

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-79**

June 5, 2017

VIA ELECTRONIC MAIL

Jeffrey L. Light, Esq.

RE: FOIA Appeal 2017-79

Dear Mr. Light:

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"), on behalf of your client. Your appeal relates to FOIA Appeal 2017-06, in which this Office ordered the Metropolitan Police Department ("MPD") to conduct a second search for documents you requested. MPD conducted the search and located three emails. One email was released in full, one was released in part, and one was entirely withheld. You submitted the instant appeal on the grounds that MPD's withholding of one of the emails in its entirety was improper because MPD has not established how releasing the document would interfere with its investigation.

This Office advised MPD of this appeal, and MPD responded on June 1, 2017.¹ MPD indicated that it reevaluated its position and will be releasing portions of the withheld documents that are responsive to your request.

In light of MPD's representation that it will be releasing non-privileged, segregable portions of the records you requested, we consider your appeal to be moot and hereby dismiss it. The dismissal shall be without prejudice, however, and you are free to assert any challenge by separate appeal to the redactions made to the documents you receive.

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)

¹ A copy of MPD's response is attached.