

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

AMERICAN CENTER FOR LAW AND
JUSTICE,

[REDACTED]

Plaintiff,

VS.

UNITED STATES OFFICE OF
THE DIRECTOR OF NATIONAL
INTELLIGENCE,

Washington, DC 20511

Defendant.

Case Action No. 21-cv-1619

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

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 Defendant, the United States Office of the Director of National Intelligence (“ODNI”), to respond to Plaintiff’s FOIA request as required by law, and unlawfully administratively closing Plaintiff’s FOIA request, 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, Defendant has administratively closed Plaintiff's FOIA request, and Plaintiff is deemed to have 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 offices at [REDACTED], 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 ODNI is an agency of the United States within the meaning of 5 U.S.C. § 552(f)(1) and is headquartered at Office of the Director of National Intelligence, Washington, DC 20511. Defendant ODNI is in control and possession of some of the records sought by Plaintiff.

FACTUAL ALLEGATIONS

7. Plaintiff requested from Defendant records pursuant to FOIA, 5 U.S.C. § 552 on May 27, 2021. Pl.'s ODNI FOIA Request Ex. A, 1

8. It summarized its request to Defendant ODNI as follows: "this Request seeks records pertaining to communications, knowledge and efforts surrounding the breaking story that the Biden Administration shut down, froze, delayed, paused, or repurposed an investigation into the

origins of COVID-19 initiated by the previous Administration; Anthony Fauci's admission to Congress of U.S. funds benefiting the Wuhan Institute of Virology; and ODNI knowledge of and actions in investigating the origin of COVID-19." Pl.'s ODNI FOIA Request Ex. A, 1.

9. Plaintiff sought in its request:

All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, NIH or ODNI official referencing, connected to, or regarding in any way the termination or closing of any investigation into the origins of COVID-19, including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message. Pl.'s Ex. A.

10. Plaintiff's full FOIA request, Pl.'s Ex. A, is hereby incorporated as if fully set forth herein.

11. Plaintiff identified, in each of the subparts of its FOIA request, the specific records it seeks.

See Pl.'s Ex. A, at 5.

12. Plaintiff specified in each of its FOIA requests that the term "record" includes "any information" that qualifies under FOIA, 5 U.S.C. § 552(f), and provided a non-exhaustive list of types of information to be included in the term "record." Pl.'s Ex. A, at 5.

13. Plaintiff further specified in its FOIA request the applicable definitions of the terms "briefing," and "ODNI official." Pl.'s Ex. A, at 3.

14. Plaintiff specified in its FOIA request that, unless otherwise indicated, the timeframe of records requested herein is May 1, 2020, to the date this request is processed. Pl.'s Ex. A, at 5.

15. In its FOIA request, Plaintiff requested that the Defendant agency support all denials by reference to specific statutory FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index. Pl.'s Ex. A, at 6.

16. In its FOIA request, Plaintiff asserted its entitlement to expedited processing and a waiver of all associated fees, as explained in a memorandum accompanying each request and referenced therein, and reserved its right to appeal any agency withholding of records and/or any agency denial of Plaintiff's requests for expedited processing and a waiver of fees. Pl.'s Ex. A, at 7.

17. Plaintiff sent its ODNI FOIA request to Defendant ODNI's Director, Information Management Division. Pl.'s Ex. A, at 1.

18. The Defendant agency received Plaintiff's FOIA request letter on or about May 28, 2021, as shown on the Federal Express delivery notification emails and proof of delivery confirmation forms.

19. In a letter dated June 10, 2021, Defendant ODNI informed Plaintiff that it received Plaintiff's FOIA request on June 2, 2021. Pl.'s Ex. B.

20. Defendant ODNI further informed Plaintiff:

We have determined that documents that would be considered responsive to your request are the subject of an open FOIA litigation. No documents related to an open litigation can be released until the processing of the litigation case has reached its conclusion. Once concluded, ODNI will upload all of the releasable/redacted documents related to the litigation to our website, dni.gov. Your case has been administratively closed at this time.

Id.

CAUSE OF ACTION

COUNT I

Violation of the Freedom of Information Act, 5 U.S.C. § 552

21. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 20 of this Complaint as if fully stated herein.
22. The federal FOIA establishes a set of exemptions by which a federal agency may deny a request for records. 5 U.S.C. § 552(a)(6)(A)(i).
23. Pending litigation with a third party is not an exemption listed in FOIA, 5 U.S.C. § 552(b)(1)-(9).
24. Plaintiff has a statutory right to have Defendant process Plaintiff's FOIA requests in a timely manner and in accordance with the requirements set forth in 5 U.S.C. § 552(a)(6).
25. Defendant is unlawfully withholding records requested by Plaintiff pursuant to 5 U.S.C. § 552.
26. FOIA provides a cause of action for a complainant from whom a federal agency has withheld requested records. 5 U.S.C. § 552(a)(4)(B).
27. By unlawfully denying and closing Plaintiff's lawful request for records, and through its improper withholding of such requested records, Defendant has failed to comply with FOIA's requirements for responding to a request for records and has violated Plaintiff's statutory rights.
28. As Defendant has "administratively closed" Plaintiff's FOIA request, there is no open request to administratively appeal. Concomitantly, Defendant failed to notify Plaintiff of any administrative appeal right as expressly required by the FOIA – presumably because Defendant also views its "administratively clos[ing]" as administratively unappealable. And, pursuant to 5 U.S.C. § 552(a)(6)(C), because Defendant improperly denied and closed the Plaintiff's request and

