

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHRISTOPHER EARL STRUNK,

Plaintiff,

v.

Case No. 1:08-CV-02234 (RJL)

U.S. DEPARTMENT OF STATE,
U.S. DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

**DEFENDANTS' PARTIAL MOTION TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT**

By this Freedom of Information Act ("FOIA") action, *pro se* Plaintiff Christopher Strunk seeks private passport and travel records relating to President Barack Obama and his mother, Stanley Ann Dunham, from the U.S. Department of State ("DOS") and the U.S. Department of Homeland Security ("DHS"). In submitting these requests, Plaintiff has failed to comply with agency regulations promulgated to protect the personal privacy of U.S. citizens. Defendants therefore move the Court to dismiss Plaintiff's Amended Complaint [Dkt. #9] with respect to records concerning President Obama.¹

¹ Defendants also move the Court to dismiss Plaintiff's claim for mandamus relief, as mandamus is precluded by the remedial scheme provided by the FOIA. *Pickering-George v. Registration Unit, DEA/DOJ*, 553 F. Supp. 2d 3, 4 n.1 (D.D.C. 2008) ("The exclusive nature of the FOIA precludes mandamus relief."); *Kessler v. United States*, No. 94-402, 1994 WL 193940, at *1 (D.D.C. May 4, 1994) (writ of mandamus for release of records not available because remedies provided by the FOIA). In addition to filing this motion, Defendants will respond separately to the Amended Complaint by filing an answer.

I. BACKGROUND

Three FOIA requests submitted by Strunk are at issue in this litigation. The first, sent to the Department of State in October 2008, requested “exit and entry records for travel outside of the USA for the period between 1960 through 1963” relating to Ms. Dunham. Am. Compl. ¶ 12 & Ex. A (Oct. 16, 2008) (Defs.’ Ex. A, attached). The second request, submitted a month later, sought additional records from the Department of State, including passport and travel records relating both to then-President-Elect Barack Obama and to Dunham. Am. Compl. ¶ 17 & Ex. E (Nov. 22, 2008) (Defs.’ Ex. B). In his third request, Strunk sought the same information from U.S. Customs and Border Protection (a component of DHS) as he had previously sought from the Department of State: passport and travel records relating to Obama and Dunham. Am. Compl. ¶ 22 & Ex. I (Dec. 25, 2008) (Defs.’ Ex. C).

Strunk then filed a complaint against DOS on December 29, 2008. A week later (and a mere ten days after Strunk sent his FOIA request to CBP), Strunk submitted to the Court an Amended Complaint, which added DHS as a Defendant. Am. Compl.; *see also* Pl.’s Mot. for Recons. [Dkt. #10], Strunk Aff. ¶ 2.

Shortly after Strunk submitted his Amended Complaint to the Court (but before it was docketed),² the Department of State provided two responses to Strunk. These responses (1) informed Strunk that entry and exit records are maintained not by DOS, but by CBP; (2) provided Strunk with contact information for that agency; and (3) informed Strunk that because Dunham is deceased, DOS would conduct a search for passport applications submitted by her, but that, pursuant to regulation, DOS would not search for records relating to Obama

² The Amended Complaint was filed on February 10, 2009.

without submission of a privacy waiver from Obama. Pl.’s Mot. for Recons. Ex. 6 (Defs.’ Ex. D) (“1st DOS Ltr.”); Pl.’s Mot. for Recons. Ex. 7 (Defs.’ Ex. E) (“2nd DOS Ltr.”) at 2-6 (citing 22 C.F.R. § 171.12(a) (requiring FOIA requesters seeking third-party records to provide “written authorization for access by the individual, notarized or made under penalty of perjury”)).

CBP responded to Strunk’s third request on February 3, 2009. In this response, CBP informed Strunk that it would not release records relating to Obama because DHS regulations (like the DOS regulations) require privacy waivers before third-party records can be released. *See* 6 C.F.R. §§ 5.3, 5.21(f). In conjunction with this response, CBP released to Strunk responsive entry/exit records relating to Dunham.

II. ARGUMENT

The “FOIA’s primary purpose is to inform citizens about ‘what their government is up to.’” *Canadian Comm. Corp. v. Air Force*, 514 F.3d 37, 43 (D.C. Cir. 2008) (Tatel, J., concurring) (quoting *Department of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989)). It is not designed to allow the citizenry unfettered access to the private affairs of other citizens, however famous they may be. *Reporters Comm.*, 489 U.S. at 775 (private information about public figure that does not reveal the operations or activities of government “falls outside the ambit of the public interest that the FOIA was enacted to serve”); *see also Billington v. Department of Justice*, 11 F. Supp. 2d 45, 62 (D.D.C. 1998) (although public officials in some circumstances have diminished privacy, they maintain privacy interests in nonpublic information), *aff’d in part, vacated in part on other grounds*, 233 F.3d 581 (D.C. Cir. 2000). To the contrary, the FOIA, along with the Privacy Act of 1974, 5 U.S.C. § 552a, and other statutory and regulatory provisions, are carefully crafted to balance the public

interest in disclosure of government information with an individual's right to privacy. *See Blazy v. Tenet*, 194 F.3d 90, 96 (D.C. Cir. 1999) (quoting *Legislative History of the Privacy Act of 1974*, at 861 (1976) (noting that the original congressional staffs observed that "[p]erhaps the most difficult task in drafting Federal privacy legislation was that of determining the proper balance between the public's right to know about the conduct of their government and their equally important right to have information which is personal to them maintained with the greatest degree of confidence by Federal agencies"))).

In keeping with this balanced scheme of disclosure and privacy protection, both agency defendants here have promulgated regulations aimed at protecting individual privacy – and, specifically, information protected by the Privacy Act – against unwarranted intrusion. These regulations dictate that FOIA requesters seeking records regarding third party individuals obtain authorization from those individuals to obtain their records. 22 C.F.R. § 171.12(a) (DOS) (“[R]equests for records pertaining to another individual shall be processed under the FOIA and must be accompanied by a written authorization for access by the individual, notarized or made under penalty of perjury, or by proof that the individual is deceased (e.g., death certificate or obituary).”); 6 C.F.R. § 5.3 (DHS) (“If you are making a request for records about another individual, either a written authorization signed by that individual permitting disclosure of those records to you or proof that that individual is deceased (for example, a copy of a death certificate or an obituary) must be submitted.”); *id.* § 5.21(f) (DHS) (“If you are making a request for records concerning an individual on behalf of that individual, you must provide a statement from the individual verifying the identity of the individual as provided in paragraph (d) of this section. You must also provide a statement from the individual certifying the individual's agreement that

records concerning the individual may be released to you.”).

