

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

RECEIVED

DEC 18 2015

CLERK, U.S. DISTRICT COURT
ST. PAUL, MINNESOTA

Andrew Rhoades

Plaintiff(s),

vs.

Case No. _____
(To be assigned by Clerk of District
Court)

DEMAND FOR JURY
TRIAL

YES ___ NO

Defendant(s).

Mr. Kelly Hoggan, Mr. Robert Ball, Mr.
Clifford Van Leuven, Ms. Francine
Kerner, and Ms. Regina McCoy.

COMPLAINT

PARTIES

1. List your name, address and telephone number. Do the same for any additional plaintiffs.

a. Plaintiff

Name	<u>Andrew Rhoades</u>
Street Address	<u>11735 Independence Way</u>
County, City	<u>Washington County, Woodbury</u>
State & Zip Code	<u>Minnesota, 55129</u>
Telephone Number	<u>(651) 399-8296</u>

2. List all defendants. You should state the full name of the defendant, even if that defendant is a government Agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption.

SCANNED

DEC 18 2015

U.S. DISTRICT COURT ST. PAUL

a. Defendant No. 1

Name Clifford Van Leuven, MSP Federal Security Director

Street Address 2001 Killebrew Drive, Suite 400

County, City Hennepin County, Bloomington

State & Zip Code Minnesota, 55425

b. Defendant No. 2

Name Kelly Hoggan, Assistant Administrator OSO

Street Address 601 S. 12th Street

County, City Arlington County, Arlington

State & Zip Code Virginia, 20598-6020

c. Defendant No. 3

Name Robert Ball, Region 3 TSA Director

Street Address 11100 Metro Airport Center Drive, Suite 160

County, City Wayne County, Romulus

State & Zip Code Michigan, 48174

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached: *See below*

Please label the attached sheets of paper to correspond to the appropriate numbered paragraph above (e.g., Additional Defendants 2.d., 2.e., etc.)

Additional Defendant 2.d., Francine Kerner. She is chief counsel for the TSA. Her address is 601 S. 12th Street, 7th Floor, East Tower. Arlington, VA 20598-6020. Additional Defendant 2.e., Ms. Regina McCoy. She is the TSA chief FOIA officer. Her address is 601 S. 12th Street in Arlington, VA 20598-6020.

JURISDICTION

Federal courts are courts of limited jurisdiction. Generally, two types of cases can be heard in

federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount of damages is more than \$75,000 is a diversity of citizenship case.

3. What is the basis for federal court jurisdiction? (*check all that apply*)

Federal Question

Diversity of Citizenship

4. If the basis for jurisdiction is Federal Question, which Federal Constitutional, statutory or treaty right is at issue? List all that apply.

The basis of my suit is 5 U.S.C. § 552(a)(6)(A)(i), 5 U.S.C. § 552(a)(6)(A)(ii) 5 U.S.C. § 552(a)(6)(C). This law governs the Freedom of Information Act as Amended by Public Law No. 110-175, 121 Stat. 2524, and Public Law No. 111-83, § 564, 123 Stat. 2142, 2184

5. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party? Each Plaintiff must be diverse from each Defendant for diversity jurisdiction.

This section does not apply.

6. What is the basis for venue in the District of Minnesota? (*check all that apply*)

Defendant(s) reside in Minnesota

Facts alleged below primarily occurred in Minnesota

Other: I am a pro-se plaintiff asking the District of Minnesota to take jurisdiction of my FOIA suit against the Transportation Security Administration because it simply is cost prohibitive to file or transfer my suit to the District of Columbia. The District Court in Minnesota will best serve the public's interest. There is precedent in FOIA cases where other districts have ruled – 2nd District in the Halpern v. FBI 181, F 3d 279 (2d Cir. 1999) and the 1st District in State of Maine v. Department of Interior, 124 F. Supp. 2d, 728 (D. Me. 2001).

STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of how, where, and when each of the defendants named in the caption violated the law, and how you were harmed. Each paragraph must be numbered separately, beginning with number 7. Please write each single set of circumstances in a separately numbered paragraph.

7. On February 19, 2015, I received a punitive directed reassignment by Defendant Clifford

Van Leuven from Minneapolis, Minnesota to Tampa, Florida. The basis of my directed

reassignment is a violation of the Whistleblower Act of 1989, Pub.L.101-12.

