

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

JUDICIAL WATCH, INC.,)	
425 Third Street SW, Suite 800)	
Washington, DC 20024,)	
)	
Plaintiff,)	Civil Action No.
)	
v.)	
)	
U.S. DEPARTMENT OF JUSTICE,)	
950 Pennsylvania Avenue NW)	
Washington, DC 20530,)	
)	
Defendant.)	
_____)	

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

STATEMENT OF FACTS

5. On November 13, 2025, Plaintiff submitted a FOIA request to the Office of the Inspector General ("OIG"), a component of Defendant, seeking access to:

Records and communications regarding Department of Justice Office of Inspector General's participation in the seizure, imaging, and data extraction of a sitting Member of Congress's personal cell phone, and related acquisition of call logs for nine Members of Congress as part of the investigation codenamed "Arctic Frost." Specific records sought are:

1. Seizure of Representative Scott Perry's Cell Phone (August 9, 2022)
All records about:
 - the seizure of Rep. Scott Perry's personal cell phone by FBI agents and any DOJ OIG agent.
 - communications between OIG leadership, OIG agents, and the FBI prior to, during, or after the seizure of Perry's cellphone.
 - separation-of-powers or Speech or Debate Clause issues raised related to the seizure of said cellphone.
 - chain-of-custody logs, forensic imaging documentation, data extraction methods, and laboratory activity from DOJ OIG's Northern Virginia forensic laboratory
 - any communications with the U.S. Attorney's Office, Jack Smith's office, FBI Counterintelligence Division, or any Special Counsel staff regarding Rep. Perry.
2. DOJ OIG Involvement in "Arctic Frost"
Produce all documents related to Operation Arctic Frost, including:
 - conception, scope, and internal justification for OIG involvement
 - tasking orders to OIG personnel
 - internal discussions about the propriety of OIG participation in an investigation involving Members of Congress
 - collaboration agreements between OIG and FBI

- communications referencing the transition of Arctic Frost materials to Special Counsel Jack Smith
 - all OIG briefings, summaries, or after-action reports related to Arctic Frost
3. OIG Role in Obtaining Phone Logs for Nine Members of Congress (Jan 4–7, 2021)
As documented in internal memos, the FBI obtained toll records for nine Members of Congress, including eight Senators. This request seeks all OIG materials regarding:
- any involvement in requesting, acquiring, transmitting, or analyzing these records
 - coordination with telecom carriers (e.g., Verizon)
 - any internal legal objections raised by OIG attorneys
 - internal OIG discussions about constitutional protections for Members of Congress
 - whether OIG expressed concerns that its involvement would jeopardize independence or violate statutory authority
4. Communications With the White House Concerning Device Retrieval
A November 12, 2025, Judiciary Committee letter to the OIG states the Biden-Harris White House assisted DOJ and FBI in retrieving government phones belonging to former President Trump and former Vice President Pence.
Requesting all OIG records concerning:
- coordination or communications with the White House
 - discussions about legality or propriety of White House involvement
5. Records of Objections, Concerns, or Warnings by OIG Staff
Produce all documents where any OIG employee:
- warned of constitutional, ethical, or jurisdictional problems
 - recommended declining participation
 - expressed concern that OIG involvement undermined independence

The time frame for the request was identified as “January 1, 2020, to present.”

6. By letter dated December 2, 2025, the OIG acknowledged receipt of the request on November 13, 2025 and advised Plaintiff that the request had been assigned control number 26-OIG-049.

7. By letter dated December 9, 2025, the OIG invoked FOIA’s 10-day extension of time provision for “unusual circumstances.”

8. Plaintiff has received no further communication from the FBI regarding the request.

9. As of the date of this Complaint, the OIG has failed to: (i) determine whether to comply with the request; (ii) notify Plaintiff of any such determination or the reasons therefor; (iii) advise Plaintiff of the right to appeal any adverse determination; or (iv) produce the requested records or otherwise demonstrate that the requested records are exempt from production.

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

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

11. Defendant is in violation of FOIA.

12. 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.

13. Plaintiff has no adequate remedy at law.

14. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's request on or about December 31, 2025. Because Defendant failed to make a final determination on Plaintiff's request within the time limits set by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to search 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 the request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's request 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 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 such other relief as the Court deems just and proper.

Dated: January 29, 2026

Respectfully submitted,

/s/ Lauren M. Burke

Lauren M. Burke

D.C. Bar No. 1028811

JUDICIAL WATCH, INC.

425 Third Street SW, Suite 800

Washington, DC 20024

Tel: (202) 646-5172

Email: lburke@judicialwatch.org

Counsel for Plaintiff