

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MORRISON URENA, L.C.

8910 University Center Lane, Suite 400
San Diego, CA 92122

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
STATE

The Executive Office
Office of the Legal Advisor
Suite 5.600, 600 19th St NW
Washington, DC 20522

Defendant.

Civil Action No.: 1:22-cv-03284

COMPLAINT

INTRODUCTION

Plaintiff, MORRISON URENA L.C., alleges as follows.

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552 *et. seq.* (“FOIA”), to obtain an order for the production of an agency record from the United States Department of State, Office of Information Programs and Services in response to a request properly made by Plaintiff related to changes in the administration of the diversity visa (“DV”) program.

JURISDICTION & VENUE

2. This court has jurisdiction under 5 U.S.C. § 552(a)(4)(B) (FOIA) and 28 U.S.C. § 1331 (federal question).

3. This Court has jurisdiction to grant declaratory, injunctive, and further necessary or proper relief pursuant to 5 U.S.C. § 552(a)(4)(B), 28 U.S.C. §§ 2201-2202, and Federal Rules of Civil Procedure 57 and 65.

4. Venue is proper in this district under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

5. Plaintiff Morrison Urena, L.C. is an immigration law firm in the United States.

6. Defendant United States Department of State (“DOS”) is an agency within the meaning of FOIA. *See* 5 U.S.C. § 552(f). It does not fall under any exception to the statutory definition of an agency within the meaning of FOIA. *See* 5 U.S.C. § 551(1). The Department of State Office of Information Programs & Services has custody and control of the specific agency records requested by Plaintiff pursuant to FOIA. *See* 22 C.F.R. §171.2.¹

7. FOIA requires that agencies respond to FOIA requests within 20 business days. *See* 5 U.S.C. § 552(a)(6)(A).

8. Defendant United States Department of State has failed to meet the statutory deadlines set by FOIA. *See* 5 U.S.C. § 552(a)(6)(A)-(B). Plaintiffs are therefore deemed to have exhausted all administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C).

¹ *See also* U.S. Department of State, Freedom of Information Act, which states, “The Department of State maintains records dealing with: Formulation and execution of U.S. Foreign Policy; **Administration and operations of the Department of State and U.S. Missions abroad**; Consular assistance given to U.S. Citizens abroad; In general, permanent records 25 years and older, pre-1925 passport and pre-1940 visa records are property of National Archives and Records Administration (NARA); **Current and former employees of the Department of State**; Applications from U.S. Citizens for U.S. Passports; **Visa requests from non-citizens to enter the U.S.**,” <https://foia.state.gov/Request/FOIA.aspx> (last accessed Oct. 6, 2022) (emphasis added).

FACTUAL ALLEGATIONS

I. Introduction

9. The information Plaintiff requested in this FOIA relates to a three-year-long concerted effort to withhold the processing and adjudication of diversity visa (“DV”) applications, and the issuance of diversity visas to eligible applicants.

10. The Immigration Act of 1990 created a new immigration category, the DV Program, to increase diversity in the U.S. immigrant population by providing 55,000 Diversity visas to nationals of countries with a history of low immigration rates to the United States. Public Law 101-649; 8 U.S.C. § 1153(c).

11. The DV Program has led to a broader mix of nationalities represented in the U.S. immigrant population, creating a United States which is better equipped to understand, relate to, and benefit from the diversity of the world abroad.

12. The DV Program was designed to balance the modern legacy of racial inequity promulgated through U.S. immigration law.²

13. The DV Program provides a unique opportunity for foreign nationals who would otherwise have few or no options to lawfully immigrate to the U.S.

² See, e.g., *The Immigration Act of 1924 (The Johnson-Reed Act)*, U.S. Dept. of State Office of the Historian, https://history.state.gov/milestones/1921-1936/immigration-act?wpisrc=nl_aboutus&wpmm=1#:~:text=The%20Immigration%20Act%20of%201924%20limited%20the%20number%20of%20immigrants,of%20the%201890%20national%20census (last accessed Oct. 6, 2022) (“**It completely excluded immigrants from Asia.** [...] The 1924 Immigration Act also included a provision excluding from entry any alien who by virtue of race or nationality was ineligible for citizenship.”)(Emphasis added.). See also *The Chinese Exclusion Act (1882)*, The U.S. National Archives and Records Administration, <https://www.archives.gov/milestone-documents/chinese-exclusion-act> (last accessed Oct. 6, 2022) (noting that the Chinese Exclusion Act remained in effect until 1943, its quota system remained in effect until 1965, and was not condemned by Congress until 2011.)