The mandatory nature of agency FOIA regulations such as these is enshrined in the FOIA itself, which requires that requests be “made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed.” 5 U.S.C. § 552(a)(3)(A); *West v. Jackson*, 448 F. Supp. 2d 207, 211 (D.D.C. 2006) (“A requester must comply with an agency’s published regulations for filing a proper FOIA request.”). Accordingly, “[f]ailure to comply with agency FOIA regulations amounts to a failure to exhaust administrative remedies, which warrants dismissal.” *Dale v. IRS*, 238 F. Supp. 2d 99, 103 (D.D.C. 2002); *see also Stebbins v. Nationwide Mutual Ins. Co.*, 757 F.2d 364, 366 (D.C. Cir. 1985) (“Exhaustion of [administrative] remedies is required under the Freedom of Information Act before a party can seek judicial review.”).

It is beyond dispute that Strunk, in seeking access to the President’s passport and travel records, has failed to comply with these regulations.³ His underlying FOIA requests were not accompanied by the required third-party waivers, and the Amended Complaint likewise contains no allegation that such waivers were submitted. *See* Am. Compl. & Ex. F (Defs.’ Ex. F) (submission from Strunk of a declaration signed by himself, rather than by third party); 1st DOS Ltr.; 2nd DOS Ltr. Absent the appropriate waivers, Strunk’s FOIA requests for private records relating to President Obama are not perfected, and his claims for these records must be dismissed. *See Pusa v. FBI*, No. 99-04603, slip op. at 5-6 (C.D. Cal. Aug. 5, 1999) (dismissing

³ Because DOS’s waiver regulation does not apply to deceased persons, the Department of State is processing Strunk’s request for passport applications submitted by Dunham. For the same reason under DHS regulations, CBP has completed its search for entry and exit records related to Dunham and has released documents to Plaintiff. These records are beyond the scope of this motion to dismiss and will be addressed by Defendants in a later motion for summary judgment.

case because plaintiff did not comply with agency regulations concerning third-party requests); *Harvey v. U.S. Dep't of Justice*, No. CV 92-176, slip op. at 17-18 (D. Mont. Jan. 9, 1996) (declining to grant motion for production of third-party records because plaintiff failed to submit authorization at the administrative level), *aff'd on other grounds*, 116 F.3d 484 (9th Cir. June 3, 1997) (unpublished table decision); *Freedom Magazine v. IRS*, No. 91-4536, 1992 U.S. Dist. LEXIS 18099, at *10-13 (C.D. Cal. Nov. 13, 1992) (finding that court lacked jurisdiction when, prior to filing suit, plaintiff failed to provide waivers for third-party records as required by IRS regulations).

III. CONCLUSION

For the foregoing reasons, the Court should grant Defendants' motion to dismiss Plaintiff's Amended Complaint to the extent it seeks records relating to President Obama. Plaintiff's claims for mandamus relief should also be dismissed. *See* n.1, *supra*.

Dated: April 23, 2009

Respectfully submitted,

MICHAEL F. HERTZ
Deputy Assistant Attorney General

ELIZABETH J. SHAPIRO (D.C. Bar No. 418925)
Deputy Branch Director

/s/ Brigham J. Bowen
BRIGHAM J. BOWEN (D.C. Bar No. 981555)
Civil Division, U.S. Department of Justice
Federal Programs Branch
P.O. Box 883, 20 Massachusetts Ave., N.W.
Washington, D.C. 20044
(202) 514-6289
brigham.bowen@usdoj.gov
Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of April, 2009, a true and correct copy of the foregoing Motion was served upon Plaintiff by first class United States mail, postage prepaid marked for delivery to:

**Christopher E. Strunk
593 Vanderbilt Ave., #281
Brooklyn, NY 11238**

/s/ Brigham J. Bowen
Brigham J. Bowen

Defendants' Exhibit A

Christopher Earl Strunk
593 Vanderbilt Avenue - #281
Brooklyn, New York 11238

October 16, 2008

UNITED STATES DEPARTMENT OF STATE
2201 C Street N.W
Washington D.C 20520

Attn: FOIA Information Officer

Subject: Freedom of Information Act Request
for travel records of Stanley Ann Dunham (Obama).

To whom it may concern,

As of right under the Freedom of Information Act, 5 U.S.C. subsection 552, I am requesting information or records related to Stanley Ann Dunham born November 29, 1942 at Fort Leavenworth KS. U.S., a.k.a. Stanley Ann Dunham Obama a.k.a. and who died on November 7, 1995 under the name Stanley Ann Dunham Soetoro (a.k.a. Sutoro) for any and or all exit and entry records for travel outside of the USA for the period between 1960 through 1963.

If there are any *fees* for searching for, reviewing, or copying the records, please let me know before you task my request.

If you deny all or any part of this request, please cite each specific Exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Sincerely yours,



Christopher Earl Strunk

Defendants' Exhibit B

Thank you. Your request has been submitted.

This is a request filed under the Freedom of Information Act.

