UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

US RIGHT TO KNOW, Plaintiff, v. DEFENSE INTELLIGENCE AGENCY, Defendant.	)	Civil Action No. 25-2213 (TJK)

JOINT STATUS REPORT

Pursuant to the Court's January 22, 2026, Minute Order, the Parties conferred and respectfully submit the following status report on this Freedom of Information Act ("FOIA") case:

Plaintiff submitted a FOIA request to Defendant Defense Intelligence Agency ("DIA") on May 23, 2025, seeking DIA's latest assessment or intelligence report on the origin of COVID-19. ECF No. 1 at 3.

Plaintiff's Position

Plaintiff's FOIA request is now nearly one year old. Defendant's position in this action has changed several times. Initially, Defendant issued a no-records response; later it identified responsive records that it asserts, but has not shown, are exempt; still later it identified further records responsive to Plaintiff's request. *See infra*; *see also* ECF at No. 7. Since the last Joint Status Report ("JSR") Plaintiff, however, has received no further production or information notwithstanding repeated inquiries. Plaintiff has, for instance, yet to be informed of the new and actual number of pages of records responsive to its request. Plaintiff furthermore has no information as to what further review of records DIA is currently engaged in. Such information is practically necessary to advance this action – it is also required under FOIA. Specifically, Plaintiff

is entitled to know how many pages of records are responsive to its request so that it may ascertain whether DIA's production and/or processing rate is reasonable.[1] Plaintiff is also entitled to know, nearly one year after it made its request and three months after Defendant again changed its position and identified further responsive records, when those records may be processed and/or produced or at least what procedure is delaying any such processing and release.[2]

For these reasons and such that Plaintiff may ultimately and timely[3] challenge DIA's search and withholdings, Plaintiff respectfully requests that this Court require the Parties to submit another JSR by or before May 25, 2026, at which time Parties may address remaining processing and production and dispositive briefing schedules as needed.

Defendant's Position

As previously reported, on September 30, 2025, DIA issued a no-records response to Plaintiff. On October 30, 2025, DIA informed Plaintiff that an additional search located one record consisting of 12 pages, all substantive portions of which must be withheld pursuant to Exemptions 1 and 3. On December 9, 2025, DIA provided Plaintiff with a summary of the search and a draft *Vaughn* index, in addition to a re-production of the document with a redaction lifted. Plaintiff sent DIA questions on December 31, 2025, which DIA responded to on January 20, 2025. DIA

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[1] *See Martinez v. Dep't of Just.*, No. CV 16-1506 (TJK), 2023 WL 9781681, at *1 (D.D.C. Sept. 27, 2023), *appeal dismissed sub nom. Martinez v. United States Dep't of Just.*, No. 23-5270, 2024 WL 3076758 (D.C. Cir. June 17, 2024) (collecting and compiling cases showing that a greater production rate of 500 pages per month is reasonable and average).

[2] *See McGehee v. C.I.A.*, 697 F.2d 1095, 1110 (D.C. Cir.), *on reh'g sub nom. McGehee v. Cent. Intel. Agency*, 711 F.2d 1076 (D.C. Cir. 1983)) (withholdings "will be considered 'improper' unless the agency can offer a reasonable explanation for its procedure."); *see also Elec. Priv. Info. Ctr. v. Nat'l Sec. Agency,* 795 F. Supp. 2d 85, 94 (D.D.C. 2011) (an agency's FOIA procedures, like procedures under the APA generally, are subject to a reasonableness standard).

[3] *Payne Enters., Inc. v. United States*, 837 F.2d 486, 494 (D.C. Cir. 1988) ("stale information is of little value yet more costly than fresh information ought to be.").

informed Plaintiff that the record it partially released refers to responsive supportive materials, which DIA continues to process and internally review. DIA anticipates being able to provide Plaintiff with an update on the number of documents and estimated date of completion on or before May 1, 2026.

DIA respectfully proposes that the parties be ordered to file a further Joint Status Report on or before July 21, 2026, with a proposal for further proceedings if necessary.

Dated: April 22, 2026

Respectfully submitted,

/s/ Nathaniel M. Lindzen
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