

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KEVIN A. ROBINSON)
 1130 Anne Chambers Way)
 Crownsville, MD 21032)
)
 Plaintiff,)
)
 vs.)
)
 U.S. DEPARTMENT OF THE INTERIOR)
 1951 Constitution Ave. N.W.)
 Washington, D.C. 20240)
)
 Defendant.)

Civ. No. 1:14-cv-477

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. §552, for injunctive and other appropriate relief and seeking the disclosure and release of agency records improperly withheld from plaintiff by defendant Department of the Interior ("Interior) and its component, the Office of Insular Affairs.

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. Venue lies in this district pursuant to 5 U.S.C.§552(a)(4)(B).
3. Plaintiff Kevin Robinson is a citizen of the United States. He holds a degree in engineering and is employed in the engineering field.

4. Defendant Department of the Interior is a department of the Executive Branch of the United States Government and includes the component entity the Office of Insular Affairs. Interior is an agency within the meaning of 5 U.S. C. §552(f).

Plaintiff's FOIA Request and Defendant's Failure to Respond

5. By letter dated December 21, 2012, plaintiff submitted a Freedom of Information Act ("FOIA") request for records relating to the Department of the Interior's policies, actions, or information with respect to the Commonwealth of the Northern Mariana Islands. The request sought: "all documents generated, collected, used or maintained in any way by Anthony M. Babauta," a former employee of the Department of the Interior who had responsibilities that included the Northern Mariana Islands. The request specified that the documents requested were from the years 2009, 2010, 2011, and 2012, while Mr. Babauta was an employee. Plaintiff agreed to pay up to \$100 in fees and requested a waiver of fees in excess of that amount.
6. By form letter dated December 28, 2012, Interior acknowledged receipt of plaintiff's appeal and by letter dated January 2, 2013 demanded \$400.00 in search fees. By letter dated January 7, 2013, plaintiff agreed to pay the \$400.00 in search fees. The Department assigned control number OS-2013-00080 to plaintiff's request.
7. Not a single document was produced by Interior for nine months.
8. By letter dated September 9, 2013, plaintiff appealed the failure to release any responsive records.
9. By letter dated January 2, 2014, more than a year after plaintiff's request, released documents, 226 of which were redacted. The letter set out standard form paragraphs with respect to claims under Exemption 4, Exemption 5, Exemption 6, and Exemption 7. None of the undifferentiated standard paragraphs justified the redactions made by the Department.
10. By letter dated January 30, 2014, plaintiff appealed.

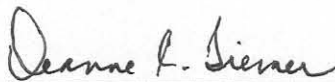
11. The Department did not respond in any way to the appeal.
12. Plaintiff has exhausted the applicable administrative remedies with respect to his FOIA request to Defendant Department of the Interior.
13. Defendant Department of the Interior has wrongfully withheld from plaintiff the redacted portions of the requested records.

Relief Requested

WHEREFORE, plaintiff requests this Court to:

- A. Order Defendant Department of the Interior to disclose the requested records in their entireties and make copies available to plaintiff;
- B. Provide for expeditious proceedings in this action;
- C. Award plaintiff costs and reasonable attorneys fees incurred in this action; and
- D. Grant such other relief as the Court may deem just and proper.

Respectfully submitted,



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