

United States District Court Western District of Washington	No.
Vitaliy Kertchen, Plaintiff, vs. Federal Bureau of Investigation, Defendant.	Complaint for Injunctive Relief/FOIA Violation

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Plaintiff Vitaliy Kertchen brings this action against the Federal Bureau of Investigation and makes the following allegations and complaints:

I. PARTIES

1. Plaintiff Vitaliy Kertchen is an individual residing in Lakewood, Pierce County, WA.
2. Defendant Federal Bureau of Investigation (FBI) is an agency of the United States federal government responsible for conducting background checks related to firearm transactions nationwide.

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II. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 USC § 1331 and 5 USC § 552(a)(4)(B).
2. This Court has venue under 28 USC § 1391(e)(1) and 5 USC § 552(a)(4)(B) as the complainant resides in the Western District of Washington.

III. FACTS

1. Plaintiff is an attorney licensed to practice law in Washington state. Plaintiff’s law practice focuses on the restoration of firearm rights for otherwise prohibited individuals so that they may lawfully purchase and possess firearms under federal and Washington state law. Plaintiff also aids clients in navigating the complicated myriad of various state and federal laws regarding firearm possession, concealed carry licensing, background checks, and whatever else may come up. The emphasis of plaintiff’s practice is essentially firearm law.
2. In order to aid in plaintiff’s practice, plaintiff submitted a Freedom of Information Act (FOIA) request to the FBI for the National Instant Criminal Background Check System’s (NICS) state prohibitor pages. These documents would show how the NICS section interprets various state laws regarding firearm possession and how those state laws intersect with federal law. These documents would also show what leads a NICS examiner to issue a “deny” or “proceed” on a firearm transaction.
3. The requested information would allow plaintiff to provide advice to clients that will be consistent with the federal government’s interpretation of the various state and

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- 1 federal laws, aiding clients in complying with state and federal law regarding the
2 purchase or possession of firearms.
- 3 4. Plaintiff filed the request on May 25, 2019. The initial request is attached to this
4 complaint as Exhibit A.
- 5 5. On June 3, 2019, the FBI send an “acknowledgment receipt” of the FOIA request.
6 That acknowledgment is attached to this complaint as Exhibit B.
- 7 6. To date, the FBI has not produced any responsive records of status updates, well past
8 the twenty day
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10 IV. REQUEST FOR RELIEF

- 11 1. Plaintiff asks the Court to order the defendant to produce the requested documents;
12 2. Plaintiff asks the Court expedite this proceeding under 28 USC § 1657;
13 3. Plaintiff asks the Court to award plaintiff his attorney’s fees and costs;
14 4. Any other legal or equitable relief as the Court may deem fit.
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16 Respectfully submitted,

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Vitaliy Kertchen WSBA#45183
22 Plaintiff *pro se*
23 Date: 9/15/19

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