

6. This Court has jurisdiction over the parties and subject matter pursuant to 5 USC § 552(a)(4)(B). Jurisdiction also lies with this Court under 28 USC § 1331.

7. Venue is proper in this district pursuant to 5 USC § 552(a)(4)(B).

STATEMENT OF FACTS

BACKGROUND

8. The CIA Inspector General (IG) is responsible for independent oversight of the CIA.

9. According to the CIA's website, "The CIA Office of Inspector General (OIG) is an independent office of the CIA that is headed by the Inspector General and promotes economy, efficiency, effectiveness and accountability in the management of CIA activities by performing independent audits, inspections, investigations, and reviews of CIA programs and operations. The OIG also seeks to detect and deter fraud, waste, abuse and mismanagement. The OIG advances the Agency's mission by providing findings and recommendations expeditiously to the Director, the Agency and the Congressional intelligence committees. The OIG works directly with the Department of Justice and other appropriate federal agencies when investigating alleged violations of law."

PLAINTIFF'S FOIA REQUESTS

10. On March 26, 2015, Plaintiff submitted a FOIA request to the CIA for 50 enumerated OIG reports. Plaintiff received a letter from the CIA dated April 15, 2015, acknowledging receipt of his FOIA request and assigning it tracking number F-2015-01333. As of the filing of this Complaint, Plaintiff has not received a response with a final determination as to whether the CIA will comply with his request F-2015-01333. Because more than 20 business

days have elapsed with no final determination from the agency as to whether it will release records, Plaintiff is deemed to have constructively exhausted his administrative remedies.

11. On April 28, 2015, Plaintiff submitted a FOIA request to the CIA for an IG report related to the death of Gul Rahman, and several related documents which Plaintiff enumerated. Plaintiff received a letter from the CIA dated May 20, 2015, acknowledging receipt of his FOIA request and assigning it tracking number F-2015-01568. As of the filing of this Complaint, Plaintiff has not received a response with a final determination as to whether the CIA will comply with his request F-2015-01568. Because more than 20 business days have elapsed with no final determination from the agency as to whether it will release records, Plaintiff is deemed to have constructively exhausted his administrative remedies.

12. On July 10, 2015, Plaintiff submitted a FOIA request to the CIA for 29 Inspector General investigations of misconduct involving detainees in Iraq or actions that occurred during renditions or transfers of detainees and which were specifically identified in an attached Errata. Plaintiff received a letter from the CIA dated July 30, 2015, acknowledging receipt of his FOIA request and assigning it tracking number F-2015-02104. The letter noted the obligation of a requester to “reasonable describe” the information sought, and then indicated that the agency “can accept” a search for the 13 CIA Officer of the Inspector General investigations referenced in the SSCI Executive Summary. In doing so, the CIA impermissibly rewrote Plaintiff’s FOIA request. As of the filing of this Complaint, Plaintiff has not received a response with a final determination as to whether the CIA will comply with his request F-2015-02104. Because more than 20 business days have elapsed with no final determination from the agency as to whether it will release records, Plaintiff is deemed to have constructively exhausted his administrative remedies.

13. On September 3, 2015, Plaintiff submitted a FOIA request to the CIA for 6 enumerated IG audit reports. Plaintiff has not received any communication from the CIA with

respect to this request, and therefore has no tracking number. As of the filing of this Complaint, Plaintiff has not received a response with a final determination as to whether the CIA will comply with this request. Because more than 20 business days have elapsed with no final determination from the agency as to whether it will release records, Plaintiff is deemed to have constructively exhausted his administrative remedies.

14. On November 18, 2015, Plaintiff submitted a FOIA request to the CIA for 172 enumerated IG reports and/or memorandums. Plaintiff received a letter from the CIA dated December 2, 2015, acknowledging receipt of his FOIA request and assigning it tracking number F-2016-00474. As of the filing of this Complaint, Plaintiff has not received a response with a final determination as to whether the CIA will comply with his request F-2016-00474. Because more than 20 business days have elapsed with no final determination from the agency as to whether it will release records, Plaintiff is deemed to have constructively exhausted his administrative remedies.

COUNT I:
VIOLATION OF FOIA

15. This Count realleges and incorporates by reference all of the preceding paragraphs.

16. Each of the documents referred to in this Complaint is incorporated herein by reference.

17. The CIA has violated FOIA as to request F-2015-01333 by improperly withholding responsive records.

18. The CIA has violated FOIA as to request F-2015-01568 by improperly withholding responsive records.

19. The CIA has violated FOIA as to request F-2015-02104 by improperly withholding responsive records and improperly narrowing the scope of Plaintiff's valid FOIA request.

20. The CIA has violated FOIA as to Plaintiff's September 3, 2015 request (no tracking number) by improperly withholding responsive records.

21. The CIA has violated FOIA as to request F-2016-00474 by improperly withholding responsive records.

22. Plaintiff has been and will continue to be irreparably harmed until Defendant is ordered to comply with FOIA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- (1) Declare Defendant's failure to comply with FOIA to be unlawful;
- (2) Order Defendant to search for and process the requested records without further delay and without payment of search, review, and duplication fees;
- (3) Grant Plaintiff an award of attorney fees and other litigation costs reasonably incurred in this action pursuant to 5 USC § 552(a)(4)(E)(i);
- (4) Grant Plaintiff such other and further relief which the Court deems proper.

Respectfully Submitted,

/s/ Jeffrey Light

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