will not be in compliance with the FOIA's time limitations, Plaintiff is deemed to have exhausted any and all administrative remedies with respect to its FOIA request.

29. 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.

PRAYER FOR RELIEF

30. WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against Defendant, and provide Plaintiff with the following relief:

- (a) An Order that Defendant issue a determination and that Defendant shall conduct a diligent search for any and all records responsive to Plaintiff's FOIA request and demonstrate that it employed reasonable search methods most technologically likely to lead to the discovery of records responsive to Plaintiff's FOIA request, selected from among those methods available to Defendant;
- (b) An Order that Defendant produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request and a *Vaughn* index of any responsive records withheld under claim of exemption;
- (c) An Order enjoining Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request;
- (d) A declaratory judgment that Defendant's actions violated Plaintiff's statutory rights under 5 U.S.C. § 552;
- (e) An Order awarding to Plaintiff its reasonable attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and,
- (f) An Order granting to Plaintiff all further relief to which Plaintiff may be entitled.

Dated: June 15, 2021.

Respectfully submitted,

THE AMERICAN CENTER FOR LAW AND JUSTICE
JAY ALAN SEKULOW [REDACTED]
COUNSEL OF RECORD
JORDAN SEKULOW [REDACTED]
STUART J. ROTH [REDACTED]
/s/ Benjamin P. Sisney
BENJAMIN P. SISNEY [REDACTED]

JOHN A. MONAGHAN (D.C. Bar. No. VA109)



Counsel for Plaintiff



May 27, 2021

Office of Information Programs and Services (IPS)
A/GIS/IPS/RL
U.S. Department of State, State Annex 2 (SA-2)
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Telephone: (202) 261-8484

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Gregory Koch
Director, Information Management Office
ATTN: FOIA/PA
Office of the Director of National Intelligence
Washington, D.C. 20511
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Email: dni-foia@dni.gov

RE: FOIA Request to the U.S. Department of State, National Institutes of Health, and the Office of the Director of National Intelligence Regarding Investigation Into COVID-19 Origins

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To Whom it May Concern:

This letter is a request (“Request”) in accordance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the corresponding department/agency implementing regulations.

The Request is made by the American Center for Law and Justice (“AC LJ”)¹ on behalf of its members. The ACLJ respectfully seeks expedited processing and a waiver of fees related to this Request as set forth in an accompanying memorandum.

To summarize, this Request seeks records pertaining to communications, knowledge and efforts surrounding the breaking story that the Biden Administration shut down, froze, delayed, paused, or repurposed an investigation into the origins of COVID-19 initiated by the previous Administration; Anthony Fauci’s admission to Congress of U.S. funds benefiting the Wuhan Institute of Virology; and ODNI knowledge of and actions in investigating the origin of COVID-19.

Background

Pursuant to State Department FOIA regulation 22 C.F.R. § 171.4(b), this Background addresses “the subject, timeframe, names of any individuals involved, a contract number (if applicable), and reasons why the requester believes the Department may have records on the subject of the request.” 22 C.F.R. § 171.4(b).

Pursuant to Department of Health and Human Services (“HHS”) FOIA regulation 45 C.F.R. § 5.21(3), this Background “provide[s] details that will help . . . identify and find the records” requested to the extent known.

CNN broke the story that “President Joe Biden’s team shut down a closely-held State Department effort launched late in the Trump administration to prove the coronavirus originated in a Chinese lab over concerns about the quality of its work, according to three sources familiar with the decision.”² The story continued:

The existence of the State Department inquiry and its termination this spring by the Biden administration -- neither of which has been previously reported -- comes to light amid renewed interest in whether the virus could have leaked out of a Wuhan lab with links to the Chinese military. The Biden administration is also facing

¹The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.