Return to FOIA Request Generator

Request Date: **11/22/2008**

Return to FOIA Home Page

Request Reference Number: B8475

The time period of my request is between 1/1/1960 and 12/31/1985

Description of request:

As a matter of statutory responsibility by act of Congress the U.S. Department is to maintain records for the below listed natural persons and that pursuant to the Freedom of Information Act are to turn over the following documents on the following individual:
1. Stanley Ann Dunham, a/k/a Ann Dunham a/k/a Stanley Ann Obama a/k/a Ann Obama a/k/a Stanley Ann Soetoro a/k/a Ann Soetoro a/k/a Stanley Ann Sutoro a/k/a Ann Sutoro a/k/a Stanley Ann Dunham Obama a/k/a Ann Dunham Obama, born November 29, 1942 at Fort Leavenworth KS. U.S., a.k.a. Stanley Ann Dunham Obama and who died on November 7, 1995 under the name Stanley Ann Dunham Soetoro (a.k.a. Sutoro), SSN: 535-40-8522; and 2. Barack Hussein Obama, Jr. a/k/a Barry Soetoro Date of Birth: August 4, 1961 and The following documents for subject (1) and (2): a. Any and all U.S. Applications for a U.S. Passport; b. Entry and Exit Passport Records pertaining to the United States and Kenya from the period of time of January 01, 1960 to December 31, 1975 and January 1, 1979 to December 31, 1985; c. Entry and Exit Passport Records pertaining to the United States and Indonesia from the period of time of January 01, 1960 to December 31, 1973 and January 1, 1979 to December 31, 1985; d. The above travel records on for the dates specified travelling on a U.S. Passport, Kenyan Passport, Indonesian Passport or any other foreign passport and/or visa; e. Foreign Birth Certificate registered and filed with the U.S. Embassy, Kenya and/or U.S. Embassy of Indonesia for Barack H. Obama a/k/a Barry Soetoro, Date of Birth: August 4, 1961; f. Foreign Birth Registry filed with the U.S. Embassy, Kenya and/or U.S. Embassy of Indonesia by Stanley Ann Dunham, et al. Registering the birth of Barack H. Obama a/k/a Barry Soetoro, Date of Birth: August 4, 1961; and g. Adoption Records and/or Governmental "Acknowledgment" wherein Barack H. Obama a/k/a Barry Soetoro was "acknowledged" as Lolo Soetoro, M.A.'s son.

- For faster processing please restrict the parameters of this FOIA request to the State Archiving System (SAS)--over 25 million electronic records consisting of telegrams from mid-1973 to present.

I am willing to pay fees for this request up to a maximum of \$100.00

In order to help to determine my status to assess fees, you should know that I am

- ☐ a representative of the news media affiliated with _____ and this request is made as part of a news gathering effort and not for commercial use.(Additional documentation or comments will be required. See _____)
- ☐ affiliated with an educational or noncommercial scientific institution, and this request is made for a scholarly or scientific purpose and not for commercial use.(Additional documentation will be required. See _____)
- ☒ an individual seeking information for personal use and not for commercial use.
- ☐ affiliated with a private corporation and am seeking information for use in the company's business.

Additional Comments

As a matter of record and follow-up: On October 17, 2008, I filed a FOIA request regarding Stanley Ann Dunham (Obama) for the period from 1960 through 1963, via United States Postal Service, Certified Mail, Return Receipt Requested; That on October 30, 2008, Respondent agent signed the return receipt for the FOIA request; and That as of this date November 21, Petitioner has still not receive any response, as required pursuant to 5 USC 552.

Thank you for your consideration of my request. Sincerely,
Christopher Earl Strunk.

E-mail Address:
cestrunck@yahoo.com

Street Address:
**593 Vanderbilt Avenue - #281
Brooklyn, New York
11238**

Telephone Number: **845-901-6767**
Fax Number:

Print

Defendants' Exhibit C

Christopher Earl Strunk
593 Vanderbilt Avenue - #281
Brooklyn, New York 11238

Bureau of Customs and Border Control
of the U.S. Department Of Homeland Security
799 9th Street, N.W.
Mint Annex
Washington D.C 20229

Attn: Mark Hanson Director FOIA Division

Subject: Freedom of Information Act Request
for travel records of Stanley Ann Dunham
(Obama) and Barack Hussein Obama, Jr. a/k/a
Barry Soetoro.

Dear Director Hanson,

As of right under the Freedom of Information Act, 5 U.S.C. subsection 552,
I am requesting information or records related to:

- a. Stanley Ann Dunham, a/k/a Ann Dunham a/k/a Stanley Ann Obama a/k/a Ann Obama a/k/a Stanley Ann Soetoro a/k/a Ann Soetoro a/k/a Stanley Ann Sutoro a/k/a Ann Sutoro a/k/a Stanley Ann Dunham Obama a/k/a Ann Dunham Obama, born November 29, 1942 at Wichita KS. U.S., a.k.a. Stanley Ann Dunham Obama and who died on November 7, 1995 under the name Stanley Ann Dunham Soetoro (a.k.a. Sutoro), SSN: 535-40-8522; and
- b. Barack Hussein Obama, Jr. a/k/a Barry Soetoro Date of Birth: August 4, 1961 and as a living natural person; and

In regards to the following documents:

- c. Any and all U.S. Applications for a U.S. Passport;
- d. Entry and Exit Passport Records pertaining to the United States and Kenya from the period of time of January 01, 1960 to December 31, 1975 and January 1, 1979 to December 31, 1985;
- e. Entry and Exit Passport Records pertaining to the United States and Indonesia from the period of time of January 01, 1960 to December 31, 1973 and January 1, 1979 to December 31, 1985;

- f. The above travel records on for the dates specified traveling on a U.S. Passport, Kenyan Passport, Indonesian Passport or any other foreign passport and/or visa;
- g. Foreign Birth Certificate registered and filed with the U.S. Embassy, Kenya and/or U.S. Embassy of Indonesia for Barack H. Obama a/k/a Barry Soetoro, Date of Birth: August 4, 1961;
- h. Foreign Birth Registry filed with the U.S. Embassy, Kenya and/or U.S. Embassy of Indonesia by Stanley Ann Dunham, et al. Registering the birth of Barack H. Obama a/k/a Barry Soetoro, Date of Birth: August 4, 1961; and
- i. Adoption Records and/or Governmental "Acknowledgment" wherein Barack H. Obama a/k/a Barry Soetoro was "acknowledged" as Lolo Soetoro, M.A.'s son.

I, Christopher Earl Strunk, declare under penalty of perjury, pursuant to 28 U.S.C. §1746 as follows:

I am petitioner with place for service at 593 Vanderbilt Avenue #281 Brooklyn, New York 11238; Email: cestrunck@yahoo.com with Cell- (845) 901-6767.