14. The DV Program is presently responsible for the largest percentage of African immigration to the U.S.³

15. The DV Program is also presently responsible for the largest percentage of Black immigration to the U.S.

16. The Congressionally mandated program issues visas specifically for immigrants who are natives of countries and regions from where fewer than 55,000 immigrants came to the United States over the previous five years.

17. Congress has allocated 55,000 “diversity” immigrant visas (visas allowing admission as a lawful permanent resident, 8 U.S.C. § 1101(a)(20)) each year to randomly selected individuals from countries with historically low levels of immigration. See *id.* §§ 1151(e), 1153(c)(1)(A).

18. Eligible applicants enter a selection held once each fiscal year. 8 U.S.C. § 1153(c); 22 C.F.R. § 42.33. Far more than 55,000 entries are received every year. Over 7.3 million entries were submitted for the FY-22 selection.

19. Each fiscal year, DOS grants approximately 55,000 diversity immigrant visas to individuals from countries underrepresented in the immigration process, which allows recipients who are granted admission to enter the country as lawful permanent residents who may live and work in the United States indefinitely. See 8 U.S.C. §§ 1151(e), 1153(c)(1).

20. Hopeful immigrants must submit entries during the application period.

21. From those entries, DOS chooses eligible selectees to apply for immigrant visas.

³ See generally Juliana Morgan-Trostle, Kexin Zheng, & Carl Lipscombe, *The State of Black Immigrants* (Mar. 3, 2020), <https://baji.org/wp-content/uploads/2020/03/sobi-fullreport-jan22.pdf> (last accessed Oct. 6, 2022), a joint study by the NYU Law Immigrant Rights Clinic and the Black Alliance for Just Migration, showing that about one in five sub-Saharan African immigrants who became lawful permanent residents between 2004-2015 entered the U.S. on a diversity visa.

22. With over 23 million entrants a year, a diversity visa entrant has less than a one percent chance to be selected to apply for the visa. The probability of being selected twice is approximately 0.00025%.

23. A diversity visa selectee is entitled to apply for an immigrant visa only during the fiscal year for which the entry was submitted. *See* INA § 204(a)(1)(I)(ii)(II).

24. Upon selection, a selectee must complete a visa application, submit documents, undergo a medical examination, and attend a consular interview to determine eligibility for a DV.

25. If they meet all eligibility criteria, the consulate will issue the selectee and their derivative beneficiaries a visa. *Almaqrami v. Pompeo*, 933 F.3d 774, 777 (D.C. Cir. 2019); *see* 8 U.S.C. §§ 1153(c)(1), 1153(e)(2); Ex., 4, 9 FAM 502.6-4.

26. A selectee's spouse and unmarried minor children may also immigrate as derivatives beneficiaries. 8 U.S.C. §§ 1151(e), 1153(d).

27. A selectee "shall remain eligible" to receive a DV only through the end of the federal government's fiscal year (September 30). *Id.* § 1154(a)(1)(I)(ii)(II).

28. The FAM states that "KCC will schedule an appointment for a 'documentarily qualified' applicant when his or her regional lottery rank number is ***about*** to become current." 9 FAM 502.6-4(d)(2) (emphasis added).

29. On February 18, 2022, the FAM was updated to state "KCC will schedule an appointment for applicants that have completed processing at KCC *around the time* their regional program rank number is current." FAM 502.6-4(d)(2).

30. Each month, DOS publishes a Visa Bulletin summarizing the availability of immigrant visas for DV selectees.

31. When scheduling interviews, KCC uses the rank number, as is required by statute, to determine the order in which cases are eligible to be scheduled for appointments.

32. According to KCC Director Morgan Miles' sworn statement, signed under penalty of perjury, the State Department follows an established DV interview scheduling procedure, specifying the timing and manner in which a selectee is scheduled for interview. *Id.* ¶¶4¶¶ 6-10 (D.D.C. Apr. 25, 2022).⁵

33. "KCC uses the ranked order included in each case number, as is required by statute, to determine the order in which cases will be scheduled at each post." *Id.* ¶ 9.

34. For those that have submitted a DS-260, KCC will schedule an appointment for selectees that are "the next case in the selection order." *Id.* ¶ 10.

