

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FIX THE COURT

348 4th Avenue, #1007
Brooklyn, NY 11215,

Plaintiff,

v.

DEPARTMENT OF JUSTICE

950 Pennsylvania Avenue, N.W.
Washington, DC 20530,

Defendant.

Civil Action No.

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

(1) This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552; and the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202. Plaintiff seeks injunctive and declaratory relief to compel defendant Department of Justice to disclose requested records.

Jurisdiction and Venue

(2) This court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B). This court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. §§ 2201(a) & 2202. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

The Parties

(3) Plaintiff Fix the Court is a non-partisan 501(c)(3) non-profit organization that advocates for pro-transparency reforms that would yield a more open and accountable U.S. Supreme Court.

(4) Defendant Department of Justice (“DOJ”) is a department of the Executive Branch of the United States Government. The U.S. Marshals Service (“USMS”) is a component of DOJ. Defendant DOJ is an “agency” within the meaning of 5 U.S.C. § 552(f).

Plaintiff's FOIA Request and Defendant's Response

(5) On September 23, 2022, plaintiff's executive director, Gabe Roth, submitted a FOIA request to USMS on behalf of plaintiff, seeking disclosure of the following agency records:

The request seeks all of the "Request for Special Assignment Resources" reports prepared for travel taken and events attended by U.S. Supreme Court justices in which they were accompanied by U.S. Marshals Service personnel between Jan. 1, 2018, and Sept. 30, 2022.

(6) By e-mailed letter from usms.foia@usdoj.gov, USMS acknowledged receipt of plaintiff's FOIA request on September 23, 2022, and assigned it Case Number 2022-USMS-000356.

(7) Plaintiff's executive director, Gabe Roth, sent an email to usms.foia@usdoj.gov on December 14, 2022, requesting an update to the status of plaintiff's September 23, 2022, FOIA request.

(8) On December 15, 2022, Roth received an email from usms.foia@usdoj.gov stating, "The status of your FOIA request #2022-USMS-000356 has been updated to the following status 'In Process'."

(9) To date, Case Number 2022-USMS-000356 remains "In Process" with no documents produced.

(10) To date, plaintiff has not received a determination or any final response from USMS or defendant DOJ concerning Case Number 2022-USMS-000356.

CAUSE OF ACTION

Violation of the Freedom of Information Act for Wrongful Withholding of Agency Records

(11) Plaintiff repeats and realleges paragraphs 1-10.

(12) Plaintiff has exhausted the applicable and available administrative remedies with respect to defendant's processing of plaintiff's FOIA request.

(13) Defendant has wrongfully withheld the requested records from plaintiff by failing to comply with the statutory time limit for rendering a determination or response to plaintiff's FOIA request.

(14) Plaintiff is entitled to injunctive and declaratory relief with respect to the release and disclosure of the requested documents.

Requested Relief

WHEREFORE, plaintiff prays that this Court:

- A. Order defendant DOJ and its component, USMS, to disclose all non-exempt records responsive to plaintiff's FOIA request immediately;
- B. Issue a declaration that plaintiff is entitled to disclosure of the requested records;
- C. Provide for expeditious proceedings in this action;
- D. Award plaintiff its costs and reasonable attorneys fees incurred in this action; and
- E. Grant such other relief as the Court may deem just and proper.

Respectfully submitted,

A handwritten signature in black ink, reading "David L. Sobel". The signature is fluid and cursive, with the first name "David" and last name "Sobel" clearly legible. The middle initial "L." is smaller and less distinct.

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