² Kylie Atwood, *Pompeo-led effort to hunt down Covid lab theory shut down by Biden administration over concerns about quality of evidence*, CNN.com (May 25, 2021), <https://www.cnn.com/2021/05/25/politics/biden-shut-down-trump-effort-coronavirus-chinese-lab/index.html>.

scrutiny of its own efforts to determine if the Chinese government was responsible for the virus.³

And:

Those involved in the previously undisclosed inquiry, which was launched last fall by allies of then-Secretary of State Mike Pompeo, say it was an honest effort to probe what many initially dismissed: that China's biological weapons program could have had a greater role in the pandemic's origin in Wuhan, according to two additional sources.⁴

As CNN reported, "One US intelligence report, which CNN and the Wall Street Journal recently reported on, found that several researchers at China's Wuhan Institute of Virology fell ill in November 2019 and had to be hospitalized, a new detail which has fueled the continued debate about the virus's origin. The exact nature of their symptoms remain unclear."⁵

According to CNN, "A State Department spokesperson confirmed work on the inquiry had stopped, saying, 'Even though this discrete project has concluded, the State Department continues to work with the interagency to look into the COVID origins issue.'"⁶

The State Department project began in late 2020, months after Pompeo and President Donald Trump first claimed that the virus could have originated from the Wuhan Institute of Virology. In May 2020, Pompeo claimed there was "enormous evidence" and a "significant amount of evidence" to support the claim -- despite the US intelligence community saying there was no definitive answer as to precisely where and how the virus began transmitting.⁷

Further,

Dr. Anthony Fauci recently said he is not convinced that Covid-19 developed naturally but last spring he said the US strongly leaned toward the idea that the virus could not have been artificially or deliberately manipulated. Officials involved in the State Department inquiry believed Fauci's initial comments last year were "baseless."⁸

Adding to the news stories snowballing on these issues, "The National Institutes of Health earmarked \$600,000 for the Wuhan Institute of Virology over a five-year period to study whether

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

bat coronaviruses could be transmitted to humans, White House chief medical adviser Dr. Anthony Fauci told lawmakers Tuesday.”⁹ According to the reports:

Fauci, the head of the National Institute of Allergy and Infectious Diseases (NIAID), told a House Appropriations subcommittee that the money was funneled to the Chinese lab through the non-profit EcoHealth Alliance to fund “a modest collaboration with very respectable Chinese scientists who were world experts on coronavirus.”

But Fauci emphatically denied that the money went toward so-called “gain of function” research, which he described as “taking a virus that could infect humans and making it either more transmissible and/or pathogenic for humans.”

“That categorically was not done,” he insisted.¹⁰

These stories are receiving widespread national and international media attention.¹¹

Records Requested

For purposes of this Request, the term “record” means “any information” that qualifies under 5 U.S.C. § 552(f), and includes, but is not limited to, the original or any full, complete and unedited copy of any log, chart, list, memorandum, note, correspondence, writing of any kind, policy, procedure, guideline, agenda, handout, report, transcript, set of minutes or notes, video, photo, audio recordings, or other material. The term “record” also includes, but is not limited to, all relevant information created, stored, received or delivered in any electronic or digital format, e.g., electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government or private account or server, consistent with the holdings of *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145 (D.C. Cir. 2016) (rejecting agency

⁹ Samuel Chamberlain, *Fauci admits ‘modest’ NIH funding of Wuhan lab but denies ‘gain of function’*, N.Y. Post (May 25, 2021), <https://nypost.com/2021/05/25/fauci-admits-nih-funding-of-wuhan-lab-denies-gain-of-function/>.

¹⁰ *Id.*

¹¹ See Brooke Singman & Jennifer Griffin, *Biden State Department quietly shut down team probing COVID origin*, FoxNews.com (May 26, 2021), <https://www.foxnews.com/politics/biden-state-department-shut-down-team-covid-origin-investigation>; Mark Lungariello, *Biden team shut down State Dept. inquiry probing possible lab link to COVID: report*, N.Y. Post (May 25, 2021), <https://nypost.com/2021/05/25/biden-team-shut-down-inquiry-to-prove-lab-link-to-covid-report/>; Shweta Sharma, *Biden administration shuts down Trump-instigated probe into Covid links to Wuhan lab*, Independent.co.uk (May 26, 2021), <https://www.independent.co.uk/news/world/americas/us-politics/covid-trump-biden-wuhan-lab-b1853950.html>; Robert Hart, *Biden Team Shut Down Secretive Trump-Era Project Pursuing The Wuhan Lab-Leak Theory*, Forbes.com (May 26, 2021), <https://www.forbes.com/sites/roberthart/2021/05/26/biden-team-shut-down-secretive-trump-era-project-pursuing-the-wuhan-lab-leak-theory/?sh=6e2a0d487fdd>.

argument that emails on private email account were not under agency control, and holding, “If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.”).

For purposes of this Request, the term “briefing” includes, but is not limited to, any in-person meeting, teleconference, electronic communication, or other means of gathering or communicating by which information was conveyed to one or more person.

