

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

VICTORIA LAW,

Plaintiff,

vs.

FEDERAL BUREAU OF PRISONS,

Defendant.

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

**ORDER DENYING MOTION FOR JUDGMENT
ON THE PLEADINGS;**

**ORDER TO MEET AND CONFER ON
MAGISTRATE JUDGE JURISDICTION; AND**

**SETTING CASE MANAGEMENT
CONFERENCE**

Now before the Court is plaintiff Victoria Law’s motion for judgment on the pleadings. Dkt. No. 45. Defendant Federal Bureau of Prisons (“BOP”) opposes it. Dkt. No. 47. For the reasons set forth below, the Court **DENIES** the motion.

I. BACKGROUND

A. Allegations in the Operative Complaint

For the purpose of resolving the present motion, the Court accepts the allegations in the complaint, Dkt. No. 1, as true.

This action for injunctive and declaratory relief arises out of a request for records that plaintiff Victoria Law, a journalist, submitted to BOP under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, *et seq.*, on July 5, 2024. *Id.* ¶¶ 1-2, 6, 32. The request calls for records related to the closure of Federal Correctional Institution Dublin (“FCI Dublin”). *Id.* ¶ 32. Plaintiff requested expedited processing for the request. *Id.*

On July 10, 2024, BOP notified plaintiff’s counsel that the request met the requirements for expedited processing and would be processed as soon as practicable. *Id.* ¶ 33.

1 In early August 2024, plaintiff's counsel emailed BOP to request a timeline for the
2 processing of her request. *Id.* ¶¶ 34, 35. On August 13, 2024, BOP responded that a search was
3 still being conducted for responsive records, and that the anticipated date of completion was
4 January 10, 2025. *Id.* ¶ 36. After BOP failed to produce records or to communicate a
5 determination of which documents it would produce and withhold, plaintiff filed this action on
6 September 20, 2024. *Id.* ¶¶ 39-41.

7 Plaintiff asserts five claims against BOP for violations of FOIA, which arise out of BOP's
8 alleged failure to: (1) make an expedited determination as to her request; (2) conduct adequate
9 searches for responsive records; (3) produce non-exempt responsive records; (4) classify plaintiff
10 as a member of the news media for the purpose of expedited status and fee waivers; and (5) grant a
11 fee waiver. *See id.* ¶¶ 48-84.

12 Plaintiff seeks, among other remedies, a declaration that BOP violated FOIA and that
13 plaintiff is entitled to the disclosure of the records she requested; an order enjoining BOP from
14 continuing to withhold non-exempt records that are responsive to her request; and attorneys' fees
15 and costs pursuant to 5 U.S.C. § 552(a)(4)(E).

16 **B. Procedural History**

17 As noted, plaintiff filed this action on September 20, 2024. Dkt. No. 1. BOP filed an
18 answer on November 27, 2024. Dkt. No. 16.

19 On January 30, 2025, the Court vacated an initial case management conference and
20 referred the parties to Magistrate Judge Tse for "discovery including production issues." Dkt. No.
21 29.

22 The parties then filed three discovery letter briefs and a joint status report. Dkt. Nos. 31,
23 33, 34, 39. After conducting multiple hearings, Magistrate Judge Tse issued an order on May 30,
24 2025, in which he required (1) defendant to produce a minimum of 1,000 pages per month of
25 responsive documents on the last day of every month; and (2) the parties to meet and confer as to
26 the format in which responsive records must be produced. Dkt. No. 42.

1 On August 19, 2025, plaintiff filed the present motion for judgment on the pleadings. Dkt.
2 No. 45. BOP filed its opposition on September 2, 2025, and plaintiff filed a reply on September 9,
3 2025. Dkt. Nos. 47, 48.

4 On November 18, 2025, plaintiff filed a motion for an order to show cause why BOP
5 should not be held in contempt for failure to comply with production deadlines set by Magistrate
6 Judge Tse. Dkt. No. 54. On February 3, 2026, Magistrate Judge Tse denied the motion on the
7 ground that BOP's failure to comply occurred during the shutdown of the federal government,
8 during which compliance was impossible. *See* Dkt. No. 65.

