

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

PATRICK EDDINGTON,)
1000 Massachusetts Avenue)
Washington, DC 20001)

Case No. 1:19-cv-01991

Plaintiff,)

v.)

U.S. DEPARTMENT OF JUSTICE)
950 Pennsylvania Avenue, NW)
Washington, DC 20530)

Defendants.)

COMPLAINT

1. Plaintiff, Patrick Eddington files this Freedom of Information Act suit to force Defendant U.S. Department of Justice, to produce all records related to Amir Mohamed Meshal—a U.S. citizen who was held by both Kenyan and Ethiopian government entities in 2006-2007.

PARTIES

2. Plaintiff Eddington is a policy analyst and scholar at the Cato Institute and made the FOIA requests at issue in this case as part of his work.

3. Defendant U.S. Department of Justice (“DOJ”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

JURISDICTION AND VENUE

4. This case is brought under 5 U.S.C. § 552(a)(6)(c)(i) and presents a federal question conferring jurisdiction on this Court.

5. Venue is proper under 5 U.S.C. § 552(a)(4)(B) because a plaintiff may always bring a federal FOIA suit in the U.S. District Court for the District of Columbia.

DOJ's FOIA VIOLATION

6. On April 26, 2019, Eddington requested “any records in the National Security Division (NSD) that mention Amir Mohamed Meshal, a U.S. citizen formerly of Tinton Falls, New Jersey and at the time a constituent of then Rep. Rush Holt (D-NJ) and who was held by both Kenyan and Ethiopian government entities in 2006-2007.” Eddington also requested a fee waiver and expedited processing of his request. A true and correct copy of the request is attached as Exhibit A.

7. On June 3, 2019, DOJ acknowledged receipt of the request as FOIA/PA #19-222 and advised Eddington that the department’s policy was to process FOIA requests on a “first-in, first-out basis.” A true and correct copy of the acknowledgement is attached as Exhibit B.

8. On June 4, 2019, DOJ informed Eddington that he must complete a Certification of Identity form before his FOIA request would be processed and that the request would be “administratively closed” until the completed form was returned to the DOJ. A true and correct copy of this correspondence is attached as Exhibit C.

9. The Certification of Identity form is not applicable to Plaintiff’s request.

10. As of the date of this filing, Eddington has received no further correspondence or production from DOJ regarding this request.

COUNT I –DOJ VIOLATION OF FOIA

11. The above paragraphs are incorporated herein.
12. Plaintiff made a proper FOIA request to Defendant.
13. Defendant DOJ is an agency subject to FOIA.
14. Defendant has not promptly produced all non-exempt records responsive to the request resulting from an adequate search.

WHEREFORE, Plaintiff asks the Court to:

- i. Order Defendants to conduct a reasonable search for records and to produce all non-exempt requested records;
- ii. Award Plaintiff's attorney fees and costs; and
- iii. Enter any other relief the Court deems appropriate.

DATED: July 3, 2019

Respectfully Submitted,
/s/ Joshua Hart Burday
Attorneys for Plaintiffs

Matthew Topic, Bar No. IL0037
Joshua Burday, Bar No. IL0042
Merrick Wayne, Bar No. IL0058
(E-Mail: foia@loevy.com)
LOEVY & LOEVY
311 N. Aberdeen, Third Floor
Chicago, Illinois 60607
Tel.: (312) 243-5900
Fax: (312) 243-5902