

STATEMENT OF FACTS
FACTS

7. Plaintiff BANI MORENO is a federal inmate, proceeding Pro Se, who was arrested in November 1st, 2012, in a joint operation by the DEA and FBI, on a criminal complaint brought by the United States Attorneys Office of the Western District of Oklahoma, that charged him with one count of conspiracy to possess and distribute actual methamphetamine.
8. On December 19, 2012, BANI MORENO was indicted in the Western District of Oklahoma with one count of conspiracy to possess and distribute actual methamphetamine.
9. On March 20, 2013, the same grand jury returned a superceding indictment against BANI MORENO, adding two counts of possession of actual methamphetamine with intent to distribute, and two counts of unlawful use of a communication facility in connection with a drug transaction.
10. On May 28, 2013, BANI MORENO exercised his right to a jury trial, where he maintained his innocence to all the charges.
11. On June 5, 2013, the jury found BANI MORENO guilty of all charges.
12. On September 23, 2013, BANI MORENO was sentenced to 151-months imprisonment, which was later reduced to 131-months.
13. Since the inception of his criminal case, BANI MORENO has always maintained his innocence, and has diligently pursued all his legal and constitutional remedies and rights, in his quest to prove his actual innocence.
14. This quest has lead BANI MORENO to this present FOIA request to the EOUSA agency, which was one of the agencies investigating and prosecuting BANI MORENO.(See Case No. 5:12-CR-00297-R-13), to which the EOUSA has not responded until this present day.

15. As a result of the lack of response from the EOUSA to BANI MORENO's FOIA request, he has not been able to obtain the necessary information (e.g. Brady material) to file a new motion (e.g. §2255) in court and prove his actual innocence and regain his freedom, thus, prejudice BANI MORENO's right of access to public records under FOIA and PA, and Constitutional right of Due Process of Law, Equal Protection of the Law, and Liberty Interest.

PLAINTIFF'S FOIA/PA REQUEST

16. Plaintiff sent a FOIA/PA request to the U.S. Department of Justice Criminal Division via USPS Certified Mail and Return Receipt (See copy of Certified Receipt and Return Receipt attached hereto), on September 15, 2021, requesting a copy of records pertaining to him, BANI MORENO.

17. Plaintiff received a Letter of Receipt from the Criminal Division on or around November 9, 2021 (See Letter dated November 2, 2021, attached hereto), advising him that "this case was prosecuted by a United States Attorney's Office, this Office determined that your request for request for records concerning your prosecution was misdirected to the Criminal Division." Id. "Hence, your request has been routed to EOUSA for processing and a direct response to you." Id. Plaintiff has not heard from EOUSA to this present day.

18. Plaintiff included a Certification of Identity of his FOIA/PA Request. See FOIA Request, pages 2 and 8, attached hereto.

COUNT 1:
VIOLATION OF FOIA/PA

19. This count realleges and incorporates all the preceeding paragraphs.

20. Defendant has violated FOIA and PA by improperly withholding records responsive to Plaintiff's FOIA/PA request.

PRAYER FOR RELIEF

- A. Declare Defendant's failure to comply with FOIA and PA to be unlawful;
- B. Enjoin Defendant's from continuing to withhold the records responsive to Plaintiff's FOIA/PA request and otherwise order Defendant to produce the requested records without further delay;
- C. Grant Plaintiff and award of attorney's fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552a(g)(3)(B); and
- D. Grant Plaintiff such other and further relief that the court deems proper.

DATED: JANUARY 18, 2022

Respectfully,

/s/ Bani Moreno

BANI MORENO
REG. NO. 27765-064
Federal Satellite Low Elkton
Lisbon, Ohio 44432

CERTIFICATE OF SERVICE

I, BANI MORENO certifies that a true and correct copy of the foregoing FOIA Complaint was sent to Kevin Krebs, Assistant Director, FOIA/Privacy Staff, for the Executive Office For United States Attorneys (EOUSA) by First Class Mail to:

Kevin Krebs
Assistant Director
FOIA/Privacy Staff
Executive Office For U.S. Attorneys
Suite 5.400, 3CON Building
175 N. Street, NE
Washington, D.C. 20530

/s/ Bani Moreno
BANI MORENO

BANI MORENO
REG. NO. 27765-064
Federal Satellite Low Elkton
P.O. BOX 10
Lisbon, Ohio 44432

JANUARY 18, 2022

TO: Clerk, U.S. District Court,
District of Columbia
333 Constitution Avenue, NW
Washington, D.C. 20001

