UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

US RIGHT TO KNOW, *Plaintiff*, v. CENTRAL INTELLIGENCE AGENCY *Defendant*.	Civil Action No. 25-2307 (CKK)

JOINT[1] STATUS REPORT

Pursuant to the Court's September 19, 2025, Minute Order, Defendant, the Central Intelligence Agency ("CIA"), and Plaintiff, US Right to Know ("USRTK") (collectively, the "Parties"), by and through undersigned counsel, respectfully submit the following Joint Status Report ("JSR").

Plaintiff made its FOIA request on June 9, 2025. Having received no response whatsoever at that time, Plaintiff filed a complaint on July 18, 2025 (ECF No. 1), under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, *et seq*. *See id*. ¶ 1. By letter dated July 16, 2025, the CIA informed Plaintiff that it was granting Plaintiff's request for expedited processing of its request. Plaintiff's FOIA request pertains to records relating, *inter alia*, to COVID-19, the Wuhan Institute of Virology and a People's Republic of China military scientist, General Zhou Yusen.

[1] The undersigned made repeated but unsuccessful attempts by telephone and email to reach counsel for Defendant before filing this JSR. Opposing counsel was still unresponsive as of 10:00 pm tonight and counsel for Plaintiff therefore filed without their signature. *See* attached Declaration of Nathaniel M. Lindzen for the events that resulted in this unfortunate situation.

By letter dated January 14, 2026, the agency issued a final response asserting a *Glomar* determination, neither confirming nor denying the existence of records responsive to the request pursuant to FOIA Exemptions 1 and 3, 5 U.S.C. §§ 552(b)(1), (b)(3).

Plaintiff's Position:

Plaintiff for its part has requested a declaration or other evidence supporting CIA's *Glomar* response as soon as possible given the acknowledged urgency of Plaintiff's request. Defendant has refused to provide one at this time, asserting until now that it will only provide one as part of its opening dispositive brief. Plaintiff attempted to explain to Defendant that the provision of evidence supporting the CIA's response would likely narrow the issues or potentially even obviate the need for dispositive briefing altogether. Plaintiff asserts that such narrowing of issues and/or elimination of the need for dispositive briefs would greatly economize on litigant's time and judicial resources but Defendant apparently disagrees. Plaintiff therefore requests that this Court use its considerable discretion in managing its docket[2] to either strongly suggest or order that Defendant provide Plaintiff with evidence supporting their response within thirty (30) days and further order that Parties submit another JSR fifteen (15) days thereafter informing the Court of whether dispositive briefing will be necessary and if so, proposing a briefing schedule. If this Court is unwilling or thinks the above course imprudent, Plaintiff then simply and respectfully requests that this Court order Defendant to provide its opening brief within 30 days, together with supporting evidence, such that Plaintiff may know the basis for its position.

[2] It is a district court's "prerogative to manage its docket, and its discretion to determine how best to accomplish this goal". *Brooks v. Dep't of the Army*, No. 24-CV-2259 (APM), 2025 WL 1455525, at *2 (D.D.C. Feb. 24, 2025).

Defendant's Position:

In light of the agency's final *Glomar* response, the CIA is prepared to proceed to merits briefing. Plaintiff's request that the Court compel Defendant to produce a draft declaration in advance of dispositive motions is premature and unsupported by law. While the government may, in its discretion, choose to provide a draft declaration prior to the filing of dispositive motions in an effort to narrow the issues for the Court, Plaintiff has no entitlement to such relief. There is no free-standing right to obtain a declaration before a party files its dispositive motion. Plaintiff cites no legal authority—because none exists—that would entitle it to obtain a draft declaration in advance of dispositive motions. When the time comes, Defendant will submit an appropriate declaration in support of its motion, and Plaintiff will have a full opportunity to respond.

Additionally, to the extent Plaintiff seeks to obtain an order compelling action through the Joint Status Report, that request is procedurally improper. Rule 7 requires that a request for a court order be made by motion, which must "state with particularity the grounds for seeking the order" and the relief requested. Fed. R. Civ. P. 7(b)(1). A Joint Status Report is not a substitute for a properly noticed motion to compel. Requiring Plaintiff to file a separate motion would allow Defendant to adequately prepare and present a meaningful response, consistent with the Federal Rules and this Court's local practice.

Defendant proposes the following briefing schedule:

- Defendant's motion for summary judgment: April 24, 2026
- Plaintiff's opposition and cross-motion (if any): June 24, 2026
- Defendant's reply and opposition to any cross-motion: July 15, 2026
- Plaintiff's reply: August 5, 2026

Defendant requests ninety (90) days before briefing to prepare supporting declarations, taking into account the agency's current FOIA litigation and processing workload.

Dated: January 23, 2026
Wayland, MA

Respectfully submitted,

JEANINE FERRIS PIRRO
United States Attorney

By: */s/* Draft

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