8. Through discussions with various senior TSA executives past and present, I learned TSA Defendants Assistant Administrator for the Office of Security Operations Kelly Hoggan, Region 3 TSA Director Robert Ball, and MSP Federal Security Director Clifford Van Leuven conspired to issue my reassignment based on their mistaken beliefs I was leaking embarrassing performance results of the TSA at the MSP airport to the local media. This is a violation of the Whistleblower law.
9. On February 21, 2015 Plaintiff submitted a complaint with the U.S. Office of Special Counsel. The Special Counsel accepted his complaint (MA-15-2480) and it currently rests with the investigations and prosecution division (see April 29, 2015 Office of Special Counsel press release). Plaintiff informed by OSC attorney in November 2015 he was pursuing a FOIA complaint. She asked that he keep her informed of its outcome and share any information he receives with her.
10. Plaintiff submitted a Freedom of Information Act request on April 10, 2015 seeking clarification to the basis of his involuntary reassignment and to determine who was responsible for a violation of Whistleblower law. Messrs. Hoggan's, Ball's, and Van Leuven's non-responses to my FOIA request violate FOIA law¹ and injure me because I am unable to argue my case based on the merits and facts. If nothing is done, the Agency will continue to ignore timelines established in law and withhold information from injured personnel who cannot argue their cases based on facts.
11. The Agency's search is clearly inadequate. TSA Director of Traveler Engagement Lizzy

¹ See 5 U.S.C. § 552(a)(4)(B); *Dep't of State v. Ray*, 502 U.S. 164, 173 (1991) (explaining that it is the Agency's burden "to justify the withholding of any requested documents"); *DOJ v Tax Analysts*, 492 U.S. 136, 142 n.3 (1989) ("The burden is on the Agency to demonstrate, not the requester to disprove, that the materials sought are not 'Agency records' or have not been 'improperly withheld.'")

Gary admittedly stated on December 17, 2015 that she “cannot confirm how a search was conducted or who conducted the search.” In Campbell v. U.S. Dep’t of Justice, 164 F.3d 20 (D.C. Cir. 1998), the Court held a search inadequate when it was evident from the Agency’s disclosed records that a search of another of its records system might uncover the documents sought. So too here, on de novo review, see Nation Magazine v. United States Customs Serv., 71 F.3d 885, 889 (D.C. Cir. 1995). Certainly the Agency would not have communicated one date (December 18, 2015) in which they would provide Plaintiff the responsive documents and an entirely different date(s) they intended to provide him “the remaining portion” of documents to his Congressional office if the original search was adequate.

12. On December 18, 2015, the Agency provided its “interim release” of information. The Agency response demonstrates a lack of seriousness in complying with my FOIA request. In one example from Diane DiCarlo, she stated “OSO BMO wrote the letter and approved before issuance” yet the directed reassignment letter was issued by Clifford Van Leuven. Certainly this Court realizes a nameless office does not write a letter. In one exchange between Mr. Van Leuven and TSA Attorney Steven Colon, he (Colon) wrote to Mr. Van Leuven: “Please feel free to change it in any way you wish (It’s your letter). This is another example of the Agency’s obfuscation. Next, there is no information whatsoever, from the majority of those persons listed in Plaintiff’s FOIA complaint and the overwhelming majority of information the Agency sent to Plaintiff included direct email exchanges the Plaintiff already has because he sent them to various individuals. For example, wouldn’t this Court be interested in knowing if the Tampa federal security director was involved in any way since I was supposed to move there and be one of his direct reports? The Agency provides no information from Lee Kair, the Tampa federal security director whatsoever

which is more than peculiar. It failed to provide any information from Mses. McClinton, Pippen, Hasman, or Scott. These ladies coordinate directed reassignments. Likewise, there is no information provided by Messrs. Hoggan or Ball. It is impossible to directly reassign an employee in my agency without someone in authority reaching a decision and staff coordinating that decision.

13. Plaintiff cannot impress upon this Court the simplicity in which it takes someone to search their electronic records. A key word search of select TSA computers would likely take less than one hour and a targeted forensic key word search of the TSA network would likely require only 1-2 weeks to perform². TSA Defendants unequivocally know the information exists on the TSA network. They are counting on this Court to overlook that fact or, that I as the Plaintiff give up. Plaintiff asks this Court to compel TSA senior leaders to do their jobs and hold their senior leaders accountable. That cannot happen if the information Plaintiff seeks is never provided to him.

