

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

US RIGHT TO KNOW,

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY,

Defendant.

Civil Action No. 25-3465 (LLA)

JOINT STATUS REPORT

Pursuant to the Court’s July 22, 2026, Minute Order, Plaintiff US Right to Know and Defendant Central Intelligence Agency (“CIA”), by and through undersigned counsel, respectfully submit the parties’ joint status report.

This case concerns Plaintiff’s Freedom of Information Act (“FOIA”) requests to CIA for records containing certain keyword and name combinations over a specific temporal range that generally relate to the CIA’s purported knowledge of the origins of COVID-19. Plaintiff’s request also sought expedited processing of its request.

Plaintiff’s Position

CIA should be required to promptly support the Glomar response it has finally issued. The record, as briefly recapped below, shows why this is not only warranted but also efficient.¹

CIA’s response to the Complaint was due November 5, 2025. ECF No. 6. It filed nothing until January 20, 2026, and then only after Plaintiff’s affidavit for default. ECF Nos. 5, 7. The

¹ A court in this district has ordered precisely this sequence: with no summary judgment schedule in place, it directed the agency to furnish evidence supporting its exemption claiming, in that instance a Vaughn index, by a date certain and set a status report for the following month. *Hist. Assocs. Inc. v. FDIC*, No. 24-cv-1857 (ACR), Minute Order (D.D.C. Sept. 18, 2024).

Court granted an extension *nunc pro tunc*, then a second, warning that it would look upon further such requests “with disfavor.” ECF Nos. 7, 12; Minute Orders (Jan. 27 and Feb. 13, 2026). CIA then made nonreceipt the threshold issue even though Plaintiff’s original Complaint attached a fax transmission confirmation for the June 30, 2025 request. Compl. Ex. B (ECF No. 1-3). Out of an abundance of caution, Plaintiff then resubmitted the request directly to CIA on April 8, 2026; CIA acknowledged it on May 5. ECF No. 22 ¶¶ 17, 19. CIA moved for summary judgment three days later, and its June 5 Reply still told the Court that Plaintiff “has refused” to submit a request “in accordance with 32 C.F.R. Part 1900.” ECF No. 17; ECF No. 19 at 6. The Court denied that motion as moot. Minute Order (July 6, 2026). Not until August 14, 2026, when it transmitted its August 13 letter, did CIA reach the merits: Glomar. Contrary to Defendant’s assertion below the request was not “new” but rather substantively the same amended request that Defendant has been in possession of since at least January of this year.

The Glomar response itself is doubtful on this record, and an early ruling requiring CIA to support it will either resolve the case or promptly position the case for dispositive briefing. That is a posture this action should have already reached but for CIA’s suspect denial of expedited processing (as described further below) and procedural stalling.² An agency’s justification for invoking a FOIA exemption “is sufficient if it appears ‘logical’ or ‘plausible.’” *ACLU v. CIA*, 710 F.3d 422, 427 (D.C. Cir. 2013); *Larson v. Dep’t of State*, 565 F.3d 857, 862 (D.C. Cir. 2009). Here, CIA invokes Exemptions 1 and 3 to refuse to confirm or deny the existence of responsive records. It has offered no support for that assertion and has filed no declaration.

² Members of Congress and indeed CIA whistleblowers themselves have credibly and repeatedly asserted that the CIA has been unlawfully obstructing and covering-up access to the kinds of information that Plaintiff seeks. *See e.g., Whistleblower Testimony on the COVID Coverup: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 119th Cong. (2026) (testimony of James Erdman III).

The assertion is also difficult to square with how much of this subject matter is already in the public record. A June 2023 report declassified by the Director of National Intelligence names CIA among the agencies that analyzed COVID-19 origins, and in January 2025 CIA declassified its own low-confidence assessment that a lab leak was more likely than a natural origin. Off. of the Dir. of Nat'l Intelligence, *Report on Potential Links Between the Wuhan Institute of Virology and the Origins of COVID-19* 3 (declassified June 23, 2023); Katie Bo Lillis, *CIA Assesses Lab Leak Most Plausible Source of Covid-19, Though with Low Confidence*, CNN (Jan. 25, 2025). A 2023 report released by the office of Senator Marco Rubio, then Vice Chairman of the Senate Select Committee on Intelligence, states that the WIV “has further engaged in classified research, including laboratory animal experiments, on behalf of the PLA since at least 2017,” and that personnel of the PLA Academy of Military Medical Sciences “appear to maintain a working presence at the WIV.” It names Cao Wuchun, Shi Zhengli, Chen Wei and Yuan Zhiming, each of whom supplies a keyword in Plaintiff’s request. Off. of Sen. Marco Rubio, *“A Complex and Grave Situation”: A Political Chronology of the SARS-CoV-2 Outbreak* 34–35, 53 (2023).

