

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

William B. Ball,
 plaintiff,

v.

Case: 1:19-cv-01230
Assigned To : Unassigned
Assign. Date : 4/26/2019
Description: FOIA/Privacy Act (I-DECK)

COMPLAINT FOR INJUNCTIVE RELIEF

United States Marshal Service,
Department of Homeland Security,
United States Secret Service,
Federal Bureau of Investigation,
Office of Intelligence and Analysis,

defendants.

COMPLAINT FOR INJUNCTIVE RELIEF

William B. Ball alleges upon knowledge as to his own acts, and otherwise upon information and belief, the following:

NATURE OF THE ACTION

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, et. seq., as amended, the Privacy Act ("PA"), 5 U.S.C. § 552a, and the Administrative Procedures Act ("APA"), 5 U.S.C. § 706, to order the production of agency records in the possession, custody and control of the United States Marshal Service, the Department of Homeland Security, the United States Secret Service, the Federal Bureau of Investigation, and the Office of Intelligence and Analysis (hereinafter, collectively referred to as "Defendants").

JURISDICTION AND VENUE

2. This court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B), the Privacy Act, 5 U.S.C. § 552a(g)(1)(B), and the Administrative Procedures Act, 5 U.S.C. § 703.

3. Venue is in this district under 5 U.S.C. §552(a)(4)(B), 5 U.S.C. 552(g)(1)(B), and 5 U.S.C. § 703.

PARTIES

4. Mr. Ball, a citizen of the United States and federal prisoner, is currently confined at Federal Correctional Complex (Low custody) Coleman, Florida, and is the requestor of the withheld records.

5. The United States Marshal Service ("USMS") is a component of the Department of Justice, an agency of the United States. USMS has possession, custody and control of the records Mr. Ball seeks.

6. The Department of Homeland Security ("DHS") is a component of the Department of Justice, an agency of the United States. DHS has possession, custody and control of the records Mr. Ball seeks.

7. The United States Secret Service ("USSS") is a component of the United States Department of Justice, an agency of the United States. USSS has possession, custody, and control of the records Mr. Ball seeks.

8. The Federal Bureau Investigation ("FBI") is a component of the Department of Justice, an agency of the United States. The FBI has possession, custody and control of the records Mr. Ball seeks.

9. The Office of Intelligence and Analysis ("OIA") is a component of the Department of Justice, an agency of the United States. The OIA has possession, custody, and control of the records Mr. Ball seeks.

FACTUAL ALLEGATIONS

10. In December 2018, Mr. Ball, via First Class mail, served up all the defendants FOIA requests specifically requesting:

1) Arrest reports; 2) investigatory records, including hand-written notes and final drafts; 3) reports on evidentiary and/or scientific information, findings, and conclusions; 4) plea agreements of co-defendants; 5) charging documents; 6) classifications of the charged offenses; 7) video tapes and/or DVDs; 8) telephonic recordings; 9) computer discs and storage devices; 10) computerized notepad discs; 11) photographs; and 12) all other information, data and reports of any kind not listed above and exempt by law.

A. United States Marshal Service

11. On December 2, 2018, Mr. Ball, via First Class mail, issued a FOIA request to USMS requesting items specified above in ¶ 10.

12. The USMS has not produced any documents, or responded, to Mr. Ball's FOIA.

B. Department of Homeland Security

13. On December 2, 2018, Mr. Ball, via First Class mail, issued a FOIA request to DHS requesting documents specified above in ¶ 10.

14. DHS has yet to respond to Mr. Ball's FOIA request.

C. United States Secret Service

15. On December 2, 2018, Mr. Ball, via First Class mail, issued a FOIA request to USSS requesting items specified above in ¶ 10.

16. USSS has yet to respond to Mr. Ball's FOIA request.

D. Federal Bureau of Investigation

17. On December 2, 2018, Mr. Ball, via First Class mail, issued a FOIA request to the FBI requesting items specified above in ¶ 10.

18. The FBI has yet to respond to Mr. Ball's request.

E. Office of Intelligence and Analysis

19. On December 2, 2018, Mr. Ball, via First Class mail, issued a FOIA request to the OIA requesting items specified above in ¶ 10.

20. The OIA has yet to respond to Mr. Ball's FOIA request.

COUNT I: VIOLATION OF FOIA/PA

21. This count realleges and incorporates by reference all of the preceding paragraphs.

22. Mr. Ball has a statutory right to the records that he seeks.

23. Defendants' non-responsiveness and withholding of the items sought amounts to refusal to produce them.

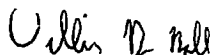
24. Defendants have violated FOIA/PA by improperly withholding records responsive to Mr. Ball's FOIA/PA requests.

RELIEF REQUESTED

Wherefore, Mr. Ball requests that this court:

- (a) Declare Defendants' failure to comply with FOIA/PA to be unlawful;
- (b) Enjoin Defendants' from continuing to withhold records responsive to Mr. Ball's FOIA/PA request and otherwise order the Defendants' to produce the requested records without further delay;
- (c) Provide expeditions proceeding in this action; and
- (d) Grant such other and further relief as the court may deem just and proper.

Prepared and respectfully submitted by William B Ball on the 24th of April
2019:

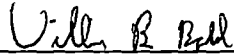


William B. Ball
Reg. No. 70048-018 Unit B-3
Federal Correctional Complex
P.O. Box 1031 (Low custody)
Coleman, Florida 33521-1031

CERTIFICATE OF SERVICE

This complaint was delivered in a properly addressed, postage-paid envelope to the prison mailing authorities on the same day as signed.

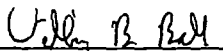
An original was sent via First Class mail to the United States District Court for the District of Columbia, Clerk of Court, 333 Constitution Ave., Washington DC, 20001. (USPS TRACKING # 9114 9012 3080 1329 5927 95)



William B. Ball

VERIFICATION

Under penalty of law as authorized in 28 U.S.C. § 1746, I declare the factual allegations and factual statements contained in this document are true and correct to the best of my knowledge.



William B. Ball