

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

AMERICAN CENTER FOR LAW AND
JUSTICE,

Plaintiff,

VS.

Case Action No. 26-cv-2451

FEDERAL BUREAU OF INVESTIGATION,

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Defendant.

COMPLAINT

Plaintiff American Center for Law and Justice (“ACLJ”), by and through counsel, brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, challenging the failure of the Federal Bureau of Investigation (“FBI”) to issue a determination as to Plaintiff’s FOIA request within the statutorily prescribed time period, and seeking the disclosure and release of agency records improperly withheld by Defendant. In support thereof, Plaintiff alleges and states as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B), 5 U.S.C. § 552(a)(6)(C)(i), and 28 U.S.C. § 1331, because this action arises under FOIA, and Plaintiff has exhausted its administrative remedies.

2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e) and 5 U.S.C. § 552(a)(4)(B).

3. This Court has authority to award injunctive relief pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 2202.

4. This Court has authority to award declaratory relief pursuant to 28 U.S.C. § 2201.

PARTIES

5. Plaintiff, with an office at 201 Maryland Avenue, N.E., Washington, DC 20002, is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. Plaintiff's mission is to educate, promulgate, conciliate, and where necessary, litigate, to ensure that those rights are protected under the law. Plaintiff also regularly monitors governmental activity with respect to governmental accountability. Plaintiff seeks to promote integrity, transparency, and accountability in government and fidelity to the rule of law. In furtherance of its dedication to the rule of law and 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.

6. Defendant FBI is an agency of the United States within the meaning of 5 U.S.C. § 552(f)(1) and is a component of the United States Department of Justice (DOJ), which is an agency of the United States within the meaning of 5 U.S.C. § 552(f)(1).

7. Defendant FBI is headquartered at 935 Pennsylvania Avenue, NW, Washington, DC 20535.

8. Defendant FBI has possession, custody and control of the records Plaintiff seeks.

FACTUAL ALLEGATIONS

9. On March 6, 2026, Plaintiff submitted a FOIA request via the FOIA web portal of Defendant FBI. *See* Pl.'s FOIA Request to FBI, Ex. A, incorporated by reference as if fully set forth herein.

10. To summarize, Plaintiff sought “records pertaining to the FBI’s surveillance of Kash Patel and Susie Wiles in 2022 and 2023.” Pl.’s FOIA Request to FBI, Ex. A.

11. Plaintiff provided pertinent information in its Request: “Pursuant to DOJ FOIA n 28 C.F.R. §16.3(b), this Background addresses ‘the date, title or name, author, recipient, subject matter of the record[s]’ requested, to the extent known.” Pl.’s FOIA Request to FBI, Ex. A.

12. On March 10, 2026, Defendant acknowledged receipt of Plaintiff’s FOIA Request again. *See* Def. FBI’s Acknowledgement, Ex. B, incorporated by reference as if fully set forth herein.

13. The Acknowledgement stated, in part: “This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI.” Def. FBI’s Acknowledgement, Ex. B.

14. The Acknowledgement also stated: “Future correspondence about your FOIPA Request will be provided in an email link unless the record’s file type is not supported by the eFOIPA system.” Def. FBI’s Acknowledgement, Ex. B.

15. Since March 10, 2026, Defendant has neither sent a determination nor produced any documents.

16. On June 25, 2026, Defendant’s FOIPA system stated, in part: “The FBI’s FOIPA Program has identified potential responsive information to your request(s) and awaits assignment to a Government Information Specialist (GIS) for further processing.” *See* Def. FBI’s FOIPA Status, Ex. C, incorporated by reference as if fully set forth herein.

CAUSE OF ACTION

COUNT I

Violation of the Freedom of Information Act

17. Plaintiff realleges and incorporates by reference the preceding paragraphs of this Complaint as if fully stated herein.

18. The FOIA establishes a 20-day deadline by which a federal agency must make and issue a decision regarding compliance with a request for records made pursuant to the statute. 5 U.S.C. § 552(a)(6)(A)(i).

19. Pursuant to 5 U.S.C. § 552(a)(6)(A), Defendant was required to determine whether to comply with Plaintiff's request within twenty (20) days, excepting Saturdays, Sundays, and legal public holidays. Pursuant to this same provision, Defendant was also required to notify Plaintiff immediately of the determination, the reasons therefor, and the right to appeal any adverse determination to the head of the agency.

20. Defendant's 20-day period commenced March 6, 2026, and expired on April 3, 2026.

21. As of the date of this Complaint, Defendant has failed to produce any records responsive to the request and has not indicated when (or even whether) any responsive records will be produced or demonstrated that responsive records are exempt from production. Pl.'s FOIA Request to FBI, Ex. A.

22. Defendant has not requested information from the Plaintiff that would toll the 20-day period as contemplated by 5 U.S.C. § 552(a)(6)(A)(i)(I).

23. The FOIA permits a federal agency, in unusual circumstances, to extend the 20-day response deadline for a period not to exceed ten (10) additional working days. 5 U.S.C. § 552(a)(6)(B)(i), if it identifies "the date on which a determination is expected to be dispatched," and which shall not be "a date that would result in an extension for more than ten working days." *Id.*

24. Defendant FBI has failed to invoke this provision, and, there are no “unusual circumstances” that justify Defendant’s prolonged delay in responding as required by law to Plaintiff’s lawful FOIA requests. In any event, Defendant did not comply with the clear statutory requirements to trigger the extension provided by 5 U.S.C. § 552(a)(6)(B).

25. Plaintiff has a statutory right to have Defendant process Plaintiff’s FOIA request in a timely manner and in accordance with the requirements set forth in 5 U.S.C. § 552(a)(6).

26. Defendant is unlawfully withholding records requested by Plaintiff American Center for Law and Justice pursuant to the FOIA, 5 U.S.C. § 552.

27. The FOIA provides a cause of action for a requestor from whom a federal agency has withheld requested records. 5 U.S.C. § 552(a)(4)(B).

28. Through continued delay and outright failure to properly respond to Plaintiff’s lawful request for records, and its improper withholding of such requested records, Defendant has failed to comply with FOIA’s prescribed deadlines for responding to a request for records and has violated Plaintiff’s statutory rights.

29. Pursuant to 5 U.S.C. § 552(a)(6)(C), 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 FOIA request.

30. 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.

31. The FOIA imposes no limits on courts’ equitable powers in enforcing its terms, and this Court should exercise its equitable powers to compel Defendant to comply with the clear requirements of the FOIA.