14. The information the Agency withholds does not properly fall within the scope of exemptions and the basis to withhold information is insufficient to establish a rational nexus between the material withheld and a legitimate attorney-client privilege. An Agency bears the burden to justify exemptions under FOIA. *See PHE v. Department of Justice*, 983 F.2d 248, 250 (D.C. Cir. 1993). The present record is insufficient to permit meaningful review of the extent, if any, to which the TSA must investigate further to evaluate the information that is available to them.

15. The attorney work-product privilege first established in *Hickman v. Taylor*, 329 U.S. 495,

² The TSA conducted a records review (forensic analysis) of Minneapolis TSA Assistant Director Rebecca Roering's old computer using a "SCERS examination" sometime in December 2012. *On January 7, 2013 the examination concluded after analyzing 77,000 "hits" from a key word search.* See a copy of the TSA Memorandum of Interview or Activity, Case No. I12-6107 on AFSD Rebecca Roering included with this complaint.

67 S.Ct.385, 91 L.Ed. 451 (1947), codified in Fed.R.Civ.P. Rule 26(b)(3) for civil discovery, protects disclosure materials prepared by attorneys “*in anticipation of litigation.*” The privilege protects work done by an attorney in anticipation of, or during litigation from disclosure to the opposing party. The specific problem is the interpretation of the “in anticipation of litigation” requirement in a FOIA context. Relying on the Supreme Court’s admonition to interpret FOIA exemptions narrowly, the district court in Maine v. DOI held the determinative question here is whether the prospect of litigation “served as the primary motivating factor for the preparation of the documents.” Maine, 124 F. Supp.2d at 743 (citing Scott Paper Co. v. Ceilcote Co., 103 F.R.D. 591, 594 (D.Me.1984). If the Agency “anticipated litigation” certainly they are admitting what they did when they directly reassigned Plaintiff on February 19, 2015 was wrong otherwise, the Agency would release the information to Plaintiff. There is nothing to suggest that the documents were created for any reason other than to assist defendants in taking routine administrative actions against Plaintiff (directed reassignment).

16. There are institutional incentives that might encourage TSA to withhold as much information as possible and to claim the broadest possible exemptions under FOIA, thereby shifting the burden to the Courts to sort through a seemingly endless morass of material. In Vaughn v. Rosen, the District Court of Columbia Circuit Court of Appeals conceived of the documentation now known as the Vaughn affidavit as a means of overcoming the institutional difficulties inherent in FOIA litigation. 484 F.2d 820 157 U.S. App. D.C. (D.C. Cir. 1973). Unlike Vaughn v. Rosen, I know exactly what material should exist and in some cases I am privy to information that refutes the Agency’s basis for withholding documents because I am an Agency employee. To correct the adversarial imbalance of information, and

to permit more effective factual review, Plaintiff asks this Court to ensure the Agency produces a detailed Vaughn index. First, the documentation must include detailed analysis of the withheld material in manageable segments. Second, the documentation must also provide an indexing system that would further subdivide the withheld documents under consideration into manageable parts cross-referenced to the relevant portion of the Government's justification.³

17. There is precedence with Defendant Kelly Hoggan and the Agency deliberately withholding evidence and ignoring requests for information. Please see the enclosed Miami District EEOC June 30, 2015 order on complaint's motion for sanctions, EEOC No. 510-2015-00209X. Edwin Goodwin, a former federal security director in Jacksonville, Florida filed an EEO complaint alleging TSA executives forced federal security directors to retire by transferring them to other airports. The enclosed order on page 3, captures "*the Agency did not provide any part of the investigative file as required by the Order Directing the Agency to Produce Electronic Complaint File or good cause why the investigation was not completed and provided within 15 days of the Commission's Order.*" Page 4 of the order states: "*Mr. Hoggan and Ms. Shelton-Waters are the highest-ranking officials in their respective organizations. Because of their prominent positions held by the Agency witnesses, it has taken longer for their affidavits to be completed and finalized.*" Further, on page 5, it states: "*Even with the extra three (3) months the Agency unilaterally took in this case to investigate, the decision maker(s) were not interviewed which negatively affects the usefulness of the investigation.*" Judge Patrick Kokenge found (pages 6-7 of the enclosed order) that "*the consequence of the delay of the investigation has been to keep this EEO complaint from being able to move forward in the hearing process as was scheduled.*"

³ See *Ray v. Turner*, 587 F.2d 1187, 1191-92 (D.C.Cir.1978) (discussing Vaughn.).