IN RE: Complaint Filing, BANI MORENO VS. EOUSA/DOJ/USA

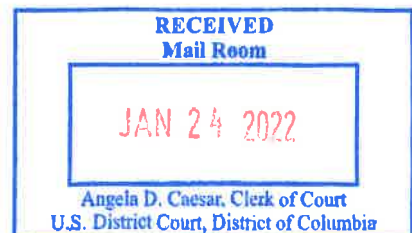
Dear Clerk,

Please find enclosed the foregoing FOIA complaint for filing at your earliest convenience. Also included find the In Forma Pauperis Form (AO 240) short form, and the Consent to Collection Fees from Trust Account form for filing. As for the Prisoner Trust Account Report, I have tried in good faith to have it filled out by an officer (Counselor Mr. Marshalec and Case Manager Ms. Shepas), with no luck. They have stated that they cannot fill it up or sign it. However, they provided me with a copy of my financial statement attached hereto. If you have any questions, please feel free to contact the institution and asked for any of the above referenced Officers. Ph. # 330-420-6200. Thank you for your time and help in this endeavor.

Sincerely,



BANI MORENO





U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

VIA U.S. Mail

November 2, 2021

Mr. Bani Moreno
Register No. 27765-064
FCI Elkton
Federal Correctional Institution
P.O. Box 10
Lisbon, OH 44432

Request No. CRM-301678140
Subject: Yourself

Dear Mr. Moreno:

The Criminal Division acknowledges receipt of your Freedom of Information Act request dated September 15, 2021. Your request was received in this Office on October 6, 2021. In that request, you asked for access to records concerning the above-mentioned subject. This office has construed the request to be seeking records regarding your criminal case and related or associated criminal cases. Your request has been assigned file number CRM-301678140. You should refer to this number in any future correspondence with this Office.

As this case was prosecuted by a United States Attorney's Office, this Office determined that your request for records concerning this prosecution was misdirected to the Criminal Division. The Executive Office for United States Attorneys (EOUSA) is the U.S. Department of Justice component responsible for responding to Freedom of Information Act and Privacy Act requests for information maintained by U.S. Attorneys' Offices. Hence, your request has been routed to EOUSA for processing and a direct response to you. You should contact EOUSA directly at the following address if you have any questions about the status of your routed request:

FOIA/Privacy Staff
Executive Office for United States Attorneys
U.S. Department of Justice
Suite 5.400
3CON Building
175 N Street, NE
Washington, DC 20530

As there is no further action for this Office to take on your request, your request file is being administratively closed in this Office.

You may contact our FOIA Public Liaison at the (202) 616-0307 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration

to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the Criminal Division's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://foiastar.doj.gov>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Sarah A.
Westenberg

Digitally signed by
Sarah A. Westenberg
Date: 2021.11.02
14:18:56 -04'00'

Amanda Marchand Jones
Chief
FOIA/PA Unit

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DEPARTMENT OF JUSTICE (DOJ)
 Amanda M. Jones, Chief FOIA/PA
 Criminal Division
 Suite 1127, Keeney Building
 Washington, D.C. 20530-0001

2. Article Number
 (Transfer from service label) 7021 0350 0000 5232 7715

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1 5.2.1

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? Yes
 if YES, enter delivery address below: No
only street

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

OCT 04 2021

U.S. Postal Service™ MORNING # 27765-064
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only CEDAR HILL UNIT C07-063L

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$ 3.60
 Extra Services & Fees (check box, add fees as appropriate)
 Return Receipt (hardcopy) \$ 2.85
 Return Receipt (electronic)
 Certified Mail Restricted Delivery
 Adult Signature Required
 Adult Signature Restricted Delivery

Postage \$ 1.10
 Total Postage and Fees \$ 7.55

7021 0350 0000 5232 7715

SEP 15 2021
 BIG SPRING TX

DEPARTMENT OF JUSTICE (DOJ)/FOIA/C. DIV.
 Street and Apt. No. or PO Box No. Suite 1127, Keeney BUILDING
 City, State, ZIP+4® Washington, D.C. 20530-0001

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

BANI MORENO
USMS Register # 27765-064
BIG SPRING CORRECTIONAL CENTER
(BSCC) Cedar Hill Unit
3711 Wright Avenue
Big Spring, Texas 79720

September 15, 2021

TO/FOR: Amanda M. Jones,
Chief, FOIA/PA Unit
Criminal Division - Department of Justice
Suite 1127, Keeney Building
Washington, D.C. 20530-0001

IN RE: Request for FOIA & Privacy Act for Full and Complete Disclosure and Release of all Info. and Materials for your entire Central File & Systems and any other Agencies contained regarding, related and associated to me BANI MORENO (DOB 8/13/1976) and USDC Criminal Case No. 5:12-CR-00297-R-13.

