). 18 However, FOIA requires “[e]ach agency [to] promulgate regulations, pursuant to notice and 19 receipt of public comment, providing for expedited processing of requests for records . . . in cases 20 in which the person requesting the records demonstrates a compelling need[.]” 5 U.S.C. 21 § 552(a)(6)(E)(i)(I); see 28 C.F.R. § 16.5(b) (“All components must designate a specific track for 22 requests that are granted expedited processing . . .”). A “compelling need” exists when “a failure to 23 obtain requested records on an expedited basis . . . could reasonably be expected to pose an 24 imminent threat to the life or physical safety of an individual,” or “with respect to a request made 25 by a person primarily engaged in disseminating information, urgency to inform the public 26 concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(I)-(II); see 27 28 C.F.R. § 16.5(e)(1). If an agency grants expedited processing, it “shall process [the request] as 1 In addition to the statutory framework, 28 C.F.R. § 16, Subpart A set forth “the rules that the 2 Department of Justice follows in processing requests for records under the Freedom of Information 3 Act[.]” 28 C.F.R. § 16.1(a). These rules are “read in conjunction with the text of the FOIA[.]” *Id.* 4 These rules also set forth conditions where expedited processing is warranted: 5 (1) Requests and appeals shall be processed on an expedited basis whenever it is determined that they

involve: 6 (i) Circumstances in which the lack of expedited processing could 7 reasonably be expected to pose an imminent threat to the life or physical safety of an individual; 8 (ii) An urgency to inform the public about an actual or alleged 9 Federal Government activity, if made by a person who is primarily engaged in disseminating information; 10 (iii) The loss of substantial due process rights; or 11 (iv) A matter of widespread and exceptional media interest in 12 which there exist possible questions about the government's integrity that affect public confidence. 13 14 28 C.F.R. § 16.5(e)(1)(i)-(iv). 15 These provisions are “‘intended to be narrowly applied.’” *Al-Fayed v. C.I.A.*, 254 F.3d 300, 16 310 (D.C. Cir. 2001) (quoting H.R. Rep. No. 104–795, at 26 (1996)). “Congress’ rationale for a 17 narrow application is clear: ‘Given the finite resources generally available for fulfilling FOIA 18 requests, unduly generous use of the expedited processing procedure would unfairly disadvantage 19 other requestors who do not qualify for its treatment.’” *Id.* (quoting H.R. Rep. No. 104–795, at 26 20 (1996)).

21 III. DISCUSSION

22 A. Timeliness of the FBI’s Response 23 As the court understands it, Grigsby appears to argue that the FBI failed to respond to his 24 FOIA request within the mandatory 20-business day period, see 5 U.S.C. § 552(a)(6)(A), and that 25 the November 18, 2024 letter informing him that “‘unusual circumstances’ appl[ied] to the 26 processing of [his] request” did not toll that time period. *Mot.* at 7. According to Grigsby, this 27 failure entitles him to expedited processing, and he seeks “an order requiring at the very least 2500 1 Defendants contend that the FBI’s response was proper, as it acknowledged Grigsby’s FOIA 2 request with 7 days of receipt thereof, and its November 18, 2024 letter notifying him of “unusual 3 circumstances” contained the statutorily required language. *Id.* at 5-6. Defendants note that the FBI 4 “advised [Grigsby] of the volume to be reviewed for his request, and provided transparent timelines 5 for its anticipated responses.” *Id.* at 6. Defendants also argue that the additional time needed to 6 process Grigsby’s request was proper, as “[t]he FBI is facing considerable workload despite limited 7 staffing and the challenge of equitably allocating its finite resources across competing mandates.” 8 *Id.* 9 An agency that receives a FOIA request has 20 business days to “determine . . . whether to 10 comply with such request and shall immediately notify the person making such request of” (1) the 11 determination to comply or not, and the reasons for such determination; (2) “the right of such person 12 to seek assistance from the FOIA Public Liaison of the agency”; and (3) if the determination is 13 adverse, the right to appeal and seek dispute resolution services. 5 U.S.C. § 552(a)(6)(A)(i)(I)-(III). 14 A “determination” does not mean a production of documents. *Seavey v. Dep’t of Just.*, 266 F. Supp. 15 3d 241, 244 (D.D.C. 2017). Rather, once the agency determines it will comply with the request, 16 “the records shall be made promptly available to such person making such request.” 5 U.S.C. 17 § 552(a)(6)(C)(i). 18 The deadline may be extended by 10 days if the agency determines there are “unusual 19 circumstances” that delay the agency’s ability to review the request, and the agency “notif[ies] the 20 person making the request if the request cannot be processed within the . . . time limit . . . and 21 provide[s] the person an opportunity to limit the scope of the request so

