

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 83-1529

September Term, 1983

Mark A. Allen,  
Appellant

Civil Action No. 78-01743

v.

Central Intelligence Agency, et al.

Appeal from the United States District Court for the District of Columbia

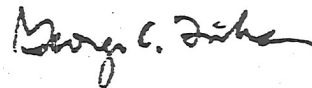
Before: Wright, Wilkey and Scalia, Circuit Judges

## J U D G M E N T

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia, and was briefed and argued by counsel. While the issues presented occasion no need for an opinion, they have been accorded full consideration by the Court. See Local Rule 13(c). On consideration thereof, it is

ORDERED and ADJUDGED, by this Court, that the order of the District Court appealed from in this cause is hereby affirmed for the reason stated in the attached memorandum.

Per Curiam  
For the Court:



George A. Fisher,  
Clerk

United States Court of Appeals  
for the District of Columbia Circuit

FILED MAR 1 1984

**GEORGE A. FISHER**  
CLERK

Bills of costs must be filed within 14 days after entry of judgment. The Court locks with disfavor upon persons to file bills of costs out of time.

M E M O R A N D U M

Appellant appeals from an order of the District Court for the District of Columbia denying his request for an award of attorneys fees in litigation under the Freedom of Information Act. We affirm the order of the District Court.

Section (a)(4)(E) of the Freedom of Information Act (FOIA), 5 U.S.C. § 552 (1982), provides that the Court may assess attorneys fees against the United States in any case in which the complainant has substantially prevailed. The District Court found that the appellant did not substantially prevail in his action. The District Court's finding on this issue can be overturned only if it is clearly erroneous. Crooker v. United States Department of the Treasury, 663 F.2d 140, 142 (D.C. Cir. 1980). The District Court's finding is not clearly erroneous, and we, therefore, affirm.