

June 15, 2005

Mr. Lorenzo Suttles  
(b)(6)

Re: FOIA Appeal  
Your June 2, 2005 letter

Dear Mr. Suttles:

This is in response to your appeal under the Freedom of Information Act (FOIA) presented in your letter dated June 2, 2005. Your appeal was received in the Office of General Counsel at the National Credit Union Administration (NCUA) on June 6, 2005. You state in your appeal that the NCUA has not yet responded to your FOIA request dated April 15, 2005. You state further that you sent your April 15<sup>th</sup> FOIA request to NCUA certified mail/return receipt requested. Enclosed with your appeal letter is a copy the postcard noting that your April 15<sup>th</sup> FOIA request was mailed on April 18<sup>th</sup> and delivered to NCUA on April 25, 2005.

Our records indicate that FOIA Officer Dianne Salva responded to your April 15<sup>th</sup> request on June 1<sup>st</sup>. We assume that you have now received a copy of the June 1<sup>st</sup> response with its enclosures. We have enclosed a copy of Ms. Salva's response (without enclosures) for your information. Because the sole basis for your appeal was our failure to respond, and we have responded, we are denying your appeal as moot.

Pursuant to 5 U.S.C. §552(a)(4)(B), you may seek judicial review of this determination by filing suit against the NCUA. Such a suit may be filed in the United States District Court in the district where you reside, where your principal place of business is located, the District of Columbia, or where the records are located (the Eastern District of Virginia).

Sincerely,

/s/

Robert M. Fenner  
General Counsel

Enclosure  
GC/HMU:bhs  
05-0608; 05-APP-00005