

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELECTRONIC PRIVACY INFORMATION :
CENTER, :
 :
Plaintiff, :
 :
v. : Civil Action No. 03-2078 (JR)
 :
U.S. DEPARTMENT OF JUSTICE, :
 :
Defendant. :

ORDER

Plaintiff moves for a preliminary injunction "enjoining defendant Department of Justice from continuing to deny plaintiff expedited processing of plaintiff's Freedom of Information Act request." An injunction restraining the denial of a request -- once the double negatives are sorted out -- is a writ of mandamus. A preliminary mandatory injunction would effectively grant all the relief plaintiff seeks. The showing offered by plaintiff in support of its motion does not address the quintessential element of mandamus, that the official act demanded by the movant be nondiscretionary. The motion for preliminary injunction [3] is accordingly **denied**, without prejudice to plaintiff's right to seek an expedited form of the de novo judicial review contemplated by FOIA. As it does not appear from the docket that the government has yet been served

with plaintiff's motion, counsel are directed to serve this order upon government counsel by conventional means. It is **SO ORDERED**.

JAMES ROBERTSON
United States District Judge