This declaration is in support of my Freedom of Information Act request that seeks personal information about a living person subject Barry Soetoro a/k/a Barack Hussein Obama, as a matter of personal non commercial use; and that

In addition the deceased person who died on November 7, 1995 under the name Stanley Ann Dunham Soetoro (a.k.a. Sutoro), with SSN: 535-40-8522. remains deceased according to a Wikipedia report (see attached), and as a matter of Bureau of Customs and Border Control concern, based upon information and belief there is an imposter presently using the deceased SSN: 535-40-8522 for employment at the Ford Foundation and is residing in New York City.

If there are any *fees* for searching for, reviewing, or copying the records, please let me know before you task my request.

If you deny all or any part of this request, please cite each specific Exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Dated: December 25, 2008
Brooklyn New York



Christopher Earl Strunk

attachment

Stanley Ann Dunham : From Wikipedia, the free encyclopedia

Ann Dunham

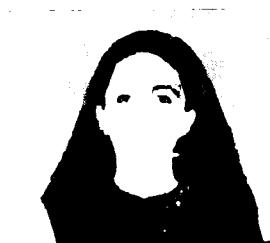


Photo of Ann Dunham, circa 1971

Born	Stanley Ann Dunham November 29, 1942 <u>Fort Leavenworth, Kansas, US</u>
Died	November 7, 1995 (aged 52) <u>Honolulu, Hawaii, US</u>
Cause of death	<u>Ovarian and uterine cancer</u>
Resting place	<u>Pacific Ocean</u>
Nationality	American
Education	<u>B.A., M.A., Ph.D.</u> ^[1]
Alma mater	<u>University of Hawaii</u>
Occupation	<u>Rural development</u>
Home town	<u>Wichita, Kansas</u>
Spouse(s)	<u>Barack Obama (Sr.)</u> (1961–1964) (divorced) <u>Lolo Soetoro</u> (c. 1967–1980) (divorced)
Children	<u>Barack Obama</u> <u>Maya Soetoro-Ng</u>
Parents	<u>Madelyn and Stanley Dunham</u>

Stanley Ann Dunham Soetoro (November 29, 1942 – November 7, 1995), known as **Ann Dunham**, and later as **Ann Sutoro**^[1]

was an anthropologist who specialized in rural development. Born in Kansas, Dunham attended high school near Seattle, Washington, and spent most of her adult life in Hawaii. She was the mother of United States Senator and presidential candidate

Early life

Ann Dunham was born in Fort Leavenworth, Kansas^[3] (some say Wichita, Kansas),^[4] while her father was in the military.^[5] She was named after her father,^[3] who reportedly gave his daughter and only child his name because he had wanted a boy; however, she was referred to as "Ann."^[6]

Her parents, Stanley Armour Dunham (born on March 23, 1918, raised in El Dorado, Kansas, died February 8, 1992—buried in the Punchbowl National Cemetery) and Madelyn Dunham (née Madelyn Lee Payne) (who was born in 1922 and raised in Augusta, Kansas and is still living in Honolulu, Hawaii), met in Wichita, Kansas, and married on May 5, 1940.^[7]

After the Pearl Harbor attack her father joined the Army and her mother worked at a Boeing plant in Wichita.^[3] At the end of World War II she moved with her parents to California, Texas, and Seattle, Washington, where her father was a furniture salesman and her mother worked for a bank. The family moved to Mercer Island, Washington, in 1956 so that 13-year old Ann could attend the Mercer Island high school that had just opened.^[6] where teachers Val Foubert and Jim Wichterman taught the importance of challenging societal norms and questioning authority. Dunham took the lessons to heart: "She felt she didn't need to date or marry or have children." A classmate remembers her as

"intellectually way more mature than we were and a little bit ahead of her time, in an off-center way."^[6] One high school friend described her as: "If you were concerned about something going wrong in the world, Stanley [Ann] would know about it first ... We were liberals before we knew what liberals were." Another called her "the original feminist."^[6]

Move to Hawaii and first marriage

In 1959 Dunham's parents moved to Hawaii to pursue further business opportunities in the new state. She soon enrolled at the University of Hawaii at Manoa, where she studied anthropology. She met Barack Obama Sr., a student from Kenya and the school's first African student, in a Russian language class at the University.^[2] When they became engaged, both sets of parents opposed the marriage, with Obama's father in particular objecting. Nevertheless, the couple married on February 2, 1961 in Maui, Hawaii, after discovering she was pregnant.^{[6][1]}

On August 4, 1961, at age 18, she gave birth to her first child, named Barack Obama II.

In an interview, Senator Obama referred to his mother as "the dominant figure in my formative years... The values she taught me continue to be my touchstone when it comes to how I go about the world of politics."^[6]

Obama Sr. left Ann and their son in 1963, when he began studying at Harvard University in Cambridge, Massachusetts. Dunham filed for divorce in Honolulu, Hawaii in January 1964; Obama did not contest it and the divorce was granted.^[1] The senior Obama obtained a masters degree in economics at Harvard and in 1965, returned to Kenya, where he obtained a position in the Kenyan government. Friends report that, later in life, he "was drinking too much" and became bitter and frustrated.^[6] He was killed in an automobile accident in 1982.^[8]



Ann Dunham and Barack Obama

References

- ¹ ^ a b c d e Amanda Ripley (2008-04-09). "The Story of Barack Obama's Mother". *Time*. Retrieved on 2007-04-09.
- ² ^ a b c d e f g h i j Scott, Janny (2008-03-14). "A Free-Spirited Wanderer Who Set Obama's Path", *New York Times*. Retrieved on 2008-03-21.
- ³ ^ a b c Fred Mann (2008-02-02). "Kansas roots show in Obama", *The Wichita Eagle*, via *Topix*, p. 1B. Retrieved on 2008-04-01.
- ⁴ ^ <http://www.wargs.com/political/obama.html>
- ⁵ ^ Obama Press Office (2008-01-29). "Gov. Kathleen Sebelius Endorses Barack Obama", *Reuters*. Retrieved on 2008-04-01.
- ⁶ ^ a b c d e f g h Tim Jones (2007-03-27). "Obama's mom: Not just a girl from Kansas: Strong personalities shaped a future senator", *Chicago Tribune*. Retrieved on 2008-01-22.
- ⁷ ^ a b "A Special Report: The Obama Family Tree". *Chicago Sun-Times* (2007-09-09). Retrieved on 2008-04-01.
- ⁸ ^ Muliro Telewa (2004-08-20). "US election makes waves in Kenya", *BBC News*. Retrieved on 2008-04-01.