Greetings:

This is a formal communication, Notice and Request to your prestigious Office and U.S. Federal Government Agency, under and pursuant to the provisions of the FREEDOM OF INFORMATION ACT (FOIA), Title 5 UNITED STATES CODE (USC) §552 and PRIVACY ACT, Title 5 of UNITED STATES CODE (USC) §552a (d)(1), and any other relevant provisions of your prestigious Agency Regulations covering access to the Right of Freedom Of Information but also "IN THE INTEREST OF JUSTICE," provided under the "COVENANT OF GOOD FAITH," "CLEAN HANDS DOCTRINE," "RULE OF LAW," "DUE PROCESS OF LAW" and "EQUAL PROTECTION OF THE LAW," provided, instituted, guaranteed and pursuant to the FIRST, FIFTH, SIXTH, and FOURTEENTH Amendments of the Constitution of the United States that your Federal Agency and all its members are Constitutionally "DUTY-BOUND" to "UP-HOLD," provide, guarantee and protect at all time, under your "OATH OF OFFICE," to meet the "ENDS OF JUSTICE" in any and all time and circumstances.

I make this request for full and complete Disclosure and release of Any and All, including but not limited, records, data, information, material, evidence, reports, Reports of Investigations (ROI), Investigations, Orders, Requests, Denials, Grants, Entries, Recommendations, Opinions, Memorandums, Communications, Theories, Notes, Work Product, Inquiries, Interviews, debriefs, Meetings, Testimonies, Declarations, Affidavits, Files, Media Files, Recordings, Video Tapes, Videos, Text Messages, Messages, Chats, Faxes, Complaints, etc., that were and are contained in your entire CENTRAL FILES & SYSTEMS, or showed, referred, mentioned, used or acquired by your prestigious Agency and/or any other agencies, under your supervision, as may be referred to below, has copied to this date relating to me and/or identifier to my name, including but not limited to all, any and everything related and/or associated to my USDC Criminal Case No. 5:12-CR-00297-R-13 that was incepted by Law Enforcement Agencies (FBI, DEA, EOUSA, DOJ). List whatever information your agency or other branches thereof under your supervision may have designated in this file or any portion thereof, and the reason for each designation and name of the person, individual or Agent and his/her Title, who is requesting it.

Please also provide all the information, details, names and data of any and all Agencies, Branches, Agents, Officials, Officers, Persons, and Individuals, name and Title, that had any interest in this material and request, and/or were or are related, associated, and/or involved in any of this material and information at any time, for Clarification of the Record and information to be used for legal purposes of protection of inalienable, substantial, civil and Constitutional Rights, Privileges and Protections.

IDENTIFICATION OF REQUESTER: Pursuant and in accordance to Title 28 UNITED STATES CODE §16.41(d), I hereby identify myself as:

NAME: Bani Moreno (BANI MORENO)

Aliases: Luis Moreno, Luis Nevarez, jose Luis Nava

D.O.B. [REDACTED], 1976

INS No. A-[REDACTED]8677

Social Security: [REDACTED]1603

FBI No. 424903MB2

Place of Birth: La Perla, Nazas, Durango, Mexico

Home Address: 4004 Rancho drive, Oklahoma City, Oklahoma 73119

Current Address: Cedar Hill Unit, BSCC, 3711 Wright Avenue, Big Spring, Texas 79720

The information, material and records sought, including but not limited, related, associated and linked to me, my criminal case No. 5:12-CR-00297, any and all investigatio persons, individuals, agents and agencies involved or interested, that are the copiled file/Records containing:

