

IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

JOEL J. BRANFORD,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, U.S. Department of
Homeland Security; U.S. Customs
& Border Protection Agencies,

Defendant(s).

Case: 1:22-cv-00442
Assigned To : Chutkan, Tanya S.
Assign. Date : 2/18/2022
Description: FOIA (I-DECK)

FOIA Suit pursuant to Title
5 United States Code § 552(a)

Comes Now, Joel J. Branford, the undersigned Pro se Plaintiff, and files this Civil Action pursuant to Title 5 U.S.C. § 552(a)(6)(C), Freedom of Information Act (FOIA), seeking Judicial intervention based on the U.S. Department of Homeland Security ("DHS") and the U.S. Customs & Border Protection Agencies failures to adhere to the requirements of FOIA in responding to this Plaintiff's written request for materials concerning " Inward Foreign Manifest " for the specific watercraft Vessels identified by the FOIA request(s). (See Exhibits 1, 2 & 3). In support of this Court granting Plaintiff the appropriate relief by ordering the release of the materials sought, he states as follows based in Law and Fact.

As an initial matter, this Plaintiff request that this Court liberally construe this FOIA suit, given his Pro se Status. See Begay v. Nat'l Archives & Records Admin., 848 F.3d. 1034, 1039 (D.C. Cir. 2017)(quoting Erickson v. Pardus, 551 F.3d. 89, 94 (2007)).

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Courts for the District of Columbia

As a matter of law, a Plaintiff is permitted through FOIA to file a civil Action when a federal agency fails to respond to a FOIA request indicating it will respond to such request within 20 days. See 5 U.S.C. §552(a)(6)(C). Clearly, the FOIA statute requires an agency to respond within a 20 day period upon receipt of FOIA request. Id., (a)(6)(A).

It is undisputed that Plaintiff sent his FOIA request initially to the CBPA agency in August 2021; (see Exhibit 1), by certified mail which was delivered to the agency. (See Exhibit 4).

After waiting approximately two (2) months, Plaintiff again sought to have his FOIA request responded to by writing the "Chief FOIA/PA Officer" for the Department of Homeland Security. (See Exhibit 2). Consequently, Plaintiff notified in writing the Office of Information & Privacy by certified mail, forwarding to the OIP a carbon copy of his follow-up request to the DHS Chief FOIA/PA Officer. (See Exhibit 3).

The Plaintiff's FOIA follow-up request to DHS which was sent certified mail was delivered according to the U.S. Postal Service certified mail tracking system, on November 5, 2021. (See Exhibit 5). Moreover, the OIP responded to Plaintiff's correspondence concerning the lack of response by the CBPA; informing him that it only adjudicates appeals that involve "the denial of access to information" under the FOIA. (See Exhibit 6).

Under law, Plaintiff's FOIA request is supplemented with Title 19 U.S.C. §1431(c) which requires public disclosure of manifest for watercraft vessels.

Based on clearly established law, the DHS and CBP are in direct violation of this Plaintiff's rights under FOIA implicating serious Due Process concerns because the agencies failure to respond to this Plaintiff FOIA request erodes his fundamental due process rights to notice (as to the reasons for noncompliance to release of lawfully requested information) and the opportunity to be heard in the event any aspect of his FOIA request is denied.

Plaintiff moves for this Court to direct the DHS and CBP defendants to adhere to the dictates of the law, and provide him with the materials requested in his FOIA request forthwith based on the statutory authority and principles of due process.

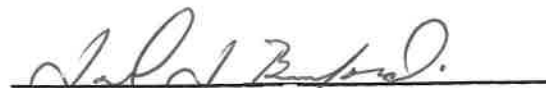
Wherefore, this Pro se Plaintiff prays this Honorable Court grant him the appropriate relief given the clear violation of law under 5 U.S.C. §552(a)(6)(C) and 19 U.S.C. §1431(c). And, grant any and all other relief this Court deems just and proper in the interest of fairness and justice.

Respectfully submitted,



Mr. Joel J. Branford
Pro se Plaintiff
Reg. No. 71914-054
F.G.I. Ray Brook
Post Office Box 900
Ray Brook, New York 12977

I hereby declare that the foregoing is true and correct to the best of my knowledge and belief, pursuant to 28 U.S.C. §1746, under the penalty of perjury.



Mr. Joel J. Branford
Pro se Plaintiff

MR. Joel J. Branford
Reg. No. 71914-054
F.C.I. Ray Brook
Post Office Box 900
Ray Brook, New York 12977

Certified Mail Receipt Number
7020 3160 001 7338 5862

January 17, 2022.

Office of the Clerk
United States District Court
District of Columbia
333 Constitution Avenue, N.W.
Washington, D.C. 20001-0001

Re: Joel J. Branford v. USDOJ, et al.

Dear Sir/Madam:

Please find enclosed one (1) original and two (2) copies of the undersigned Pro se Plaintiff's FOIA suit Pursuant to 5 U.S.C. § 552(a)(6)(C).

I have enclosed the extra copy so that your office can file-stamp it in order to return it to me in the self addressed stamped envelope provided herein for my personal records, and to acknowledge receipt of the same.

Thank you for your time and attention to this very important matter, and I look forward to hearing from your office soon.

Very truly yours,



Mr. Joel J. Branford
Pro se Plaintiff

enc.

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