Defendants' Exhibit D



United States Department of State

Washington, D.C. 20520

Case Number 200806553

JAN 12 2009

Mr. Christopher Earl Strunk
593 Vanderbilt Ave. # 281
Brooklyn, NY 11238

Dear Mr. Strunk:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request, dated October 16, 2008 for any and all entry and exit records for travel outside of the United States from 1960 through 1963 for Stanley Ann Dunham.

Based upon the information contained in your communications, it appears that the records you seek are with the Homeland Security's Bureau of Customs and Border Protection. Accordingly, you should direct your request to:

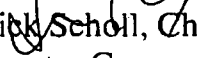
Bureau of Customs and Border Protection

Mark Hanson
Director
FOIA Division
799 9th Street, NW
Mint Annex
Washington, DC 20229
telephone number: (202) 325-0150
fax number: (202) 325-0154

For further communications with respect to this request, see our contact information at the bottom of this page.

We hope we have been of service to you.

Sincerely,


Patrick Scholl, Chief
Requester Communications Branch
ISO 9001:2000 Certified

*Office of Information Programs and Services
U.S. Department of State, SA-2
Washington, DC 20522-8100
Website: www.foia.state.gov*

*Inquiries:
Phone: 1-202-261-8484
FAX: 1-202-261-8579
E-mail: FOIAStatus@state.gov*

EXHIBIT 6

MISS/PS/RC SA-2

**DEPARTMENT OF STATE, U.S.A.
WASHINGTON, D.C. 20520**

**OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300**

AN EQUAL OPPORTUNITY EMPLOYER

**Mr. Christopher Earl Strunk
593 Vanderbilt Ave. # 281
Brooklyn, NY 11238**



UNITED STATES POSTAGE
U.S. OFFICIAL MAIL
\$ 00.420
02 15
6004205789 JAN 15 2009
MAILED FROM ZIP CODE 20547

Defendants' Exhibit E



United States Department of State

Washington, D.C. 20520

JAN 12 2009

Case Number 200807238

Case Number 200807272

Mr. Christopher Earl Strunk
593 Vanderbilt Ave. # 281
Brooklyn, NY 11238

Dear Mr. Strunk:

This is in response to your Freedom of Information Act (FOIA) request, dated November 22, 2008, for copies of the following documents concerning Stanley Ann Dunham or Barack Hussein Obama:

- (a) Any and all applications for a U.S. passport;
- (b) Entry and exit passport records pertaining to the U.S. and Kenya between January 1, 1960 and December 31, 1975 and also between January 1, 1979 and December 31, 1985;
- (c) Entry and exit passport records pertaining to the U.S. and Indonesia between January 1, 1960 and December 31, 1973 and also between January 1, 1979 and December 31, 1985;
- (d) The above travel records on any U.S. or foreign passport and/or visa;

In addition, your request seeks:

- (e) and (f) Foreign birth registry or certificate registered and filed with the U.S. Embassy in Kenya or Indonesia by Stanley Ann Dunham registering the birth of Barack H. Obama;
- (g) "Adoption records and/or Governmental 'Acknowledgment' wherein Barack H. Obama . . . was 'acknowledged' as Lolo Soetoro, M.A.'s son."

*Office of Information Programs and Services
U.S. Department of State, SA-2
Washington, DC 20522-8100
Website: www.foia.state.gov*

*Inquiries:
Phone: 1-202-261-8484
FAX: 1-202-261-8579
E-mail: FOIAStatus@state.gov*

EXHIBIT 7

With respect to Ms. Dunham, who is widely known as a matter of public record to be deceased, we will process your request for records in category (a) above. This aspect of your request has been assigned case processing number 200807238. For faster processing, please refer to this number in any future correspondence about this aspect of your request. You have stated your willingness to pay the fees incurred in the processing of this request up to \$100.00. Based upon the information that you have provided, we have placed you in the requester category checked below. This request will be processed in accordance with the fee schedule designated for that category (see 22 C.F.R. Part 171, enclosed).

- ☐ Commercial Use Requesters – Requires us to assess charges that recover the full direct costs of searching for, reviewing for release, and duplicating the record(s) sought.
- ☐ Educational Institution Requesters – Requires us to assess charges that recover the cost of duplicating the record(s) sought only, after the first 100 pages of duplication.
- ☐ Non-commercial Scientific Institution Requesters – Requires us to assess charges that recover the cost of duplicating the record(s) sought only, after the first 100 pages of duplication.
- ☐ Representatives of the News Media – Requires us to assess charges that recover the cost of duplicating the record(s) sought only, after the first 100 pages of duplication.
- ☒ All Other Requesters – Requires us to assess charges that recover the full reasonable direct cost of searching for and duplicating the record(s) sought, after the first 100 pages of duplication and the first two hours of search time.

We will notify you of the costs incurred in processing your request as soon as we have completed the search for, and review of, any responsive documents. As noted below, your request for expedited processing has been denied. Although we will make every effort to complete processing of your request quickly, unusual circumstances in this case may affect the time required to provide you with the documents you have requested. These unusual circumstances include the need to search for and collect the requested records from separate and distinct Department offices. Unusual circumstances may also arise from the need to search for, collect, and

appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request, or from the need for consultation with another agency having a substantial interest in the determination of the request or among two or more components of the Department that have a substantial subject matter interest therein. If needed, such consultation will be conducted with all practicable speed. If at any point you no longer need the information requested and wish to withdraw your FOIA request, please let us know.

The other aspects of your request have been assigned case control number 200807272 and have been closed in our system, for the reasons described below.

The Department of State would not reasonably maintain any records of the sort listed in categories (b), (c), and (d) above. It appears that, if any such records are maintained by the U.S. Government at all, they would be with the Department of Homeland Security's Bureau of Customs and Border Protection or with the National Archives, to which many older government records are accessioned. The addresses for those entities, if you wish to submit a FOIA request for these records, are:

Bureau of Customs and Border Protection
Mark Hanson
Director
FOIA Division
799 9th Street, NW
Mint Annex
Washington, DC 20229
Telephone number: (202) 325-0150
Fax number: (202) 325-0154

National Archives and Records Administration
8601 Adelphi Road, Room 3110
College Park, MD 20740-6001

With respect to records pertaining to Mr. Obama, in all categories (a) through (g) above, your request does not comply with our regulations

regarding requests for information pertaining to living third parties, and has therefore been deemed invalid. Before we can process a request for a third party's passport and similar records, we need the third party's authorization as described below and in our regulations published at 22 C.F.R. § 171.12(a).

