

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

MID-ATLANTIC INNOCENCE PROJECT)	
1413 K Street, NW)	
Washington, D.C. 20005)	
)	
Plaintiff)	
v.)	Civil Action No. .
)	
U.S. DEPARTMENT OF JUSTICE)	
950 Pennsylvania Ave., N.W.)	
Washington, D.C. 20530-0001,)	
)	
Defendant)	
)	

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff, Mid-Atlantic Innocence Project ("MAIP"), by and through its undersigned counsel, brings this complaint against the Defendant U.S. Department of Justice ("DOJ") as follows:

1. Anthony L. Davis, a client of the Mid-Atlantic Innocence Project ("MAIP"), was convicted of the 1993 murder of Adrian Smith. Mr. Davis claims to be innocent of that crime. To investigate that claim, MAIP filed a May 13, 2022 Freedom of Information Act ("FOIA") request seeking the file on the Smith homicide from the Executive Office for United States Attorneys.
2. DOJ violated the FOIA by failing to produce responsive documents following MAIP's May 13, 2022 request within the time period allotted by statute. 5 U.S.C. §§

552(a)(6)(A)(i), (B)(i)-(iii). MAIP requests declaratory relief stating that DOJ has violated FOIA, and injunctive relief requiring DOJ to immediately process and release the requested records.

JURISDICTION

3. This Court has subject matter jurisdiction over this matter under 5 U.S.C. § 552(a)(4)(B) and 552(a)(6)(C)(i). The Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331, 2201(a), and 2202.

4. This District is the appropriate venue under 5 U.S.C. § 552(a)(4)(B).

PARTIES

5. Plaintiff MAIP is a non-profit, charitable organization organized under Section 501(c)(3) of the Internal Revenue Code. MAIP works to prevent and correct the conviction of innocent people in the District of Columbia, Maryland, and Virginia. Obtaining files arising from criminal investigations and prosecutions is a crucial part of MAIP's investigations into potentially wrongful convictions.

6. Defendant DOJ is an agency within the meaning of 5 U.S.C. § 552(f)(1). DOJ's component agency, the Executive Office for United States Attorneys, as liaison with the United States Attorney's Office for the District of Columbia, the Office which prosecuted Mr. Davis, has possession, custody, and control of the requested records.

FACTS

7. On February 12, 1996, a jury convicted Mr. Davis of first-degree murder for the death of Adrian Smith and related crimes in the Superior Court for the District of Columbia. He was released on parole on December 22, 2022.

8. On May 13, 2022, MAIP submitted a FOIA request to the Executive Office for United States Attorneys. MAIP's FOIA request, attached as Exhibit A, sought all records

pertaining to Anthony Davis, from the U.S. Attorney's Office for the District of Columbia, in relation to criminal action number F-3159-94.

9. In its request, MAIP sought a fee waiver on the grounds that its work is in the interest of the public and not in MAIP's private or commercial interest. 5 U.S.C. § 552(a)(4)(A)(iii). MAIP is a non-profit, charitable organization which represents clients on a purely pro bono basis and is never paid for its services.

10. Defendant acknowledged receipt of MAIP's FOIA request on or about May 30, 2022.

11. Apart from that pro forma acknowledgement, Defendant has not responded to MAIP's May 13, 2022 FOIA request.

12. Because Defendant failed to timely respond to MAIP's request, MAIP has constructively exhausted its administrative remedies. 5 U.S.C. § 552(a)(6)(C)(i).

CLAIM

DOJ's Unlawful Withholding of Records Responsive to MAIP's FOIA Request

13. Plaintiff realleges and incorporates herein by reference all of the above paragraphs, as though fully set forth herein.

14. In its May 13, 2022 FOIA request, MAIP properly asked for records within the possession, custody, and control of DOJ.

15. Defendant has failed to respond to MAIP's request within the timeframe dictated by statute. 5 U.S.C. § 552(a)(6)(A)(i), (B)(i)-(iii).

16. Defendant is wrongfully withholding records responsive to MAIP's request and therefore in violation of the Freedom of Information Act.

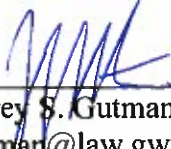
PRAYER FOR RELIEF

WHEREFORE, MAIP respectfully requests that this Court:

1. Declare that MAIP is entitled to immediate processing and disclosure of the requested records;
2. Order Defendant to immediately and fully process MAIP's May 13, 2022 FOIA request and disclose all nonexempt records to MAIP;
3. Retain jurisdiction of this action to ensure that no agency records are wrongfully withheld;
4. Order that Defendant grant MAIP's petition for a fee waiver;
5. Award MAIP attorney's fees and costs;
6. Grant such other relief as the Court may deem just and proper.

Date: April 20, 2023

Respectfully Submitted,



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