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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

KENNETH RUSSELL DAVIS JR.,)	Cause No.
Plaintiff,)	Hon.
v.)	COMPLAINT FOR
U.S. DEPARTMENT OF THE AIR FORCE ,)	INJUNCTIVE RELIEF
Defendant.)	

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, to order the production of agency records, concerning the United States Department of the Air Force's, investigation of Plaintiff, Kenneth Russell Davis Jr., for allegations of espionage against the United States Government.

2. This court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B).

3. Plaintiff, Kenneth Russell Davis Jr., is a civilian employee of the Montana Air National Guard in Great Falls, Montana, and is the requester of the records which Defendant is now withholding. Plaintiff has requested this information for use in a lawsuit and prompt release of the information is critical because he has filed a lawsuit against Thomas and Jennifer Missel alleging they falsely accused him of engaging in espionage against the United States Government, an offense which carries the death penalty. Thomas and Jennifer Missel's baseless allegations caused Plaintiff severe emotional distress with physical manifestations, damage to his reputation, shame, humiliation and other damages. It is imperative Plaintiff acquire the information from the United States Department of the Air Force investigation so he can discover precisely what misrepresentations were made and what actions the United States Department of the Air Force took in investigating the allegations against Plaintiff.

4. Defendant, the United States Department of the Air Force, is an agency of the United States and has possession of the documents that Plaintiff seeks.

5. By letter dated June 30, 2014, Plaintiff requested access to any and all information pertaining to the allegations that he engaged in espionage against the United States Government. A copy of this letter is attached as Exhibit 1.

6. By letter dated November 20, 2014, Plaintiff was denied access to the requested information on the grounds that it was exempt from disclosure under Exemption 5 U.S.C. § 552(a)(J)(2). A copy of this letter is attached as Exhibit 2.

7. By letter dated December 18, 2014, Plaintiff appealed the denial of this request. A copy of this letter is attached as Exhibit 3.

8. By letter dated May 15, 2015, Plaintiff's appeal was denied. A copy of this letters is attached as Exhibit 4.

9. Plaintiff has a right to access to the requested information under 5 U.S.C. 552(b), and there is no legal basis for Defendant's denial of such access.

Wherefore, Plaintiff requests this Court:

- (1) Order Defendant to provide access to the requested documents;
- (2) Expedite this proceeding as provided for in 28 U.S.C. 1657;
- (3) Award Plaintiff costs and reasonable attorneys fees in this action, as provided in 5 U.S.C. 552(a)(4)(E); and
- (4) Grant such other and further relief as may deem just and proper.

DATED this 14th day of August, 2015.

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