

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN OVERSIGHT,

Plaintiff,

v.

U.S. DEPARTMENT OF GOVERNMENT
EFFICIENCY et al.,

Defendants.

Civil Action No. 25-0409 (BAH)

RESPONSE TO SHOW CAUSE ORDER

Pursuant to the Court’s August 20, 2025 show cause order, Defendant the U.S. DOGE Service (“USDS”) and the Office of Management and Budget (“OMB”) respectfully submits the following response.

Defendant USDS supports an order staying this case pending a final decision *in Citizens for Responsibility and Ethics in Washington v. United States DOGE Service et al.*, Civ. A. No. 25-511 (CRC) (D.D.C.), on Petition for Writ of Mandamus, No. 25-5130 (D.C. Cir.). As demonstrated in the briefing on Plaintiff’s Motion for Discovery (ECF Nos. 21, 22, 23), the parties disagree on whether USDS is an agency subject to the Freedom of Information Act and whether Plaintiff is entitled to any discovery on USDS’s status as an agency under FOIA.

Proceedings before the D.C. Circuit in *CREW* remain ongoing. The D.C. Circuit’s forthcoming ruling on the Government’s pending petition for rehearing *en banc* on CREW’s motion for summary disposition regarding discovery (and any Supreme Court review of that ruling) will strongly inform not only the scope of discovery (if any) in this case, but also the merits of the agency question. Thus, a temporary stay of proceedings to await appellate guidance—and to await a final decision on the agency issue in the *CREW* case if the D.C. Circuit’s forthcoming

ruling and any Supreme Court review of that ruling does not itself resolve the agency issue—would promote efficiency and conserve judicial and party resources.

Indeed, this Court granted Defendants the same relief that they seek here in *Center for Biological Diversity v. Office of Management and Budget*, Civ. A. No. 25-165 (BAH). OMB has been and will continue to process records responsive Plaintiff’s FOIA request as proceedings against USDS are stayed.

Dated: September 3, 2025
Washington, DC

Respectfully submitted,

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