

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
ARKANSAS, FORT SMITH DIVISION

Maxis Richards v. National Security Agency

Richards v. National Security Agency, Case No. 2:25-CV-2098 (W.D. Ark. May 4, 2026) · No. 2:25-CV-2098 ·
Decided May 4, 2026

SUMMARY

The United States District Court for the Western District of Arkansas grants the National Security Agency’s motion for summary judgment in a Freedom of Information Act action. The court holds that the NSA’s Glomar response is justified under FOIA Exemptions 1 and 3 and dismisses the case with prejudice.

CASE DETAILS

COURT	United States District Court for the Western District of Arkansas, Fort Smith Division
WRITING FOR THE COURT	Timothy L. Brooks
JURISDICTION	United States District Court for the Western District of Arkansas, Fort Smith Division
DECIDED	May 4, 2026
DOCKET	2:25-CV-2098
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a Freedom of Information Act action seeking declaratory and injunctive relief after the National Security Agency issued a Glomar response. The NSA moved to dismiss; the court converted the motion to one for summary judgment after providing notice and an opportunity for supplemental briefing. The court granted summary judgment to the NSA and dismissed the action with prejudice.
STANDARD OF REVIEW	The court reviewed the agency's FOIA response de novo under 5 U.S.C. § 552(a)(4)(B). Summary judgment was proper if there was no genuine dispute of material fact and the movant was entitled to judgment as a matter of law. In evaluating the NSA's declarations, the court required reasonably specific justifications showing that the withheld information logically fell within a claimed exemption and was not contradicted by contrary evidence or evidence of bad faith.

PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Maxis Richards v. National Security Agency

TOPICS

summary judgment motions to dismiss judicial review of agency action administrative law
civil procedure

PRACTICE AREAS

Freedom of Information Act administrative law civil procedure national security

QUESTIONS PRESENTED

1. Whether Richards had standing to challenge the NSA's FOIA response despite the name discrepancy between the original requester and the plaintiff.
2. Whether Richards exhausted his administrative remedies before filing suit.
3. Whether the NSA was entitled to summary judgment because its Glomar response was justified under FOIA Exemption 1.
4. Whether the NSA was alternatively entitled to summary judgment under FOIA Exemption 3.

HOLDINGS

1. Richards had standing to challenge the NSA's FOIA response because, when his pro se pleadings were liberally construed and given the benefit of the doubt, the record showed that he was the same person who submitted the FOIA request.
2. Richards properly exhausted his administrative remedies before filing suit.
3. The NSA was entitled to withhold confirmation or denial of the existence of responsive records under FOIA Exemption 1 because the requests implicated national security and concerned intelligence sources or methods protected under Executive Order 13526.
4. The NSA was alternatively entitled to withhold confirmation or denial of the existence of responsive records under FOIA Exemption 3 because federal statutes required protection of the information without agency discretion to disclose it.

KEY QUOTATIONS

“Under Rule 56(a), summary judgment is proper “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.””

“The agency bears the burden of justifying the withholding of material responsive to a FOIA request, and the court reviews the agency’s response to the request de novo.”

“Ultimately, an agency’s justification for invoking a FOIA exemption is sufficient if it appears ‘logical’ or ‘plausible.’”

FACTUAL BACKGROUND

A FOIA requester, initially identified as Eric Pratt, sought records from the NSA concerning alleged surveillance, targeting, intelligence databases, and intelligence-gathering programs and methods. The NSA responded that it could neither confirm nor deny the existence of responsive records, invoking FOIA Exemptions 1 and 3. Pratt legally changed his name to Maxis Richards before attempting to appeal, but the NSA did not recognize the appeal because it was unaware that the two names referred to the same person. The NSA later submitted a sworn declaration explaining its Glomar response and the national-security basis for withholding.

PROCEDURAL HISTORY

Eric Pratt submitted a FOIA request to the NSA and later legally changed his name to Maxis Richards without informing the agency. The NSA issued a Glomar response, and it did not recognize Richards's subsequent administrative appeal because of the name discrepancy. Richards filed suit on September 5, 2025. After converting the NSA's motion to dismiss into a summary-judgment motion under Federal Rule of Civil Procedure 12(d), the court held that Richards had standing and had exhausted his administrative remedies, but ruled that the NSA's withholding was justified under FOIA Exemptions 1 and 3.

DISPOSITION

dismissed

CASES CITED

- *Gardels v. CIA*, 689 F.2d 1100, 1103 (D.C. Cir. 1982)
- *Phillippi v. CIA*, 655 F.2d 1325, 1330 (D.C. Cir. 1981)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986)
- *Canada v. Union Elec. Co.*, 135 F.3d 1211, 1212–13 (8th Cir. 1998)
- *John Doe Agency v. John Doe Corp.*, 493 U.S. 146, 152 (1989)
- *Larson v. U.S. Dep't of State*, 565 F.3d 857, 862 (D.C. Cir. 2009)
- *SafeCard Servs., Inc. v. SEC*, 926 F.2d 1197, 1200 (D.C. Cir. 1991)
- *Ctr. for Nat'l Sec. Stud. v. DOJ*, 331 F.3d 918, 926–27 (D.C. Cir. 2003)