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7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**  
9 **OAKLAND DIVISION**

10 VICTORIA LAW,  
11  
12 PLAINTIFF,  
13  
14 vs.  
15  
16 FEDERAL BUREAU OF PRISONS,  
17  
18 DEFENDANT.

CASE NO.: 4:24-CV-06628-YGR

**[PROPOSED] ORDER ON PLAINTIFF’S  
MOTION FOR PARTIAL JUDGMENT ON  
THE PLEADINGS AND DECLARATORY  
JUDGMENT**

HON. YVONNE GONZALEZ ROGERS  
COURTROOM NUMBER: 1  
DATE & TIME OF HEARING: SEPTEMBER 30,  
2025

17 THIS MATTER comes before the Court on Plaintiff Law’s Motion for Partial Judgment on the  
18 Pleadings and Declaratory Judgment filed on August 19, 2025. The Court, having reviewed the  
19 pleadings and attachments, the parties' Memorandums, GRANTS Plaintiff’s Motion.

20 The court declares, pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201, that the Defendant  
21 violated the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

22 The Court finds that there is no genuine issue of material fact that Defendant BOP, as a matter of law:

- 23  
24  
25 1. Failed to complete a timely, reasonable search for records responsive to Plaintiff’s request in  
26 violation of 5 U.S.C. §§ 552(a)(3)(A); (a)(3)(C)-(D);  
27 2. Failed to make a timely “determination” on Plaintiff’s request in violation of 5 U.S.C. §  
28 552(a)(6)(A)(i);

- 1 3. Improperly withheld agency records in violation of 5 U.S.C. § 552(a)(4)(B);
- 2 4. Failed to process Plaintiff expedited processing request “as soon as practicable,” in violation of 5  
3 U.S.C. § 552(a)(6)(E)(iii) and 28 C.F.R. §§ 16.5(b) and (e);
- 4 5. Failed to make responsive records “promptly available” in violation of 5 U.S.C. §§ 552(a)(3)(A)  
5 and 552(a)(6)(C)(i);
- 6 6. Failed to “provide the record[s] in any form or format requested... if the record is readily  
7 reproducible by the agency in that form or format.” 5 U.S.C. 552(a)(3)(B);
- 8 7. Failed to demonstrate exceptional circumstances and due diligence in responding to Plaintiff  
9 Law’s request, which deprives the Court of its discretionary authority under the statute to “retain  
10 jurisdiction and allow the agency additional time to complete its review of records.” 5 U.S.C. §  
11 552(a)(6)(C)(i).  
12

13  
14 The Court orders that within the next 30 days BOP must:

- 15 1. Complete its search for all records responsive to Plaintiff’s request;
- 16 2. Issue a determination, including identifying what responsive records exist, how many there are,  
17 an estimated date for completing production, and what exemptions it intends to claim;
- 18 3. Cease improperly withholding agency records from Plaintiff and produce all records improperly  
19 held;
- 20 4. Make records promptly available;
- 21 5. Produce each record in its native format with metadata preserved, retaining original file names  
22 and structure (aggregating multiple distinct records into a single file is prohibited), unless it  
23 demonstrates in writing and with specificity that a record cannot be reproduced in that format;
- 24 6. Begin expeditious proceedings in this action pursuant to 28 U.S.C. § 1657; and FRCP 12(a)(2)  
25 (Courts are not required to automatically accord expedited treatment to FOIA lawsuit; however,  
26 as with other civil actions, they may do so "if good cause therefore is shown.");  
27  
28

- 1 7. Designate an expedited processing queue, move the Request to the front of the queue, process  
2 the Request and disclose, in their entirety, unredacted versions of all records responsive to the  
3 Request that are not specifically exempt from disclosure under FOIA, including any non-  
4 identical copies of any such records;
- 5 8. File monthly status reports stating, at minimum, the number of deduplicated pages the Defendant  
6 released and withheld, and on what basis, the locations searched, custodians contacts, the terms  
7 used, whether releases were in native format, exemptions claimed, and what remains to be  
8 searched; and
- 9 9. Preserve all potentially responsive records, including electronically stored information, pending  
10 final resolution of this action.  
11

12  
13 The Court will:

- 14 10. Retain jurisdiction of this action to ensure that no agency records are wrongfully withheld;
- 15 11. Award Plaintiff attorney's fees and litigation costs incurred in this action, pursuant to 5 U.S.C. §  
16 552(a)(4)(E).  
17

18  
19 IT IS SO ORDERED.  
20

21 Dated: \_\_\_\_\_  
22

23 \_\_\_\_\_

24 **Yvonne Gonzalez Rogers**  
25 **United States District Judge**  
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27  
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