

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Ali Amiri,
Plaintiff,
v.
National Science Foundation,
Defendant.

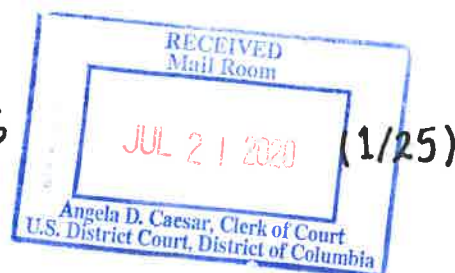
Case: 1:20-cv-02006
Assigned To : Unassigned
Assign. Date : 7/21/2020
Description: FOIA/Privacy Act (I-DECK)

Complaint for Declaratory
and Injunctive Relief.

INTRODUCTION

1. This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 (a) et seq., and the Privacy Act of 1974, 5 U.S.C. § 552 a et seq., seeking to compel the National Science Foundation (NSF) to immediately release records containing information about award number 1508680, entitled "Transport and Carrier Dynamics Near the Metal-Insulator Transition in VO₂". The award amount is \$503,583.00; it was started on September 1, 2015, and will continue until August 31, 2020. (See Exhibit A).

2. Plaintiff contributed to this project as the main experimental researcher. So, in addition to FOIA, he is entitled to get some further information under Privacy Act as well. (See Exhibit B).



3. There were misconduct and fraud in administration of this NSF fund, which led to the theft and destruction of the research results. Plaintiff has been trying to get some information through a FOIA/PA request since January 2020, but NSF has been nonresponsive.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this action pursuant to 5 U.S.C. §§ 552 a (g) (1), 552 (a) (4) (B), and 28 U.S.C. § 1331.

5. Venue is proper in the District of Columbia pursuant to 5 U.S.C. §§ 552 a (g) (5), 552 (a) (4) (B), and 28 U.S.C. § 1391 (e).

PARTIES

6. Plaintiff Ali Amiri is an Iranian scientist who resides in Tuscaloosa, Alabama since July 2011. Plaintiff is the inventor and owner of a new type of computer technology which is based on vanadium dioxide (VO₂). This technology can be used in medical applications to cure diabetes. Currently, Plaintiff is detained by DHS/ICE on false accusation of visa over stay, which prevents the establishment of this technology.

7. Defendant National Science Foundation (NSF) is a federal agency within the meaning of 5 U.S.C. § 552 (f). NSF provides

federal financial support for scientific research through grants and other forms of financial assistance, 42 U.S.C. § 1862(a)(1), but does not itself engage in scientific operations, 42 U.S.C. § 1873(b). NSF supported Plaintiff's research through award number 1508680.

STATEMENT OF FACTS

8. Plaintiff started the V02 project in 2013. The research was very successful; the Plaintiff's theories were confirmed by experimental results, and in 2015 it was awarded by NSF award number 1508680. The NSF fund was supporting two graduate researchers, one of them being the Plaintiff. The Principal Investigator (PI) was Sanjoy Sarker. (See Exhibits A & B).

9. In 2017, the Associate Director of MINT Center, Arunava Gupta stole all of the results of the research including: samples, prototypes, data, notes, etc. He took over the NSF fund and the PI Sanjoy Sarker was forced to stop his research. Also, the access of the Plaintiff to the MINT facilities was unlawfully terminated.

10. In January 22, 2020, Plaintiff sent a FOIA request to NSF FOIA officer. The tracking of USPS certified mail shows that the request was delivered on January 29, 2020. (See Exhibit C).

11. Considering 5 U.S.C. § 552 (a) (6) (A) (i), NSF had 20 days to provide an answer. But NSF did not respond, even they did not assign a request number to this FOIA request.

12. On March 17, 2020, Plaintiff sent a follow up letter, asking for information about the status of the FOIA/PA request. NSF remained nonresponsive. (See Exhibit D).

13. On June 5, 2020, Plaintiff sent a prelitigation letter to the Director of NSF. The tracking of USPS certified mail shows that the prelitigation letter was delivered on June 8, 2020. The Office of Director did not provide any answer. (See Exhibit E).

14. The results of the V02 project can be utilized to make new type of computer devices, which has medical applications. For instance, it can cure diabetes, and offer better treatments for other disease. The production of this FOIA/PA request will be a step toward this goal.

15. The misconducts of wrongdoers, delayed and stopped the progress of research on the V02 project. The wrongdoers prevented the proper publication of the scientific results. (See Exhibit B).

FIRST CAUSE OF ACTION

Violation of Freedom of Information Act

16. Plaintiff realleges and incorporates by reference the foregoing paragraphs, as if set forth fully herein.
17. Defendant is a federal agency subject to FOIA, 5 U.S.C. § 552 (f), and is obligated to confirm the receipt of a FOIA request; assign a request number, and process the request, as the Freedom of Information Act requires.
18. Defendant failed to respond to the FOIA/PA request dated January 22, 2020, and did not assign a request number. (see Exhibit C).
19. Defendant failed to respond to the inquiry about status of the FOIA/PA request dated March 17, 2020. (See Exhibit D).
20. Defendant failed to respond to the prelitigation letter dated June 5, 2020, which was delivered to the Office of Director on June 8, 2020. (See Exhibit E).

SECOND CAUSE OF ACTION

Violation of Privacy Act (PA)

21. Plaintiff realleges and incorporates by reference the foregoing paragraphs, as if set forth fully herein.

22. Defendant is a federal agency subject to Privacy Act, 5 U.S.C. § 552 a et seq., and is obligated to confirm the receipt of a PA request, assign a request number, and process the request as the Privacy Act requires.

23. Defendant failed to respond to the Privacy Act request dated January 22, 2020, and refused to answer any subsequent inquiry.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Ali Amiri respectfully requests that the Court:

- (a) Order Defendant NSF to immediately process and release all records responsive to Plaintiff's FOIA/PA request.
- (b) Declare that the recipients of the NSF award # 1508680 has violated the terms and conditions of the award.
- (c) Grant Plaintiff his costs and fees incurred in this action.
- (d) Grant such other relief as the Court may deem just and proper.

Respectfully Submitted

Ali Amiri

Ali Amiri 7,16,2020

address:

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