

Attachment 1B

Substantiation for FOIPA Complaint & Injunctive Relief

This section of Attachment 1 is meant to serve as an explanation for the breadth of the plaintiff's records request with the Federal Bureau of Investigation (FBI), while simultaneously identifying why it is pivotal that the FOIPA Request be responded to in a detailed and timely fashion.

For the record, in addition to the Federal Bureau of Investigation, the plaintiff has also filed FOIPA Requests with the Department of Homeland Security (DHS), and the National Security Agency (NSA).

For more than a decade, the plaintiff has been subject to harassment in the United States and while living abroad, by FBI and DHS personnel, in addition to the contractors, and civilian hirees who work as their "proxies," such as InfraGard.

The FBI and DHS have engaged in a conspiracy to interfere with the civil rights of the plaintiff (42 U.S. Code § 1985), deprivation of the plaintiff's 1st amendment right to petition for a governmental redress of his grievances, deprivation of the plaintiff's 1st amendment right to free exercise of religion, deprivation of the plaintiff's 4th amendment right to be secure in his house and papers, deprivation of the plaintiff's 5th amendment right to due process, deprivation of the plaintiff's 6th amendment right to counsel, and deprivation of the plaintiff's 8th amendment right to not be subjected to cruel and unusual punishment, and violations of the Privacy Act.

The plaintiff (who is of Judeo-Christian descent) has been subject to cyber-harassment, death threats, anti-Semitic e-mails, interference of communications with Jewish organizations, allegations that he is a "closet Muslim," identity theft and on-line impersonation, harassment of business and employment contacts with the goal of depriving the plaintiff of an income, interception of plaintiff-attorney communications with the goal of depriving the plaintiff of legal counsel, abusive and threatening text messages and phone calls.

Federal personnel and/or their contractors created a false online profile for the plaintiff, created accounts in his name, included information referencing his education and time abroad in order to make the accounts more convincing, verified those accounts through plaintiff's hacked e-mail address, used pictures in his likeness, then linked minors and pornography to those accounts. The bogus profile was then proliferated among his family, friends, and diplomatic contacts in the U.S. and abroad by FBI, DHS, InfraGard and hirees contracted by them (as part of an official "investigation" - which has run for more than twelve years).

The plaintiff's false profile was then circulated among domestic law enforcement agencies, foreign governments and private contractors in order to impede movement of the plaintiff, destroy his reputation, finances, social network, business and diplomatic

connections. These agencies have also transmitted the plaintiff's personal information and PII to more than five foreign governments, which resulted in him being targeted while living abroad.

In what can best be described as a defamation of character or weaponized slander campaign, the aforementioned agency personnel have made a habit of releasing the plaintiff's Personally Identifiable Information to hundreds of people for the purpose of harassing the plaintiff and inflicting emotional distress. The defamation of character, which has included false accusations of crimes of moral turpitude, has also served to provoke and incite members of the public to engage in assault, battery, and confrontations with the plaintiff.

In the case of the plaintiff, the defamation of character has been used as a mechanism of tortious interference. Calculated dissemination of highly disparaging language targeting the plaintiff facilitated the loss of two homes, all of the plaintiff's childhood possessions, family heirlooms, an antique and art collection, and a pending monetary inheritance.

The plaintiff has filed complaints with the Office of the Director of National Intelligence, NSA Office of the Inspector General, DHS Office of Civil Rights and Civil Liberties, FBI Internal Investigations Section, Florida Department of Law Enforcement, and the Office of the Secretary of Public Safety and Homeland Security, State of Virginia, and is now obligated to seek recourse via litigation, since none of the aforementioned entities took any actionable measures in response to the plaintiff's concerns.

Subsequent to filing FOIPA Requests, complaints and appeals, the plaintiff has been subject to retaliatory behavior, which includes stalking with weapons, harassment, death threats, assaults and vehicle vandalism. These activities have become so prevalent and aggressive the plaintiff is worried about his personal safety.

The appeal denial states that the plaintiff needs "need to provide information sufficient to enable the FBI Federal Bureau of Investigation to determine with certainty that any cross-references it locates are identifiable to the subject of ... [his] request."

In the opinion of the plaintiff, given the level of FBI, DHS and InfraGard intrusion in all aspects of the plaintiff's life, that statement is disingenuous. The Federal Bureau of Investigation does not need "additional search parameters." That is a diversionary ruse to detract from the fact the defendant has substantial information regarding the plaintiff.

The Federal Bureau of Investigation is well aware of who the plaintiff is, his travels, his time abroad, his academic research, who all of his family members and personal contacts are, and a list of the several hundred to whom they have spoken. For the FBI to state any differently is simply a charade.

The plaintiff wants to know under what authority and whose direction the aforementioned Privacy Act, Human Rights and Civil Rights violations occurred. Thus, the FOIPA Request(s).

The plaintiff posits that, given the scope of the Privacy Act and civil rights violations he has been subject to, the Federal Bureau of Investigation has refused to comply with his records request because “public officials ... [will] be embarrassed by [said] disclosure, [and especially] because errors ... failures ... [and abuses will] be revealed.” The plaintiff believes that the defendant is refusing to comply in an attempt to avoid litigation based on the Federal Torts Claim Act and Biven’s Actions.

It is also important to note that in the response to the FOIPA appeal, the FBI stated it did not “divulge information regarding watch lists.” The plaintiff is uncertain as to why the appeal denial made a non-relevant reference to said policy, in that the plaintiff filed a FOIPA Request, which did not contain any references to watch lists.

The plaintiff is aware that in many cases, in order to frustrate and deter FOIA and PA requests, FBI personnel are not employing full text searches or Sentinel case management system searches. The plaintiff maintains that his FOIPA Request should also be addressed through the newer Sentinel case management system, versus the nearly obsolete indexing system with limited search scope.

It is the plaintiff’s belief, that in contravention to President Barak Obama’s *Memorandum for the Heads of Executive Departments and Agencies*, the Federal Bureau of Investigation did not employ “a presumption in [the] favor of disclosure” in regards to the plaintiff’s FOIPA Request.

Under the Privacy Act, the plaintiff has the right to correct inaccurate records, including those created by the Federal Bureau of Investigation.

Finally, the plaintiff posits that this attachment will help to preclude any forthcoming evasive responses from the defendant regarding exactly what the plaintiff requested, and the basis for his request. Furthermore, this attachment will be sent to the FBI General Counsel as part of the Federal Torts Claim Act violations pre-litigation notice.