

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
EXECUTIVE OFFICE OF THE MAYOR  
MAYOR'S OFFICE OF LEGAL COUNSEL  
Freedom of Information Act Appeal: 2017-62**

May 10, 2017

VIA ELECTRONIC MAIL

Jarrod S. Sharp, Esq.

RE: FOIA Appeal 2017-62

Dear Mr. Sharp:

This letter responds to the twenty-third administrative appeal that you have submitted to the Mayor this year under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA").

You contend here that on March 17, 2017, you submitted a request to the Metropolitan Police Department ("MPD") for "any and all documents that refer and/or relate to the Supreme Court case *D.C. v. Heller*," and MPD failed to respond to your request within the statutory timeframe under DC FOIA.

MPD advised this Office that it responded to your request via email on May 8, 2017, indicating that the cost of searching for the records is \$240,000. MPD also informed you that it is requiring an advance payment, as authorized by D.C. Official Code § 2-532(b-3).<sup>1</sup>

Your appeal was based on MPD's failure to respond to your request, and MPD has now responded with a fee estimate and an appropriate requirement of prepayment. As a result, we consider your appeal to be moot and hereby dismiss it. Should you prepay for and obtain responsive documents, you are free to assert any challenge as to the substance of the documents by separate appeal.

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<sup>1</sup> This statute provides that an agency may require advance payment of a fee if the requester has previously failed to pay fees in a timely fashion, or the agency has determined that the fee will exceed \$250. Both of these circumstances apply here. *See* FOIA Appeals 2017-56, 2017-57, and 2017-61.

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

Respectfully,

Mayor's Office of Legal Counsel

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