In general, access to information about living private individuals cannot be given to unauthorized third parties absent the individuals' written consent.

The State Department requires that written consent be in the form of a signed, notarized statement from the individual(s), authorizing the Department of State to release information to the other party. The statement should bear the **original signature of the individual and original seal of the notary**, and be dated within six months of the date of the request.

In lieu of notarization, the individual to whom the records pertain may make the following statement: "I declare, certify, verify or state under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct." Such a statement must be forwarded to us **with a current date and an original signature** (faxed photocopies cannot be accepted).

The declaration you provided with your request unfortunately does not suffice, as it is signed by you rather than the individual to whom the records pertain and thus does not serve to waive the other individual's privacy interests. To the extent they exist, the records you seek about Mr. Obama would be personal records subject to the Privacy Act of 1974; their release would not shed light on the activities of the U.S. government, and as such without the individual's authorization they would have to be withheld under FOIA exemption 6, 5 U.S.C. § 552(b)(6).

Expedited Processing

Our published regulations regarding expedition, 22 C.F.R. 171.12(b), require a specific showing of a compelling need. Expeditious processing is granted only in the following situations: (1) imminent threat to the life or physical safety of an individual; (2) urgent need by an individual primarily engaged

in disseminating information in order to inform the public concerning actual or alleged Federal Government activity, and the information is urgently needed in that a particular value of the information would be lost if not disseminated quickly; (3) substantial humanitarian reasons; and (4) loss of substantial due process rights. Your request does not provide adequate justification for any of the established criteria. Regrettably, we must advise that you have not provided adequate justification for expedition, and we note that mere relation to an imminent election does not justify expedited processing under the FOIA. However, you may be assured that we will make every effort to process your request in as timely a manner as possible.

For your convenience, I have enclosed a copy of the Department's expeditious processing criteria. If you wish to appeal the denial of expedition, you may write to the Chief, Requester Liaison Division, at the address below, within 30 days of receipt of this letter.

Additional Information and/or Clarification

The Department of State is responsible for formulating and executing U.S. foreign policy and primarily maintains records dealing with U.S. foreign relations. The Department also maintains records of applications from U.S. citizens for U.S. passports, and visa requests from non-citizens to enter the U.S., records on consular assistance provided to U.S. citizens abroad, and records of its own employees. The Department of State is comprised of hundreds of offices and overseas posts, so requesters should be specific about the records they seek.

If you do re-submit your request, we would ask that you include as much information as possible about the information requested. As the Department of State consists of hundreds of offices and overseas posts, with many different filing systems, your request should be specific, detailed, and include as much information as might be relevant. In particular, we would request that you specify the nature and time frame of the records in categories (e), (f), and (g) above. When would these records have been provided to the Department of State or the U.S. Embassies mentioned in your request? What sort of "Governmental Acknowledgment" is

contemplated in category (g), and why would the Department of State have such a record?

Please be advised that your request for any records in categories (b) through (g) listed above, as well as your request for records pertaining to Mr. Obama in category (a), has been closed in our system. If, after noting the information cited above, you wish to pursue your request for such records, please send us a new request, which would include the additional information noted above.

For further communications, please note our contact information at the bottom of this page. You may also refer to our website for general information and guidelines. As noted above, we can provide faster service if you include the relevant case processing number in your communications with us.

We are pleased to be of service to you.

Sincerely,


Patrick Scholl, Chief
Requester Communications Branch
ISO 9001:2000 Certified

Enclosures:

As stated.

§ 171.15 Fees to be charged—categories of requesters.

Under the FOIA, there are four categories of requesters: Commercial use requesters, educational and noncommercial scientific institutions, representatives of the news media, and all other requesters. The fees for each of these categories are:

(a) *Commercial use requesters.* When the Department receives a request for documents for commercial use as defined in § 171.11(l), it will assess charges that recover the full direct costs of searching for, reviewing for release, and duplicating the record sought. Commercial use requesters are not entitled to two hours of free search time or 100 free pages of reproduction of documents. The Department may recover the cost of searching for and reviewing records even if there is ultimately no disclosure of records (*see* § 171.16(b)).

(b) *Educational and non-commercial scientific institution requesters.* The Department shall provide documents to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, a requester must show that the request is being made as authorized by and under the auspices of a qualifying institution, as defined in § 171.11(m) and (n), and that the records are not sought for a commercial use, but are sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a noncommercial scientific institution) research.

(c) *Representatives of the news media.* The Department shall provide documents to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, a requester must meet the criteria in § 171.11(o), and the request must not be made for a commercial use. A request for records supporting

the news dissemination function of the requester shall not be considered to be a commercial use request.

(d) *All other requesters.* The Department shall charge requesters who do not fit into any of the categories above fees that recover the full reasonable direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge.

§ 171.14 Fees to be charged—general.

The Department shall seek to charge fees that recoup the full allowable direct costs it incurs in processing a FOIA request. It shall use the most efficient and least costly methods to comply with requests for documents made under the FOIA. The Department will not charge fees to any requester, including commercial use requesters, if the cost of collecting a fee would be equal to or greater than the fee itself. With the exception of requesters seeking documents for a commercial use, the Department will provide the first two hours of search time and the first 100 pages of duplication without charge. By making a FOIA request, the requester shall be considered to have agreed to pay all applicable fees up to \$25.00 unless a fee waiver has been granted.

(a) *Searches for responsive records.* If the Department estimates that the search costs will exceed \$25.00, the requester shall be so notified. Such notice shall offer the requester the opportunity to confer with Department personnel with the object of reformulating the request to meet the requester's needs at a lower cost. The request shall not be processed further unless the requester agrees to pay the estimated fees.

(1) *Manual searches.* The Department will charge at the salary rate (*i.e.*, basic pay plus 16 percent of basic pay) of the employee making the search.