CIA’s expedited-processing decisions further reinforce the need for prompt resolution of the Glomar issue and undermine the credibility of that same Glomar response. Information and Privacy Coordinator Stephen Glenn denied expedited processing on Plaintiff’s April 8 request, and CIA’s Answer maintains that denial. On July 23, Glenn granted expedited processing on a separate, un-litigated request covering the same October 1, 2019 to April 1, 2021 period and the same People’s Liberation Army and COVID-19 keyword combinations, finding that it “meets the criteria for expedited processing.” Letters from Stephen Glenn re F-2026-01455 (May 5, 2026) and F-2026-01828 (July 23, 2026); ECF No. 22 ¶¶ 22, 24. CIA has also granted Plaintiff expedited processing on two other COVID-19-origins requests. Joint Status Report at 1, *US Right to Know*

v. CIA, No. 25-2144 (TJK) (D.D.C. Jan. 12, 2026), ECF No. 9 (CIA “reversed its position and granted Plaintiff expedited processing”); Letter from Stephen Glenn re F-2025-02459 (July 16, 2025).

Plaintiff therefore asks the Court to order CIA to file, by September 19, 2026, a public declaration supporting the Exemption 1 and 3 Glomar rationale in its August 13, 2026 letter. FOIA places the burden on CIA and requires de novo review, and *Phillippi* requires a public affidavit explaining “in as much detail as is possible” why CIA can neither confirm nor deny responsive records, with classified supplementation *in camera* if necessary. 5 U.S.C. § 552(a)(4)(B); *Phillippi v. CIA*, 546 F.2d 1009, 1013 (D.C. Cir. 1976).

CIA’s sequencing has already cost Plaintiff and the Court a full round of dispositive briefing that ended in mootness. Requiring CIA’s evidence now should narrow, and may even avoid, the next round. That course would advance the expedition this action warrants while conserving the Court’s and the litigants’ resources. *See McGehee v. CIA*, 697 F.2d 1095, 1110, 1114 (D.C. Cir.), *vacated in part on reh’g*, 711 F.2d 1076 (D.C. Cir. 1983); *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). CIA will have to produce this evidence eventually, and requiring it to do so now is both warranted and efficient. Plaintiff further requests another joint status report on or before October 1, 2026, such that after receipt of such evidence it may apprise this Court of whether dispositive briefing is still necessary and, if so, suggest an expedited and efficient briefing schedule.

Defendant’s Position

Plaintiff filed its amended complaint in this matter on July 6, 2026 after submitting a new amended FOIA request to CIA on April 8, 2026. Plaintiff submitted the new request after Defendant repeatedly informed Plaintiff over the course of this litigation that although it had

processed a number of Plaintiff's other FOIA requests, it had no record of receiving the original FOIA request that is the subject of the first complaint in this litigation. Prior to submitting the new amended FOIA request to CIA, Plaintiff also sought to change its original request by sending a new amended request to the then-assigned Assistant United States Attorney in this case, but Plaintiff did not submit its amended request to CIA until April 8, 2026, well after the Court had ordered summary judgment briefing.

Plaintiff's amended request asks CIA to conduct searches with slightly different search terms and asks to produce a broader category of records of materials that were "disseminated outside of the CIA to any other U.S. government entity." *See* ECF 21, Exhibit A. Plaintiff's alleged original request sought only records "produced by the Central Intelligence Agency (CIA)'s East Asia & Pacific Mission Center or Weapons & Counterproliferation Mission Center." *See* ECF 18, Exhibit B.

Defendant sent Plaintiff its final response to Plaintiff's FOIA request on August 14, 2026, which was a Glomar response neither confirming nor denying the existence of records in response to Plaintiff's FOIA request. On August 17, 2026, Plaintiff informed the undersigned that Plaintiff will request the Court to order CIA to file by September 18, 2026, a public declaration supporting the Exemption 1 and 3 Glomar rationale in its August 13, 2026 letter. The undersigned will confer with CIA regarding Plaintiff's demand for a declaration, but the undersigned respectfully submits that providing such a public declaration is more appropriate as part of summary judgment briefing, not as a free-standing filing. The minute order Plaintiff cites in *Hist. Assocs. Inc. v. FDIC*, No. 24-cv-1857 (ACR), involves a Vaughn Index, not a public declaration, information not protected under Glomar, and occurred after an initial joint status report and a pre-motion conference. In this case, the parties are filing their first joint status report since the filing of the amended complaint

and answer. Defendant agrees that the parties should file another joint status report by October 1, 2026, to update the Court and propose a briefing schedule, if necessary.

Dated: August 19, 2026
Washington, D.C.

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PLAINTIFF'S [PROPOSED] ORDER

Upon consideration of the parties' Joint Status Report, the positions stated therein, and the entire record herein, it is hereby

ORDERED that, on or before September 19, 2026, the defendant shall file a public declaration supporting the Exemption 1 and 3 Glomar response and that the declaration shall explain, in as much detail as is possible, the basis for the defendant's claim that it can neither confirm nor deny the existence or nonexistence of records responsive to that request; and it is further

ORDERED that the parties shall file a joint status report on or before October 1, 2026

SO ORDERED.

Date: _____

LOREN L. ALIKHAN
United States District Judge

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DEFENDANT'S [PROPOSED] ORDER

Upon consideration of the parties' Joint Status Report, the positions stated therein, and the entire record herein, it is hereby

ORDERED that the parties shall file a joint status report on or before October 1, 2026

SO ORDERED.

Date: _____

LOREN L. ALIKHAN
United States District Judge