

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PROPERTY OF THE PEOPLE, INC.,)	
Law Office of Jeffrey L. Light)	
1712 Eye St., NW, Suite 915)	Judge _____
Washington, DC 20006,)	Civil Action No. _____
)	
and)	
)	
RYAN NOAH SHAPIRO,)	
707 Pelton Ave. #314)	
Santa Cruz, CA 95060,)	
)	
PLAINTIFFS)	
)	
vs.)	
)	
DEPARTMENT OF JUSTICE)	
950 Pennsylvania Ave., NW,)	
Washington, DC 20530,)	
)	
DEFENDANT)	
_____)	

COMPLAINT

THE PARTIES

1. Property of the People, Inc. is a 501(c)(3) charitable organization dedicated to governmental transparency in the service of democracy.
2. Plaintiff Ryan Noah Shapiro is a founder of Property of the People and a Ph.D. candidate in the Department of Science, Technology, and Society (HASTS) at the Massachusetts Institute of Technology, as well as a former Research Affiliate at the Berkman Klein Center for Internet & Society at Harvard University. Plaintiff Ryan Noah Shapiro is a historian of national security, the policing of dissent, and governmental transparency.
3. Defendant Department of Justice (DOJ) is an agency of the United States.

4. The Federal Bureau of Investigation (FBI) is a component of Defendant DOJ.
5. FBI has possession, custody and control of the records Plaintiffs seek.

JURISDICTION AND VENUE

6. This action arises under the Freedom of Information Act (“FOIA”), 5 USC § 552.
7. This Court has jurisdiction over the parties and subject matter pursuant to 5 USC § 552(a)(4)(B).
8. Venue is proper in this district pursuant to 5 USC § 552(a)(4)(B).

STATEMENT OF FACTS

Background

9. FBI file classification code “190” was established to handle requests for information under FOIA and the Privacy Act. The classification code “190” includes, among other things, documents pertaining to FOIA training conferences held for FBI employees, the GAO’s study of the impact of the FOIA/PA on government agencies, the use of the FBI Reading Room, and requests in which the FBI found no pertinent information. The classification also includes individuals’ requests for files on themselves, subsequent appeals, and copies of redacted documents.

10. Each classification code, including 190 files, begins with a “zero” file or a “double zero” file. “Double zero” files typically contain material relating to the administrative history of the classification, documentation about why the Bureau initiated it, changes in legislation affecting it and FBI responsibilities, policies and procedures, and the relationship of the FBI with other agencies. “Double zero” files are often used for policy documentation as well.

11. File 190-HQ-00 is the “double zero” file for classification code 190. The file contains, among other things, documentation relating to FOIA/PA policy.

12. File 190-HQ-1 contains documentation relating to, among other things, field division conferences about FOIA/PA.

13. File 190-HQ-3 contains documentation relating to, among other things, the impact of FOIA/PA on law enforcement operations.

14. File 190-HQ-710 contains documentation relating to, among other things, instructions to field offices about FOIA/PA.

15. File 190-HQ-56511 contains documentation relating to, among other things, training at FBI headquarters relating to FOIA/PA.

16. File 190-HQ-1056344 contains documentation relating to, among other things, FBI policy relating to referral of FOIA/PA matters to other agencies.

17. File 190-HQ-1219218 contains documentation relating to, among other things, fiscal year reports pertaining to FOIA/PA.

18. File 190-HQ-C1220639 contains documentation relating to, among other things, help desk referrals for FOIA requests pertaining to other government agencies. Sub-file 190-HQ-C1220639-WH contains, among other things, help desk referrals pertaining to the White House.

19. These descriptions of the contents of these FOIA files are intended to inform the reader and not to limit in any way the scope of Plaintiffs’ FOIA requests.

Plaintiffs’ Requests

20. For each of the FOIA requests at issue in this case, Plaintiffs requested a full waiver of fees.

21. On March 22, 2017, Plaintiffs submitted to FBI via fax a request for the file 190-HQ-00.

22. On April 3, 2017, FBI acknowledged receipt of Plaintiffs' March 22, 2017 request and assigned it tracking number 1370200-000.

