

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-5283

September Term, 2017

1:16-cv-01888-RMC

Filed On: June 22, 2018

Judicial Watch, Inc.,

Appellant

v.

United States Department of Justice,

Appellee

BEFORE: Kavanaugh and Wilkins, Circuit Judges; Sentelle, Senior Circuit Judge

ORDER

Upon consideration of the motion to vacate the judgment and for remand and the response in support thereof, it is

ORDERED that the motion be granted. The law enforcement proceeding that served as the basis for the assertion of Freedom of Information Act Exemption 7(A) in this case is no longer pending. The court therefore vacates the district court's October 20, 2017 order granting appellee's motion for summary judgment and denying appellant's cross-motion for summary judgment based on Exemption 7(A). See Citizens for Responsibility & Ethics in Wash. v. U.S. Dep't of Justice, 746 F.3d 1082, 1097 (D.C. Cir. 2014) (noting that for Exemption 7(A) to apply, an enforcement proceeding must be pending at the time of the court's decision and that "reliance on Exemption 7(A) may become outdated when the proceeding at issue comes to a close"). It is

FURTHER ORDERED that the case be remanded to the district court for further proceedings.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to issue the mandate forthwith to the district court.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Robert J. Cavello
Deputy Clerk