

FROM: 12875058
TO: T, Burke
SUBJECT: MOTION
DATE: 07/23/2021 02:24:48 PM

Case: 1:21-cv-02412
Assigned To : Unassigned
Assign. Date : 9/13/2021
Description: FOIA/Privacy Act (I-DECK)

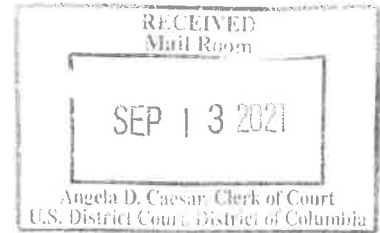
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DARRYL BURKE
PLAINTIFF

V.

DEPARTMENT OF JUSTICE
DEFENDANT.



COMPLAINT FREEDOM OF INFORMATION AND
COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

PLAINTIFF DARRYL BURKE, PROCEEDING PRO SE, BRING THIS ACTION AGAINST U.S. DEPARTMENT OF JUSTICE ("DOJ") AND U.S. ATTORNEYS OFFICE OF SOUTHERN DISTRICT OF FLORIDA ("USAO") PURSUANT TO THE FREEDOM OF INFORMATION ACT ("FOIA"), 5 U.S.C. § 552, AND PRIVACY ACT ("PA") TO ORDER A PRELIMINARY INJUNCTION MANDATING THAT ("DOJ") AND ("USAO") PRODUCE CERTAIN DOCUMENTS. SEE, ATTACH EXHIBIT A & B.

JURISDICTIONAL STATEMENT:

THIS COURT HAS JURISDICTION OVER THIS ACTION PURSUANT TO FREEDOM OF INFORMATION, 5 U.S.C. § 552 (a)(4)(B). SEE, U.S. DEPARTMENT OF JUSTICE V. VINCENT JAMES LANDANO, 124 L. ED. 2D 84, 113 S. CT. 2014.

II

LEGAL STANDARD

A PRELIMINARY INJUNCTION GRANTS "INTERMEDIATE RELIEF OF THE SAME CHARACTER AS THAT WHICH MAY BE GRANT FINALLY. SEE, " DE BEERS CONSOLE MINES ONLY BE AWARDED UPON A CLEAR V. NATURAL RES. COUNCIL, INC., 595 U.S. 7, 22, 129 S. CT. 365, 172 L. ED. 2D 249 (2008).

IV.

REQUESTED INFORMATION FROM UNITED STATE ATTORNEY

DEPARTMENT OF JUSTICE

THE DEFENDANT, DEPARTMENT OF U.S. ATTORNEY IN THE SOUTHERN DISTRICT OF FLORIDA IS AN AGENCY OF THE EXECUTIVE BRANCH OF THE UNITED STATES GOVERNMENT, AS DEFINED BY 5 U.S.C. § 552(e) AND IT HAS CONTROL OVER THE RECORDS THAT PLAINTIFF SEEKS.

PLAINTIFF, FREEDOM OF INFORMATION ACT WAS FIRST REQUEST ON DATED OF 12/28/2018. SEE, ATTACH EXHIBIT A & B. PLAINTIFF REQUESTED THAT THE DEFENDANT, UNITED STATE ATTORNEYS OFFICE PROVIDE HIM WITH A COPY OF ALL CASE NAMES AND CASE NUMBERS FOR CASES INVOLVING ONE OR MORE BRADY VIOLATIONS IN THE SOUTHERN DISTRICT OF FLORIDA THAT WERE OVERTURN BY THE APPEAL COURTS, GRANTED RETRIAL, REMANDED, DISMISSED AND IN ADDITION, THAT U.S. ATTORNEY JERROB DUFFY PARTICIPATE OR INVOLVED IN ANYWAY.

ALL CASE NAMES AND CASE NUMBERS AND U.S. ATTORNEY NAME FOR BRADY VIOLATIONS IN THE SOUTHERN DISTRICT OF FLORIDA THAT WERE OVERTURN GRANTED RETRIAL, REMANDED, DISMISSED FOR BRADY VIOLATION OR PRESENTING FRAUDULENTLY DOCUMENTS SUMMIT TO THE COURTS AND IN ADDITION THAT U.S. ATTORNEY JERROB DUFFY PARTICIPATE OR INVOLVED IN ANYWAY.

AS OF THE DATE OF THIS COMPLAINT, JULY 24, 2021 THE DEFENDANT, DOJ, HAS FAILED TO DELIVER TO

PLAINTIFF, DARRYL BURKE'S FOIA REQUEST. PLAINTIFF, DARRYL BURKE, AS A RESULT HAS EXHAUSTED HIS ADMINISTRATIVE REMEDIES UNDER FREEDOM OF INFORMATION ACT, 5. U.S.C. §552(a) (6) (C).

PLAINTIFF, DARRYL BURKE, HAS A STATUTORY RIGHT TO THE AGENCY RECORDS THAT HE SEEKS, AND THERE IS NO LEGAL BASIS FOR THE DEFENDANT, UNITED STATES DEPARTMENT OF JUSTICE TO CONTINUE WITHHOLD THE REQUESTED AGENCY RECORDS FROM PLAINTIFF, DARRYL BURKE.

THE COURT CONCLUDED THAT MATERIAL "UNCONDITIONALLY REVEALED IN OPEN COURT ... ENTERS THE PUBLIC RECALL FOR ALL TIME" AND THEREFORE CANNOT BE WITHHELD UNDER THE FOIA EXEMPTIONS. SEE, 968 F.2D 1276::DAVIS V. UNITED STATES DEPT' OF JUSTICE"" APRIL 6, 1992.

I, DARRYL BURKE HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FORGOING WAS MAILED FIRST CLASS IN THE LEGAL MAIL SYSTEM ON THIS ~~24~~⁵ DAY OF ~~JULY~~⁹, 2021.

D-B-
DARRYL BURKE #12875-058
P.O. BOX 6000
GLENNVILLE, S.C. 26531

CC:
U.S. ATTORNEY
MERRICK GARLAND
950 PENNSYLVANIA, NW
WASHINGTON D.C. 20530

U.S.P. # 7020 1290 0002 2623 3771