

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

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JEREMY BIGWOOD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:11-cv-00602-ABJ
	)	The Honorable Amy B. Jackson
UNITED STATES DEPARTMENT OF	)	
DEFENSE and CENTRAL	)	
INTELLIGENCE AGENCY,	)	
	)	
Defendants.	)	

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**ANSWER**

Defendants United States Department of Defense (“DOD”) and the Central Intelligence Agency (“CIA”), by and through their undersigned counsel, hereby answer Plaintiff Jeremy Bigwood’s Complaint in the following numbered paragraphs, which correspond to the Complaint’s numbered paragraphs.

1. This paragraph sets forth Plaintiff’s characterization of this action and a legal conclusion, to which no response is required. To the extent a response may be required, Defendants admit that Plaintiff’s lawsuit seeks injunctive and other appropriate relief pursuant to the Freedom of Information Act (“FOIA”), but deny that Plaintiff is entitled to any such relief.

2. Admitted except that Defendants lack sufficient knowledge or information to admit or deny that the documents Plaintiff seeks are a matter of significant public concern.

3. Admit.

4. The first sentence is admitted. The second sentence contains Plaintiff’s speculation, to which no response is required.

5. This paragraph contains Plaintiff's characterization of news articles cited in its Complaint, to which no response is required. Defendants respectfully refer the Court to the cited articles for full and accurate statements of their contents.

6-8. These paragraphs appear to contain Plaintiff's characterization of events described in the news articles cited in his Complaint, to which no response is required. Defendants respectfully refer the Court to the cited articles for full and accurate statements of their contents.

9. This paragraph contains Plaintiff's characterization of events described on the website cited in its Complaint, to which no response is required. Defendants respectfully refer the Court to the cited website for a full and accurate statement of its contents.

10. This paragraph appears to contain Plaintiff's characterization of events described in the website cited in the preceding paragraph, to which no response is required. Defendants respectfully refer the Court to the cited website for full and accurate statements of its contents.

11. This paragraph contains Plaintiff's speculation based on the article cited in its Complaint, to which no response is required. Defendants respectfully refer the Court to the cited article for full and accurate statements of its contents.

12. This paragraph contains a legal conclusion, to which no response is required.

13. Defendants lack sufficient knowledge or information to admit or deny the first sentence. The remaining two sentences contain Plaintiff's characterization of this lawsuit, to which no response is required.

14-15. The allegations contained in these paragraphs consist of legal conclusions, to which no response is required.

16. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

17. Admit.

18. Admit.

**Allegations as to DOD**

19. Admit.

20. This paragraph consists of Plaintiff's speculation, to which no response is required.

21. This paragraph contains Plaintiff's characterization of news articles cited in its Complaint, to which no response is required. Defendant DOD respectfully refers the Court to the cited articles for full and accurate statements of their contents.

22. Admitted to the extent that SOUTHCOM's JTF-B has controlled U.S. military operations and assistance at Soto Cano airbase since 1995 and that the plane transporting President Zelaya stopped during his removal from the country.

23-25. These paragraphs contain characterizations of the contents of Plaintiff's FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to that request for a full and accurate statement of its contents.

26. Deny.

27. Defendant DOD is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

28. Defendant DOD admits that Plaintiff transmitted a written inquiry as to the status of his request but denies that it was dated November 5, 2010.

29. Defendant DOD is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

30. Admit.

31. Defendant DOD is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

32-33. These paragraphs contain characterizations of the contents of Defendant DOD's letter, to which no response is required. Defendant DOD respectfully refers the Court to that letter for a full and accurate statement of its contents.

34. Admit.

35. Defendant DOD is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

36. Defendant DOD lacks knowledge of a December 30, 2010 letter from Plaintiff but admits that it never sent Plaintiff a response to any alleged letter.

37. Admit.

38. This paragraph contains characterizations of the contents of Plaintiff's appeal, to which no response is required. Defendant DOD respectfully refers the Court to that appeal for a full and accurate statement of its contents.

39. Admit.

40. Admit.

41. Admit.

42. Deny.

43-45. These paragraphs contain characterizations of the contents of Plaintiff's FOIA request, to which no response is required. Defendant DOD respectfully refers the Court to that request for a full and accurate statement of its contents.

46. Defendant DOD is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

47. Admit.

48. Defendant DOD is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

49. This paragraph contains characterizations of the contents of Defendant DOD's letter, to which no response is required. Defendant DOD respectfully refers the Court to that letter for a full and accurate statement of its contents.

50. Defendant DOD is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

51. Admit.

52. Admit.

53. This paragraph contains characterizations of the contents of Plaintiff's appeal, to which no response is required. Defendant DOD respectfully refers the Court to that appeal for a full and accurate statement of its contents.

54. Admit.

55. Admit.

56. Admit.

**Allegations as to the Central Intelligence Agency**

57-61. These paragraphs contain Plaintiff's characterization of news articles cited in its Complaint, to which no response is required. While neither confirming nor denying the accuracy of the events described therein, Defendant CIA respectfully refers the Court to the cited articles for full statements of their contents.

62-63. These paragraphs contain characterizations of the contents of Plaintiff's FOIA request, to which no response is required. Defendant CIA respectfully refers the Court to that request for a full and accurate statement of its contents.

64. This paragraph contains characterizations of the contents of Defendant CIA's letter, to which no response is required. Defendant CIA respectfully refers the Court to that letter for a full and accurate statement of its contents.

65. Admit.

66. This paragraph contains characterizations of the contents of Defendant CIA's letter, to which no response is required. Defendant CIA respectfully refers the Court to that letter for a full and accurate statement of its contents.

67. This paragraph contains conclusions of law, to which no response is required.

68. Defendants re-allege their answers to the preceding paragraphs.

69. This paragraph calls for a legal conclusion, to which no response is required.

70. Defendant DOD re-alleges its answers to the preceding paragraphs.

71. This paragraph calls for a legal conclusion, to which no response is required.

The remaining allegations in the Complaint constitute a prayer for relief to which no response is required. If a response were required, the allegations are denied. Defendants further deny that Plaintiff is entitled to any relief demanded in the Complaint, or any relief whatsoever.

Defendants deny all allegations contained in the Complaint that they have not expressly admitted.

### **DEFENSES**

1. The Court lacks jurisdiction to grant relief to plaintiff because no records have been improperly withheld.

2. The FOIA request that is the subject of this lawsuit may implicate certain information that is protected from disclosure by one or more statutory exemptions. Disclosure of such information is not required.

WHEREFORE, Defendants pray that the Court dismiss Plaintiff's suit with prejudice, render judgment that Plaintiff take nothing by this action, and award Defendants all other relief to which they are entitled.

Dated: May 4, 2011

Respectfully submitted,

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Assistant Attorney General

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United States Attorney

ELIZABETH J. SHAPIRO  
Deputy Branch Director

/s/ Nathan M. Swinton

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