

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Ball v. Department of Justice, et al.

Ball · No. Civil Action No. 24-2365 (JEB) · Decided November 24, 2025

SUMMARY

The District Court for the District of Columbia denied William B. Ball’s motion for leave to amend his Freedom of Information Act complaint to add the Executive Office for United States Attorneys as a defendant. The court held that the proposed claim was futile because claim preclusion and issue preclusion barred relitigation of the withholding of the requested document.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	James E. Boasberg
JURISDICTION	United States District Court for the District of Columbia
DECIDED	November 24, 2025
DOCKET	Civil Action No. 24-2365 (JEB)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to amend his complaint to join the Executive Office for United States Attorneys as a defendant and compel production of a specific record under the Freedom of Information Act. The district court denied the motion, finding the proposed amendment futile because the claim was barred by claim preclusion and issue preclusion.
STANDARD OF REVIEW	Leave to amend under Federal Rule of Civil Procedure 15(a)(2) is committed to the district court's discretion, although denial is improper absent sufficient reason. Futility is assessed under the standard applicable to a motion to dismiss: amendment may be denied if the proposed claim would not survive dismissal.
PRECEDENTIAL VALUE	Published district court memorandum opinion; persuasive authority within the district and nonbinding authority outside it.
PARTIES	William B. Ball v. Department of Justice, Department of Justice Office of Inspector General, Department of Homeland Security Office of Inspector General, United States Immigration and Customs Enforcement, other federal defendants

TOPICS

motion to amend res judicata civil procedure administrative law

PRACTICE AREAS

Civil procedure Freedom of Information Act Administrative law

QUESTIONS PRESENTED

1. Whether leave to amend should be denied as futile because Ball's proposed FOIA claim against EOUSA was barred by claim preclusion.
2. Whether leave to amend should be denied as futile because the propriety of EOUSA's withholding had already been actually and necessarily decided, triggering issue preclusion.

HOLDINGS

1. The proposed amendment was futile because claim preclusion barred Ball from asserting a FOIA claim seeking the same document that had already been litigated in a prior action between Ball and EOUSA and resolved by a final judgment on the merits.
2. The proposed amendment was independently futile because issue preclusion barred relitigation of whether EOUSA could withhold the requested document under the attorney-work-product privilege.

KEY QUOTATIONS

“Amendment should not be permitted if it would be futile — in other words, if the new causes of action would still be deficient notwithstanding the proposed amendment.” (at 2)

“Since Plaintiff seeks to compel disclosure of a record “absolutely identical” to one litigated in a prior FOIA proceeding, the Court finds that his cause of action shares the “same nucleus of facts.”” (at 4)

“The Court finds the amendment is futile as Ball’s claim against EOUSA is barred by both claim preclusion and issue preclusion.” (at 6)

FACTUAL BACKGROUND

Ball, who is serving a 262-month federal sentence after pleading guilty to attempted child enticement and transportation of child pornography, filed multiple FOIA suits seeking records concerning his arrest and prosecution. In a prior FOIA action involving EOUSA, the district court upheld EOUSA's withholding under FOIA Exemption 5 of an internal DOJ memorandum approving the filing of the criminal complaint. Ball later submitted a renewed request for that same document and moved to add EOUSA to this case to compel its production.

PROCEDURAL HISTORY

Ball previously brought FOIA litigation concerning records related to his criminal case. In an earlier action involving EOUSA, the district court granted partial summary judgment for EOUSA and upheld its withholding of the specific document Ball now sought under the attorney-work-product privilege. During the pendency of

this separate FOIA action against other federal agencies, Ball renewed his request for that document and moved to join EOUSA; the court denied leave to amend.

DISPOSITION

other

CASES CITED

- United States v. Ball, 835 F. App'x 493, 494 (11th Cir. 2020)
- Ball v. U.S. Marshals Serv., 2021 WL 4860590 (D.D.C. Oct. 19, 2021)
- Ball v. EOUSA, 2024 WL 4024494 (D.D.C. Sept. 3, 2024)
- Firestone v. Firestone, 76 F.3d 1205, 1208 (D.C. Cir. 1996)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- In re Interbank Funding Corp. Securities Litigation, 629 F.3d 213, 218 (D.C. Cir. 2010)
- James Madison Ltd. v. Ludwig, 82 F.3d 1085, 1099 (D.C. Cir. 1996)
- Nwachukwu v. Karl, 222 F.R.D. 208, 211 (D.D.C. 2004)
- Montana v. United States, 440 U.S. 147, 153 (1979)
- Hardison v. Alexander, 655 F.2d 1281, 1288 (D.C. Cir. 1981)
- Smalls v. United States, 471 F.3d 186, 192 (D.C. Cir. 2006)
- Drake v. FAA, 291 F.3d 59, 66 (D.C. Cir. 2002)
- Elec. Priv. Info. Ctr. v. IRS, 575 F. Supp. 3d 84, 92 (D.D.C. 2021)
- Roman v. National Reconnaissance Office, 952 F. Supp. 2d 159, 164 (D.D.C. 2013)
- Negley v. FBI, 169 F. App'x 591, 594 (D.C. Cir. 2006)
- Jackson v. Office of the Mayor, 911 F.3d 1167, 1171 (D.C. Cir. 2018)
- McAlister v. Potter, 843 F. Supp. 2d 117, 120 (D.D.C. 2012)
- Montgomery v. Internal Revenue Service, 40 F.4th 702, 709 (D.C. Cir. 2022)
- Martin v. DOJ, 488 F.3d 446, 454 (D.C. Cir. 2007)
- Lardner v. DOJ, 638 F. Supp. 2d 14, 22 (D.D.C. 2009)
- Otherson v. DOJ, 711 F.2d 267, 273 (D.C. Cir. 1983)
- Parklane Hosiery Co. v. Shore, 439 U.S. 322, 330 (1979)
- Blonder-Tongue Laboratories, Inc. v. University of Illinois Foundation, 402 U.S. 313, 333 (1971)