

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

JUDICIAL WATCH, INC.,
425 Third Street SW, Suite 800
Washington, DC 20024,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,
950 Pennsylvania Avenue NW
Washington, DC 20530,

Defendant.

Case No.:

COMPLAINT

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 Judicial Watch, Inc. is a not-for-profit, educational organization incorporated under the laws of the District of Columbia and headquartered at 425 Third Street SW, Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency, integrity, and accountability in government and fidelity to the rule of law. As part of its mission, Plaintiff regularly requests records from federal agencies pursuant to FOIA. Plaintiff analyzes the

agencies' responses and disseminates both its findings and the requested records to the American public to inform them about "what their government is up to."

4. Defendant U.S. Department of Justice ("Defendant" or "DOJ") is an agency of the U.S. Government and is headquartered at 950 Pennsylvania Avenue NW, Washington, DC 20530. Defendant has possession, custody, and control of public records to which Plaintiff seeks access.

STATEMENT OF FACTS

A. The National Security Division Request

5. On April 23, 2025, Plaintiff submitted a FOIA request via email to DOJ's National Security Division ("NSD"), another component of Defendant. The request included a DOJ-361 certification of identity form signed by Mr. Caputo and sought access to the following public records:

- i. All investigative reports, memoranda, intelligence products, interview transcripts and summaries, or similar records regarding Mr. Michael Caputo.
- ii. All subpoenas and other requests for information submitted to, records received from, and records of communication with Google/Alphabet, Inc. or any other search engine or social media company regarding Mr. Michael Caputo.
- iii. All records of communication between any official or employee of the Department of Justice National Security Division and any official or employee of any other branch, department, agency, or office of the Federal government regarding or mentioning Mr. Michael Caputo.

The request identified Mr. Mr. Caputo as "a former Assistant Secretary of Health and Human Services and Advisor to the campaign of President Trump." The time frame of the request was identified as "January 1, 2014 to the present."

6. By letter dated June 23, 2025, NSD acknowledged receipt of the request on April 23, 2025. NSD's letter also advised Plaintiff that the request had been assigned NSD FOIA/PA #25-361.

7. Plaintiff has received no further communication from NSD regarding the request.

B. The Executive Office for United States Attorneys Request

8. On June 18, 2025, Plaintiff submitted a FOIA request to the Executive Office for United States Attorneys ("EOUSA"), another component of Defendant. The request included a DOJ-361 certification of identity form signed by Mr. Caputo and sought access to the following public records:

- i. All investigative reports, memoranda, intelligence products, interview transcripts and summaries, or similar records regarding Mr. Michael Caputo.
- ii. All subpoenas and other requests for information submitted to, records received from, and records of communication with Google/Alphabet, Inc. or any other search engine or social media company regarding Mr. Michael Caputo.
- iii. All records of communication between any official or employee of the Executive Office for United States Attorneys and any official or employee of any other branch, department, agency, or office of the Federal government regarding or mentioning Mr. Michael Caputo.

The request identified Mr. Caputo as "a former Assistant Secretary of Health and Human Services and Senior Advisor to the 2024 campaign of President Trump" and noted that he "presently serves as Special Assistant to the United States Attorney for the District of Columbia." The time frame of the request was identified as "January 1, 2014 to the present."

9. EOUSA acknowledged receipt of the request by email dated June 18, 2025 and advised Plaintiff that the request had been assigned Request Number: EOUSA-2025-004547. By

letter dated June 23, 2025, EOUSA informed Plaintiff that it had invoked FOIA's 10-day extension of time provision for "unusual circumstances."

10. Plaintiff has received no further communication from EOUSA regarding the request.

C. The Criminal Division Request

11. On April 23, 2025, Plaintiff submitted a FOIA request via email to DOJ's Criminal Division, another component of Defendant. The request included a DOJ-361 certification of identity form signed by Mr. Caputo and sought access to the following public records:

- i. All investigative reports, memoranda, intelligence products, interview transcripts and summaries, or similar records regarding Mr. Michael Caputo.
- ii. All subpoenas and other requests for information submitted to, records received from, and records of communication with Google/Alphabet, Inc. or any other search engine or social media company regarding Mr. Michael Caputo.
- iii. All records of communication between any official or employee of the Criminal Division and any official or employee of any other branch, department, agency, or office of the Federal government regarding or mentioning Mr. Michael Caputo.

The request identified Mr. Caputo as "a former Assistant Secretary of Health and Human Services and Senior Advisor to the 2024 campaign of President Trump" and noted that he "presently serves as Special Assistant to the United States Attorney for the District of Columbia." The time frame of the request was identified as "January 1, 2014 to the present."

12. The Criminal Division's FOIA/PA Unit acknowledged receipt of the request by letter dated May 2, 2025, and advised Plaintiff that the request had been assigned Request No.

CRM-302264110. It also advised Plaintiff that it had determined not to process the request because requested records allegedly had not been reasonably described.

13. Plaintiff administratively appealed the Criminal Division's final determination to Defendant's Office of Information Policy ("OIP") on June 3, 2025. By letter that same day, OIP acknowledged receipt of Plaintiff's administrative appeal and advised Plaintiff that the appeal had been assigned tracking number A-2025-01863.

14. Plaintiff has received no further communication from the Criminal Division or OIP regarding the request or the administrative appeal.

D. The Office of Information Policy Request

15. On April 22, 2025, Plaintiff submitted a FOIA request to OIP, another component of Defendant. The request included a DOJ-361 certification of identity form signed by Mr. Caputo and sought access to the following public records:

- i. All investigative reports, memoranda, intelligence products, interview transcripts and summaries, or similar records regarding Mr. Michael Caputo.
- ii. All subpoenas and other requests for information submitted to, records received from, and records of communication with Google/Alphabet, Inc. or any other search engine or social media company regarding Mr. Michael Caputo.
- iii. All records of communication between any official or employee of the Department of Justice and any official or employee of any other branch, department, agency, or office of the Federal government regarding or mentioning Mr. Michael Caputo.

The request identified Mr. Caputo as "currently a Senior Advisor to the United States Attorney for the District of Columbia" and noted that he "previously served as an Assistant Secretary of Health and Human Services and Advisor to the campaign of President Trump." The time frame of the request was identified as "January 1, 2014 to the present."

16. By letter dated April 23, 2025, OIP acknowledged receipt of Plaintiff's request on April 22, 2025. OIP's letter also advised Plaintiff that the request had been assigned tracking number FOIA-2025-04154.

17. Plaintiff has received no further communication from OIP regarding the request.

18. As of the date of this Complaint, Defendant has failed to (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiff of the scope of any responsive records it intends to produce or withhold and the reasons for any withholdings; or (iii) inform Plaintiff that it may appeal any adequately specific, adverse determination.

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

19. Plaintiff realleges paragraphs 1 through 18 as if fully stated herein.

20. Defendant is in violation of FOIA.

21. Plaintiff is being irreparably harmed by Defendant's violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

22. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make final determinations on Plaintiff's request to OIP May 20, 2025, on Plaintiff's request to NSD by May 21, 2025, and on Plaintiff's request to EOUSA by August 1, 2025. Defendant also was required to make a final determination of Plaintiff's appeal to OIP of the denial of the request to the Criminal Division by July 2, 2025. Because Defendant failed to issue final determinations within the time required by FOIA, Plaintiff is deemed to have exhausted its administrative remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to search for any and all records responsive to Plaintiff's FOIA requests and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to the requests; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's requests and a *Vaughn* index of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to the requests; (4) grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: August 12, 2025

Respectfully submitted,

/s/ Christina Bobb

Christina Bobb

D.C. Bar No. 90021326

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