

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Michael Driggs; Thomas Michael Logan; David Logan; Megan Marx; Terri Mumley; John Zimmerlee; Carol Hrdlicka; George Patterson; POW Investigative Project, Inc. v. Central Intelligence Agency

Driggs v. CIA · No. 25-2177 · Decided August 4, 2026

SUMMARY

The Fourth Circuit affirmed summary judgment for the Central Intelligence Agency in a Freedom of Information Act action seeking records concerning prisoners of war and missing-in-action issues. The court held that the plaintiffs had not shown grounds requiring a search of the CIA’s exempt operational files and that the CIA adequately supported redactions to a joint report under FOIA Exemptions 1 and 3. The court also upheld the district court’s refusal to conduct an in camera review of the redacted material.

CASE DETAILS

COURT	United States Court of Appeals for the Fourth Circuit
WRITING FOR THE COURT	Chief Judge Diaz; Judge Harris; Judge Benjamin
JURISDICTION	Federal
DECIDED	August 4, 2026
DOCKET	25-2177
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed the Eastern District of Virginia's grant of summary judgment to the CIA in a Freedom of Information Act action and denial of plaintiffs' motions seeking disclosure of redacted information, an order compelling a search of CIA operational files, and in camera inspection.
STANDARD OF REVIEW	De novo review of the denial of the motion to compel a search of CIA operational files and of whether the CIA affidavit supported the redactions; summary judgment may be entered on sufficiently detailed, good-faith agency affidavits. The court also reviewed the denial of in camera inspection for abuse of discretion absent bad faith.
PRECEDENTIAL VALUE	Published and precedential

PARTIES

Michael Driggs, Thomas Michael Logan, David Logan, Megan Marx, Terri Mumley, John Zimmerlee, Carol Hrdlicka, George Patterson, POW Investigative Project, Inc. v. Central Intelligence Agency

TOPICS

administrative law

judicial review of agency action

summary judgment

standard of review

appellate procedure

PRACTICE AREAS

Freedom of Information Act

administrative law

national security law

government information disclosure

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court properly denied plaintiffs' request to compel the CIA to search its exempted operational files under the CIA Information Act.
2. Whether the CIA's affidavit adequately established that the redacted portions of the Joint Report were exempt from disclosure under FOIA Exemptions 1 and 3.
3. Whether alleged misconduct concerning the CIA's underlying National Intelligence Estimate required the court to disregard the CIA affidavit's presumption of credibility or conduct in camera review.

HOLDINGS

1. The district court properly denied the motion to compel because plaintiffs did not show that the CIA had improperly withheld requested records or that the records were improperly placed in or improperly exempted as operational files.
2. The CIA's affidavit adequately established that the redacted portions of the Joint Report were exempt from disclosure under FOIA Exemptions 1 and 3, independently supporting summary judgment for the CIA.
3. Plaintiffs failed to meet the high standard necessary to require review of the CIA's conduct outside the present FOIA action or to overcome the presumption that the CIA affidavit was credible; the district court therefore did not abuse its discretion in denying in camera review.

KEY QUOTATIONS

“A court must order a search if it determines that the CIA “improperly withheld” the requested records because of “improper placement solely in exempted operational files,”” (slip op. at 5)

“A court may “enter summary judgment on the basis of agency affidavits” attesting that an exemption applies if the affidavit is “relatively detailed” and “submitted in good faith.”” (slip op. at 8)

“But the law only requires that the CIA “fairly describe the content of the material withheld and adequately state its grounds for nondisclosure.”” (slip op. at 10)

“But even if that were so, a disagreement about the rigor and merits of the CIA’s work is not enough to show agency bad faith.” (slip op. at 12)

FACTUAL BACKGROUND

Plaintiffs submitted a FOIA request for CIA documents concerning American prisoners of war and U.S. government efforts to recover them, including the Joint Report on a 1998 National Intelligence Estimate regarding prisoner-of-war and missing-in-action issues. The CIA identified 130 documents, released 35 in full, released 85 in part, and withheld 10 in full. The CIA supported its redactions with an affidavit explaining that the material revealed intelligence priorities, operational locations, intelligence methods, sources, foreign relationships, and exempt personnel information.

PROCEDURAL HISTORY

Plaintiffs requested CIA records concerning American prisoners of war and government efforts to recover them, including a report prepared by the CIA and Department of Defense. Before the CIA responded, plaintiffs sued and moved to compel a search of the CIA's operational files; the district court denied that motion. After the CIA produced some records and withheld or redacted others, the CIA moved for summary judgment and plaintiffs cross-moved for summary judgment and in camera review. The district court granted the CIA's motion and denied plaintiffs' motions, and the Fourth Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- Accuracy in Media v. CIA, 134 F.4th 1236 (D.C. Cir. 2025)
- Jud. Watch, Inc. v. CIA, 310 F. Supp. 3d 34 (D.D.C. 2018)
- Hall v. CIA, No. 04-814, 2019 WL 13160061, at *2 (D.D.C. Aug. 2, 2019)
- Empower Oversight Whistleblowers & Rsch. v. Nat’l Insts. of Health, 122 F.4th 92 (4th Cir. 2024)
- Zaid v. Dep’t of Just., 96 F.4th 697 (4th Cir. 2024)
- Hanson v. U.S. Agency for Int’l Dev., 372 F.3d 286 (4th Cir. 2004)
- Simmons v. U.S. Dep’t of Just., 796 F.2d 709 (4th Cir. 1986)
- Spannaus v. U.S. Dep’t of Just., 813 F.2d 1285 (4th Cir. 1987)
- Fitzgibbon v. CIA, 911 F.2d 755 (D.C. Cir. 1990)
- CIA v. Sims, 471 U.S. 159 (1985)
- Rugiero v. U.S. Dep’t of Just., 257 F.3d 534 (6th Cir. 2001)
- Hayden v. Nat’l Sec. Agency/Cent. Sec. Serv., 608 F.2d 1381 (D.C. Cir. 1979)
- Jones v. FBI, 41 F.3d 238 (6th Cir. 1994)
- Mountain Valley Pipeline, LLC v. 8.37 Acres of Land by Terry, 101 F.4th 350 (4th Cir. 2024)