35. Lastly, "[e]ach post provides its capacity and schedule for DV interviews, and then KCC fills those appointments with the *lowest* case number that is fully processed and ready for scheduling." *Id.*

36. Because the Department must schedule a DV selectee for an immigrant visa appointment when their visa is about to be current to ensure a timely adjudication, the Visa Bulletin also shows the available DVs for the forthcoming month. (*e.g.*, a January Bulletin will show diversity allotments for January and February).

⁵ The Court may "take judicial notice of, and give effect to, its own records in another but interrelated proceeding." *Opati v. Republic of Sudan*, 60 F. Supp. 3d 68, 73 (D.D.C. 2014) (quoting *Booth v. Fletcher*, 101 F.2d 676, 679 n.2 (D.C. Cir. 1938)); see Fed. R. Evid. 201(b) (allowing a court to "judicially notice a fact that is not subject to reasonable dispute because it . . . can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned").

37. Recognizing the policy to schedule interviews before their visas are current and the intent of Congress to issue all allotted DVs, appointments are scheduled in consultation with posts around the world about two months in advance of the planned interview dates.

38. Additionally, DOS selects more than 55,000 entries “to ensure that all of the available DVs are issued.”

39. If the Department did not over-select DV participants, it would not be able to use the full allocation of DV numbers.

40. For this reason, DV selectees with a low rank order, as determined by their case number, are more likely to be scheduled for an interview, while those with higher numbers are less likely to be scheduled.

41. Selectees with current visa numbers are entitled to an interview before a consular officer, a requirement for the adjudication of their visa application.

42. Congress created a timetable of one calendar year to adjudicate diversity visas because Congress understood that it takes several months for individuals and the agency to work together to complete the adjudication of a diversity visa.

43. If selectees are not scheduled by July 1 of that fiscal year, the likelihood of receiving an interview or an adjudication substantially decreases.

44. If selectees are not scheduled by August 1 of that fiscal year, it is extremely unlikely that they will receive an interview, much less a final adjudication.

45. If a selectee is not issued a visa prior to midnight on September 30th of the fiscal year of the selection, absent judicial relief, the selectee cannot be issued a visa based on their visa selection for that fiscal year. *See* 8 U.S.C. § 1153(c)(1), 1154(a)(1)(I)(ii)(II); 22 C.F.R. § 42.33(a)(1)(d); *see also* 31 U.S.C. § 1102.

46. Stated differently, if a DV is not issued before midnight on September 30, and a court order reserving it is not issued before September 30, the DV selectee's opportunity to immigrate to the United States through the DV program that fiscal year is permanently lost.

47. With over 23 million entrants a year, a diversity visa entrant has less than a one percent chance to be selected to apply for the visa.

48. The probability of being selected twice is approximately 0.00025%, the odds of which are lower than a meteor hitting the earth.

49. For DV selectees, the stakes are high and their American dreams hang in a tenuous balance.

II. DV Adjudication Process & the Pilot Program

I. Selection and the KCC.

50. In the first week of May, entrants must login to the Entrant Status Check (ESC) to find out if their entry has been selected for the DV program.

51. If a DV entrant is selected, the notification letter on the ESC instructs them to submit a visa application to be processed at the State Department's Kentucky Consular Center ("KCC"). 9 FAM 502.6-4(c)(1), *KCC Role*.

52. "KCC will hold the case until those selected are **entitled** to make a formal application for a visa at a U.S. consular office abroad." 9 FAM 502.6-4(c)(1)(b) (emphasis added).

2. DS-260 Submission, Document Processing, and The Pilot Program

53. Upon selection, a selectee "will be notified electronically via Entrant Status Check and instructed to complete Form DS-260, Online Application for Immigrant Visa and [Noncitizen]Registration." 9 FAM 502.6-4(d)(1)(a).

54. All DV applicants must submit the online DS-260 Immigrant Visa and

[Noncitizen] Registration Application. *Id.*

55. If the selectee follows “the instructions provided online via Entrant Status Check, the Department of State’s Kentucky Consular Center (KCC) *will* process the case until those selected are instructed to appear for visa interviews at a U.S. embassy or consulate.”

56. Normally, pursuant to FAM 502.6-4(c)(2)(c), “Applicants are considered “documentarily qualified” for purposes of visa appointment scheduling when KCC confirms that the applicant has properly completed and submitted the DS-260,” but under a pilot program, Defendants have suspended that requirement for DV-2022 selectees.

