

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Jose Gregorio MANZANILLA)
VIVAS)
Plaintiff,)

v.)

Case No.

Security, Ur Mendoza JADDOU)
Director of the U.S.)
Lynn PARKER DUPREE, Acting Chief)
Privacy)
Officer, Department of Homeland)
Citizenship and Immigration Services)
Cynthia MUNITA, Director of FOIA)
Operations with U.S.)
Citizenship and Immigration Services)

Agency Case No. NRC2022236160
#213111457

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. Introduction:

This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, *as amended*, for injunctive and other appropriate relief seeking disclosure and release of agency records improperly withheld from Plaintiff by Defendants.

II. Jurisdiction:

1. This Court has jurisdiction over this action pursuant to 5 U.S.C. §552(a)(4)(B) (Freedom Of Information Act), 5 U.S.C. §551 et seq., 5 U.S.C. § 555(b), §702, §704 and §706 (Administrative Procedure Act), and 28 U.S.C. §1331 (federal question) as this action arises under the Freedom of Information Act. 5 U.S.C. §552 et seq. 8. The aid of the Court is invoked under 28 USC §§ 2201 and 2202, authorizing a declaratory judgment

III. Venue

2. Venue is proper in the Southern District of Florida since Plaintiff resides at 8859 Grand Prix Ln. Boynton Beach Fl. 33472 a. 5 U.S.C. 552(a)(4)(B).

IV. Parties

3. Plaintiff, Jose Manzanilla, is a native and citizen of Venezuela.
4. Defendant, Ur Mendoza Jaddou, is the Director of USCIS, whose office address is U.S. Citizenship and Immigration Services 5900 Capital Gateway Drive Camp Springs, Maryland 20588.
5. Defendant, Lynn Parker Dupree, is the Acting Chief Privacy Officer of the Department of Homeland Security whose office address is, Privacy Office, Mail Stop 0655 Department of Homeland Security 2707 Martin Luther King Jr. AVE SE Washington, DC 20528-065.
6. Defendant, Cynthia Munita, is the Director of FOIA Operations with U.S. Citizenship and Immigration Services, whose office address is, National Records Center, FOIA/PA Office P. O. Box 648010 Lee's Summit, MO 64064-8010
7. U.S. Citizenship and Immigration Services, the Department of Homeland Security, ("DHS"), are agencies of the United States, who have possession of and control over the records that Plaintiff seeks.

V. Statement of Facts

8. Plaintiff, Jose Manzanilla, is a native and citizen of Venezuela,
9. On July 22 2022, the U.S. Citizenship and Immigration Services ("USCIS") received the Plaintiff's Freedom of Information Act Request (FOIA), requesting the Plaintiff's complete immigration record. The FOIA request was done electronically on the Defendant's website: <https://first.uscis.gov/#>. (Exhibit A, Electronic Receipt for Plaintiff's FOIA request).
10. More than 20 working days passed after the receipt of the FOIA request without production of any records, and to date, the Plaintiff has not received any of the records he requested.
11. The Defendants have not issued the Plaintiff any written notice extending the 20-day time limit nor notified the Plaintiff that the request could not be processed within 20 days and provided the Plaintiff with an opportunity to limit the scope of his request, as required by 5 U.S.C. § 552(a)(6)(B).
12. Plaintiff tried to inquire on the status of his case by using the Defendant's online case status inquiry page (<https://first.uscis.gov/#/check-status>) but the system does not provide

any information despite the fact that the Plaintiff has a valid receipt number.

13. As the government has failed to comply with the records request within the applicable time limit provisions, the Plaintiff is deemed to have exhausted his administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i).

14. The Plaintiff has a statutory right to the records that he seeks, and there is no legal basis for Defendants' failure to disclose them within the applicable time limit provisions.

VI. First Cause of Action

15. Defendants exceeded the legal response time of twenty days in 5 U.S.C. §552(a)(6)(A)(i) and failed to give written notice if a ten day extension was needed in the "unusual circumstances" set forth in 5 U.S.C. §552(a)(6)(B).

VII. Second Cause of Action

16. Defendants' action in withholding the requested information was arbitrary and capricious under 5 U.S.C. §551 et seq., 5 U.S.C. § 555(b), §702, §704 and §706, the Administrative Procedure Act. 31. Defendants have willfully and unreasonably delayed and refused to provide Plaintiff with the information requested under FOIA in a timely manner,

VIII. Prayer:

WHEREFORE, Plaintiff requests that this Court:

(1) Declare that Defendants' failure to disclose the records requested by Plaintiff is unlawful;

(2) Order Defendants to make the requested records available to Plaintiff;

(3) Award Plaintiff costs and reasonable attorneys' fees in this action as provided by 5 U.S.C. § 552(a)(4)(E); and

(4) Grant such other and further relief as this Court may deem just and proper.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Patricia Castillo Flanagan', is written over a horizontal line.

Patricia Castillo Flanagan, Esq.

FL Bar No. 71613

Work Visa Lawyers, PA

261 N University Dr Ste 500

Plantation, FL 33324

754-888-0116