23. On March 26, 2017, Plaintiffs submitted to FBI via fax a request for the file 190-HQ-1.

24. On April 3, 2017, FBI acknowledged receipt of Plaintiffs' March 26, 2017 request and aggregated it with tracking number 1370200-000.

25. On March 26, 2017, Plaintiffs submitted to FBI via fax a request for the file 190-HQ-3.

26. On April 3, 2017, FBI acknowledged receipt of Plaintiffs' March 26, 2017 request and aggregated it with tracking number 1370200-000.

27. On March 28, 2017, Plaintiffs submitted to FBI via fax a request for the file 190-HQ-56511.

28. On April 3, 2017, FBI acknowledged receipt of Plaintiffs' March 28, 2017 request and aggregated it with tracking number 1370200-000.

29. On March 29, 2017, Plaintiffs submitted to FBI via fax a request for the file 190-HQ-710.

30. On April 3, 2017, FBI acknowledged receipt of Plaintiffs' March 29, 2017 request aggregated it with tracking number 1370200-000.

31. On December 5, 2017, Plaintiffs submitted to FBI via fax a request for the file 190-HQ-1056344.

32. On December 12, 2017, FBI acknowledged receipt of Plaintiffs' December 5, 2017 request and aggregated it with tracking number 1370200-000.

33. On December 22, 2017, Plaintiffs submitted to FBI via fax a request for the file 190-HQ-1219218.

34. On December 28, 2017, FBI acknowledged receipt of Plaintiffs' December 22, 2017 request and aggregated it with tracking number 1370200-000.

35. On January 21, 2018, Plaintiffs submitted to FBI via fax a request for the file 190-HQ-C1220639-WH.

36. On January 24, 2017, FBI acknowledged receipt of Plaintiffs' January 21, 2018 request and aggregated it with tracking number 1370200-000.

37. On April 9, 2018, Plaintiffs submitted to FBI via fax a letter clarifying the scope of these requests for 190 files. Specifically, Plaintiffs instructed the FBI the following:

38. For file 190-HQ-00, Plaintiffs instructed the FBI to search from 1/1/1988 onward. For file 190-HQ-1, Plaintiffs instructed the FBI to search from 1/1/1990 onward. For file 190-HQ-3, Plaintiffs instructed the FBI to search from 1/1/1989 onward. For file 190-HQ-710 Plaintiffs instructed the FBI to search from 1/1/1984 onward. For file 190-HQ-56511, Plaintiffs instructed the FBI to search from 1/1/1988 onward.

39. On April 12, 2018, the FBI acknowledged receipt of Plaintiffs' April 9, 2018 correspondence reflecting updates that narrow the scope of their requests.

40. More than 20 business days have elapsed since Plaintiffs submitted their request to FBI, but as of the filing of this Complaint, Plaintiffs have not received a final determination as to whether FBI will release the requested records or whether the FBI will grant Plaintiffs' request for a complete waiver of fees.

COUNT I:
VIOLATION OF FOIA

41. This Count realleges and incorporates by reference all of the preceding paragraphs. All documents referenced in this Complaint are incorporated by reference as if set forth fully herein.

42. FBI has improperly withheld responsive records.

43. FBI has failed to grant or even rule on Plaintiffs' request for a full waiver of fees.

44. Plaintiffs are entitled to a full waiver of fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- (1) Declare Defendant's failure to comply with FOIA to be unlawful;
- (2) Order FBI to immediately process and release all non-exempt records without payment of fees;
- (3) Grant Plaintiffs an award of attorney fees and other litigation costs reasonably incurred in this action pursuant to 5 USC § 552(a)(4)(E)(i); and
- (4) Grant Plaintiffs such other and further relief which the Court deems proper.

Respectfully Submitted,

/s/ Jeffrey Light

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