18. According to TSA record management policy, the Agency is required to retain all human resources records related to reassignments for three years. This records schedule is found in TSA Management Directive 200-7, *Records Management Program*.⁴ This means no Agency employee is authorized to destroy information related to Plaintiff's directed reassignment until 2018.
19. The Agency has thirty days from the date of service to answer a FOIA complaint.⁵ An Agency's response that merely acknowledges receipt of a request does not constitute "determination" under FOIA in that it neither denies records nor grants the right to appeal the Agency's determination.⁶ FOIA expressly places the burden on the Agency to sustain its action when withholding Agency records (see 5 U.S.C. § 552(a)(4)(B)). The Agency has neither asserted or explained in writing any "extraordinary circumstances" nor requested in writing to me, an extension of no more than 10 days.
20. To date, it is nearing *eight months* with *over six unexplained changes in expected delivery dates* and at one point citing "***Error: There is no FOIA request in the system for that [2015-TSPA-00148] number.***"
21. A TSA Office of Legislative Affairs response to Congresswoman McCollum's office on

⁴ Records schedule for reassignments IAW TSA MDs 200-7, Series Description – General HR record, 1100.3.5-c Supplemental Files: ... Some requests may involve HR matters, including but not limited to changes in duties, ***reassignments***, [emphasis added] leave usage, and performance issues. Files may include, but are not limited to, policy guidance, resource information about accommodation providers, forms, e-mails, notes. Destroy 3 years after end of fiscal year in which accommodation is decided or all appeals are concluded, whichever is later. See pages 3 & 4 of TSA Records Disposition to MD 200-7.

⁵ See 5 U.S.C. §552(a)(4)(C) (2006), amended by OPEN Government Act of 2007, Pub. L. No. 110-175, 121 Stat. 2524. 5 U.S.C. §552(a)(4)(C) (2006) states: "Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause is shown."

⁶ See *Martinez v. FBI*, 3 Gov't Disclosure Serv. (P-H) 83, 435 (D.D.C. Dec 1, 1982); cf. *Dickstein v. IRS*, 635 F. Supp. 1004, 1006 (D. Alaska 1986) (finding that letter referring requester to alternative "procedures which involve less red tape and bureaucratic hassle" not deemed denial). But cf. *N.Y. Times Co. v. U.S. Dep't of Labor*, 340 F. Supp. 2d 394, 399 (S.D.N.Y. 2004) (concluding that letter from Agency that merely informed requester that

August 14, 2015 indicated “*program offices have been tasked.*” This means the office of security operations, to which Messrs. Hoggan, Ball and Van Leuven belong, have been informed to produce this information at least since August 2015, but have failed to comply in good faith. The August 14, 2015 implies Messrs. Hoggan, Ball, Van Leuven and others were informed on that date, but Plaintiff is confident they were informed immediately when he filed his initial FOIA request in April 2015.⁷ Once Agency personnel respond to a FOIA request, Agency counsel reviews their responses.

22. On December 2, 2015 Plaintiff submitted an administrative appeal to the Agency.

According to 5 U.S.C. § 552(a)(6)(A), the TSA is required to make a determination to any appeal within 20 business days. The Agency admits in their December 17, 2015 letter to Plaintiff’s congressional representative they will fail to meet the 20 business day requirement.

23. On December 10, 2015 Plaintiff wrote the TSA Administrator informing him I would pursue a federal law suit in hopes the Agency would act to avoid having to bring this matter to this Court (see attached email).

24. On December 15, 2015 Plaintiff contacted Agency Chief Counsel and Defendant Francine Kerner informing her I would seek a federal law suit if the Agency did not comply with FOIA law. Ms. Kerner was aware of Agency malfeasance and did nothing to correct it. Ms.

submitter notice to 13,000 businesses would be required before final disclosure decision could be made was implicit denial of his administrative appeal).

