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OCT 15 2007

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

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Osama Abdelfattah
3118 Birchwood CT
North Brunswick, NJ 08902

Osama abdelfattah

Plaintiff

VS

U.S. Immigration and Customs Enforcement

Case: 1:07-cv-01858

Assigned To : Kennedy, Henry H.

Assign. Date : 10/15/2007

Description: FOIA/Privacy Act

COMPLAINT

INTRODUCTION

1. This Lawsuit is brought under the Privacy ACT
2. The plaintiff seeks a total of 24 pages still withheld by the defendant ICE

JURISDICTION & VENUE

3. This Court also has jurisdiction over this action pursuant to U.S.C. § 552a(g) (“privacy act”)
4. Venue is proper in District of Columbia pursuant to the Privacy Act, 5 U.S.C. § 552a (g) (5).
5. Judicial Procedure, 28 U.S.C. § 1391. Because the defendants agencies keep their headquarter in this district.

PARTIES

6. Plaintiff Osama abdefattah is 37 years native of Jordan , and permanent resident of united state since June 2004 , Osama lives in 3118 Birchwood CT north Brunswick NJ 08902 works as software eng , married and has a 4.5 years old daughter , Mr. abdefattah is a law abiding person , he has no criminal record , and never been arrested ,
7. Defendant U.S. Immigration and Customs Enforcement an agency within the Department of Homeland Security , ICE is responsible for enforcing immigration law within united state borders , and an Executive Branch of the United States Government

FACTS

8. by a letter dated Feb 25 2006 , the plaintiff submit a FOIA/PA request to ICE
9. two month has passed and the plaintiff did not receive any response from ICE
10. on may 2006 , the plaintiff sued on New Jersey Federal court .see case number **(06-cv-02203)**
11. on august 2006 , ICE was ordered by a U.S Federal Judge to process the request within twenty days , the case was also closed by the federal judge in District of New jersey see **(05-cv-05212)**
12. On September 2006, the plaintiff received 89 pages from ICE FOIA office.
13. 24 pages was withheld entirely by the defendant ICE
14. the defendant was advised of his right to appeal to the appeal office
15. on September 27 2006 , the plaintiff appealed to the ICE appeal office in Washington DC
16. one year has passed and the plaintiff did not hear from the appeal office

CAUSES OF ACTION

First Cause of Action

(Defendant ICE Violation of Privacy ACT)

17. Plaintiff hereby incorporates the information in paragraphs 2 through 16 above as if fully set forth herein.
18. under the privacy act the defendant has to respond within 10 days to an appeal request
19. the defendant has violated the privacy act

Seventeen Cause of Action


(Equal Access to Justice Act)

20. Plaintiff hereby incorporates the information in paragraphs 2 through 16 above as if fully set forth herein.
21. Plaintiff seek attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended 5 U.S.C. § 504 and 28 U.S.C. § 2412.
- 22.)

PRAYER FOR RELIEF

23. **WHEREFORE**, Plaintiff respectively ask the Court to:
24. Assume jurisdiction over this matter
25. Order the defendant to release the 24 remaining pages
26. Award Plaintiff's counsel reasonable attorney's fees and costs; and
27. Grant such other and further relief as may be just and proper.

Respectfully submitted,
Osama Abdelfattah
3118 Birchwood CT
North Brunswick, NJ 08902
Phone: 732-993-3392



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PS Form 3800, June 2002 See Reverse for Instructions

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