(2) *Computer searches.* The Department will charge at the actual direct cost of providing the service. This

operator/programmer salary attributable to the search.

(b) *Review of records.* Only requesters who are seeking documents for commercial use may be charged for time spent reviewing records to determine whether they are releasable. Charges may be assessed for the initial review only; *i.e.*, the review undertaken the first time the Department analyzes the applicability of a specific exemption to a particular record or portion of a record.

(c) *Duplication of records.*

Records shall be duplicated at a rate of \$.15 per page. For copies prepared by computer, such as tapes or printouts, the Department shall charge the actual cost, including operator time, of production of the tape or printout. For other methods of reproduction or duplication, the Department shall charge the actual direct costs of producing the document.

If the Department estimates that the duplication costs will exceed \$25.00, the requester shall be so informed. The request shall not be processed further unless the requester agrees to pay the estimated fees.

(d) *Other charges.* The Department shall recover the full costs of providing services such as those enumerated below:

(1) Certifying that records are true copies (*see* part 22 of this chapter); (2) Sending records by special methods such as express mail, overnight courier, *etc.*

(f) Payment shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasury of the United States and mailed to the Information and Privacy Coordinator.

(g) A receipt for fees paid will be given upon request. Refund of fees paid for services actually rendered will not be made.

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will include the cost of operating
the central processing unit
(CPU) for that portion of
operating time that is directly
attributable to searching for
records responsive to a FOIA
request and

§ 171.11 Definitions.**Unusual Circumstances**

As used in this subpart, the following definitions shall apply:

(a) *Freedom of Information Act* or *FOIA* means the statute codified at 5 U.S.C. 552, as amended.

(b) *Department* means the United States Department of State, including its field offices and Foreign Service posts abroad;

(c) *Agency* means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the government (including the Executive Office of the President), or any independent regulatory agency;

(d) *Information and Privacy Coordinator* means the Director of the Department's Office of Information Programs and Services (IPS) who is responsible for processing requests for access to information under the FOIA, the Privacy Act, E.O. 12958, and the Ethics in Government Act;

(e) *Record* means all information under the control of the Department, including information created, stored, and retrievable by electronic means, regardless of physical form or characteristics, made in or received by the Department and preserved as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Department or because of the informational value of the data contained therein. It includes records of other Government agencies that have been expressly placed under the control of the Department upon termination of those agencies. It does not include personal records created primarily for the personal convenience of an individual and not used to conduct Department business and not integrated into the Department's record keeping system or files. It does not include

records that are not already in existence and that would have to be created specifically to meet a request. However, information available in electronic form shall be searched and compiled in response to a request unless such search and compilation would significantly interfere with the operation of the Department's automated information systems.

(f) *Control* means the Department's legal authority over a record, taking into account the ability of the Department to use and dispose of the record as it sees fit, to legally determine the disposition of a record, the intent of the record's creator to retain or relinquish control over the record, the extent to which Department personnel have read or relied upon the record, and the degree

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to which the record has been integrated into the Department's record keeping system or files.

(g) *Direct costs* means those costs the Department incurs in searching for, duplicating, and, in the case of commercial requests, reviewing documents in response to a FOIA request. The term does not include overhead expenses.

(h) *Search costs* means those costs the Department incurs in looking for, identifying, and retrieving material, in paper or electronic form, that is responsive to a request, including pageby-page or line-by-line identification of material within documents. The Department shall attempt to ensure that searching for material is done in the most efficient and least expensive manner so as to minimize costs for both the Department and the requester.

(i) *Duplication costs* means those costs the Department incurs in copying

a requested record in a form appropriate for release in response to a FOIA request. Such copies may take the form of paper copy, microfiche, audio-visual materials, or machine-readable electronic documentation (e.g., disk or CD-ROM), among others.

(j) *Review costs* means costs the Department incurs in examining a record to determine whether and to what extent the record is responsive to the FOIA request and the extent to which it may be disclosed to the requester. It does not include costs of resolving general legal or policy issues that may be raised by a request.

(k) *Unusual circumstances*. As used herein, but only to the extent reasonably necessary to the proper processing of the particular request, the term "unusual circumstances" means:

(1) The need to search for and collect the requested records from Foreign Service posts or other separate and distinct Department offices;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request; or

(3) The need for consultation with another agency having a substantial interest in the determination of the request or among two or more components of the Department that have a substantial subject matter interest therein. Such consultation shall be conducted with all practicable speed.

(l) *Commercial use request* means a request from or on behalf of one who requests information for a use or purpose that furthers the commercial, trade, or profit interest of the requester or the person on whose behalf the request is made. In determining whether a requester belongs within this category, the Department will look at the use to which the requester will put the information requested.

(m) *Educational institution* means a preschool, a public or private elementary or secondary school, an institution of undergraduate or graduate higher education, an institution of professional education, or an institution of vocational education, that operates a program or programs of scholarly research.

(n) *Non-commercial scientific institution* means an institution that is not operated on a "commercial" basis, as that term is used in paragraph (l) of this section and that is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

(o) *Representative of the news media* means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term news means information that is about current events or that would be of current interest to the public. News media include television or radio stations broadcasting to the public at large and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase by the general public. Freelance journalists may be regarded as working for a news organization if they can demonstrate, such as by past publication, a likelihood of publication through a representative of the news media, even though not actually employed by it.

(p) *All other* means an individual or organization not covered by a definition in paragraphs (l), (m), (n), or (o) of this section.

A/ISS/TPS RC SA-2

**DEPARTMENT OF STATE, U.S.A.
WASHINGTON, D.C. 20520**

**OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300**

AN EQUAL OPPORTUNITY EMPLOYER

Mr. Christopher Earl Strunk
593 Vanderbilt Ave. # 281
Brooklyn, NY 11238



UNITED STATES POSTAGE
U.S. OFFICIAL MAIL
PENALTY FOR
PRIVATE USE \$300
02 1A
0064205789 JAN 13 2009
\$ 00.590
MAILED FROM ZIP CODE 20047

Defendants' Exhibit F

Christopher Earl Strunk
593 Vanderbilt Avenue - #281
Brooklyn, New York 11238

November 22, 2008

Office of Information Programs and Services
A/ISS/IPS/RL
U. S. Department of State
Washington, D. C. 20522-8100

Subject: Freedom of Information Act request support
Declaration related to Reference Number: B8475.

