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United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 84-5084

J. GARY SHAW

v.

FEDERAL BUREAU OF INVESTIGATION, APPELLANT

Appeal from the United States District Court
for the District of Columbia
(Civil Action No. 82-00756)

Argued October 31, 1984

Decided December 5, 1984

Miriam M. Nisbet, of the Bar of the Supreme Court of North Carolina, *pro hac vice* by special leave of the Court, with whom *Joseph E. diGenova*, United States Attorney, *Royce C. Lamberth* and *R. Craig Lawrence*, Assistant United States Attorneys were on the brief, for appellant.

James H. Lesar, for appellee.

Before: WILKEY, WALD and SCALIA, *Circuit Judges*.

Bills of costs must be filed within 14 days after entry of judgment. The court looks with disfavor upon motions to file bills of costs out of time.

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² In addition to citing the statutes, the Bureau produced an affidavit affirming that "[t]he investigations were conducted to determine if activities of the subject of the file were in violation of one or more of [those] statutes," Affidavit of John N. Phillips at 6; *see also* Declaration of John N. Phillips at 1. In addition to being superfluous—since as we have described, subjective intent need not initially be established—this affidavit was ineffective for the desired purpose. Since the affiant was only a supervisor of the Records Management Division of the Bureau's Freedom of Information/Privacy Acts Section, and did not claim any personal participation in the investigation, his assertion cannot be assumed to have been made upon personal knowledge.