

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR**



Mayor's Office of Legal Counsel

August 29, 2017

VIA ELECTRONIC MAIL

Mr. Theodore Whitehouse

RE: FOIA Appeal 2017-138

Dear Mr. Whitehouse:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). In your appeal, you assert that the Metropolitan Police Department ("MPD") improperly withheld records in response to a request you submitted on behalf of a client under DC FOIA.

This Office contacted MPD on August 15, 2017, and asked for its response to your appeal. On August 29, 2017, MPD informed us that its investigation is closed and that it will process your request. Since your appeal was based on MPD's assertion of an exemption that MPD admits is no longer applicable, and because MPD has represented that it will provide you with responsive documents, we consider your appeal to be moot. Your appeal is hereby dismissed; however, the dismissal shall be without prejudice. You are free to assert any challenge, by separate appeal to this Office, to the substantive response MPD sent you.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Ronald Harris, Deputy General Counsel, MPD (via email)