

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

THE TRANSPARENCY PROJECT,

Plaintiff,

vs.

**U.S. DEPARTMENT OF JUSTICE
and the NATIONAL SECURITY
AGENCY,**

Defendants

Case No. 4:20-cv-467

ORIGINAL COMPLAINT

The Transparency Project (“Plaintiff”) brings this action against the U.S. Department of Justice (“DOJ”) and the National Security Agency (“NSA”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). As grounds therefor, the Plaintiff alleges as follows:

Jurisdiction and Venue

1. This Court has jurisdiction under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district because the Plaintiff is headquartered in Collin County, Texas.

Parties

3. The Plaintiff is a Texas non-profit corporation headquartered in Plano, Texas.

4. Defendant DOJ is a department of the United States Government. It has possession, custody, and control of records to which the Plaintiff seeks access. DOJ is headquartered at 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

5. Defendant NSA is an agency of the United States Government. It has possession, custody, and control of records to which the Plaintiff seeks access. DOJ is headquartered at 9800 Savage Rd., Ft. George G. Meade MD 20755-6000.

Statement of Facts

6. On October 26, 2018, the Plaintiff submitted a FOIA request to various components of DOJ via electronic submission. A true and correct copy of that FOIA request is attached as Exhibit 1 and incorporated herein by reference. The Plaintiff requested the opportunity to view the following:

1. Documents, files, records, and communications (regardless of electronic, paper or other format) referencing Imran Awan.
2. Documents, files, records, and communications (regardless of electronic, paper or other format) referencing Abid Awan.
3. Documents, files, records, and communications (regardless of electronic, paper or other format) referencing Jamal Awan.
4. Documents, files, records, and communications (regardless of electronic, paper or other format) referencing Hina Alvi.
5. Documents, files, records, and communications (regardless of electronic, paper or other format) referencing Rao Abbas.
6. From the National Security Division only, I request documents, files, records, and communications (regardless of electronic, paper or other format) referencing Seth Conrad Rich or "Seth Rich," who is deceased.

To date, only the Federal Bureau of Investigation has responded substantively.

7. On October 29, 2018, the Plaintiff submitted a FOIA request to the National Security Agency. A true and correct copy of that FOIA request is attached as Exhibit 2 and incorporated herein by reference. The Plaintiff requested the opportunity to view the following:

1. All correspondence received from or sent to any member of Congress (or anyone representing a member of Congress or Congressional committee) since January 1, 2016 regarding or referencing Seth Conrad Rich.
2. All correspondence received from or sent to any member of Congress (or anyone representing a member of Congress or Congressional committee) since January 1, 2016 regarding or referencing Julian Assange.
3. All correspondence received from or sent to any member of Congress (or anyone representing a member of Congress or Congressional committee) since January 1, 2016 regarding or referencing Wikileaks.
4. All correspondence received from or sent to any member of Congress (or anyone representing a member of Congress or Congressional committee) since January 1, 2016 regarding or referencing Kim Dotcom.
5. All correspondence received from or sent to any member of Congress (or anyone representing a member of Congress or Congressional committee) since January 1, 2016 regarding or referencing Aaron Rich.
6. All correspondence received from or sent to any member of Congress (or anyone representing a member of Congress or Congressional committee) since January 1, 2016 regarding or referencing Shawn Lucas.
7. All correspondence received from or sent to any member of Congress (or anyone representing a member of Congress or Congressional committee) since January 1, 2016 regarding or referencing Kelsey Mulka.
8. All correspondence received from or sent to any member of Congress (or anyone representing a member of Congress or Congressional committee) since January 1, 2016 regarding or referencing Imran Iwan.
9. All correspondence received from or sent to any member of Congress (or anyone representing a member of Congress or Congressional committee) since

January 1, 2016 regarding or referencing Abid Awan.

10. All correspondence received from or sent to any member of Congress (or anyone representing a member of Congress or Congressional committee) since January 1, 2016 regarding or referencing Jamal Awan.

11. All correspondence received from or sent to any member of Congress (or anyone representing a member of Congress or Congressional committee) since January 1, 2016 regarding or referencing Hina Alvi.

12. All correspondence received from or sent to any member of Congress (or anyone representing a member of Congress or Congressional committee) since January 1, 2016 regarding or referencing Rao Abbas.

As of this date, the NSA has not responded to the request in any way.

Count 1

(Violation of FOIA, 5 U.S.C. § 552)

8. All prior paragraphs are incorporated herein by reference.

9. The Plaintiff is being irreparably harmed by the Defendants' violations of FOIA, and the Plaintiff will continue to be irreparably harmed unless the Defendants are compelled to comply with FOIA.

Request for Relief

10. The Plaintiff respectfully requests that the Court: (1) order the Defendants to conduct a search for any and all records responsive to the Plaintiff's FOIA requests and demonstrate that they employed search methods reasonably likely to lead to the discovery of records responsive to the Plaintiff's FOIA request; (2) order the Defendants to produce, by a date certain, any and all non-exempt records responsive to the Plaintiff's FOIA requests and a *Vaughn* index of any responsive records withheld under claim of

exemption; (3) enjoin the Defendants from continuing to withhold any and all non-exempt records responsive to the Plaintiff's FOIA requests; (4) grant the Plaintiff an award of litigation costs reasonably incurred in this action pursuant to 5 U.S.C. §552(a)(4)(E); and (5) grant the Plaintiff such other relief as the Court deems just and proper.

Respectfully submitted,

/s/ Ty Clevenger

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