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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

NATIONAL PUBLIC RADIO, INC. and
GRAHAM SMITH,

Plaintiffs,

v.

U.S. CENTRAL COMMAND and U.S.
DEPARTMENT OF DEFENSE,

Defendants.

Case No. 21-cv-1079-MMA (AHG)

**NOTICE AND ORDER PROVIDING
TENTATIVE RULINGS RE:
CROSS-MOTIONS FOR SUMMARY
JUDGMENT**

[Doc. Nos. 23, 32]

On December 12, 2022, the parties in this action will appear before the Court for a hearing on Defendants’ motion for summary judgment, *see* Doc. No. 23, and Plaintiffs’ cross-motion for summary judgment, *see* Doc. No. 32. In anticipation of the hearing, the Court issues the following tentative rulings:

1. The Court tentatively **GRANTS** Defendants’ motion for summary judgment and **DENIES** Plaintiffs’ cross-motion for summary judgment.
2. The Court tentatively **GRANTS** summary judgment in Defendants’ favor and **DENIES** Plaintiffs’ cross-motion for summary judgment as to the adequacy of Defendants’ search. Although Defendants did not search any additional locations proposed by Plaintiffs, the Court tentatively finds that Defendants met their burden to

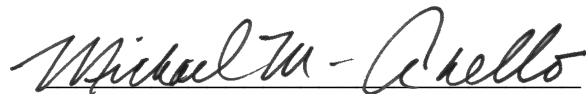
1 follow all “leads” and clearly explained their decisions about the scope of their search in
2 the declarations submitted by Edgardo M. Guzman. *See* Doc. No. 23-2 at 4–13;
3 *Campbell v. U.S. Dep’t of Justice*, 164 F.3d 20, 28 (D.C. Cir. 1998).

4 3. The Court tentatively **DENIES** Plaintiffs’ cross-motion for summary
5 judgment as to their request to enter declaratory judgment that Defendants “violated
6 FOIA’s requirement to timely respond to [Plaintiffs’] requests.” Doc. No. 32 at 24.
7 Based on the record, the Court tentatively finds that Defendants were untimely in
8 responding to Plaintiffs’ FOIA request. Notwithstanding Defendants’ delay, the Court
9 tentatively finds that issuing a declaratory judgment against Defendants would neither
10 “clarify and settle the legal relations at issue [nor] . . . afford relief from the uncertainty
11 and controversy giving rise to the proceedings.” *See Nat’l Resources Def. Council v.*
12 *EPA*, 966 F.2d 1292, 1299 (9th Cir. 1992).

13 As these rulings are tentative, the Court looks forward to the oral arguments of
14 counsel.

15 **IT IS SO ORDERED.**

16 Dated: December 5, 2022

17 

18 HON. MICHAEL M. ANELLO

19 United States District Judge
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