For purposes of this Request, the term “DOS official” or “NIH official” includes, but is not limited to, any person who is (1) employed by or on behalf of the DOS or NIH, any Mission of the United States, or any Delegation of the United States, or any office or function of NIH, in any capacity; (2) contracted for services by or on behalf of the DOS or NIH, any Mission of the United States, or any Delegation of the United States, or any office or function of NIH, in any capacity; (3) appointed by the President of the United States to serve in any capacity at or within the DOS or NIH, any Mission of the United States, or any Delegation of the United States, or any office or function of NIH; or (4) any such person’s staff, agent or employee; all without regard to the component, bureau, or office in which that person serves.

For purposes of this Request, all sources, documents, letters, reports, briefings, articles and press releases cited in this Request are incorporated by reference as if fully set forth herein.

For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is May 1, 2020, to the date this request is processed.

Pursuant to FOIA, 5 U.S.C. § 552 *et seq.*, ACLJ hereby requests that the DOS produce the following:

1. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, NIH or ODNI official referencing, connected to, or regarding in any way the termination or closing of any investigation into the origins of COVID-19**, including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

2. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, NIH, or ODNI official referencing, connected to, or regarding in any way the origin of COVID-19**, including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH,

or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

3. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, NIH, or ODNI official referencing, connected to, or regarding in any way, the Wuhan Institute of Virology and COVID-19 (including any shorthand, pseudonyms, or synonyms used for those terms),** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

4. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, NIH, or ODNI official referencing, connected to, or regarding in any way Anthony Fauci, the Wuhan Institute of Virology, and COVID-19 (including any shorthand, pseudonyms, or synonyms used for those terms),** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

5. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, NIH, or ODNI official referencing, connected to, or regarding in any way U.S. funds of any type, directly or indirectly awarded to, received by, or benefiting, the Wuhan Institute of Virology (including any shorthand, pseudonyms, or synonyms used for those terms),** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message

forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

6. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by ODNI Director Avril Haines or any immediate subordinate (including any alias or pseudonym for Haines or her immediate subordinates) referencing, connected to, or regarding in any way the origin of COVID-19, or the terms “COVID-19” and “Wuhan” (including any shorthand term, pseudonym, or synonym used for those terms,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

CONCLUSION

If this Request is denied in whole or in part, the ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

Moreover, as explained in an accompanying memorandum, the ACLJ is entitled to a waiver of all fees associated with this Request. The ACLJ reserves the right to appeal a decision to withhold any information sought by this request and/or to deny the separate application for expedited processing and waiver of fees.

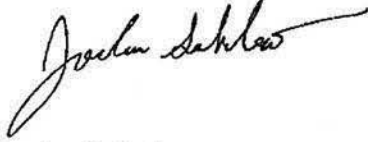
Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jordan Sekulow, Executive Director
Benjamin P. Sisney, Senior Litigation Counsel
John A. Monaghan, Senior Litigation Counsel
American Center for Law and Justice

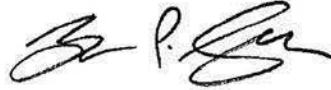


I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jordan Sekulow".

Jordan Sekulow
Executive Director

A handwritten signature in black ink, appearing to read "Ben P. Sisney".

Benjamin P. Sisney
Senior Litigation Counsel

A handwritten signature in blue ink, appearing to read "John A. Monaghan".

John A Monaghan
Senior Litigation Counsel

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC

Jordan Sekulow
American Center for Law & Justice
[REDACTED]
Washington, DC [REDACTED]

June 10, 2021

Reference: ODNI Case DF-2021-00235

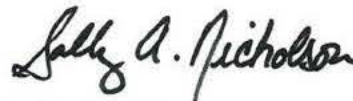
Mr. Sekulow:

This responds to your request dated 27 May 2021, received in the Information Management Office of the Office of the Director of National Intelligence (ODNI) on 2 June 2021. Pursuant to the FOIA, 5 U.S.C. § 552, as amended, you seek *"records pertaining to communications, knowledge and efforts surrounding the breaking story that the Biden Administration shut down, froze, delayed, paused, or repurposed an investigation into the origins of COVID-19 initiated by the previous Administration; Anthony Fauci's admission to Congress of U.S. funds benefiting the Wuhan Institute of Virology; and ODNI knowledge of and actions in investigating the origin of COVID-19."*

We have determined that documents that would be considered responsive to your request are the subject of an open FOIA litigation. No documents related to an open litigation can be released until the processing of the litigation case has reached its conclusion. Once concluded, ODNI will upload all of the releasable/redacted documents related to the litigation to our website, dni.gov. Your case has been administratively closed at this time.

If you have any questions, feel free to email our Requester Service Center at DNI-FOIA@dni.gov or call us at (703) 275-1313. You can also contact ODNI's FOIA Liaison at DNI-FOIA-Liaison@dni.gov.

Sincerely,



Sally A. Nicholson
Chief, Information Review &
Release Group
FOIA Public Liaison
Information Management Office