



exceptions. The test of whether disclosure of information will violate Fed. R. Crim. P. 6(e) is “whether revelation in the particular context would in fact reveal what was before the grand jury.” *Anaya v. United States*, 815 F.2d 1373, 1379 (10th Cir. 1987) (quoting *Fund for Constitutional Gov’t v. Nat’l Archives & Records Serv.*, 656 F.2d 856, 871 (D.C. Cir. 1981)). Disclosure is not permitted if the documents reveal “at the very least, the direction of the grand jury’s investigation, and the names of the persons involved . . . .” *Id.*

All of the documents defendant requests include information of which Fed. R. Crim. P. 6(e) prohibits disclosure, and she has failed to show a “particularized need” for the documents. In addition, the FOIA does not apply to the United States courts. *Hodges v. United States Att’y Gen.*, No. 07-3076-SAC, 2008 U.S. Dist. LEXIS 10968, at \*2 (D. Kan. Feb. 13, 2008) (citing *Cook v. Willingham*, 400 F.2d 885 (10th Cir. 1968)). It is a well-established rule “that grand jury proceedings are privileged and exempt from disclosure under the FOIA.” *Id.* at \*1 (citing *John Doe Agency v. John Doe Corp.*, 493 U.S. 146, 152 (1989)). Defendant also requests the documents under Fed. R. Civ. P. 33 and 34. However, both rules apply during discovery, and therefore would not apply to a post-trial request for documents.

**IT IS THEREFORE ORDERED** that Defendant’s Petition for Production of Ministerial Grand Jury Records is denied.

Dated this 26th day of June, 2012, at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
**United States District Judge**