that it may be processed 22 within that time limit or an opportunity to arrange with the agency an alternative time frame for 23 processing the request or a modified request.” 5 U.S.C. § 552(a)(4) (viii)(II)(aa), (a)(6)(B)(ii). 24 “Unusual circumstances” are defined, “but only to the extent reasonably necessary to the proper 25 processing of the particular requests,” as 26 (I) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office 27 processing the request; voluminous amount of separate and distinct records which are 1 demanded in a single request; or 2 (III) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in 3 the determination of the request or among two or more components of the agency having substantial subject-matter interest therein. 4 5 5 U.S.C. § 552(a)(6)(A)(iii). Any delay beyond the 10-day extension for “unusual circumstances” 6 requires “exceptional circumstances.” 5 U.S.C. § 522(a)(6)(B)(6)(C)(i). 7 The court finds that the FBI’s response complied with FOIA’s requirements. Grigsby 8 submitted his FOIA request on October 15, 2021, and the FBI acknowledged receipt thereof 6 days 9 later, on October 22, 2021. [Docket Nos. 17-2, 17-3.] The October 22, 2021 letter also makes clear 10 that the FBI needed additional information to assess Grigsby’s request. [Docket No. 17-4.] Grigsby 11 provided the requested information in a response signed on November 1, 2021, which the FBI 12 received on November 8, 2021. See *id.*; Hammer Decl. ¶ 7 & n2. In three letters dated

13 November 18, 2021, the FBI acknowledged receipt of Grigsby’s FOIA request and provided him

14 with the assigned FBI FOIPA Request Number; informed him that his request for expedited 15 processing was denied because he did “not provide[] enough information concerning the statutory 16 requirements permitting expedition; and notified him that “unusual circumstances” applied to his 17 request. [Docket Nos. 17-4, 17-5, 17-6.] 18 The court finds that November 8, 2021—the date the FBI received the additional requested 19 information from Grigsby—was the triggering date for the FBI to determine whether to comply with 20 Grigsby’s request and notify him of the determination, as required by 5 U.S.C. § 552(a)(6)(A)(i). 21 See *Trupe v. Bureau of Customs & Border Prot.*, No. CIV. A. 07-0475 PLF, 2008 WL 249878, 22 at *1 (D.D.C. Jan. 29, 2008) (“The FOIA requires an agency ‘to determine within twenty days after 23 the receipt’ of a properly submitted request ‘whether to comply with the request’ and to notify the 24 requester accordingly. 5 U.S.C. § 552(a)(6)(A)(i) (emphasis added). It therefore follows that an 25 agency’s FOIA obligations are not triggered until a request has been received.”). Thus, the FBI had 26 until November 23, 2021 (November 8, 2021 + 10 business days) to make a determination and notify 27 Grigsby thereof. The November 18, 2021 letters fall well within that deadline. 1 information required by 5 U.S.C. § 552(a)(6)(B)(ii). It identified the “unusual circumstances”: 2 There is a need to search for and collect records from field offices and/or other offices that are separate from the FBI 3 Record/Information Dissemination Section (RIDS). 4 There is a need to search for, collect, and examine a voluminous amount of separate and distinct records. 5 There is a need for

