

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

CENTER FOR PUBLIC INTEGRITY
910 17th Street, N.W., 7th Floor
Washington, DC 20006-2606,

Plaintiff,

v.

U.S. CUSTOMS AND BORDER
PROTECTION
1300 Pennsylvania Ave., N.W.
Washington, DC 20229,

Defendant.

Civil Action No. 17-2427
ECF

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff, the Center for Public Integrity (“the Center”), brings this action for declaratory and injunctive relief, alleging as follows:

Nature of Action

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as amended, to compel the production of certain agency records.

Jurisdiction and Venue

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B), 28 U.S.C. § 1331, and 28 U.S.C. § 2201(a).

3. Venue lies in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391.

Parties

4. Plaintiff, Center for Public Integrity, is a District of Columbia corporation, a tax-exempt public charity and a nonprofit, nonpartisan, non-advocacy, independent journalism

organization based in Washington, D.C. The Center's mission is "[t]o serve democracy by revealing abuses of power, corruption and betrayal of public trust by powerful public and private institutions, using the tools of investigative journalism." "About The Center for Public Integrity," <http://www.publicintegrity.org/about>. Plaintiff is the requester of the withheld records.

5. Defendant, U.S. Customs and Border Protection ("CBP"), is an agency of the United States. Defendant has possession of and control over the records that Plaintiff seeks.

Plaintiff's Freedom of Information Request

6. On June 14, 2017, Plaintiff filed a FOIA request with CBP. CBP assigned tracking number CBP-2017-065352 to this request.

7. On July 18, 2017, after communications with CBP, Plaintiff reformulated its request and clarified that it was requesting:

A database (or, if no such database exists, any other records) containing information relating to each civil claim brought against CBP, a CBP officer, a CBP employee, or a CBP representative; for a violation of a constitutional tort pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics* or a violation of the Federal Tort Claims Act; in which the claim alleged an illegal or improper stop, questioning, detention, or use of force; for the period covering January 1, 2002 until the date you begin search for these records. The database or documents for this request should include at least the following fields of information for each claim: type of constitutional tort; case number; country of origin of complainant; citizenship of complainant; location of complaint; disposition of complaint; court dispositions that included a financial award to claimants; and, if the complaint was settled outside of court, the total amount of settlement paid to complainant by the Department of Homeland Security, CBP, or any other related government agency.

CBP assigned tracking number CBP-OCC-2017-073293 to this request.

8. Defendant has not produced records responsive to Plaintiff's request nor made a determination on Plaintiff's request.

9. More than twenty working days have passed since Defendant received Plaintiff's request. Plaintiff has therefore exhausted all applicable administrative remedies.

