

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

JEFFREY MYRICK,
8707 Greystone Place
Alexandria, Virginia 22309
843-200-8763

Plaintiff,

v.

JEH JOHNSON, SECRETARY
U.S. DEPARTMENT OF HOMELAND
SECURITY
Washington, DC 20472

Defendant

Civil Action No.

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, to order the production of agency records, concerning:

all records or notes pertaining to Special Agent/Program Manager Chris Watkins of the Certified Undercover Operation in Fairfax, VA at the Cyber Crimes Center named "Operation Coverall"; audit requests of the operation, results of audit requests, originator of audit requests; result of audit conducted on Operation Coverall before it was transferred from the Cyber Crimes Unit to the Child Exploitation Unit; timeframe Special Agent Chris Watkins was Program Manager for Operation Coverall; adequacy and reporting timeliness of the monthly requirements of a certain undercover operation as required by ICE HSI policy; records of Deputy Assistant Director for the Cyber Smuggling Center for the Unit Chief for the Cyber Crimes Unit or the Unit Chief for the Cyber Crimes Unit and Section Chief over Special Agent Watkins was aware of the lack of work being done in support of Operation Coverall; records of Special Agent Watkins' return to Cyber Crimes Center to correct deficiencies in the reporting requirements for Operation Coverall and if Special Agent Watkins was assisted by any HSI or ICE to correct the incomplete and/or missing monthly reports for Operation Coverall; records or correspondence between the Program Manager for Operation Coverall

after Special Agent Watkins left the program and supervisors and managers in regards to the state of the operation.

Which, the Defendant has improperly withheld from Plaintiff.

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

3. Plaintiff, Jeffrey Myrick, is a Special Agent employed by Immigration and Customs Enforcement (ICE), Homeland Security Investigations, and is the requester of the records which defendant is now withholding. Plaintiff has requested this information to ascertain whether his then-first level supervisor and Defendant's agent, Sjon Shavers, Section Chief, Cyber Crimes Unit, engaged in employment discrimination on account of Plaintiff's race.

4. Defendant, U.S. Department of Homeland Security/Federal Emergency Agency, is an agency of the United States and has possession of the documents that plaintiff seeks.

5. By an email dated January 7, 2015, plaintiff requested access to the following:

all records or notes pertaining to Special Agent/Program Manager Chris Watkins of the Certified Undercover Operation in Fairfax, VA at the Cyber Crimes Center named "Operation Coverall"; audit requests of the operation, results of audit requests, originator of audit requests; result of audit conducted on Operation Coverall before it was transferred from the Cyber Crimes Unit to the Child Exploitation Unit; timeframe Special Agent Chris Watkins was Program Manager for Operation Coverall; adequacy and reporting timeliness of the monthly requirements of a certain undercover operation as required by ICE HSI policy; records of Deputy Assistant Director for the Cyber Smuggling Center for the Unit Chief for the Cyber Crimes Unit or the Unit Chief for the Cyber Crimes Unit and Section Chief over Special Agent Watkins was aware of the lack of work being done in support of Operation Coverall; records of Special Agent Watkins' return to Cyber Crimes Center to correct deficiencies in the reporting requirements for Operation Coverall and if Special Agent Watkins was assisted by any HSI or ICE to correct the incomplete and/or missing monthly reports for Operation Coverall; records or correspondence between the Program Manager for Operation Coverall after Special Agent Watkins left the program and supervisors and managers in regards to the state of the operation.

6. By an email dated January 14, 2015, plaintiff received an acknowledgment of receipt of

his FOIA request each dated January 7, 2015, requesting access to the aforementioned information and was assigned claim number 2015-ICFO-39952.

8. More than 7 months later, Plaintiff still has not received his requested aforementioned documents from Defendant.

7. Plaintiff has a right of access to the requested information under 5 U.S.C. § 552(a)(3), 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 attorney's 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.

Respectfully submitted,

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August 18, 2015