

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No.

January 12, 2023

Adam Delgado, Pro Se
PO Box 145
Ft. Meade, MD
773-992-7632
Adam.delgado@ii-services.net
Plaintiff,

Vs.

United States Department of Justice (DOJ),
The Federal Bureau of Investigation (FBI),
Defendants,

Case: 1:23-cv-00088
Assigned To : Walton, Reggie B.
Assign. Date : 1/12/2023
Description: FOIA/Privacy Act (I-DECK)

**COMPLAINT PURSUANT TO
FREEDOM OF INFORMATION ACT**

Plaintiff, Adam Delgado, Pro Se, brings this action against Defendants, the Federal Bureau of Investigation (FBI), a sub-component of the United States Department of Justice (DOJ), for the failure to timely and appropriately respond to the Freedom of Information Act (FOIA) request served by Mr. Delgado pursuant to 5 U.S.C. 552. As explained below, Mr. Delgado has exhausted his remedies under 5 U.S.C. 552 (a)(6)(C)(i).

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Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

THE PARTIES

1. Mr. Delgado is a retired ATF Special Agent who served on the FBI's Joint Terrorism Task Force in Chicago, IL who resides on Ft. Meade, MD. The DOJ and the FBI both have their Headquarters in Washington, D.C.

JURISDICTION AND VENUE

2. The Court has jurisdiction over this case, and venue is proper in this District, pursuant to 5 U.S.C. 552(a)(4)(B)(C).

BACKGROUND

3. In 1992-93, Mr. Delgado worked on a thesis for his graduate program at the University of Illinois at Chicago. The thesis topic was the assignation of President John F. Kennedy. During this period, Mr. Delgado was advised by his thesis advisor, Dr. Richard Ward, that "someone from the government contacted me" (Ward) about what Delgado was trying to do with his research. Dr. Ward advised Mr. Delgado that Ward replied that he (Delgado) was just trying to write a thesis. The conversation concluded but approximately a few days later, Dr. Ward advised Delgado that Ward was too busy and could no longer act as Delgado's thesis advisor. Dr. Ward advised Delgado to reach out to another professor about being Delgado's new thesis advisor. Delgado contacted the other professor who advised Delgado he needed to change his thesis topic as it was no longer a valid topic. Delgado involuntarily complied.

4. Mr. Delgado applied for an FBI Special Agent position twice in the early 1990s. Mr. Delgado was given a conditional offer of employment for the FBI SA position on April 13, 1995 but that offer was rescinded in approximately November 1995. Mr. Delgado through his attorney filed, Adam Delgado et al. v. Alberto Gonzales, District of Columbia, Civil Action No. 99-2311 (JR)
5. Mr. Delgado prevailed in case number 99-2311 and declined to seek employment with the FBI.
6. In 2014, Mr. Delgado was removed from his detail to the JTTF upon request of an FBI supervisor. In 2021, Mr. Delgado learned that his official Internal Affairs file maintained by ATF contained documents being withheld because the FBI was the originating agency of some of the documents.
7. On March 22, 2021, Mr. Delgado filed a FOIA Request with the FBI on their online portal. On March 25, 2021, the FBI sent an electronic notification that his request was assigned case number 1492566. In a follow up e-mail, the FBI advised Delgado that it would be five years before the FBI could fulfill the above FOIA Request (a copy of which is attached hereto as Exhibit 1).
8. With all due respect, FOIA demands more of government agencies. Mr. Delgado has been more than patient, and the DOJ and the FBI who have not fulfilled their statutory obligations: even now, just under two years after the Request was served.

COUNT 1

(Violation of 5 U.S.C. 552)


9. Mr. Delgado reallege and incorporate by reference Paragraphs 1-8 hereof.
10. DOJ and the FBI have violated and is in violation of 5 U.S.C. 552.

RELIEF REQUESTED

Accordingly, Mr. Delgado respectfully requests that the Court enter judgement in Mr. Delgado's favor and:

- A. Enjoin the DOJ and the FBI from withholding and refusing to produce the unredacted documents responsive to the 2021 Request.
- B. Order that the DOJ and the FBI must promptly comply with the Request and produce all the requested unredacted documents; and
- C. Award Mr. Delgado his attorney's fees for consultations on this matter and costs pursuant to 5 U.S.C. 552(a)(4)(E)(i).

Respectfully Submitted,

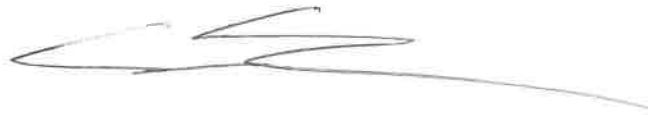


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CERTIFICATE OF SERVICE

I hereby certify that, on this 12th day of January, 2023, I caused to be served electronically to all parties by operation of the Court's electronic filing system and by placing a copy in the US Mail, a copy of the foregoing document.

A handwritten signature in black ink, appearing to read 'Adam Delgado', with a long horizontal flourish extending to the right.

Adam Delgado