

**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 DEFENSE,)	
1400 Defense Pentagon)	
Washington, DC 202301,)	
)	
Defendant.)	
_____)	

COMPLAINT

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

JURISDICTION AND VENUE

1. This 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. Judicial Watch, Inc. seeks to promote transparency, integrity, and accountability in government and fidelity to the rule of law. Using public records laws like FOIA, it regularly requests records from federal agencies, analyzes the agencies’

responses and any responsive records it receives, and disseminates both its findings and the requested records to the public to inform Americans about “what their government is up to.”

4. Defendant U.S. Department of Defense is an agency of the United States government and is headquartered at 1400 Defense Pentagon, Washington, D.C. 20301. The United States Air Force (“USAF”), a component of Defendant, has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On February 9, 2021, USAF Lt. Gen. Brian T. Kelly (Ret.), signed a letter addressed to Aaron Babbitt denying military funeral honors for the funeral of his wife, SrA Ashli McEntee (Babbitt), USAF, “due to the circumstances preceding her death.” The letter continued, “[a]s reported to us at the time of death, SrA Ashli McEntee (Babbitt) was fatally shot after having illegally entered the United States Capitol Building on 6 January 2021.” *See* Judicial Watch: Air Force Grants Funeral Honors to Ashli Babbitt (August 27, 2025) (available at <https://www.judicialwatch.org/wp-content/uploads/2025/08/Hegseth-Babbitt-letter-2025-5.pdf>) (page 7 of 8).

6. On May 15, 2024, Plaintiff submitted a FOIA request to USAF seeking access to the following records:

All records concerning the request for military funeral honors for the funeral of SrA Ashli McEntee (Babbitt), the denial of that request by Lieutenant General Brian T. Kelly, USAF, and the circumstances reported to the Department of the Air Force concerning SrA Ashli McEntee’s (Babbitt) death, including but not limited to correspondence via emails, texts, and letters; phone calls; memoranda; notes; reports; audio recordings; voicemails; videos; entries in books or logs; directives; policies and procedures; guidance documents; and legal opinions.

The time period for the request was identified as “January 6, 2021 to the present.”

7. By email dated May 15, 2024, USAF acknowledged receipt of the request and informed Plaintiff that the request had been assigned Case Number 2024-04192-F.

8. As of the date of this Complaint, the USAF 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)

9. Plaintiff realleges all preceding paragraphs as if fully set forth herein.

10. Defendant is in violation of FOIA.

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

12. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's request by June 13, 2024 at the latest. Because Defendant failed to make a final determination on Plaintiff's FOIA request within the time limits set by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct searches for any and all records responsive to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request and Vaughn indices of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold

any and all non-exempt records responsive to Plaintiff's FOIA request; (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 any and all further relief to which Plaintiff may be justly entitled.

Dated: September 17, 2025

Respectfully submitted,

/s/ Robert Patrick Sticht.

ROBERT PATRICK STICHT

D.C. Bar No. 423395

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