

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

U.S. RIGHT TO KNOW,

Plaintiff,

v.

DEFENSE INTELLIGENCE AGENCY,

Defendant.

Case No. 1:24-CV-982 (TNM)

ORDER

Before the Court is a Joint Status Report updating the Court on the status of this Freedom of Information Act case. *See* Joint Status Report, August 5, 2026, ECF No. 27. The parties dispute the appropriate next steps for this matter. *Id.* Upon consideration of the Report and the case’s history, the Court grants U.S. Right to Know’s request and directs Defense Intelligence Agency (“DIA”) to complete all processing and production by September 7, 2026. Should it fail to meet that deadline, the Court will consider sanctions against the agency and possibly the DIA General Counsel personally.

I.

U.S. Right to Know sued DIA in April 2024 over its FOIA request. *See* Compl., ECF No. 1. After nearly two years of working through the request, the Court held an in-person status conference to resolve a dispute between the parties. *See* Minute Order, December 22, 2025 (ordering hearing). At that hearing, the Court directed DIA “to process, meaning produce or withhold, all documents by June 16, 2026.” Minute Order, Jan. 14, 2026. It also ordered the parties to appear for an in-person status conference later in June and instructed that, if DIA “fails

to process all documents on time, the General Counsel of the Defense Intelligence Agency should attend that status hearing.” Order, Jan. 14, 2026, ECF No. 22.

The DIA General Counsel did not appear at the June hearing. *See* Joint Status Report, August 5, 2026, at 3. DIA instead told the Court that it had completed all processing and production by that point. *Id.* That representation was false. In the latest Joint Status Report, the DIA states that processing is incomplete and that, because records remain in the hands of other agencies for consultation, DIA has no sense of when it will complete processing. *Id.* at 5–6. DIA’s about-face is unacceptable. Agencies cannot avoid processing obligations by misstating their progress to the Court at a hearing (ignoring the Court’s instruction for the General Counsel to appear in doing so) and walking back on that representation two months later. The Court thus agrees with Right to Know’s proposal to order the prompt completion of processing. The Court further warns that, in light of DIA’s delays and retraction from its in-court statements, it may consider sanctions against DIA and its General Counsel personally should DIA fail to meet its next deadline.

For these reasons, it is hereby

ORDERED that DIA shall either produce to Plaintiff or withhold all documents by September 7, 2026. This includes records that have been sent to other agencies for referral or consultation; it is further

ORDERED that counsel of record for DIA shall certify within one business day that this order has been provided to the DIA General Counsel.

SO ORDERED.

Dated: August 7, 2026

/s/
TREVOR N. McFADDEN, U.S.D.J.