

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

CURTIS LEE DALE,
Plaintiff,

vs.

UNITED STATES
DRUG ENFORCEMENT AGENCY,
Defendant.

Case: 1:20-cv-01248
Assigned To : Unassigned
Assign. Date : 5/11/2020
Description: FOIA/Privacy Act (I-DECK)

COMPLAINT FOR INJUNCTIVE RELIEF
FOR FOIA VIOLATIONS

Plaintiff, Curtis Lee Dale, pro-se for this cause against the defendant, hereby timely submits his complaint and states the following:

I. INTRODUCTION

1. This is an action for declaratory and/or injunctive relief compelling the defendant to their statutory obligations under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 et seq., and the Administrative Procedures Act (APA), 5 U.S.C. § 701 et seq.



II. JURISDICTION

2. This Court has jurisdiction to hear and determine this matter under 5 U.S.C. § 552(a)(4)(B), and 5 U.S.C. § 701 et seq.

III. VENUE

3. This Court is the proper venue for this action because the Drug Enforcement Agency is an agency of the United States of America's Department of Justice, with its headquarters setting in Washington, D.C. within jurisdictional boundaries of this Court.

IV. PARTIES

4. Curtis Lee Dale, currently resides at Federal Correctional Institution, Elkton, 8730 Scroggs Road, Lisbon, Ohio 44432, (330) 420-6200, hereafter referred to as Plaintiff or Dale.

5. The United States Drug Enforcement Agency is headquartered at 800 K Street, NW, Ste. 500, Washington, D.C. 20001,

hereafter referred to as DEA or Defendant.

V. STATEMENT OF FACTS

6. On May 19, 2019, Dale submitted his FOIA request for copies of records to the DEA.

7. On June 28, 2019, the DEA return mailed Dale their acknowledgement letter issuing Case No[#] 19-000413-P, and deemed the request to be complex.

8. Because of Dale's transfer from FCI Oxford to FCI Elkton, on September 22, 2019, he mailed the DEA his Change of Address Notice via U.S. Postal Service Certified Mail, which was received on or around September 28, 2019.

9. On February 04, 2020, Dale via U.S. Postal Service Certified Mail, sent the DEA a Status Inquiry Letter notifying them of Dale's urgent need for copies of the requested records.

10. Because the DEA did not respond to Dale's Feb. 04, 2020 response, on March 09, 2020, he submitted his appeal to

the Office of Information Policy (OIP).

11. On March 25, 2020, OIP acknowledged Dale's DEA-FOIA Appeal assigning it Case No. # A-2020-00518.

12. As of filing this complaint, Dale has not received any further communication from the OIP or DEA.

VI. CAUSE OF ACTION

13. Dale restates and re-alleges paragraphs '1' - '12' as stated herein.

14. Dale's complaint rests on his rights under §552 et seq. for the DEA to timely provide responsive documents to him in response of his FOIA request.

15. It has been almost '1' year and DEA has not provided Dale with the requested records, and basically stopped communicating with Dale.

16. Dale, in accordance with FOIA and his requirements to administratively exhaust, did so with OIP, however,

OIP nor DEA has communicated with Dale in well over '30' business days, as required. This constitutes a violation of the FOIA as well as violation of the APA.

17. DEA's failure to timely respond is arbitrary, capricious, and an abuse of discretion, not in accordance with law and without observance of procedure required by law, all a violation of the APA.

VII. CONCLUSION

WHEREFORE, Plaintiff prays this Court:

A. Order DEA to immediately process the requested in their entirety, or provide in writing that the requested records do not exist.

B. Grant Dale's all other relief that is proper and just.

Date: May 5, 2020

Respectfully Submitted,

Curtis L. Dale

Curtis Lee Dale # 11165-026

Plaintiff / pro-se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY under penalties of perjury pursuant to 28 U.S.C. § 1746 that Plaintiff's COMPLAINT FOR INJUNCTIVE RELIEF FOR FOIA VIOLATIONS was given to prison officials with proper first class postage affixed for mailing via U.S. Postal Service to U.S. District Court, Office of the Clerk, 333 Constitution Ave., NW, RM 1225, Washington, D.C. 20001 on this 7 day of May, 2020, with special instructions enclosed respectfully requesting the Honorable Clerk to electronically serve a copy of this motion on the AUSA's Office.

Curtis L. Dale

Curtis Lee Dale # 11165-026

FCI Elkton

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Plaintiff / pro-se