57. Historically, once KCC received the complete DS-260, the KCC was required to contact applicants and instruct them to e-mail scanned copies of required supporting documents to kccdvddocuments@state.gov.” 9 FAM 502.6-4(d)(1)(b)(emphasis added). The KCC explicitly informed the selectee that they “will receive document submission instructions by e-mail after KCC processes and accepts the DS-260 application” and further warns that the “case will not be scheduled for an interview appointment until a visa number is available, you have submitted a complete and valid DS-260 application for each family member, and you have provided copies of all required documentation to the Kentucky Consular Center.”

58. On December 9, 2021, the Department of State announced the creation of a pilot program (“The Pilot Program”), effective immediately, informing DV2022 selectees that they “no longer must submit to the KCC any other required supporting documents for DV-2022 in order to be eligible to be scheduled for an in-person interview at an embassy or consulate” and are only required to submit the DS-260 immigrant visa application form to the KCC to be determined eligible for visa scheduling.

59. Under The Pilot Program, Defendants did away with the requirements for

document submission to the KCC for DV-2022 selectees.

60. On December 9, 2021, the Department deemed DV applicants “interview ready” upon the submission of their DS-260 Immigrant Visa Applications:

Effective immediately, individuals who were randomly selected to participate in the diversity visa (DV) program for fiscal year (FY) 2022 (DV-2022 selectees) only need to submit to the Kentucky Consular Center (KCC) the DS-260 immigrant visa application form for themselves and any accompanying family members. Once the DS-260 is received for all applicants associated with a case, that case will be eligible to be scheduled for a visa interview.

61. DV-2022 program selectees are only required to submit the DS-260 immigrant visa application form for themselves and accompanying family members to the KCC in order to be considered documentarily qualified. See U.S. Dep’t. of State – Bureau of Consular Affairs, Diversity Visa 2022 Update: Document Submission to KCC for DV-2022, available at (last accessed Aug. 12, 2022), <https://travel.state.gov/content/travel/en/News/visas-news/diversity-visa-2022-update.html> (last accessed Oct. 6, 2022).⁶

62. In a declaration submitted by Defendants in *Gomez*, Declarant Andrea Whiting explains that the Pilot Program was created with the goal of “maximizing usage of available DV appointments “to allow for the adjudication of past FY DV programs.” See *Gomez v. Trump*, 1:20-cv-01419 (APM), ECF No. 250-1, (Jan. 11, 2022). Declarant Whiting’s declaration is also attached as Exhibit A.

⁶ A court may take judicial notice of “a fact that is not subject to reasonable dispute because it...can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned.” Fed. R. Ev. 201(b). Courts may also take judicial notice of “government documents available from reliable sources.” See *Cannon v. District of Columbia*, 405 U.S. App. D.C. 141, 146 n.2, 717 F.3d 200, 205 n.2 (2013), see also *Humane Soc’y of the United States v. Animal & Plant Health Inspection Serv.*, 386 F. Supp. 3d 34, 41 n.3 (D.D.C. 2019) (citing Rule 201 and taking judicial notice of pages from the U.S. Department of Agriculture website as “sources whose accuracy cannot be reasonably questioned”) and *Campaign for Accountability v. U.S. DOJ*, 278 F. Supp. 3d 303 (D.D.C. 2017) (citing Rule 201 and taking judicial notice of the fact that Office of Legal Counsel Opinions were posted to the U.S. Department of Justice Website).

63. Whiting represents that the Department of State was frontloading the processing of FY2022 DV cases earlier in the year to create more capacity for the FY2020 and FY2021 DV adjudications later on in FY 2022. *Id.* at 4.

64. Whatever the underlying goals may have been, the Department of State has failed to inform Diversity Visa applicants for FY 2023 whether this pilot program applies to them as well.

III. The Pilot Program and DV 2023

65. As of the date of filing, DV selectees have no way to ascertain whether the Pilot Program applies to them or ensure that they are meeting all requirements for scheduling.

66. Historically, DV selectees were able to call KCC, but KCC terminated their public phone line in October 2020, and it has remained inoperative for the past two years. *See* Exhibit B, Declaration of Morgan Miles, Director of KCC at ¶ 13 in *Rosales v. Blinken*, 3:21-cv-00261 (EMC), ECF No. 110 (July 2, 2021).