1. All Information, Data, Entries, inputs and related material, in the Central File and Systems of your Agency of me BANI MORENO.
2. ALL Information, data, entries, Inputs and related material in the Central File and Systems of any and all Agencies, including but not limited to agencies under your supervision; any and all U.S. Federal Government Agencies, Local Agencies, States Agencies, Private Agencies, Law Enforcement Agencies of Any kind, of ME, BANI MORENO.
3. Any and ALL Information, Data, Material, Paperwork, Documents, Inputs, Notes, Work-Product, Opinions, records, Files, Reports, Reports of Investigations (ROI), Memorandums, Requests, Grants/Denials, Orders, Entries, Theories, Recommendations, Certifications, Communications of any kind (telephone calls, mails, emails, chats, Text Messages, Faxes, Telex, ect.) Inquiries, Interviews, Meetings, Debriefs, Media Files, recordings, Video Tapes, Interceptions, Search Warrants, All and any Warrants, Complaints, Exhibits, Attachments, Evidences, Tests, Lab Tests and Certifications, Lab Results, Biometrics, any and all related and associated to any and all investigations of me BANI MORENO.
4. Any and All, including but not limited, information, data, materials, Entries, records, reports, Reports of Investigations (ROI), evidences, inquiries, DEA 302, expenses, fees, audits, memorandums, etc. of any and all investigations against me BANI MORENO.
5. Any and All, including but not limited, detailed list of INVESTIGATIONS related, associated and/or Initiated against me in persue of me BANI MORENO, with the dates of initiation, term of durations of Investigation, end of Investigation, conclusion of Investigation, Recommendations, Work-Product, Requests, Orders, and dispositions, including ongoing, active, pending and related Investigations.
6. Any and All, including but not limited, details, ranks, positions and names of U.S. Federal Government Agents, Special Agents, Investigators, Specialists, Experts, Law Enforcement Agents, Informants, Confidenatial Informants, Undercover Agents, Witnesses, Human Resources, Officials, Officers, Agents of any kind, DEA/FBI/H Staff involved in any investigation, operation or follow-up of me BANI MORENO, this information is requested for purposes of using as possible witnesses in Court Case, subpoenas and citations exclusively including but not limited to interviews, meetings and debriefings.
7. Any and All including but not limited, Agencies, Entities, Law Enforcement, U.S. Federal Government Offices, etc. involved, related, associated and/or interested or with any interest in me BANI MORENO or any investigations related or associated.
8. Any and All, including but not limited, materials, information, files, records,

entries, documents, paperwork, notes, memorandums, communications, emails, messages, chats, faxes, telex, text messages, media messages, media files, interceptions of communications, requests, orders, denials, motions, interviews, meetings, debriefings, testimonies, affidavits, confessions, interrogatories, agreements, offers, proffers, contracts, understandings, fees, payments of fees, expenses, receipts of payments for fees or expenses/costs, letters, Reports of Investigations (ROI), Reports of any kind, Certificates, Certifications, Lab Tests, Lab Reports, Field Tests, Chain of Custody, Search Warrants, Written Consents of any kind, Written Acknowledgments of any kind, Notices, Confidential Informants Agreements, Informants Agreements, Payments of Informant's Fees, Expert's Work-Product, Specialist Work-Product, Investigating Agent's Work-Product, Expert's Test/Reports/Test/Certifications/Opinions, diligences, DEA 302, Evidences, Exhibits, Attachments, Addendums, suggestions, promises, witnesses, sources, Recordings, Video Recordings, Voice Recordings, Media Recordings of any kind, Searches, Forfeitures, warrants, entries, audits, and investigations directly and indirectly related, associated, regarding and/or involved to my Criminal Case of "United States vs. BANI MORENO", USDC Criminal Case No. 5:12-CR-00297-R-13 before the U.S. District for the Western District of Oklahoma, Oklahoma City Division, and all related, associates and involved cases, including but not limited to cases No. CR-247-R, CR-12-231-R (12-CR-00231-R), CR-12-232-R (12-CR-00232-R), CR-12-233-R (12-CR-00233-R), CR-12-234-R (12-CR-00234-R), CR-12-235-R (12-CR-00235-R), CR-12-236-R (12-CR-00236-R), CR-12-237-R (12-CR-00237-R), CR-12-286-R (12-CR-00286-R), CR-12-287-R (12-CR-00287-R), CR-12-288-R (12-CR-00288-R), CR-12-289-R (12-CR-00289-R), CR-12-290-R (12-CR-00290-R), CR-12-291-R (12-CR-00291-R), all cases of AUSA Leslie May for the United States and by Honorable Judge David L. Russell from the same U.S. District Court for the Western District of Oklahoma, Oklahoma City Division.