⁷ In May 2015 Plaintiff spoke with TSA Attorney Jeff Toenges, a person he named on his FOIA request who stated: “Drew, you would be mistaken if you were to assume I was closely involved in your [directed reassignment] case.” Plaintiff openly shared with this person he filed a FOIA request that included his and other names. TSA Attorney Toenges was punitively reassigned to the Newark, NJ airport for nearly one month in September 2015 and spent one week in Arlington, VA at the direction of TSA Chief Counsel Francine Kerner. This attorney was the only lawyer providing coverage for Minnesota, North Dakota and South Dakota, yet he was dispatched to New Jersey. Plaintiff believes the record will eventually establish Messrs. Hoggan, Ball and Van Leuven were warned by Agency counsel that a directed reassignment to him (Rhoades) would be a violation of the Whistleblower law.

Kerner was aware of another dispute and “took no action.”⁸ Her office is responsible for compliance with FOIA law and according to 5 U.S.C. § 552(k)(2), the chief FOIA officer who is supposed to be designated at the Assistant Administrator level, is responsible for keeping “*the chief legal officer of the Agency*” (Ms. Kerner) aware of compliance with this section. Ms. Kerner’s unique knowledge of law as the Agency’s chief counsel and lack of action to ensure the Agency complies with FOIA law injures me because the deliberate delays and obfuscations leave me at an unfair and competitive disadvantage as the Agency controls information Plaintiff needs to determine whether or not a violation of law occurred when the Agency issued him a punitive directed reassignment on February 19, 2015. The Agency’s act of withholding information is similar to its actions in the *Ed Goodwin v. Department of Homeland Security* EEOC decision included with this complaint.

25. Also on December 15, 2015, Plaintiff spoke with a pleasant and professional lady in the TSA traveler engagement division named Lizzy Gary. Ms. Gary indicated Plaintiff would receive a written reply by the Agency to my administrative appeal and hoped to provide “the responsive documents” to him “aiming for the end of the week.” There was no mention of an “interim release” or the “remaining portion *should* [emphasis added] be released to Mr. Rhoades within the next 45 business days” as communicated to Rhoades’ congressional representative by a different TSA office.

26. On December 16, 2015, TSA Assistant Administrator Kimberly Walton responded to Plaintiff’s administrative appeal. She indicated “the process should be finishing soon and we hope to get the response to you in the next five days.” She mentioned “under the FOIA, the requester may treat the Agency’s lack of timely response as a ‘constructive denial’ and has

⁸ Chief Counsel Kerner also was aware of a time when Rebecca Roering brought to her attention a dispute she had with a TSA attorney. Ms. Roering filed an EEO complaint and Ms. Kerner was a witness to her complaint. The EEO

the option of seeking judicial review. 5 U.S.C. 552(a)(6)(C).”

27. However, on December 17, 2015, the TSA Assistant Administrator for the Office of Legislative Affairs Sarah Dietch wrote a letter to Plaintiff’s Congresswoman – Betty McCollum. Ms. Dietch’s letter stated “we estimate making an interim release to Mr. Rhoades by December 23, 2015. The remaining portions of the records are currently being processed and should be released to Mr. Rhoades within the next 45 business days.” It is very disappointing to learn yet another change, not communicated directly to Plaintiff by the FOIA office.
28. Plaintiff has exhausted all his remedies and attempted as best as possible to avoid having to bring this matter before this Court. Plaintiff wrote the TSA FOIA office multiple times over several months. *When the TSA FOIA office would not return any of Plaintiff’s responses (until recently when he communicated his intent to file a lawsuit) and failed to comply with any discernable FOIA time limits⁹, he solicited Congressional assistance from his elected representative - Congresswoman Betty McCollum to contact Plaintiff’s Agency.* Her efforts were unsuccessful. Congresswoman McCollum then contacted the Department of Homeland Security after attempts to work with the Transportation Security Administration failed (see enclosure 6 to my December 2, 2015 administrative appeal to TSA).
29. There is no reasonable or logical explanation why the Agency would not have provided the information Plaintiff seeks unless it knows the information will be damaging. Certainly, the Agency would not knowingly violate FOIA law, on a recurring basis, if there wasn’t good

investigator “attempted to interview Kerner but was not afforded the opportunity by the agency.”

