

September 19, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-20400
Summary Calendar

RONALD H. TONKIN,

Plaintiff-Appellant,

versus

UNITED STATES CUSTOMS SERVICE,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-01-CV-4461

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Ronald H. Tonkin appeals the district court's dismissal of his lawsuit under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"). Tonkin argues that the (b)(6) and (b)(7)(C) FOIA exemptions do not apply to the documents requested by him.

The requested records include information about an investigation of specific individuals and therefore constitute "files" within the meaning of the (b)(6) exemption. See Sherman v. United States Dep't of the Army, 244 F.3d 357, 361 (5th Cir.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

2001). The substantial privacy interests implicated in disclosure of the requested documents outweigh the limited public interest that would be served by revealing the records. See id. Thus, disclosure "would constitute a clearly unwarranted invasion of personal privacy." See 5 U.S.C. § 552(b)(6). Because the district court did not err in determining that the (b)(6) exemption applied in this case, this court need not decide whether the (b)(7)(C) exemption applied as well.

AFFIRMED.