

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

2017 APR 11 AM 10:50

CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DISTRICT

Case Number: 3:17-cv-422-J-2SMCR

MICHAEL STANSKI)

Plaintiff,)

v.)

DEPARTMENT OF HOMELAND)
SECURITY,)
Washington, D.C. 20528;)

and)

UNITED STATES SECRET SERVICE,)
950 H St NW, #912)
Washington, D.C. 20223;)

Defendants.)

COMPLAINT/INJUNCTIVE RELIEF SOUGHT

This is an action brought by plaintiff, Michael Stanski, against defendants Department of Homeland Security and United States Secret Service under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, et seq., as amended, for the disclosure of various entries on the internal email system. Plaintiff brings this action to amend employee evaluations under Privacy Act of 1974, 5 U.S.C. § 552a.

1. Plaintiff, Michael Stanski, is a citizen of Florida resident at 1710 Woodmere Drive, Jacksonville, Florida 32210.
2. Defendant Department of Homeland Security (“DHS”) is an agency of the United States.
3. Defendant United States Secret Service (“USSS”) is an agency of the United States and component of DHS.

JURISDICTION AND VENUE

4. This action raising under the FOIA, 5 U.S.C. § 552 and the Privacy Act of 1974 (“PA”), 5 U.S.C. § 552a.
5. This court has jurisdiction over the parties and subject matter pursuant to 5 U.S.C. § 552(a)(4)(B) and 5 U.S.C. § 552a(g)(1)(B).
6. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 5 U.S.C. § 552a(g)(5).

STATEMENT OF FACTS BACKGROUND

7. Plaintiff is a former employee of the USSS. Plaintiff served USSS from August 2014 until January 2017 as a special agent assigned to the Miami Field Office in Miami, Florida.
8. Plaintiff was recalled to active duty for the United States Air Force Reserve from July 2016 until January 2017. During that period Plaintiff turned to work for Plaintiff for a period of one week in October 2016.
9. Plaintiff was issued an annual employee evaluation in October 2016. Plaintiff was given only minutes to review evaluation.

PLAINTIFF’S FOIA REQUEST

10. On January 4, 2017 Plaintiff made a FOIA request through Defendant USSS's website. FOIA request was for emails from and to three employees of Defendant USSS pertaining to Plaintiff. Plaintiff also requested policy regarding retention of documents made by USSS employees.
11. On January 12, 2017 Defendant USSS acknowledged receipt of Plaintiff's FOIA request on January 12, 2017. Defendant USSS assigned file numbers 20170451, 20170452, 20170453, and 20170454.
12. On February 18, 2017 Plaintiff contacted Defendant USSS via electronic mail noting that time had expired to respond to request and requesting compliance with request. No response was given by either defendants.
13. On February 26, 2017 Plaintiff again contacted Defendant USSS via electronic mail noting that time had expired to respond to request and requesting compliance with request. No response was given by either defendants.
14. On March 4, 2017 Plaintiff again contacted Defendant USSS via electronic mail noting that time had expired to respond to request and requesting compliance with request. No response was given by either defendants.
15. On March 14, 2016 Plaintiff again contacted Defendant USSS via electronic mail noting that time had expired to respond to request and requesting compliance with request. No response was given by either defendants.
16. On March 22, 2016 Defendant USSS replied to Plaintiff via electronic mail but failed to comply with FOIA request.

PLAINTIFFS PA REQUEST

17. On January 10, 2017 Plaintiff made a PA request to through Defendant USSS's website. PA request sought correction to Plaintiff's last employee evaluation.
18. Plaintiff's PA request was not acknowledged by Defendant USSS through any communications means in the calendar month which followed Plaintiff's PA request.
19. On February 18, 2017 Plaintiff contacted Defendant USSS via electronic mail noting that time had expired to respond to request and requesting compliance with request. No response was given by either defendants.
20. On February 26, 2017 Plaintiff again contacted Defendant USSS via electronic mail noting that time had expired to respond to request and requesting compliance with request. No response was given by either defendants.
21. On March 4, 2017 Plaintiff again contacted Defendant USSS via electronic mail noting that time had expired to respond to request and requesting compliance with request. No response was given by either defendants.
22. On March 14, 2016 Plaintiff again contacted Defendant USSS via electronic mail noting that time had expired to respond to request and requesting compliance with request. No response was given by either defendants.
23. On March 22, 2016 Defendant USSS replied to Plaintiff via electronic mail but failed to comply with PA request. Defendant USSS acknowledged PA request and assigned request a file number of 20170508.

COUNT I: VIOLATION OF FOIA

24. This Count re-alleges and incorporates by reference paragraphs 1 through 16.
25. Defendants have violated FOIA by improperly withholding records responsive to Plaintiff's FOIA request numbers: 20170451, 20170452, 20170453, and 20170454.

COUNT II: VIOLATION OF PRIVACY ACT

26. This Count re-alleges and incorporates by reference paragraphs 1 through 9 and 17 through 23.
27. Defendant has violated PA by failing to correcting records as requested.

PRAYER FOR RELIEF

Plaintiff requests that this Court:

- A. Declare Defendants' failure to comply with FOIA and PA to be unlawful;
- B. Enjoin Defendants from continuing to withhold records responsive to Plaintiff's FOIA request and otherwise order Defendants to produce the requested records without delay;
- C. Enjoin Defendants to make corrections to records so identified;
- D. Grant Plaintiff an award of attorney's fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552a(4)(E)(i) and 5 U.S.C. § 552a(g)(3) (B); and
- E. Grant Plaintiff such other and further relief the Court deems proper.

Dated: 11 April 2017

RESPECTFULLY SUBMITTED
BY:

A handwritten signature in black ink, appearing to read "Michael Stanski", written over a horizontal line.

Michael Stanski, Esquire
Florida Bar No: 109276
3955 Riverside Avenue
Jacksonville, Florida 32205
P: (904) 370-3483
Email: Michael.stanski.law@gmail.com
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