67. Theoretically, DV selectees may email their inquiries to KCC. However, KCC and its LDRM contractors are non-responsive to DV selectee inquiries on the subject.

68. A Department of State Cable, also dated December 9, 2021, creates additional procedural ambiguity for applicants. Cable 21 STATE 123052, intended for consular section chiefs, instructs posts to “consider whether adjustments are needed to their pre-interview communications with applicants regarding satisfying all documentary requirements under the INA.” Exhibit C, 21 STATE 123052.

69. On or around that same date, the Department of State released “resources for posts to understand their potential FY22DV workload” through their intranet system. By definition, the intranet resources are only accessible internally to government officials.

70. Despite the fact that fiscal year 2022 has ended, these documents have yet to be made available to applicants, advocacy groups, or their legal advocates. As a result, interested parties have no way to determine whether these “adjustments” or “resources” change aspects of the diversity program for fiscal year 2023.

71. Defendants’ complete lack of communication on simple but crucial steps in the DV application process has left DV 2023 selectees completely in the dark.

72. Defendants’ lack of transparency shows their complete and utter disregard for DV selectees who have made and continue to make every effort to timely complete the DV program requirements.

73. Defendants’ conduct undermines the policy goals of Congress in the creation of the DV program to the detriment of countless families, employers, and American citizens who benefit from the diverse skills, qualifications, and perspectives that immigrants bring to the United States.

74. In the past three fiscal years, DV winners included doctors and nurses working on the frontlines of the pandemic, successful entrepreneurs, people fleeing persecution, and children with boundless potential. They passed rigorous merit and security checks and qualified for a unique and coveted path to the American dream.

75. Due to Defendants’ lack of communication and transparency, selectees’ dreams will be permanently deferred and the United States may lose their gifts and talents to friendlier shores.

76. Defendants’ obstinance appears to be a response to the deluge of mass litigation they have faced since 2020 for similar misdeeds. *See generally Goodluck v. Biden*, No. 1:12-cv-01530 (APM) (D.D.C. Sept. 2021), *see also Filazapovich v. Department of State*, 2021 WL

4127726 (D.D.C. Sept. 9, 2021); *Rai v. Biden*, No. 1:12-cv-5277 (D.D.C. Sep. 27, 2021); *Gomez v. Trump (Gomez III)*, No. 20-cv-1419 (APM), 2021 WL 3663535 (D.D.C. Aug. 17, 2021); and *Gomez v. Biden*, 1:20-cv-1419 (APM) (Oct. 13, 2021).

77. While some DV selectees have access to counsel, many do not, and their cases hang in a very time-sensitive balance. Diversity Visa Lottery winners are from across the globe, and many live in active conflict zones in Iraq, Afghanistan, Ethiopia, Sudan, and Ukraine. Timely processing of their cases can be the difference between life and death.

78. In light of the time sensitivity and humanitarian concerns in these cases, Plaintiff filed a FOIA request on August 23, 2022. Exhibit D, *Electronic FOIA Request*.

79. In this request, Plaintiff sought:

- Cable included this reference: "resources for posts to understand their potential FY22DV workload, is available on the Diversity Visa Portal on CA Web: <https://intranet.ca.state.sbu/content/caweb/visas/portals/diversity-visa-portal.html>."
- All records accessible to consular officers through this portal during the time frame December 9, 2021 to August 23, 2022.

80. Plaintiff outlined the compelling circumstances that drove the need for expedited handling of this request, specifically:

- An urgency to inform the public concerning actual or alleged Federal Government activity exists.
- The State Department continues to implement the Diversity Visa lottery program in a way that does not respect the dignity of the lottery selectees by disclosing what the changing rules of the game are so they are informed. Expedient handling of this request is necessary so that FY-2023 Diversity Visa lottery selectees are treated with dignity, so they may be informed in a way FY-2020, FY-2021, and FY-2022 selectees were not.

81. Plaintiff specified the time period of the FOIA request from December 9, 2021 to August 23, 2022.

82. On August 25, 2022, Defendant confirmed receipt of Plaintiff's FOIA request. Defendant confirmed that Plaintiff's request was placed in "the complex processing track where it will be processed as quickly as possible." Exhibit D, *Response to Electronic FOIA Request*.

83. However, Defendant denied expedited processing of Plaintiff's request, claiming that Plaintiff's request "does not demonstrate a 'compelling need' for the requested information."

