

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

US RIGHT TO KNOW,

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY,

Defendant.

Civil Action No. 25-2144 (TJK)

JOINT STATUS REPORT

Pursuant to the Court’s Minute Order dated January 15, 2026, Plaintiff US Right to Know (“USRTK”) and Defendant Central Intelligence Agency (“CIA”) (together “Parties”), by and through undersigned counsel, hereby respectfully submit this Joint Status Report (“JSR”).

This is a case under the Freedom of Information Act (“FOIA”). It pertains to Plaintiff’s FOIA request made on or about May 24, 2025.

PLAINTIFF’S POSITION

This FOIA request, for the CIA’s latest assessment or intelligence report on the origin of the COVID-19 pandemic, as well as all related, supporting, referenced, described and attached records, is now three weeks shy of one year old. Even though Plaintiff requested expedited processing and Defendant acknowledged the need for same (ECF at No. 9 granting Plaintiff’s request for expedited processing), Plaintiff has, to date, literally still received not one iota of substantive information as regards responsive records in this action. This was so at the last JSR (ECF at No. 10) two months ago and remains so. There is a well-established pattern of dilatory can-kicking reaching back to the inception of this action and before.¹

¹ See e.g., ECF at No. 1 (“As of this filing, Plaintiff has received no responses whatsoever regarding its FOIA

“The statute places the burden on the agency, not the FOIA requester, to justify delays in processing.” *Jud. Watch, Inc. v. United States Dep’t of Homeland Sec.*, 895 F.3d 770, 789 (D.C. Cir. 2018). Defendant, however, has ceased to even try to show such diligence. In such situations “the Court must insure [*sic*] that due diligence is used and that the plaintiff is given sufficient attention.” *Dacosta v. U.S. Dep’t of Just.*, 782 F. Supp. 147, 148–49 (D.D.C. 1992).

Plaintiff therefore respectfully reiterates its request (ECF at No. 10) that this Court order Defendant, no later than 30 days or by or before June 3, 2026, provide Plaintiff with an estimate of the number of records (and pages therein) that are responsive to its request and a production schedule for same. Plaintiff further and respectfully requests that this Court order Parties to update the Court again by way of a JSR by or before June 4, 2026.

DEFENDANT’S POSITION

Defendant’s initial search for records potentially responsive to Plaintiff’s FOIA request is completed. Defendant also has begun its responsiveness review and expects being able to provide an anticipated date of its first production in the next Joint Status Report. Because Defendant’s search for responsive records is ongoing, Defendant does not yet know the total number of responsive records and corresponding page count. With respect to processing Plaintiff’s FOIA request in an expedited fashion, Defendant prioritized this request over all other non-expedited requests in the Defendant’s queue.

Plaintiff seeks nearly the same relief in this Joint Status Report that it did in the previous status report and it continues to be inappropriate for the same reasons.

request, leaving it with no choice but to bring suit.”); ECF at No. 5 (unopposed Motion for Extension of Time to Answer); ECF at No. 7 (“Until Defendant has completed its initial search, there will be no documents to process...”); ECF at No. 9 (“Defendant has begun its initial search for documents responsive to Plaintiff’s FOIA request...”); ECF at No. 10 (“Defendant reports that it is continuing to work on its search.”); *see also infra* “Defendant also has begun its responsiveness review and expects being able to provide an anticipated date of its first production in the next Joint Status Report.”.

As Defendant explained (*see* Mar. 5, 2026, Jt. Status Rep. at 5, ECF No. 10), Defendant is an agency that frequently is tasked with protecting classified information and its processes therefore must be rigorous. *Cf. Agee v. Cent. Intel. Agency*, 524 F. Supp. 1290, 1294 (D.D.C. 1981) (noting that CIA has a “special statutory exemption” to FOIA production). The entire basis for Plaintiff’s arbitrary demand is that the request “now three weeks shy of one year old.”

But as Defendant noted in the last report, CIA reported that, for fiscal year 2025, its median and average number of days for requests granted expedited processing—like this one—is 516.5 days after receipt. *See Central Intelligence Agency Freedom of Information Act Annual Report: Fiscal Year 2025 at 11–12, CIA, https://www.cia.gov/readingroom/docs/CIA_FY2025_FOIA_Annual_Report-DOJ.pdf.*

Defendant is treating expedited requests alike and Plaintiff offers no basis to move its expedited request ahead of other expedited requests and to process its request more quickly. *See, e.g., Open Am. V. Watergate Special Prosecution Force*, 547 F.2d 605, 615 (D.C. Cir. 1976) (“ If everyone could go to court when his request had not been processed within thirty days, and by filing a court action automatically go to the head of the line at the agency, we would soon have a listing based on priority in filing lawsuits, i. e., first into court, first out of the agency. This would be nothing but an inflation of a simple administrative request to a United States district court action, and like inflation in the monetary world would ultimately profit no one, since no one would be assigned a priority position any different than he would achieve if all applicants were left to the priorities fixed by the agency.”)

Defendant proposes that the parties file an additional Joint Status Report on Friday, July 10, 2026.

Dated: May 4, 2026

Respectfully submitted,

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