⁹ The FOIA permits requesters to treat an Agency’s failure to comply with its specific time limits as full, or “constructive,” exhaustion of administrative remedies. *See*, 5 U.S.C. § 552 (a)(6)(c); *See also Nurse v. Sec’y of the Air Force*, 231 F. Supp. 2d 323, 328 (D.D.C. 2002) (“The FOIA is considered a unique statute because it recognizes a constructive exhaustion doctrine for purposes of judicial review upon the expiration of certain relevant FOIA deadlines.”).

reason to do so. The Agency has clearly improperly withheld Agency records.

30. The TSA has repeatedly stalled its response because of the embarrassing outcomes that will be revealed to its senior leadership and Plaintiff urges this Court to take jurisdiction of this case.¹⁰ Given the Agency's past performance, there is nothing indicating future compliance with law, adequate search of TSA records (that should be retained for three years according to Agency records management policy), and any future withholding of information will not properly fall within the scope of exemptions and the basis to withhold information is insufficient to establish a rational nexus between the material withheld and a legitimate attorney-client privilege. The public interest is best served when the TSA complies with laws and timely provides information in good faith. TSA has failed to do both.

Check here if additional sheets of paper are attached:

Please see my December 2, 2015 administrative appeal and its six associated enclosures; the April 29, 2015 U.S. Office of Special Counsel press release; my December 10, 2015 letter to TSA Administrator Peter Neffenger; TSA IT Security Service Request form; TSA Memorandum of Interview or Activity, Case No. I12-6107 on AFSD Rebecca Roering; Miami District EEOC No. 510-2015-00209X June 30, 2015 Order on Complaint's Motion for Sanctions; TSA MD 200-7; CAO Letter No. 200-3; TSA Records Schedule 1100.3.5, Supplemental Files (reassignments); TSA (undated) response to Andrew Rhoades' administrative appeal received December 17, 2015; Diane DiCarlo February 23, 2015 email to Clifford Van Leuven titled "Directed reassignment to TPA;" Clifford Van Leuven email to TSA Attorney Steve Colon titled "OCC assist;" Clifford Van Leuven January 23, 2015 "Request for Directed Reassignment" to Kelly Hoggan; Clifford Van Leuven email to TSA Attorney Steve Colon titled "Letter to Rhoades Cancelling DR;" Francine Kerner June 3, 2015 email to Mark Hatfield titled "Andrew Rhoades redacted complaints to Office of Special Counsel;" TSA Attorney Jeff Toenges email to Clifford Van Leuven titled "Directed Reassignment Concept;" TSA office of legislative affairs August 14, 2015 response to Congresswoman Betty McCollum; TSA December 18, 2015 response to Andrew Rhoades FOIA (interim response); TSA office of legislative affairs December 17, 2015 letter to Congresswoman Betty McCollum; Page 7 of 10 to Rebecca Roering Case No. HS-TSA-00244-2015; and Lizzy Gary December 17, 2015 email response to Andrew Rhoades titled "Re: Final Response Appeal 2015-TSAP-0004" included with this complaint.


REQUEST FOR RELIEF

¹⁰ See *Payne Enters. v. United States*, 837 F.2d 486, 490-92 (D.C. Cir. 1988) (finding repeated, unacceptably long Agency delays in providing nonexempt information sufficient to create jurisdiction where such delays are likely to recur absent immediate judicial intervention).

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

Plaintiff is asking this Court for a summary judgment and preliminary injunction to enjoin the Transportation Security Administration from continuing to withhold the requested records. Because the Agency stalled its response to this point and one of its employees – the Deputy TSA Administrator named in Plaintiff's FOIA request suddenly "retired" from the Agency, he asks this Court to retain jurisdiction over this case and order an independent investigative office (Department of Justice -Office of Special Counsel) to oversee a forensic search of TSA computers with the ability to recover deleted files. And because Plaintiff exhausted all available means and demonstrated considerable reasonableness to avoid having to submit this complaint in Federal Court, he is asking this Court to order the TSA to reimburse him the \$400 filing fee and waive all fees charged by the Agency.

Date: December 18, 2015

Signature of Plaintiff 
Mailing Address 11735 Independence Way
Woodbury, Minnesota 55129
Telephone Number (651) 399-8296

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide his/her mailing address and telephone number. Attach additional sheets of paper as necessary.