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

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

CASE No.: 4:24-cv-06628-YGR

**PLAINTIFF’S MOTION FOR PARTIAL
JUDGMENT ON THE PLEADINGS,
DECLARATORY JUDGMENT**

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

15
16 COMES NOW the Plaintiff, Victoria Law (“Plaintiff”), and pursuant to Rules 12(c) of the Federal Rules
17 of Civil Procedure, the Declaratory Judgment Act, 28 U.S.C. § 2201, and Civil L.R. 7, respectfully
18 moves this Honorable Court for partial judgment on the pleadings and declaratory judgment in her favor
19 and against Defendant Federal Bureau of Prisons (“BOP” or “Defendant”), per the judicial review
20 provisions of the Freedom of Information Act (FOIA), 5 U.S.C. §§ 552(a)(4)(B) as follows:

- 21
22 1. Plaintiff is entitled to Partial Judgment on the Pleadings pursuant to Fed. R. Civ. P. 12(c) that
23 Defendant has unlawfully withheld agency records by:
24
25 a. Failing to complete a search in violation of 5 U.S.C. §§ 552(a)(3)(A); (a)(3)(C)-(D);
26 b. Failing to make a timely “determination” on Plaintiff’s request in violation of 5 U.S.C. §
27 552(a)(6)(A)(i). *Fiduccia v. United States Dep’t of Justice*, 185 F.3d 1035, 1041 (9th Cir.
28 1999); *see also CREW v. FEC*, 711 F.3d 180 (D.C. Cir. 2013);

- 1 c. Improperly withholding records in violation of 5 U.S.C. § 552(a)(4)(B);
- 2 d. Failing to process Plaintiff Law’s granted expedited processing request “as soon as
- 3 practicable” and instead placing it in the back of the agency’s backlogged regular
- 4 processing queue in violation of 5 U.S.C. § 552(a)(6)(E)(iii) and 28 C.F.R. §§ 16.5(b)
- 5 and (e); and
- 6 e. Failing to make responsive records “promptly available” as required by 5 U.S.C. §§
- 7 552(a)(3)(A) and 552(a)(6)(C)(i). *United States Dep’t of Justice v. Tax Analysts*, 492 U.S.
- 8 136 (1989).
- 9 2. Plaintiff is entitled to Declaratory Judgment pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §
- 10 2202 that:
- 11 a. Defendant has unlawfully withheld agency records and failed to comply with FOIA’s
- 12 timing provisions as part of a pattern and practice of agency decisions that render its
- 13 FOIA office incapable of upholding its obligations under the statute. *Natural Res. Def.*
- 14 *Council, Inc. v. EPA*, 966 F.2d 1292, 1299 (9th Cir. 1999); *Fiduccia v. United States*
- 15 *Dep’t of Justice*, 185 F.3d 1035, 1041 (9th Cir. 1999);
- 16 b. Defendant has unlawfully withheld agency records by failing to make all nonexempt
- 17 responsive records promptly available as required by 5 U.S.C. § 552(a)(4)(B);
- 18 c. Defendant has failed to process Plaintiff’s expedited processing request “as soon as
- 19 practicable,” in violation of 5 U.S.C. § 552(a)(6)(E)(iii) and 28 C.F.R. §§ 16.5(b) and (e);
- 20 d. Defendant has failed to “provide the record[s] in any form or format requested... if the
- 21 record is readily reproducible by the agency in that form or format.” 5 U.S.C.
- 22 552(a)(3)(B); and
- 23 e. Defendant BOP has failed to show exceptional circumstances and due diligence in
- 24 responding to Plaintiff Law’s request.” 5 U.S.C. § 552(a)(6)(C)(i); and
- 25 f. The Court is deprived of its discretionary authority under the statute to “retain
- 26 jurisdiction and allow the agency additional time to complete its review of records.” 5
- 27 U.S.C. § 552(a)(6)(C)(i).
- 28 3. Plaintiff is entitled to attorney’s fees and litigation costs incurred in this action, pursuant to 5
- U.S.C. § 552(a)(4)(E).

A memorandum of points and authorities accompanies this Motion.

1 Respectfully submitted,

2 DATED: August 19, 2025

3 Signature: _____/s/_____

4 By: Caitlin Kelly Henry, Esq.

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