

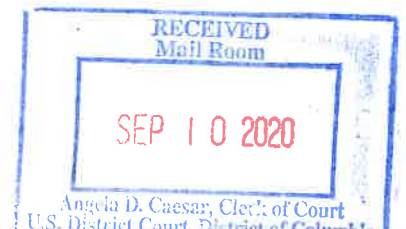
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOHN ERIN BINNS)
)
 Plaintiff.)
)
 Vs.)
)
 FEDERAL BUREAU OF)
 INVESTIGATION)
 Washington DC, 20535)
)
 DEPARTMENT OF JUSTICE)
 Washington DC, 20530)
)
 Defendants.)
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Case: 1:20-cv-02547
 Assigned To : Unassigned
 Assign. Date : 9/10/2020
 Description: FOIA/PRIVACY ACT (I-DECK)

COMPLAINT

1. This is an action under the Freedom of Information Act, 5 USC §552 (“FOIA”).
 Plaintiff John Erin Binns seeks to compel the Federal Bureau of Investigation
 (“FBI”) and Department of Justice (“DOJ”) to comply with their obligations under
 FOIA to release records regarding the Satori botnet investigation.



JURISDICTION AND VENUE

2. The court has jurisdiction over this action pursuant to 28 USC § 1331. Venue lies in this district under 5 USC § 552(a)(4)(B).

PARTIES

3. Plaintiff John Erin Binns is a 20 year old ISIS terror suspect and resident of Izmir, Turkey. Plaintiff is a US citizen. Plaintiff is or was under investigation by various agencies, including the Central Intelligence Agency, the Department of Homeland Security, and the FBI's National Security Bureau for allegedly traveling to Syria.

Plaintiff is also currently under investigation by FBI Anchorage for his alleged role in the Satori botnet conspiracy.

4. Defendants FBI and DOJ are agencies within the meaning of 5 USC § 552(f).

FACTS

5. On July 14, 2020, Plaintiff submitted a request through the FBI's online eFOIA portal requesting all releasable, non-exempt records related to the Satori botnet investigation. Tracking number 1470765-000 was assigned to Plaintiff's request.

6. On July 24, 2020, Plaintiff received a response from the FBI for request number 1470765-000 stating that they were unable to find any records responsive to this request. This is an improper withholding of agency records, as three of the participants in the Satori botnet conspiracy have already been indicted by the FBI, and the requested records most likely do exist.

7. On July 24, 2020, Plaintiff submitted an appeal for request number 1470765-000 through the DOJ's Entellitrak portal. Request number A-2020-01425 was assigned to Plaintiff's appeal.

8. 5 USC § 552(a)(6)(C)(i) requires that an agency respond to a FOIA appeal within 20 days (excluding Saturdays, Sundays, and public holidays). More than 20 working days have passed since Plaintiff submitted his appeal and the DOJ/FBI have not complied with their obligations under FOIA. Plaintiff has received no response from either the DOJ or the FBI regarding his appeal.

COUNT I (Violation of FOIA – 5 USC § 552)

9. Plaintiff realleges all of the preceding paragraphs.

10. Defendants DOJ and FBI are in violation of FOIA.

11. Plaintiff has exhausted his administrative appeal remedies as Defendants DOJ and FBI have not made a final determination on Plaintiff's request within the time limits set by FOIA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- (1) Order Defendants DOJ and FBI to conduct searches for any and all records responsive to Plaintiff's FOIA request.
- (2) Order Defendants DOJ and FBI to produce any and all non-exempt records that are responsive to Plaintiff's FOIA request and Vaughn indices of any withheld records.
- (3) Grant any further relief as this court may deem just and proper.

Respectfully submitted,
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/s/ John Erin Binns

