

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
RALPH BEGLEITER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:04-cv-01697 (EGS)
)	
DEPARTMENT OF DEFENSE,)	
)	
and)	
)	
DEPARTMENT OF THE AIR FORCE,)	
)	
Defendants.)	
_____)	

JOINT STATUS REPORT

At the parties' request, this case was stayed by the Court's Order of December 28, 2004. Pursuant to that Order, Plaintiff and Defendants hereby inform the Court of the status of Plaintiff's administrative appeal.

In response to Plaintiff's appeal, the FOIA management office supporting the Air Mobility Command, which previously produced 361 images from Dover Air Force Base, referred Plaintiff's FOIA request to several additional offices within the Department of Defense to search for any additional responsive documents. Plaintiff has received several responses. In one of those responses, dated February 10, 2005, Plaintiff received a "no records" determination from certain Defendant components, and was informed that "the Air Force Chaplains Office at Arlington National Cemetery and the Secretary [of the] Air Force Office of Public Affair[s] conducted an appropriate search for records responsive to your request, but none were found." All other responses to Plaintiff's administrative

appeal have been non-substantive, informing Plaintiff either that his request has been referred to another component (e.g., January 28, 2008 letter, referring request to Office of Public Affairs, Department of the Army) or that "additional time is required to properly examine the documents [Plaintiff] requested" (e.g., January 19, 2005 letter from Department of Air Force, Headquarters, U.S. Air Forces in Europe).

Although Plaintiff believes he is legally entitled to expeditious processing of his administrative appeal, he has agreed with Defendants that, in the interest of resolving this matter quickly and efficiently, the stay in this matter should be continued for an additional 30 days to allow Defendants to process Plaintiff's appeal. If the Court agrees, the parties will report back to the Court -- either jointly or separately -- to update the Court on the status of the administrative appeal and, depending on the circumstances, to request further action from the Court.

Dated: February 25, 2005

Respectfully submitted,

/s/

DANIEL MACH
D.C. Bar No. 461652
Jenner and Block LLP
601 13th Street NW
Suite 1200 South
Washington, DC 20005

MEREDITH FUCHS
D.C. Bar No. 450325
General Counsel
The National Security Archive
Gelman Suite 701
2130 H Street, NW
Washington, DC 20037

Counsel for Plaintiff Ralph Begleiter

PETER D. KEISLER
Assistant Attorney General
KENNETH L. WAINSTEIN
United States Attorney

/s/

ELIZABETH J. SHAPIRO
Assistant Branch Director
JEFFREY M. SMITH (Bar No. 467936)
Trial Attorney, Federal Programs Branch
U.S. Department of Justice, Civil Division
20 Massachusetts Ave., N.W., Room 6140
Washington, D.C. 20001
Tel: (202) 514-5751
Fax: (202) 616-8470

Counsel for Defendants