consultation with another agency or two or more 6 DOJ components. 7 [Docket No. 17-6 at 2.] 8 Grigsby's contention that none of the "unusual circumstances" identified in the November 8, 9 2021 letter apply to him is unsupported by any evidence. For instance, his assertion that his "request 10 is for a single individual and his solely owned company" (Mot. at 7) does not necessarily exclude 11 the possibility that there is a "voluminous amount of separate and distinct records." Given that his 12 request broadly seeks "all FBI Agency records . . . which refer to . . . Calvin Grigsby" over a 36- 13 year time period [Docket No. 17-2 at 3 (emphasis added)], it is entirely plausible that his request 14 would hit on a "voluminous amount of separate and distinct records." Indeed, the FBI has identified 15 over 7,500 potentially responsive documents. [Docket Nos. 17-7, 17-8.] 16 Grigsby also fails to present any evidence to support his assertion that "[n]o other agency is 17 involved, as far has been disclosed." Mot. at 7. Nothing in the record before the court indicates that 18 the FBI did not need to consult with "another agency or two or more DOJ components" or, for that 19 matter, that the requested records were retrieved from sources other than the FBI 20 Record/Information Dissemination Section.⁴ 21 The letter also informed Grigsby of the following: 22 You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in 23 a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your 24 information. [...] 25 You may seek dispute resolution services by contacting the Office of 26 27 4 To the contrary, Defendants' August 5, 2025 status report states that other government agencies Government Information Services (OGIS). The contact information 1 for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road- 2 OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684- 3 6448; or facsimile at 202-741-5769. 4 [...] Alternatively, you may contact the FBI's FOIA Public Liaison by 5 emailing foipaquestions@fbi.gov. 6 Docket No. 17-6 at 2-3. This comports with § 552(a)(6)(B)(ii)'s requirement that the agency's 7 written notice of "unusual circumstances" "provide the person an opportunity to limit the scope of 8 the request . . . , . . . make available its FOIA Public Liaison, . . . and notify the requester of the right 9 of the requester to seek dispute resolution services from the Office of Government Information 10 Services." 11 The court thus finds that Grigsby has not established that the FBI failed to comply with 12 FOIA's notification requirements. In any event, Grigsby fails to show that expedited processing is 13 an available remedy for any alleged noncompliance. As explained below, the FOIA statute sets 14 forth specific circumstances that justify expedited processing. An allegedly improper agency 15 response is not one of them. 16 B. Compelling Need for Expedited Processing 17 Grigsby argues that the FBI did not have a basis to deny his request for expedited processing.

18 Mot. at 11. He further contends that he has a compelling need for expedited processing because 19 "the widespread media interest in this case is overwhelming" and because he has a "need to rectify 20 due process violations in two separate acquittals." Id. at 12. Defendants argue the FBI's

denial was 21 proper and that neither of the reasons presented in Grigsby's motion constitute a basis for expedited 22 processing. Opp'n at 7-10. 23 1. The FBI's Denial of Expedited Processing 24 The FBI's letter identified the four circumstances set forth in 28 C.F.R. § 16.5(e)(1) under 25 which Defendants could grant expedited processing. [Docket No. 17-5 at 2.] The letter then 26 explained that "[y]ou have not provided enough information concerning the statutory requirements 27 permitting expedition; therefore, your request is denied." Id. 1 processing summarized his indictments and court cases, and stated that "I am attempting to have the 2 falsely procured indictments set aside. I am 75 years old and not a lot of time left to try and clear 3 my name." The age of the person making the request is not one of the factors that Defendants may 4 consider when determining whether expedited processing is appropriate. See 28 C.F.R. 5 § 16.5(e)(1)(i)-(iv). Absent information showing the existence of the circumstances identified in 28 6 C.F.R. § 16.5(e)(1)(i)-(iv), the FBI was not required to grant Grigsby's request. 7 2. Grigsby's Compelling Needs 8 Grigsby also fails to show that he now has a compelling need for expedited processing. The 9 indictments and acquittals occurred between 1996 and 1999. Nothing in the record indicates that 10 Grigsby is currently experiencing a "loss of substantial due process rights" that justifies expedited 11 processing. 28 C.F.R. § 16.5(e)(1)(iii). 12 Similarly, the court cannot find that Grigsby's request concerns "[a] matter of widespread 13 and exceptional media interest in which there exist possible questions about the government's 14 integrity that affect public confidence." 28 C.F.R. § 16.5(e)(1)(iv). Although Grigsby submits a 15 number of news articles about his indictments, acquittals, and subsequent discrimination lawsuit, 16 the majority of the articles are dated between 1986 and 1999, with only one dated over a decade ago 17 in 2014. [See Docket No. 16-5.] 18 Given the lack of evidence of any current "substantial loss of due process" or "widespread 19 and exceptional media interest," 28 C.F.R. § 16.5(e)(1)(iii)-(iv), coupled with the fact that the 20 "categories for compelling need are intended to be narrowly applied," *Al-Fayed*, 254 F.3d at 310 21 (cleaned up), the court finds that Grigsby fails to establish that he is entitled to expedited processing. 22 In light of this finding, the court also does not find that the FBI's denial of expedited processing was 23 improper.

24 IV. CONCLUSION

25 For the foregoing reasons, the court denies Grigsby's motion. 26 // 27 // 1 IT IS SO ORDERED. 2 3 // Dated: August 19, 2025 Lie — 4 Donna M. Ryu 5 Chief Magistrate Judge 6 7 8 9 10 11 a 12 © 15 16 it 4 18 19 20 21 22 23 24 25 26 27 28