9 **II. LEGAL STANDARD**

10 After the pleadings are closed—but early enough not to delay trial—a party may move for
11 judgment on the pleadings. Fed. R. Civ. P. 12(c). A motion for judgment on the pleadings is
12 “functionally identical” to a Rule 12(b)(6) motion and, therefore, the “same standard of review
13 applies to motions brought under either rule.” *See Gregg v. Hawaii, Dep’t of Pub. Safety*, 870
14 F.3d 883, 887 (9th Cir. 2017) (citation and internal quotation marks omitted). A court may grant
15 judgment on the pleadings where, “taking all the allegations in the pleadings as true, the moving
16 party is entitled to judgment as a matter of law.” *See Nelson v. City of Irvine*, 143 F.3d 1196, 1200
17 (9th Cir. 1998). A court need not accept as true factual allegations that are conclusory or
18 conclusions of law. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009) (citation omitted). “[A]
19 plaintiff is not entitled to judgment on the pleadings when the answer raises issues of fact that, if
20 proved, would defeat recovery.” *Gen. Conf. Corp. of Seventh-Day Adventists v. Seventh-Day*
21 *Adventist Congregational Church*, 887 F.2d 228, 230 (9th Cir. 1989). A district court generally
22 may not consider materials outside the pleadings in deciding a motion for judgment on the
23 pleadings, and if such materials are presented to the court and not excluded, the motion must be
24 treated as a motion for summary judgment under Rule 56. *See* Fed. R. Civ. P. 12(d).

25 **III. DISCUSSION**

26 “FOIA was enacted to facilitate public access to [g]overnment documents” by establishing
27 “a judicially enforceable right to secure [government] information from possibly unwilling official
28 hands.” *Lahr v. Nat’l Transp. Safety Bd.*, 569 F.3d 964, 973 (9th Cir. 2009) (internal quotation

1 marks omitted). “In response to a FOIA request, government agencies must conduct a reasonable
2 search to find any documents responsive to the request.” *Hamdan v. U.S. Dep’t of Just.*, 797 F.3d
3 759, 770 (9th Cir. 2015) (citation omitted). “But FOIA contemplates that some information may
4 legitimately be kept from the public if it falls into one of nine enumerated exemptions in the
5 statute.” *Id.* (citation and internal quotation marks omitted). FOIA vests jurisdiction in federal
6 courts “to enjoin the agency from withholding agency records and to order the production of any
7 agency records improperly withheld from the complainant.” *Animal Legal Def. Fund v. United*
8 *States Dep’t of Agric.*, 935 F.3d 858, 863 (9th Cir. 2019) (citing 5 U.S.C. § 552(a)(4)(B)).

9 Plaintiff moves for judgment on the pleadings “that BOP has improperly withheld agency
10 records” by failing to (1) make a timely search of responsive documents; (2) make a timely
11 “determination” of the responsive records that exist and the responsive records it intends to
12 withhold under FOIA exemptions; (3) release non-exempt portions of responsive records “as soon
13 as practicable”; and (4) make records available “promptly.” Dkt. No. 45-1 at 13-14. Plaintiff
14 seeks an order requiring defendant, within the next thirty days, to: (1) complete its search for all
15 records responsive to her FOIA request; (2) issue a determination identifying how many and what
16 types of records exist, what exemptions defendant intends to invoke, and a date for completing
17 production; (3) produce “all records improperly held”; (4) make records promptly available; (5)
18 produce records in native format with metadata preserved; (6) designate an expedited processing
19 queue and move her request “to the front of the queue”; (7) file monthly status reports stating,
20 among other things, the number of pages produced and withheld; and (8) preserve all potentially
21 responsive records. *See id.* at 6.

22 BOP opposes the motion on the grounds that (1) judgment on the pleadings would be
23 inappropriate because, in its answer, it denied plaintiff’s allegations as to the issues that are the
24 subject of the motion; and (2) Magistrate Judge Tse has already issued rulings with respect to the
25 pace of production of responsive documents, as well as the format in which responsive documents
26 should be produced. *See* Dkt. No. 47.

