

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

William B. Ball,

Plaintiff,

v.

Office of International Affairs,  
Department of State—Passports,  
Executive Office for United States Attorneys,

Defendants.

Case: 1:21-cv-01949

Assigned To : Unassigned

Assign. Date : 7/13/2021

Description: FOIA/Privacy Act (I-DECK)

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**COMPLAINT FOR INJUNCTIVE RELIEF**

William B. Ball alleges upon knowledge as to his own acts, and otherwise upon information and belief, the following:

**NATURE OF THE ACTION**

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq., as amended, the Privacy Act ("PA"), 5 U.S.C. § 552a, and the Administrative Procedures Act ("APA"), 5 U.S.C. § 706, to order the production of agency records in the possession, custody, and control of Office of International Affairs (hereinafter "OIA"), Department of State—Passports (hereinafter "Passports"), and Executive Office for United States Attorneys (hereinafter "EOUSA")(hereinafter collectively referred to as "Defendants").

**JURISDICTION AND VENUE**

2. This court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B)(FOIA), 5 U.S.C. § 552(g)(1)(B)(PA), and 5 U.S.C. § 703 (APA).

3. Venue is in this district pursuant to 5 U.S.C. § 552(a)(4)(B)(FOIA), 5 U.S.C. § 552(g)(1)(B)(PA), and 5 U.S.C. § 703(APA).



## PARTIES

4. Ball, a citizen of the United States and a federal prisoner, is currently confined at the Federal Correctional Complex (Low Custody), in Coleman, Florida, and is the requestor of the withheld records.

5. Office of International Affairs is a division of the Department of Justice, Criminal Division. See, e.g., 28 C.F.R. § 0.64-1; Appendix to Subpart K, Directive No. 81C. OIA has possession, custody, and control of the records Ball seeks.

6. Department of State—Passports is a component of the Department of State, an agency of the United States. Cf. 22 C.F.R. § 171.4(a)(1). Passports has possession, custody, and control of the records Ball seeks.

7. Executive Office of United States Attorneys is a component of the Department of Justice, an agency of the United States. See 28 C.F.R. § 0.1. EOUSA has possession, custody, and control of the records Ball seeks.

## FACTUAL ALLEGATIONS

### A. OIA

8. On August 25, 2020, Ball sent, via Certified United States First Class Mail, a FOIA request to OIA, specifically requesting:

(1) arrest reports; (2) Requests for Foreign Assistance (RFA) sent by the Office of International Affairs to the Royal Canadian Mounted Police pursuant to the Treaty on Mutual Legal Assistance in criminal matters (MLAT), TIAS 90-124, and any results thereof; (3) Requests for Foreign Assistance (RFA) sent by the Office of International Affairs to the Home Office of the United Kingdom pursuant to the Treaty on Mutual Legal Assistance in criminal matters (MLAT), TIAS 01-501, and any results thereof; (4) Requests for Foreign Assistance (RFA) sent to law enforcement agencies in the United Arab Emirates (no MLAT), and the results thereof; (5) charging documents; (6) interagency reports and/or communications; (7) audio/visual surveillance tapes and/or DVDs; (8) telephonic recordings; (9) computer discs and storage devices; (10) security check reports; (11) "tickler" files or profiles on listed individual; (12) photographs; (13) all other information, data, and reports of any kind not listed above and exempt by law.

9. OIA has neither responded to Ball's request, nor have they produced responsive documents.

**B. Department of State**

10. Pursuant to 22 C.F.R. § 171.(a)(1), Ball sent a FOIA request to Department of State—Passports Division (designation CA/PPT/S/L/CE)("Passports").<sup>1</sup>

11. On January 15, 2021, Ball sent, via Certified United States First Class Mail, a FOIA request to Passports, specifically requesting:

any and all records whatsoever in the following offices of the Department of State: (A) Overseas Citizen Services, Bureau of Consular Affairs; (B) Office of Passport Services; (C) Office of American Citizens Services and Crisis Management, Consular Affairs; (D) American Embassy in Tokyo; (E) American Embassy in Doha; (F) American Embassy in Dubai, including but not limited to: (1) security check reports; (2) passport information; (3) visa information; (4) travel history; (5) interagency communications; (6) "ticklers" or profiles on listed individual; (7) photographs; and (8) all other information, data, and reports of any kind not listed above and exempt by law.