9. All and Any, including but not limited to, information, material, records, files, evidences, reports, tests, investigations, chain of custody, seizures, warrants, Certifications, certifies and exhibits of any and all DRUG(S) founded, captured, seized, handled, managed, tests, confirmed, verified, and/or used, but also related and associated, in my Criminal Case No. 5:12-CR-00297-R-13 that was initiated and incepted by DEA Agents, and DEA Agency, and FBI Agents and FBI Agency. This Request is including but not limited to all DRUG LAB TESTS, DRUG LAB REPORTS, DRUG INVESTIGATION REPORTS, DRUG EVIDENCE, CHAIN OF CUSTODY, DRUG SEIZED PICTURES, Media Files, Recordings, Pictures, photos, field tests, but also all material, information and records of DRUG TYPE, KIND, and QUANTITY (Specific), certifications, reports and tests, that were used as evidence in my Criminal Case No. 5:12-CR-00297-R-13 that was initiated, incepted, developed and brought-up by DEA Agents and FBI Agents into its completion for a Grand Jury Indictment and file Criminal Charges against me, BANI MORENO.
10. If there is no DRUG LAB TESTS, DRUG LAB REPORTS, DRUG INVESTIGATION REPORTS, DRUG EVIDENCE, CHAIN OF CUSTODY, FIELD TESTS, but also all material, information and records of DRUG TYPE, KIND, and QUANTITY (specific), certifications, reports and tests, of any kind, made and conducted by the DEA Laboratory (apparently the DEA LAB in Dallas, TX) or any other Lab, that were used in my Criminal Case and related criminal cases, including but not limited to the following Government Exhibits ("GX") and DEA numbers: GX-172, GX-173, and GX-2805 (DEA-17, DEA-31, and DEA-13 accordingly), put it on writing. If you do not provide any or only partial information, I will assume, interpret, and understand that the information not provided, never existed and they do not exist in your record. This evidence is consider Brady Evidence, related to the referred drug.
11. Any and All, including but not limited to, information, material, records, files, evidences, reports, tests, investigations, recordings, communications, letters, offers, proffers, rewards, payments, fees, agreements, benefits, promises, contracts, consents, waivers, receipts, recordings, notices, meetings, interviews, interrogatories, confessions, affidavits, testimonies, addendums, testimonies and follow-up of any witness, human resource and/or individual that participated or was used in the investigation and Criminal Case No. 5:12-CR-00297-R-13, or used as evidence against me, BANI MORENO, including but not limited to the following individuals:
 IRAN ZAMARRIPA, ALFREDO RESENDIZ, SALVADOR SAMANIEGO-PEREZ, CASEY COX, TOBIAS FREDERICK, JAEKANG, WESLEY CADENA, JARED FURRH, CHAD COOK, TOM SNYDER.

12. Any and All, including but not limited, information, records, files, reports, memorandums, diligences, communications, letters, notes, work-product and decisions regarding and/or related to any complaint, investigations, process, suits, proceedings, diligence and/or disciplinary action for misconduct, wrongdoings, abuse of any kind, negligence, excessive force, lack of candor, dishonesty, perjury, bribes, etc. of any of the following U.S. Federal Government Agents, officials, officers, prosecutors, including but not limited to the following Law Enforcement Agents involved in the Criminal Case No. 5:12-CR-00297-R-13, as follows:
- CASEY COX: FBI Special Agent
 - TOBIAS FREDERICK: Oklahoma Law Enforcement Agent
 - JAE KANG: Oklahoma Law Enforcement Agent
 - WESLEY CADENA: Oklahoma Law Enforcement Agent
 - JARED FURRH: Oklahoma Law Enforcement Agent
 - CHAD COOK: Oklahoma Law Enforcement Agent
 - TOM SNYDER: Oklahoma Law Enforcement Agent
 - LESLIE M. MAYE: AUSA OKC
 - SANFORD C. COATS: AUSA OKC
 - VIRGINIA L. HINES: AUSA OKC
13. Any and All, including but not limited to, OATH OF OFFICE, LICENSES, APPOINTMENTS, CERTIFICATIONS and CERTIFICATIONS OF GOOD STANDING of all of the U.S. FEDERAL GOVERNMENT AGENTS, OFFICIALS, OFFICERS, ATTORNEYS and FBI AGENTS, including but not limited to any and all LAW ENFORCEMENT AGENTS involved in the investigation and Criminal Case No. 5:12-CR-00297-R-13 as follows:
- CASEY COX: FBI Special Agent
 - TOBIAS FREDERICK: Oklahoma Law Enforcement Agent
 - JAE KANG: Oklahoma Law Enforcement Agent
 - WESLEY CADENA: Oklahoma Law Enforcement Agent
 - JARED FURRH: Oklahoma Law Enforcement Agent
 - CHAD COOK: Oklahoma Law Enforcement Agent
 - TOM SNYDER: Oklahoma Law Enforcement Agent
 - LESLIE M. MAYE: AUSA OKC
 - SANFORD C. COATS: US ATTORNEY OKC
 - VIRGINIA L. HINES: AUSA OKC
 - DAVID L. RUSSELL: Honorable Judge USDC OKC
14. Any and All, including but not limited to, full, complete, unredacted and whole Discovery and Evidences, search, found, developed, gathered, collected, constructed, and manufactured, that are involved, related, associated and used in my Criminal Case No. 5:12-CR-00297-R-13 and against me BANI MORENO.
15. Any and All, including but not limited to, work-product, communications, letters, Memorandums, Requests, Emails, Text Messages, Chats, Faxes, meetings, interviews, conferences, agreements, acceptances, and/or understandings, between the FBI and the U.S. District Attorney's Office for the Western District of Oklahoma, including but not limited to, AUSA LESLIE M. MAYE, AUSA VIRGINIA L. HINES, U.S. ATTORNEY SANFORD C. COATS, and/or any other U.S. Attorney, Law Enforcement Agency, U.S. Federal Government Agency or Agent, and the Department of Justice (DOJ), related, involved, associated and/or with any kind of interest in my Criminal Case No. 5:12-CR-00297-R-13 and to me BANI MORENO.
16. Any and all, included but not limited to, Grand Jury Records, Documents, Material, Work Product, deliberations, selection, Grand Jury Time-Frame Applicability Validity, Grand Jury Applicable Time-Frame Validity, Grand Jury Empaneling and Operation (Validity and Selection), Grand Jury Time-Frame Service Term Validity; all info, material, testimonies, evidences, affidavits, etc., Grand Jury Investigations,