Dear FOIA Officer:

The required declaration with original signature under 28 USC 1746 for the request with the referenced number that seeks personal information about a living person, is herewith for your information and us, along with a confirmation copy of the actual FOIA request detailed and generated on this date.

Importantly, as a follow-up to my FOIA request of October 17, 2008, having been recorded as received by the FOIA officer on October 30, 2008, for which I received no response, a copy is attached herewith.

Theses matters are urgent and require expedited handling as time is of the essence and involve matters of irreparable harm if not handled expeditiously.

Sincerely yours,


Christopher Earl Strunk

Attached:

Declaration with original signature;
Copy of the FOIA request ref. no. B8475.
Copy of FOIA request received October 30, 2008.

Subject: Freedom of Information Act request support


Declaration related to Reference Number: B8475.

I, Christopher Earl Strunk, declare under penalty of perjury, pursuant to 28 U.S.C. §1746 as follows:

1. I am petitioner with place for service at 593 Vanderbilt Avenue #281 Brooklyn, New York 11238; Email: cestrunck@yahoo.com with Cell-(845) 901-6767.
2. This declaration is in support of my Freedom of Information Act request related to Reference Number: B8475; and
3. The required declaration with original signature under 28 USC 1746 for the request that seeks personal information about a living person.

Respectfully submitted for relief as time is of the essence with imminent irreparable harm that would result.

Dated: November 22, 2008
Brooklyn New York


Christopher Earl Strunk

cc:

Office of Information Programs and Services
A/ISS/IPS/RL
U. S. Department of State
Washington, D. C. 20522-8100

Thank you. Your request has been submitted.

This is a request filed under the Freedom of Information Act.

Return to FOIA Request Generator

Request Date: 11/22/2008

Request Reference Number: B8475

Return to FOIA Home Page

The time period of my request is between 1/1/1960 and 12/31/1985

Description of request:

As a matter of statutory responsibility by act of Congress the U.S. Department is to maintain records for the below listed natural persons and that pursuant to the Freedom of Information Act are to turn over the following documents on the following individual: 1. Stanley Ann Dunham, a/k/a Ann Dunham a/k/a Stanley Ann Obama a/k/a Ann Obama a/k/a Stanley Ann Soetoro a/k/a Ann Soetoro a/k/a Stanley Ann Sutoro a/k/a Ann Sutoro a/k/a Stanley Ann Dunham Obama a/k/a Ann Dunham Obama, born November 29, 1942 at Fort Leavenworth KS. U.S., a.k.a. Stanley Ann Dunham Obama and who died on November 7, 1995 under the name Stanley Ann Dunham Soetoro (a.k.a. Sutoro), SSN: 535-40-8522; and 2. Barack Hussein Obama, Jr. a/k/a Barry Soetoro Date of Birth: August 4, 1961 and The following documents for subject (1) and (2): a. Any and all U.S. Applications for a U.S. Passport; b. Entry and Exit Passport Records pertaining to the United States and Kenya from the period of time of January 01, 1960 to December 31, 1975 and January 1, 1979 to December 31, 1985; c. Entry and Exit Passport Records pertaining to the United States and Indonesia from the period of time of January 01, 1960 to December 31, 1973 and January 1, 1979 to December 31, 1985; d. The above travel records on for the dates specified travelling on a U.S. Passport, Kenyan Passport, Indonesian Passport or any other foreign passport and/or visa; e. Foreign Birth Certificate registered and filed with the U.S. Embassy, Kenya and/or U.S. Embassy of Indonesia for Barack H. Obama a/k/a Barry Soetoro, Date of Birth: August 4, 1961; f. Foreign Birth Registry filed with the U.S. Embassy, Kenya and/or U.S. Embassy of Indonesia by Stanley Ann Dunham, et al. Registering the birth of Barack H. Obama a/k/a Barry Soetoro, Date of Birth: August 4, 1961; and g. Adoption Records and/or Governmental "Acknowledgment" wherein Barack H. Obama a/k/a Barry Soetoro was "acknowledged" as Lolo Soetoro, M.A.'s son.

For faster processing please restrict the parameters of this FOIA request to the State Archiving System (SAS)--over 25 million electronic records consisting of telegrams from mid-1973 to present.

** IF IT APPLIES OTHERWISE DISREGARD*

I am willing to pay fees for this request up to a maximum of \$100.00

In order to help to determine my status to assess fees, you should know that I am

a representative of the news media affiliated with _____ and this request is made as part of a news gathering effort and not for commercial use.(Additional documentation or comments will be required. See

affiliated with an educational or noncommercial scientific institution, and this request is made for a scholarly or scientific purpose and not for commercial use.(Additional documentation will be required. See

See

an individual seeking information for personal use and not for commercial use.

affiliated with a private corporation and am seeking information for use in the company's business.

11/22/08

Additional Comments

As a matter of record and follow-up: On October 17, 2008, I filed a FOIA request regarding Stanley Ann Dunham (Obama) for the period from 1960 through 1963, via United States Postal Service, Certified Mail, Return Receipt Requested; That on October 30, 2008, Respondent agent signed the return receipt for the FOIA request; and That as of this date November 21, Petitioner has still not receive any response, as required pursuant to 5 USC 552.

Thank you for your consideration of my request. Sincerely,
Christopher Earl Strunk.

E-mail Address:
cestrunck@yahoo.com

Street Address:
**593 Vanderbilt Avenue - #281
Brooklyn, New York
11238**

Telephone Number: **845-901-6767**
Fax Number:

Print

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHRISTOPHER EARL STRUNK,

Plaintiff,

v.

Case No. 1:08-CV-02234 (RJL)

U.S. DEPARTMENT OF STATE,
U.S. DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

[PROPOSED] ORDER

[#__]

Before the Court is Defendants' Partial Motion to Dismiss Plaintiff's Amended Complaint. For the reasons set forth therein, the Court **GRANTS** Defendants' motion. All claims regarding records concerning or regarding President Barack H. Obama are hereby **DISMISSED WITH PREJUDICE.**

SO ORDERED.

April __, 2009

RICHARD J. LEON
United States District Judge