84. Defendant did not provide a timeline for the completion of the review process.

85. As of the date of filing, Defendant has not communicated in any way with Plaintiff since sending its acknowledgment on August 25, 2022.

86. Defendant has not provided Plaintiff with any additional updates or estimated timeline for completion. Defendant merely notes that they cannot respond within the statutory timeline due to "unusual circumstances," which include "the need to search for and collect requested records from other Department offices or Foreign Service posts."

87. Defendants' characterization of the nature and location of the search as "unusual," is dubious.

88. It is unclear why such a search would warrant extraordinary measures. These records are located in their own offices and consular posts. Their daily operations are international by definition.

89. Over 30 business days have elapsed since Plaintiff placed the request.

90. Morrison Urena L.C. is an immigration law firm that advocates on behalf of Diversity Lottery winners around the world. Under FOIA, Defendant had twenty days to respond to Plaintiff's request. Despite the statutory timeline, the significant public interest of this request, and the collateral consequences of the U.S. government's failure to timely issue these immigrant visas in war-torn countries, Defendant has yet to provide a response.

91. Plaintiff now files this suit to order Defendant to undertake an adequate search and produce responsive records without delay. In so doing, Morrison Urena, L.C. intends to both use this information for business purposes and provide public clarity regarding the administration of the Diversity Visa Program to ensure appropriate accountability and transparency.

92. Plaintiff has the capacity and intent to disseminate widely the requested information to the public. Morrison Urena, L.C. is well known internationally for its advocacy on behalf of Diversity Visa Lottery winners. Plaintiff is in constant contact with Diversity Visa winners and applicants through a substantial social media following and is well-equipped to provide public access to released documents and work with media outlets to disseminate any responsive materials.

CLAIM FOR RELIEF

Violation of Freedom of Information Act (Failure to Provide Timely Response to FOIA Request)

93. Plaintiff repeats, realleges, and reincorporates the allegations in the foregoing paragraphs as though fully set forth herein.

94. Defendant is an agency subject to FOIA. Therefore, it is obligated to “promptly” release, in response to a FOIA request, any disclosable records in its possession at the time of the request. *See* 5 U.S.C. § 552(a)(3).

95. Defendant is permitted to withhold record or parts of records only if one of the enumerated FOIA exemptions apply. Defendant must provide a lawful reason for withholding any other materials as to which it is claiming an exemption. *See* 5 U.S.C. § 552(b).

96. No exemptions permit the withholding of the record sought by the Request.

97. FOIA requires that agencies respond to FOIA requests within 20 business days. *See* 5 U.S.C. § 552(a)(6)(A).

98. Under 5 U.S.C. § 552(a)(6)(A)(i), Defendant must decide within 20 days of a request whether the agency will produce responsive documents.

99. An extension of this timeline is permitted only “[i]n unusual circumstances” where the agency provides “written notice.” Such notices allow the agency to extend the response deadline for ten additional working days. 5 U.S.C. § 552(a)(6)(B)(i): *see also, e.g., Hajro v. U.S. Citizenship & Immigration Servs.*, 881 F. 3d 1086, 1092 (9th Cir. 2016) (“The statutory time limits require an agency to determine within twenty days whether to comply with a FOIA request or, in the alternative, notify the requester of any ‘unusual circumstances’ requiring an extension in responding to the request.”).

100. In this case, over 30 business days have elapsed without a substantive reply from Defendant.

101. Defendant United States Department of State has failed to meet the statutory deadlines set by FOIA. *See* 5 U.S.C. § 552(a)(6)(A)-(B). Plaintiffs are therefore deemed to have exhausted all administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C).

102. Therefore, Plaintiff is entitled to an order compelling Defendant to produce the record responsive to the Request.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court grants the following relief:

- a. Assume jurisdiction over this matter;
- b. Declare that the record sought by the Request, as described in the foregoing paragraphs, is public under 5. U.S.C. § 552 and must be disclosed;

- c. Order Defendant to undertake an adequate search for the requested record and provide all responsive records and corresponding documents to Plaintiff's FOIA request within 20 business days of the Court's order;
- d. Award Plaintiff attorney's fees and costs, as expressly permitted by FOIA under 5 U.S.C. § 552(a)(4)(E) and on any other basis justified under the law; and
- e. Grant any other or further relief that this Court deems just and proper.

Dated: October 27, 2022

/s/Alexandra George
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