Grand Jury Discovery, Recordings, Instructions, including but not limited to, any and all info. and materials used, on record and related to the procedural aspects of the empaneling and operation of the Grand Jury that conveyed and returned the First Indictment dated December 19, 2012 and also the Superseding Indictment dated March 20, 2013, both against me, BANI MORENO.

17. Any and All, included but not limited to, evidences, materials, exhibits, leads, recordings, media files, Reports, testimonies, affidavits, etc., that was used, filed, showed, cited, referred to, mentioned, rejected and/or admitted that could, was and led the GRAND JURY (Valid & Good Standing) and Grand Jury Proceedings that could, was and led the GRAND JURY to decide, issue and return an Indictment (True Bill) dated December 19, 2012 and then later a Superseding Indictment dated March 20, 2013 against BANI MORENO (Me).
18. Any and All, included but not limited to, GRAND JURY's TRANSCRIPTS of all proceedings, hearings, diligences, testimonies, interrogatories, conversations, communications, discussions, requests, decisions, etc., that were generated and produced under/by/of/from the GRAND JURY (Valid & Good Standing) that conveyed, decided, issue and returned the First Indictment (true Bill) dated December 19, 2012 and then later the Superseding Indictment dated March 20, 2013 against me, BANI MORENO.

The above listed information, records, files, documents, paperwork, material, and evidence, are the ones requested, searched and in need to find and obtain under the FREEDOM OF INFORMATION ACT (FOIA) and PRIVACY ACT previously invoked and explained from your prestigious Federal Agency of Department of Justice (DOJ). as are in great need to be obtained to support and proof my request, claims and Redress of Grievance, of Loss of Substantial Rights, Manifest Injustice, Miscarriage of Justice, Fraud Upon the Court, Government Misconduct, Outrageous Conduct of Government, Lack of Subject Matter Jurisdiction, Malicious Prosecution, Selective Prosecution, Brady Violations, and Actual Innocence, including but not limited to, Loss and Violation of my Inalienable, Substantial, Civil, Constitutional and Human Rights, Guarantees, Protections, Privileges, Remedies, and Liberty Interest instituted, provided and afforded by the U.S. Legal System including and all U.S. Federal Government Agencies, corporations, officials, officers, agents, staff, members, personnel and workers are Duty-Bounded by Oath of Office, to comply and Up-Hold the U.S. Constitution, its protections, rights, principles, guarantees, privileges, standards and to provide Remedy, relief and "JUSTICE FOR ALL" not "JUST FOR US." (Implying that justice is only for the "Chosen Few" or just for the Government).

