


ORIGINAL

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TX
FILED

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

2019 APR 24 PM 12:20

CASE NO. **3-19CV-985-K**

DEPUTY CLERK 

GERALD STONE,
Plaintiff

v.

UNITED STATES
DEPARTMENT OF JUSTICE,
Defendant

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, GERALD STONE, hereinafter "Plaintiff" and files the following complaint, directed to the UNITED STATES DEPARTMENT OF JUSTICE, hereinafter "Defendant", and for cause of action, would show the Court as follows:

- 1) This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 522, to order the production of agency records concerning documentation of evidence which Defendant has improperly withheld from Plaintiff.
- 2) This Court has jurisdiction over this action pursuant to 5 U.S.C. § 522(a)(4)(B), the Freedom of Information Act, and 28 U.S.C. § 1331.
- 3) Plaintiff is a citizen of the United States of America.
- 4) Defendant is an agency of the United States and has possession of the documents that Plaintiff seeks.
- 5) On April 27, 2018, Plaintiff made a FOIA request for records, documentation, and evidence relating to Community Housing Fund (CHF), the victim alleged in Case No. 3:04-CR-00318. Defendant received and acknowledged the FOIA request,

FOIA-2018-003598, on May 4, 2018. On May 8, 2018, Defendant requested that the scope of the request be reduced, which Plaintiff did, narrowing the request to one specific item: “Any records that show that Community Housing Fund, Irving, Texas, met the requirements of any Federal regulatory program, and if so, the name and specific statute of that program.”

- 6) On August 21, 2018, Defendant replied to the narrowed request with a form letter stating “a search for records located in the United States Attorney’s Office(s) for the Northern District of Texas has revealed no responsive records regarding the above specific subject.”
- 7) On September 10, 2018, Plaintiff appealed that decision, which appeal was assigned Appeal No. DOJ-AP-2018-008612. Defendant replied on November 13, 2018, affirming the original decision, adding that “EOUSA’s action was correct and that it conducted an adequate, reasonable search for such records.”
- 8) Plaintiff has a right of access to the requested information under 5 U.S.C. 552(a)(3), and there is no legal basis for Defendant’s denial of such access. The original case was based on a charge of 18 USC 666, Theft from an Organization Receiving Federal Funds. It necessarily follows that the prosecutors would have to establish the primary essential element of that charge, which is that the organization in question was, in fact, in a Federal program. Plaintiff now requests to see the records used by prosecutors to establish that essential element.

WHEREFORE, Plaintiff requests this Court:

- 1) Order Defendant to provide access to all documents that would be responsive to Plaintiff’s initial narrowed FOIA request;

- 2) Award Plaintiff costs and reasonable attorney fees in this action, as provided in 5 U.S.C. 552(a)(4)(E); and
- 3) Grant such other and further relief as it may deem just and proper.

Respectfully submitted this 18 day of April 2018

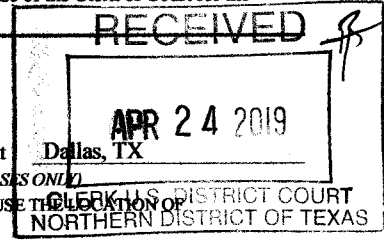


Gerald Stone
4645 OConnor Court
Irving, Texas 75062
214-697-5364

JS 44 (Rev. 06/17) - TXND (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)



I. (a) PLAINTIFFS
 Gerald Stone

(b) County of Residence of First Listed Plaintiff Dallas, TX
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Gerald Stone, 4645 OConnor Ct, Irving, TX 70562
 214-697-5364

DEFENDANTS
 Department of Justice

County of Residence of First Listed Defendant Dallas, TX
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

3-19CV-985-K

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
5 USC 522

Brief description of cause:
production of documents under Freedom of Information Act

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 04/18/2019 SIGNATURE OF ATTORNEY OF RECORD: Gerald Stone

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

April 22, 2019

Enclosed are the following documents to file a new case in the Northern District:

Complaint	Original + 2	(2 for Court, and 1 to return)
Interested Persons	Original + 2	(2 for Court, and 1 to return)
JS 44 Cover Sheet	Original	
Summons	Original + 1	(1 for Court and 1 to return)
Personal check	\$400.00	

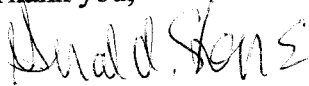
Please note that I sent two different sets of Summons because I've been given varying instructions from different courts.

One set is addressed only to the defendant, Department of Justice. There are three copies so that I can send one to Department of Justice, one to Attorney General, and one to U. S. Attorney, along with copies of the complaint.

One set has the name and address of each recipient (DOJ, AG, USA) in the Defendant area which is how one court instructed (even though it seemed confusing to show the AG and USA as "defendants" when the complaint is addressed to DOJ).

Please disregard whichever set of summons you don't want to use, and I appreciate your consideration.

Thank you,



Gerald Stone
4645 OConnor Ct.
Irving, TX 75062
JS103B@gmail.com
214-697-5364

**UNITED STATES DISTRICT COURT
for the Northern District of Texas**

Gerald Stone

Plaintiff

v.

United States Department of Justice

Defendant

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)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

U. S. Department of Justice
Civil Process Clerk
555 Fourth Street, N.W.
Washington, D. C. 20530

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Gerald Stone
4645 OConnor Ct.
Irving, TX 75062

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: _____

Signature of Clerk or Deputy Clerk

**UNITED STATES DISTRICT COURT
for the Northern District of Texas**

Gerald Stone	_____)	
<i>Plaintiff</i>)	
v.)	
United States Department of Justice	_____)	Civil Action No.
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*
U. S. Department of Justice
Civil Process Clerk
555 Fourth Street, N.W.
Washington, D. C. 20530

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Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Gerald Stone
4645 OConnor Ct.
Irving, TX 75062

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: _____

Signature of Clerk or Deputy Clerk

**UNITED STATES DISTRICT COURT
for the Northern District of Texas**

Gerald Stone

Plaintiff

v.

United States Department of Justice

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*
U. S. Department of Justice
Civil Process Clerk
555 Fourth Street, N.W.
Washington, D. C. 20530

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Gerald Stone
4645 OConnor Ct.
Irving, TX 75062

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: _____

Signature of Clerk or Deputy Clerk

NEW COMMERCIAL

Jerry Stone
4645 O'Connor Ct.
Irving, TX 75062



DISTRICT CLERK
1100 COMMERCIAL ST RM1452
DALLAS, TX 75242