27 Here, plaintiff is not entitled to judgment as a matter of law that defendant has failed to
28 conduct a timely search of responsive documents or to make a determination of what records are

1 responsive and what records it intends to withhold under an FOIA exemption. That is because
 2 BOP’s answer raises questions of fact as to those issues that, if proved, would preclude plaintiff
 3 from establishing a FOIA violation. *See, e.g.*, Answer ¶¶ 60-61 (denying that BOP has failed to
 4 conduct a search for responsive records or to make a determination as to the scope of records it
 5 intends to produce and withhold under FOIA exemptions and noting that “these subjects have
 6 already been discussed in some detail with counsel for Plaintiff”); *see also Gen. Conference*, 887
 7 F.2d at 230 (“A plaintiff is not entitled to judgment on the pleadings when the answer raises issues
 8 of fact that, if proved, would defeat recovery.”).

9 Likewise, plaintiff is not entitled to judgment as a matter of law that defendant’s
 10 production of responsive documents has been untimely because BOP’s answer raises questions of
 11 fact as to that issue and, if proved, would preclude plaintiff from establishing a FOIA violation.
 12 *See, e.g.*, Answer ¶¶ 69-73 (denying that defendant is wrongfully withholding non-exempt records
 13 by failing to produce them); *see also Gen. Conference*, 887 F.2d at 230.

14 Because the issues on which plaintiff moves for judgment on the pleadings cannot be
 15 resolved on the pleadings alone, the proper vehicle for adjudicating them is a motion for summary
 16 judgment or a bench trial. *See Animal Legal Def. Fund*, 836 F.3d at 989-90 (“Most FOIA cases
 17 are resolved by the district court on summary judgment, with the district court entering judgment
 18 as a matter of law” and noting that, if there are genuine issues of material fact, then the
 19 “[r]esolution of factual disputes should be through the usual crucible of bench trial or hearing,
 20 with evidence subject to scrutiny and witnesses subject to cross-examination”).

21 Accordingly, plaintiff’s motion for judgment on the pleadings is **DENIED**.

22 **IV. CASE MANAGEMENT**

23 The Court advises the parties that it is particularly busy this year and expects to be in trial
 24 from April to November. These scheduled trials are large, complex matters spanning many weeks.
 25 Given the Court’s trial schedule and overburdened docket, the Court will likely be unable to
 26 resolve motions on other cases as promptly as the parties would prefer.

27 Accordingly, the Court **ORDERS** the parties to meet and confer and to then advise the Court
 28 whether the parties will consent to reassignment of the case to Magistrate Judge Tse (or any

United States District Court
Northern District of California

1 magistrate judge) for all purposes, including entry of final judgment. *See* Civil L.R. 73-1(b).
2 Magistrate judges have smaller civil dockets and no felony criminal cases and therefore have more
3 flexibility than the undersigned.¹ Each is more than qualified to preside over your dispute,
4 particularly Magistrate Judge Tse who has spent considerable time on the details of the underlying
5 matter and through discovery disputes on the various Dublin civil cases over which the
6 undersigned presided.

7 **An *in-person* case management conference will be held on Thursday, February 19,**
8 **2026 at 10:00 a.m.** in Courtroom One of the United States District Court, Oakland, California.

9 The parties shall file a joint case management statement no later than February 12, 2026. In that
10 joint statement, the parties shall specify whether each of them intends to file a motion for
11 summary judgment, and they shall include a proposed schedule for summary judgment briefing.

12 To the extent the parties can agree on a magistrate judge for all purposes, a consent form is
13 available at <http://www.cand.uscourts.gov>, in the “Forms” section. If such consent is filed, the
14 conference will be vacated.


15 **V. CONCLUSION**

16 For the reasons above, the Court **DENIES** the motion for judgment on the pleadings, and
17 **SETS** a case management conference for February 19, 2026, at 10 a.m. The parties shall file a
18 joint case management statement no later than February 12, 2026.

19 This order terminates docket number 45.

20 **IT IS SO ORDERED.**

21 Dated: February 4, 2026

22 
23 **YVONNE GONZALEZ ROGERS**
24 **UNITED STATES DISTRICT COURT JUDGE**

25
26
27 ¹ The bios detailing their credentials are available at <https://cand.uscourts.gov/> (click on the
28 “Consenting to a Magistrate Judge” tab. Given that this case is pending before a district judge, the parties are advised that either a magistrate judge will be randomly selected, or the parties may *jointly request assignment to a specific* magistrate judge of their choosing.