

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JUDICIAL WATCH, INC.,)
425 Third Street, S.W., Suite 800)
Washington, DC 20024,)
)
Plaintiff,)
)
v.)
)
U.S. DEPARTMENT OF JUSTICE,)
950 Pennsylvania Ave, N.W.)
Washington, DC 20530-0001,)
)
Defendant.)
_____)

Civil Action No.

Case: 1:10-cv-01569
Assigned To : Leon, Richard J.
Assign. Date : 9/17/2010
Description: FOIA/Privacy Act

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of Justice to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). As grounds therefor, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff is a non-profit, educational foundation organized under the laws of the District of Columbia and having its principal place of business at 425 Third Street, S.W., Suite 800, Washington, DC 20024. Plaintiff seeks to promote integrity, transparency, and accountability in government and fidelity to the rule of law. In furtherance of its public interest

mission, Plaintiff regularly requests access to the public records of federal, state, and local government agencies, entities, and offices, and disseminates its findings to the public.

4. Defendant is an agency of the United States Government and is headquartered at 950 Pennsylvania Ave, N.W., Washington, DC 20530-0001. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On June 17, 2010, Plaintiff sent a FOIA request to Defendant seeking access, in part, to the following¹:

- A. Any and all communications between the Department of Justice and the American Civil Liberties Union (ACLU), concerning, regarding, or relating to Arizona's "Support Our Law Enforcement and Safe Neighborhoods Act," also referred to as "Arizona SB 1070."
- B. Any and all communications between the Department of Justice and any third parties, concerning, regarding, or relating to Arizona's "Support Our Law Enforcement and Safe Neighborhoods Act," also referred to as "Arizona SB 1070."

The time frame for this request is April 23, 2010 to the present.

6. Defendant acknowledged receipt of Plaintiff's request by letter dated July 1, 2010.

In its letter, Defendant represented that it had referred Plaintiff's request to the Justice Management Division, which was described as "the component most likely to have the records."

7. To date, the Justice Management Division has not acknowledged receipt of Plaintiff's June 17, 2010 FOIA request. Pursuant to 5 U.S.C. § 552(a)(6)(A), Defendant was

¹ Plaintiff's June 17, 2010 FOIA request sought access to four sets of documents. Plaintiff however is only challenging the failure to respond with respect to the two sets of documents stated herein.

required to respond within thirty (30) working days of July 1, 2010, or by August 16, 2010.

8. As of the date of this Complaint, Defendant has failed to produce any records responsive to the request or demonstrate that responsive records are exempt from production. Nor has it indicated whether or when any responsive records will be produced. In short, Defendant has failed to respond to the request in any manner.

9. Because Defendant failed to comply with the time limit set forth in 5 U.S.C. § 552(a)(6)(A), Plaintiff is deemed to have exhausted any and all administrative remedies with respect to its June 17, 2010 FOIA request, pursuant to 5 U.S.C. § 552(a)(6)(C).

COUNT 1
(Violation of FOIA, 5 U.S.C. § 552)

10. Plaintiff realleges paragraphs 1 through 9 as if fully stated herein.

11. Defendant is unlawfully withholding records requested by Plaintiff pursuant to 5 U.S.C. § 552.

12. Plaintiff is being irreparably harmed by reason of Defendant's unlawful withholding of requested records, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to conform its conduct to the requirements of the law.

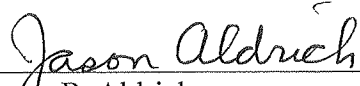
WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's June 17, 2010 FOIA request and a *Vaughn* index of any responsive records withheld under claim of exemption; (2) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's June 17, 2010 FOIA request; (3) grant Plaintiff an award of attorney's fees and other

litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (4) grant Plaintiff such other relief as the Court deems just and proper.

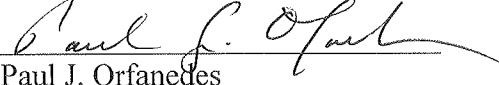
Dated: September 16, 2010

Respectfully submitted,

JUDICIAL WATCH, INC.



Jason B. Aldrich
D.C. Bar No. 495488



Paul J. Orfanedes
D.C. Bar No. 429716
425 Third Street, S.W., Suite 800
Washington, DC 20024
(202) 646-5172

Attorneys for Plaintiff