I also invoke my right of "Redress of Grievance" which is afforded through the U.S. Constitution and the main principles of Justice but also of the U.S. Legal System. Wherefore now, facts and premises presented and considered, this Petitioner and Pro-Se Litigant (Me/Myself), who is an incarcerated Prisoner, Indigent, Layman, wrongfully incarcerated and under and obvious and ample unfavorable disadvantage before the most powerful Government and corporation of the world, that is the U.S. Federal Government, states and REQUESTS from your prestigious U.S. Government Agency and Law Enforcement Agency of Department of Justice (DOJ), to "search, find, gather, disclose, release and deliver" to me, but also including a detailed and explained list of all information, material, documents, files and records that are released and delivered.

Once more and again, I make this request for any and all materials, information and records for the entire Central File System, that your Law Enforcement Agency and any other agencies under your supervision, as may be referred hereby, has copied up to date relating to me, and a list of whatever information your agency or other branches thereof under your supervision may have designated in this file or any portion thereof and the reason for each designation and the name of the person and his or her title requesting the same.

If the information, materials, records and/or data requested are placed, filed secured and/or held in a separate, different and/or distinct file by or under another name, number or identifier other than the case docket number and/or identifications listed above, I authorize and request your Agency and/or Department to open and/or access that file for all the information, records, and/or data requested herein.

It is further requested that your department and/or Agency in response to all the information requested, specifically inform me if and to what governmental body and/or to whom and/or what "person" previously described, has been released and/or disclosed any of the information and/or material requested herein, that date of release, and the specific information and/or material released and/or disclosed of such information and/or material and the specific reference to authority, statute or regulation governing such release and/or disclosure under Title 5 U.S.C. §552(b)(1) to (12), (c)(1) to (4), or case law of "Abraham & Rose P.L.C. v. United States; 138 F.3d 1075 (1998)" and of "Ray v. Dept. of Justice, 720 F.2d (1983)."

As you are aware, investigation records compiled for Law Enforcement Agencies are no longer generally exempted from disclosure, but may be inspected in camera by the U.S. Courts to determine whether they fall within any of the Six specified accepted categories of investigations records subscribed in the Act.

If for any reason it is determined that portions of the materials requested are exempted under some recognizable category under the FREEDOM OF THE INFORMATION ACT, or PRIVACY ACT of 1974, then I request that any such exempted materials be indexed and itemized under the "VAUGHN INDEX" with the detailed list, explanation and justification for any exclusion made under the authority of the case law of "Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir., 1973)," or other authorities as cited as follows:

An agency's compliance with FOIA requires ... to "ascertain whether the agency has sustained its burden that the documents requested ... are exempt from disclosure under FOIA." Johnson v. Exec. Office for United States Attys., 310 F.3d 771, 774 (D.C. Cir. 2002) (citing Summers v. DOJ, 329 F.3d 1077, 1080 (D.C. Cir. 1998)). "An agency may meet this burden by providing the requester with a VAUGHN INDEX, which must adequately describe each withheld document, and explain the exemption's relevance." Id. See also Vaughn v. Rosen, 484 F.2d 820, 826-28 (D.C. Cir. 1973).

However, I do request to obtain those documents as soon as possible, pursuant to Title 5 U.S.C. §552(a)(6)(A)(i), and in no way waive my right to the entire file, which after I have examined the material you do deliver, I may still choose to review by your department and/or Agency has Ten (10) working days following the receipt of this request to provide me this information and/or material sought. Should any delay occur, it is requested that your Department and/or Agency inform me of this delay as provided by Title 5 U.S.C. §552 (a)(6)(B), and the date when your Department and/or Agency will be able to act. In the event that I do not receive the response in the specified time provided by statute, I will then be forced to pursue other remedies. Public Citizen v. F.T.C., 869 F.2d 1541 (1989); Blazy v. Tenet, 194 F.3d 90 (1999); GMRI Inc. v. E.E.O.C., 149 F.3d 449 (1998).

I am fully aware that your position in office, department and/or agency must be highly "loaded" and busy of work and business, and these difficult times of "Corona Virus" must place some degree of STRESS in any individual, but specially in an Indigent, Incarcerated, Layman and Isolated Pro-Se litigant. Please understand that under my position and situation of Disfavorable Disadvantage before the most powerful government and corporation of the World (U.S. Federal Government), and the additional obstacles and hurdles of incarceration that I have to face and overcome in a daily basis, that I request from your agency and/or department your prompt diligence and response.

