

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

FIX THE COURT)	
348 4th Ave., 1007)	
Brooklyn, NY 11215,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	
DEPARTMENT OF STATE)	
2201 C Street, N.W.)	
Washington, DC 20451,)	
Defendant.)	
_____)	

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 State 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 State (“DOS”) is a department of the Executive Branch of the United States Government. The Bureau of Diplomatic Security (“BDS”) is a component of DOS. Defendant DOS is an “agency” within the meaning of 5 U.S.C. § 552(f).

Background

(5) This lawsuit concerns two FOIA requests that plaintiff’s executive director, Gabe Roth, submitted to defendant for agency records in February 2023 and November 2024.

(6) Given the lack of documents produced from the February 2023 FOIA, plaintiff in November 2024 opted to file a second FOIA for the same types of documents but over a longer time period, as 21 months had elapsed since the first FOIA request was made and new documents subject to that request were likely created during that time period.

Plaintiff’s FOIA Requests and Defendant’s Responses

(7) On February 22, 2023, plaintiff’s executive director, Gabe Roth submitted a FOIA request to defendant on behalf of plaintiff, seeking disclosure of the following agency records:

[A]ll [] documents, emails and reports concerning the security personnel staffing of U.S. Supreme Court justices that was provided by Bureau of Diplomatic Security personnel — or by other security personnel employed or contracted by the U.S. Department of State — when the justices traveled internationally between Jan. 1, 2018, and Feb. 22, 2023. These reports should

include the name of the justice or justices traveling, the travel destination or destinations, the dates of their travel to and from the United States and within the destination country or countries, and any costs associated with State Department providing security throughout.

(8) By e-mailed letter from A_FOIAacknowledgement@groups.state.gov, defendant acknowledged receipt of plaintiff's FOIA request on March 2, 2023, and assigned it FOIA Case Number F-2023-05489.

(9) Roth sent emails to FOIAstatus@state.gov on April 13, 2023, and June 20, 2023, requesting an update to the status of plaintiff's February 22, 2023, FOIA request.

(10) On April 20, 2023, and June 23, 2023, Roth received emails from FOIAStatus@state.gov stating, "[T]he Department currently has a backlog of FOIA/PA requests and is working through it as quickly as possible," without any documents being produced at either time.

(11) On November 9, 2023, Roth sent an email to FOIAstatus@state.gov, requesting an update to the status of plaintiff's February 22, 2023, FOIA request.

(12) On December 11, 2023, Roth received an email from FOIAStatus@state.gov stating, "Our electronic records indicate that your request remains in process with the Bureau of Diplomatic Security (DS)," without any documents being produced.

(13) On January 17, 2024; April, 22, 2024; and May 8, 2024, Roth received emails from FOIAStatus@state.gov, stating that plaintiff's February 22, 2023, request remained "in process," without any documents being produced.

(14) On August 14, 2024, Roth sent an email to FOIAstatus@state.gov, requesting an update to the status of plaintiff's February 22, 2023, FOIA request.

(15) On November 15, 2024, Roth received an email stating, “This request is in process,” without any documents being produced.

(16) To date, FOIA Case Number F-2023-05489 remains “Assigned for Processing” with no documents produced.

(17) As such, on November 27, 2024, Roth submitted a second FOIA request to defendant on behalf of plaintiff, seeking disclosure of the following agency records:

[A]ll [] documents, emails and reports concerning the security personnel staffing of U.S. Supreme Court justices that was provided by Bureau of Diplomatic Security personnel — or by other security personnel employed or contracted by the U.S. Department of State — when the justices traveled internationally between Jan. 1, 2018, and Nov. 27, 2024. These reports should include the name of the justice or justices traveling, the travel destination or destinations, the dates of their travel to and from the United States and within the destination country or countries, and any costs associated with State Department providing security throughout.

(18) By e-mailed letter from foiastatus@state.gov, defendant acknowledged receipt of plaintiff’s FOIA request on November 27, 2024, and assigned it Case Number F-2025-04811.

(19) Roth received an email from A_FOIAacknowledgement@groups.state.gov on December 17, 2024, asking to reconcile the two requests, with Roth indicating the second one should supersede the first one.

(20) To date, FOIA Case Number F-2025-04811 remains “Assigned for Processing” with no documents produced.

(21) To date, plaintiff has not received a determination or any final response from BDS or defendant DOS concerning FOIA Case Number F-2025-04811.

CAUSE OF ACTION

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

(22) Plaintiff repeats and realleges paragraphs 1-21.

(23) Plaintiff has exhausted the applicable and available administrative remedies with respect to defendant's processing of plaintiff's February 22, 2023, and November 27, 2024, FOIA requests.

(24) 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 requests.

(25) 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 DOS and its component, BDS, to disclose all non-exempt records responsive to plaintiff's February 22, 2023, and November 27, 2024, FOIA requests 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,

/s/ David L. Sobel

DAVID L. SOBEL, D.C. Bar No. 360418
5335 Wisconsin Avenue, N.W. Suite 640
Washington, DC 20015
(202) 246-6180

Counsel for Plaintiff