

**FILED**

**APR - 1 2016**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

Michael Jayne # 74636-065  
FCC Tucson  
PO Box 24550  
Tucson, AZ 85734  
pro se

Case: 1:16-cv-00609  
Assigned To : Unassigned  
Assign. Date : 4/1/2016  
Description: FOIA/Privacy Act

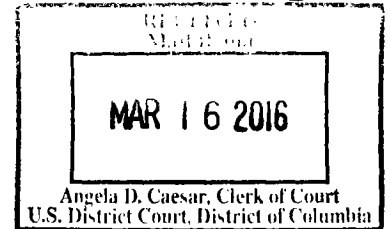
UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA

MICHAEL JAYNE  
Plaintiff,

v.

U.S. Department of Justice, Executive  
Office for United States Attorneys (EOUSA),  
Bureau of Alcohol Tobacco and Firearms,  
U.S. Marshals Service.  
Defendants

FOIA COMPLAINT  
5 U.S.C. § 552  
AND REQUEST FOR  
INFORMA PAUPERIS  
WAIVER OF FEES



This is an action brought by plaintiff Michael Aaron Jayne, against defendants; US DOJ executive office for United States Attorneys (EOUSA), Bureau of Alcohol Tobacco and Firearms, US Marshals Service, under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, for the above named agencies failure to disclose all records, files, reports ect concerning plaintiff in a timely manner mandated by law.

JURISDICTION

1. This court has both subject matter jurisdiction over this action and personal jurisdiction over the defendants pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331-

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### VENUE

2. Venue is appropriate under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391.

### PARTIES

3. Plaintiff Michael Aaron Jayne is an American citizen and resident of Arizona.

4. Defendant United States Department of Justice Executive Office of US Attorneys, is an agency within the meaning of 5 U.S.C. 552(e). The USDOJ "EOUSA", is in possession or control of the records requested by Michael Aaron Jayne, that are the subject of this action.

5. Defendant Bureau of Alcohol Tobacco and Firearms is an agency within the meaning of 5 U.S.C. § 552(e). The "BATF" is in possession or control of the records requested by Michael Aaron Jayne that are the subject of this action.

6. Defendant United States Marshals Service is an agency within the meaning of 5 U.S.C. § 552(e). The "USMS" is in possession or control of the records requested by Michael Aaron Jayne that are the subject of this action.

### CAUSE OF ACTION

7. In July 5, 2015, Michael Aaron Jayne submitted individual FOIA requests that were received by the USDOJ, US BATF, US Marshals Service on June 17, 2015. Mr. Jayne directed each separate FOIA to each individual agency. The requests sought all records, reports, files, photographs, lab reports, statements concerning Mr. Jayne including but not limited to the US Attorneys office

in The Western District of Texas federal prosecution of Mr. Jayne in Austin, Texas and The Alcohol Tobacco and firearms "B ATF" Austin field office investigation, surrounding Mr. Jayne's federal prosecution from 2012 through 2013. These records include all records held by the US Marshals Service in Austin, Texas and their efforts in investigating and attempting to apprehend Jayne, in connection with the related investigation. Mr. Jayne also sought records held by the US Attorneys in The Eastern District of California and District of Oregon concerning himself, held by The "EOUSA" and The B ATF and USMS in both Sacramento, Ca and Portland, Oregon.

8. The Bureau of Alcohol Tobacco and firearms FATA chief wrote Jayne back on July 17, 2015 and assigned case number 2015-0906. The B ATF has not provided any records to date since acknowledging receipt of Plaintiff's request from over nine months ago.

9. The United States Marshals Service office of General Counsel FATA has not responded to any of Mr. Jayne's request, nor acknowledged receipt of his request.

10. The US DOJ Executive office of US Attorneys "EOUSA" acknowledged Mr. Jayne's FATA request and assigned case

number EDCA - 2015-2507, USAO District of Oregon [SOTX-2015-02506 dated June 17, 2015 and tracking number FOIA-2015-02508. Dated August 21, 2015 The "EOUSA" sent a separate letter assigning tracking number FOIA-2015-03515 for The USAO in Western Texas. Jayne seeks all discovery, records, reports, files, photos, lab reports, statements held by these agencies, including the BATF property receipt concerning DNA buccal swabs taken by unknown Austin BATF Agent and Austin Police, the BATF evidence inventory log with the amount of swabs taken and the Austin Police crime lab report and logs held by the Austin US Attorneys office and Austin BATF field office, ~~and~~ and all other files and discovery.

11. Michael Aaron Jayne has been waiting well over the 20 working days that have elapsed without a substantive determination by The "EOUSA", BATF and USMS concerning Jayne's requests for all records and files concerning himself held by these agencies in Washington, D.C. Jayne has sent in numerous letters to each agency in the past six months unanswered. He has constructively exhausted all required administrative remedies.

12. Those three federal Agencies in Washington, DC that is in possession of those records in DC fail to respond and provide Jayne with all of the records he has requested, he is entitled to under the FOIA.

12. Michael Aaron Jayne has a legal right under the FOIA to obtain the information he seeks, there is no legal basis for the flagrant delay and denial by the "EQUISA" BATF and US Marshals Service to provide Mr. Jayne with all records, files, reports, photos, discovery concerning himself in Austin, Texas, Sacramento, Ca, Portland, Oregon and anywhere else these agencies retain records on Mr. Jayne held in Washington, DC.

### PRAYER

Plaintiff Michael Jayne prays that this court:

- A. Grant Mr. Jayne in forma pauperis status as he is an indigent inmate in the FPOB in Arizona;
- B. Order the defendants to conduct an extensive search of their files and disclose the requested records in their entirety and make copies of all the files held by each agency and provide them to Mr. Jayne.
- C. Award reasonable costs as provided in 5 U.S.C 552(a)(4)(E) and 28 U.S.C § 2412(d).

D. expedite this action in every way pursuant to 28 U.S.C § 1657(a); and

E. Grant all other relief the Court may deem just and proper.

Dated: March 9, 2016



Michael Aaron Jayne  
Plaintiff pro se

I declare under penalty of perjury that the foregoing facts contained in this complaint are true and correct executed in Pima County, Arizona on March 9, 2016.