This request is also made to insure that my Liberty Interest, Substantial Rights, Inalienable, Civil and Constitutional Rights of Due Process, Equal Protection, Rule of Law, Clean Hands Doctrine, Covenant of Good Faith and Redress of Grievances under the First, Fifth, Sixth and Fourteenth Amendments of the U.S. Constitution were and are properly instituted, utilized, protected and afforded, but also my life is protected, at all times by and before the U.S. Legal System, that includes your prestigious U.S. Federal Government Agency. Then this PETITIONER in the "INTEREST OF JUSTICE" requests all remedies and relief required and under the law, Liberty and Justice (not "JUST US") as this U.S. Agency and its members are Constitutionally "DUTY-BOUND" to provide, afford and "UP-HOLD" by OATH OF OFFICE, to insure that the Rule of Law, Due Process, Equal Protection, Equity and Liberty Interest are equally and properly afforded to meet the "ENDS OF JUSTICE."

I agree to pay any reasonable costs or fees applicable to this request, above and/or beyond the specified allotment of costs or fees applicable at no charges pursuant to the Uniform Practices Code, the OMB Uniform FOIA Fee schedule & Guidelines §6 (b) Fed Reg 10017, in compliance with Title 31 U.S.C. §9701. or if I am indigent, I ask that your department and/or Agency waive all charges pursuant to Title 5 U.S.C. §552a (i)(3) et seq.

Thank you in advance for any and all assistance in which your prestigious U.S. Federal Agency and/or Department can provide in my quest and endeavors to insure that all my rights and privileges including but not limited to my Liberty Interest, under the Rule of Law and the Constitution of the United States are and were protected and afforded in these proceedings and in my Criminal Case and Court Proceedings, by the entire U.S. Legal System.

*** SPECIAL LEGAL MAIL ***

Respectfully submitted,



BANI MORENO

Bani Moreno

USMS # 27765-064

Big Spring Correctional Center

(GEO BSCC) Cedar Hill Unit

3711 Wright Avenue

Big Spring, Texas 79720

7021 0350 0000 5232 7715

*** SPECIAL LEGAL MAIL ***

C.C. Legal Case File Copy

Family Moreno Soto

Merrick Garland - U.S. Attorney General - U.S. Department of Justice (DOJ)

FOIA Project

*** SPECIAL LEGAL MAIL ***

NOTARY AFFIRMATION:

States of Texas)
County of Howard) - Scilicet -

I the undersigned AUTHORITY?PUBLIC NOTARY, hereby CERTIFIES that on this day, BANI MORENO (D.O.B. 08/13/19760, who is personally known to me as the person whose name is subscribed upon the foregoing legal document, personally appeared before me, who duly acknowledge to me that he has read and fully understands the foregoing legal instrument, and further SWEARS and OATH and AFFIRMATION, that the said legal document is executed of his own volition and for the purposes and consideration therein expressed and set forth, and that he was acting under no constraint nor undue influence whatsoever.

Sworn to and Subscribed to before Me the undersigned AUTHORITY/NOTARY PUBLIC on this 5th day of September, 2021.

NOTARY PUBLIC Printed Name: Jennifer Wells
NOTARY PUBLIC Signature: [Handwritten Signature]
NOTARY PUBLIC Commission Exp.: 12/11/2024

NOTARY PUBLIC Official Seal



USPS CERTIFIED RECEIPT NO. 7021 0350 0000 5232 7715

*** SPECIAL LEGAL MAIL ***

BANI MORENO
REG. NO. 27765-064
Federal Satellite Low Elkton
P.O. BOX 10
Lisbon, Ohio 44432

JANUARY 18, 2022

TO: Clerk, U.S. District Court,
District of Columbia
333 Constitution Avenue, NW
Washington, D.C. 20001

IN RE: Complaint Filing, BANI MORENO VS. EOUSA/DOJ/USA

Dear Clerk,

Please find enclosed the foregoing FOIA complaint for filing at your earliest convenience. Also included find the In Forma Pauperis Form (AO 240) short form, and the Consent to Collection Fees from Trust Account form for filing. As for the Prisoner Trust Account Report, I have tried in good faith to have it filled out by an officer (Counselor Mr. Marshalec and Case Manager Ms. Shepas), with no luck. They have stated that they cannot fill it up or sign it. However, they provided me with a copy of my financial statement attached hereto. If you have any questions, please feel free to contact the institution and asked for any of the above referenced Officers. Ph. # 330-420-6200. Thank you for your time and help in this endeavor.

Sincerely,



BANI MORENO