

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CATO INSTITUTE,

*Plaintiff,*

v.

FEDERAL BUREAU OF INVESTIGATION,  
et al.,

*Defendants.*

Civil Action No. 24-2839 (RBW)

**JOINT STATUS REPORT**

Plaintiff Cato Institute and Defendants Federal Bureau of Investigation and U.S. Department of Justice, by and through counsel, respectfully submit this Joint Status Report pursuant to the Court's May 6, 2026, Minute Order.

1. This is a Freedom of Information Act ("FOIA") case. Plaintiff filed its complaint on October 4, 2024, and Defendant timely answered on November 8, 2024. The case concerns a request that Plaintiff submitted on August 19, 2024, to the Federal Bureau of Investigation for certain types of records relating to Foreign Intelligence Surveillance Act Section 702 compliance. Plaintiff reports that, President Trump and Congress reauthorized FISA Section 702 to June 12, 2026.

2. Plaintiff's request to the FBI contained five parts, and in response, the FBI determined that only the first part was a properly perfected FOIA request and assigned it FOIPA No. 1644638-000. Regarding parts two through five, the FBI designated them as NFP-164564, NFP-164565, NFP-164566, and NFP-164567 for administrative purposes and determined that these were not considered FOIA requests because the information requested did not comply with the FOIA and its regulations; they were overly broad and failed to provide sufficient details to

enable FBI personnel to locate potentially responsive records with a “reasonable amount of effort.” After Plaintiff’s administrative appeal, a final appeal determination was issued for FOIPA No. 1644638-000 on September 3, 2024, and for NFP-164564, NFP-164565, NFP-164566, and NFP-164567 on September 26, 2024. Plaintiff reports that it disputes Defendants’ determination.

3. The FBI completed its supplemental search for FOIPA No. 1644638-000 and located approximately 196 potentially responsive records. FBI was ordered to process the potentially responsive records by July 31, 2025.

4. Defendant FBI reports that regarding FOIPA No. 1644638-000 it reviewed the 196 potentially responsive records, identified 86 pages therein as responsive records, and released all 86 pages to the Plaintiff on July 31, 2025.

5. Defendants further report that the FBI continues to assert that Plaintiff’s requests in NFP-164564, NFP-164565, NFP-164566, and NFP-164567 do not comport with DOJ regulation Title 5, United States Code, Section 552(a)(3)(A), because they fail to reasonably describe records sought to allow the agency to conduct a search with a reasonable amount of effort, and therefore are not considered properly perfected FOIA requests. Plaintiff reports that it brought this lawsuit to dispute that position. Neither party concedes the validity of their position, but the parties are still conferring to determine whether it may be possible to resolve this matter without judicial intervention.

6. Since the filing of the last Joint Status Report on May 4, 2026, Defendant FBI has identified approximately 39,650 potentially responsive pages to the request. Plaintiff reports that it has asked FBI whether that page count is deduplicated. FBI anticipates making its first monthly release of records to Plaintiff on August 15, 2026, which FBI anticipates will consist of approximately 128 pages, followed thereafter processing 250 pages per month. To reduce the

workload associated and lengthy process that this case will entail, the parties will continue to confer whether it is possible to reduce the scope of the records at issue. The parties will report on the result of their discussions in the next joint status report.

7. The parties propose that they file an additional Joint Status Report in 90 days to update the Court on the continuing production of records and their discussions about reducing the scope of the request.

Dated: June 4, 2026  
Washington, DC

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Respectfully submitted,

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