

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DISTRICT**

FELIPE VALENCIA,

Case No.

Plaintiff,

Hon.

vs.

ORIGINAL COMPLAINT

UNITED STATES TRANSPORTATION
SECURITY ADMINISTRATION,

Defendant.

AVANTI LAW GROUP, PLLC
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NOW COMES Plaintiff, by and through his attorneys, and in his Complaint against the Defendants, alleges as follows:

INTRODUCTION

1. This is an action brought on behalf of Plaintiff against the Defendant for violation of their rights under the Freedom of Information Act (“hereinafter FOIA”). Plaintiffs claim, as more fully outlined below, that the Defendant has arbitrarily and unlawfully withheld information to which the Plaintiff is entitled in violation of the FOIA.

JURISDICTION AND VENUE

2. This Court has Jurisdiction and Venue under 5 U.S.C. §552(b)(4)(B), 28 U.S.C. §1331 and 28 U.S.C. §1391(e)(1).

PARTIES

3. Plaintiff Felipe Valencia is a Legal Permanent Resident of the United States and has resided in the Western District of Michigan at all relevant times.
4. Transportation Security Administration (hereinafter “TSA”) is an executive agency within the meaning of 5 U.S.C. (f)(1).

FACTUAL ALLEGATIONS

5. On or around December 12, 2013 the TSA conducted a random screening of Plaintiff.
6. On October 10, 2016 Plaintiff sent a formal request under the FOIA to the TSA requesting any and all records pertaining to Mr. Valencia’s random screening incident (Exhibit 1).
7. Plaintiffs provided all necessary information for the TSA to conduct a search and to locate the information requested including all identifying information for each as well as a Certification of Identity.
8. Since October 10, 2016, there has been no communication from the TSA or any other agency that may related to the FOIA requests made by either party.
9. Plaintiffs have a vital legal interest in the information being unlawfully withheld by the TSA that has affected and will continue to affect the Plaintiff Felipe Valencia’s right to review the circumstances regarding his random screening and request for proof of his legal status.
10. Defendant’s failure to comply with its obligations under the FOIA have caused the Plaintiffs to suffer from being unable to timely review the information requested to determine how best to proceed with clarifying any misunderstanding or misinformation upon which Mr. Valencia’s random screening and request for proof of legal status was based.

COUNT I - Violation of the Freedom of Information Act

11. Plaintiff hereby realleges and incorporates all preceding paragraphs as if fully stated herein.
12. Under 5 U.S.C. §552(a)(3) Defendant had an obligation to search for any and all records that are responsive to the request made by the Plaintiff.
13. Defendant was required under 5 U.S.C. §552(a)(6)(A) to respond to the Plaintiff's requests within 20 days with no more than a 10 day extension as prescribed under 5 U.S.C. §552(a)(6)(B).
14. The time limits set forth under the FOIA have come and gone by more than 230 days.
15. Defendant has failed to abide by its obligations under the FOIA by not providing the requested information or, in the alternative, making a determination as to the request as permitted under the FOIA and the governing Code of Federal Regulations.
16. By failing to timely comply with its obligations under the FOIA, the Defendant has constructively denied the Plaintiffs' lawful requests for information.
17. Such failure deems the Plaintiffs to have fully complied with any requirement to exhaust administrative remedies under 5 U.S.C. §552(a)(6)(C)(i).

Wherefore, the Plaintiff requests this honorable Court to:

- A. Make a finding that the Defendant has violated the FOIA and its governing regulations;
- B. Issue an injunction requiring the Defendant immediately and without further delay respond to the Plaintiff's FOIA requests;
- C. Award Costs and reasonable attorney fees to the Plaintiffs as required under 5 U.S.C. §552(a)(4)(E) ;
- D. Award any other relief deemed by this Court to be necessary and proper.

Respectfully submitted,

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Attorneys for Plaintiff