12. Passports has neither responded to Ball's FOIA request, nor provided responsive documents.

**C. EOUSA**

13. On April 29, 2021, Ball sent, via Certified United States First Class Mail, a FOIA request to EOUSA, specifically requesting:

(1) investigatory records, hand-written notes and final drafts; (2) database records; (3) reports of evidentiary findings and conclusions; (4) "tickler" reports; (5) discovery records; (6) interagency documents; (7) internal USAO MDFL and interagency recorded telephonic communication; (8) internal USA<sup>O</sup> MDFL and interagency email communication; (9) photographs; and (10) all other information, data and reports of any kind not listed above and exempt by law.

14. EOUSA has neither responded to Ball's request,<sup>2</sup> nor have they produced responsive documents.

<sup>1</sup> Ball sent a separate FOIA request to the OIPS Division of the Department of State. OIPS responded to this request on March 4, 2021. Ball has yet to receive responsive documents from OIPS. However, since OIPS responded to Ball's request, their lack of response has taken the administrative appeals track.

<sup>2</sup> According to USPS, Ball's FOIA request arrived at the EOUSA office on May 10, 2021. Excluding Memorial Day (May 28, 2021), Juneteenth (June 18, 2021), and Independence Day (observed on July 5, 2021), Ball files this complaint 39 business days after EOUSA received Ball's request.

**COUNT I: VIOLATION OF FOIA/PA**

15. This court realleges and incorporates by reference all of the preceding paragraphs.

16. Ball has a statutory right to the records he seeks.

17. Defendants' non-responsiveness and withholding of the items sought amounts to a refusal to produce them.

18. Defendants have violated FOIA/PA by improperly withholding records responsive to Ball's FOIA/PA request.

**RELIEF REQUESTED**

Wherefore, Ball requests that this court:

- (a) Declare Defendants' failure to comply with FOIA/PA to be unlawful;
- (b) Enjoin Defendants from continuing to withhold records responsive to Ball's FOIA/PA request, and otherwise order Defendants to produce the requested records without further delay;
- (c) Provide expeditious proceedings in this action; and
- (d) Grant any such other and further relief as this court may deem just and proper.

Respectfully prepared and submitted by William B. Ball on this 6th day of July, 2021:

*William B. Ball*

William B. Ball  
Reg. No. 70048-018  
Federal Correctional Complex  
Unit B-3 (Low Custody)  
P.O. Box 1031  
Coleman, FL 33521-1031

**CERTIFICATE OF SERVICE**

This complaint was delivered to the prison mailing authorities on the same day as signed, in a postage-prepaid, properly addressed envelope. The original complaint was delivered via United States Priority Mail to the United States District Court for the District of Columbia, Office of the Clerk at 333 Constitution Avenue, N.W., Washington, D.C. 20001. USPS Tracking No.: 9114 9022 0078 9486 9960 99. Pursuant to Fed. R. App. P. 4(c)(1) et seq., Ball has attached copies of this complaint, along with the appropriate summonses,<sup>3</sup> in order that a United States Marshal can effectuate service on the Defendants.

*William B. Ball*

William B. Ball

**VERIFICATION**

Under penalty of perjury pursuant to 28 U.S.C. § 1746, I hereby declare that the factual allegations and factual statements contained in this complaint are true and correct to the best of my knowledge.

*William B. Ball*

William B. Ball

<sup>3</sup> Due to complications stemming from the protracted COVID-19 lockdown, Ball was not able to make extra copies of the summonses and cover sheet required for this complaint. Ball had to edit the originals in order to accommodate the change of the filing date and of the parties. Should this court find Ball's attendant paperwork unacceptable, Ball respectfully requests that the Clerk of the Court send Ball a clean cover sheet and three summonses, so that Ball can comply with the rules of this court.