

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TRAVIS MILLER

Plaintiff,

vs.

**U.S. DEPARTMENT OF JUSTICE,
U.S. DEPARTMENT OF STATE**

Defendants.

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Civil Action No. 1:23-cv-269

COMPLAINT

Plaintiff, Travis Miller, brings this action against the U.S. Department of Justice (“DOJ”) and the U.S. Department of State to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), and alleges as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Venue is proper in this district because Plaintiff is domiciled in Williamson County, Texas.

PARTIES

- 2. Plaintiff is a resident of Williamson County, Texas.
- 3. Defendant Department of Justice is an agency of the United States Government within the meaning of 5 U.S.C. § 552(f)(1) that possesses the records Plaintiff seeks. The DOJ is headquartered at 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.
- 4. Defendant Department of State is an agency of the United States Government within the meaning of 5 U.S.C. § 552(f)(1) that possesses the records Plaintiff seeks. The State Department is headquartered at 2201 C St., NW, Washington, DC 20520.

FACTUAL BACKGROUND

A. The DOJ FOIA Requests

5. On February 10, 2021, Plaintiff submitted to the DOJ a FOIA request stating: “Please provide all documents relating to the Office of Professional Responsibility investigation of Bruce Ohr, including but not limited to interviews, investigative summaries, misconduct findings, and any appeals.”

6. The DOJ assigned this request number F21-00052. It has yet to produce responsive records.

7. On February 2, 2022, Plaintiff submitted a FOIA request to the DOJ requesting the following records:

- a. All correspondence to/from Michael Horowitz with the term “Sussmann” for the time period 1/1/2017 through 8/30/2017.
- b. All correspondence to/from Michael Horowitz with the term “Joffe” for the time period 1/1/2017 through 8/30/2017.
- c. All correspondence to/from Michael Horowitz with the term “Sussmann” for the time period 2/1/2021 through 2/1/2022.
- d. All correspondence to/from Michael Horowitz with the term “Joffe” for the time period 2/1/2021 through 2/1/2022.

8. The DOJ assigned this request #22-OIG-082. It has yet to produce responsive documents.

9. On June 7, 2022, Plaintiff submitted to the DOJ a FOIA request stating: “Please provide all documents - including but not limited to interview summaries, and opening and closing documents - relating to the investigation into the leak of Lt. Gen. Michael Flynn's calls with

Russian Ambassador Sergei Kislay. For your reference, the inquiry had the code name ‘Operation Echo.’ The New York Times has reported the investigation has been closed, thus allowing the production of this information.”

10. The DOJ assigned this request tracking number EMRUFOIA060722. In response to questions from DOJ, Plaintiff clarified this request, explaining in further details the records he was seeking and pointing out a spelling error: Sergei Kislyak, not Sergei Kislay.

11. The DOJ has not yet provided documents responsive to this request.

B. The State Department FOIA Request

12. On February 8, 2023, Plaintiff submitted the following FOIA request to the State Department: “Please provide all grants of funding and federal assistance awards and cooperative agreements issued by the Global Engagement Center from 2017 through 2021.”

13. The State Department has not yet provided documents responsive to this request.

COUNT 1

(Defendants’ Violations of FOIA, 5 U.S.C § 552)

14. Plaintiff incorporates the above paragraphs as though fully set forth herein.

15. Defendants are agencies subject to the production requirements of FOIA.

16. Defendants have violated FOIA by failing to produce the records requested by Plaintiff.

17. Plaintiff is being irreparably harmed by Defendants’ FOIA violations, and Plaintiff will continue to be irreparably harmed unless Defendants are compelled to comply with FOIA.

RELIEF REQUESTED

18. For these reasons, Plaintiff respectfully requests this Court:

- A. Order Defendants to search for any and all records responsive to Plaintiff's FOIA requests and demonstrate that they employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA requests;
- B. Order Defendants to produce all records responsive to Plaintiff's FOIA requests and a *Vaughn* index of any responsive records withheld under claim of exemption;
- C. Enjoin Defendants from withholding non-exempt records that are responsive to Plaintiff's FOIA requests;
- D. Grant Plaintiff an award of costs incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- E. Grant Plaintiff such other relief as the Court deems just and proper.

Respectfully submitted,

/s/ Travis Miller
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