

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PROPERTY OF THE PEOPLE, INC.,
1712 Eye St., NW, Suite 915
Washington, DC 20006,

and

RYAN NOAH SHAPIRO

vs.

DEPARTMENT OF JUSTICE
950 Pennsylvania Ave., NW,
Washington, DC 20530,

DEPARTMENT OF HOMELAND
SECURITY
245 Murray Lane, S.W.,
Washington, DC 20528,

DEFENDANTS

Civil Action No. _____

COMPLAINT

THE PARTIES

1. Property of the People, Inc. is a 501(c)(3) charitable organization dedicated to governmental transparency in the service of democracy. Property of the People's Operation 45 is dedicated to ensuring transparency and accountability for the Administration of Donald J. Trump, the 45th President of the United States.

2. Plaintiff Ryan Noah Shapiro is a founder of Property of the People and a Ph.D. candidate in the Department of Science, Technology, and Society (HASTS) at the Massachusetts Institute of Technology, as well as a former Research Affiliate at the Berkman Klein Center for

Internet & Society at Harvard University. Plaintiff Ryan Noah Shapiro is a historian of national security, the policing of dissent, and governmental transparency.

3. Defendant Department of Justice (DOJ) is an agency of the US government.
4. The Federal Bureau of Investigation (FBI) is a component of Defendant DOJ.
5. Defendant Department of Homeland Security (DHS) is an agency of the US government.
6. U.S. Citizenship and Immigration Services (USCIS) is a component of Defendant DHS.
7. FBI and USCIS have possession, custody and control of the records Plaintiffs seek.

JURISDICTION AND VENUE

8. This action arises under the Freedom of Information Act (“FOIA”), 5 USC § 552.
9. This Court has jurisdiction over the parties and subject matter pursuant to 5 USC § 552(a)(4)(B).
10. Venue is proper in this district pursuant to 5 USC § 552(a)(4)(B).

STATEMENT OF FACTS

Background

11. Human Rights Accountability Global Initiative Foundation (HRAGIF) is an organization purportedly based in Washington, D.C. that is dedicated to overturning the Magnitsky Act, a law passed to punish the Russian officials responsible for the death of lawyer Sergei Magnitsky, and reinstating adoptions of Russian children in the United States.

12. Natalia Veselnitskaya, the Russian lawyer who met with President Trump’s campaign staff before the election, represents HRAGIF.

Plaintiffs’ FOIA Requests

Federal Bureau of Investigation

13. On November 16, 2017, Plaintiffs submitted to FBI via fax a FOIA request for records about several entities and individuals associated with the organization Human Rights Accountability Global Initiative Foundation (HRAGIF). Plaintiffs requested a waiver of fees.

14. Also on November 16, 2017, Plaintiffs submitted a separate request to FBI via fax for records about HRAGIF, itself. Plaintiffs requested a waiver of fees.

15. On November 21, 2017, FBI acknowledged receipt of the first of Plaintiffs' November 16, 2017 requests and assigned its subparts the following tracking numbers: 1389671-000 (Sergei Magnitsky); and 1389663-000 (Fusion GPS).

16. Also on November 21, 2017, FBI acknowledged receipt of the second of Plaintiffs' November 16, 2017 requests and assigned it tracking number 1389653-000 (HRAGIF).

17. On November 22, 2017, FBI provided more tracking numbers for the remaining subparts of Plaintiffs' first November 16, 2017 request. These tracking numbers are: 1389661-000 (Prevezon Holdings); 1389684-000 (Hermitage Capital); and 1389684-000 (Berryle Trading).

18. On November 30, 2017, FBI informed Plaintiffs that for request 1389684-000 (Berryle Trading), no responsive records were found.

19. On December 1, 2017, FBI informed Plaintiffs that for request 1389653-000 (HRAGIF), no responsive records were found.

20. Also on December 1, 2017, FBI informed Plaintiffs that for request 1389663-000 (Fusion GPS), FBI was issuing a "Glomar" response, meaning that FBI would refuse to confirm or deny the existence of responsive records.

21. Also on December 1, 2017, FBI informed Plaintiffs that for request 1389671-000 (Sergei Magnitsky), no responsive records were found.

22. On December 5, 2017, Plaintiffs administratively appealed to the Office of Information Policy (OIP) the FBI's adverse determinations for requests 1389653-000 (HRAGIF), 1389663-000 (Fusion GPS), 1389684-000 (Berryle Trading), and 1389671-000 (Sergei Magnitsky) in their entirety, including but not limited to the invoking of a Glomar and the adequacy of the search, where applicable.

23. On December 21, 2017, OIP informed Plaintiffs that for request number 1389671-000 (Sergei Magnitsky) (appeal number DOJ-AP-2018-001366), OIP was affirming the adequacy of FBI's search.

24. On January 1, 2018, OIP informed Plaintiffs that for request number 1389684-000 (Berryle Trading) (appeal number DOJ-AP-2018-001380), OIP was affirming the adequacy of FBI's search.

25. On May 10, 2018, OIP informed Plaintiffs that for request number 1389663-000 (Fusion GPS) (appeal number DOJ-AP-2018-001367), OIP was granting Plaintiffs a partial remand, and thus remanded the request back to FBI for further processing.

26. On July 26, 2018, OIP informed Plaintiffs that for request number 1389653-000 (HRAGIF) (appeal number DOJ-AP-2018-001371), OIP was affirming the adequacy of FBI's search.

27. Plaintiffs have not received a response from FBI regarding whether FBI will release the requested records regarding OIP's remanding for further processing request number 1389663-000 (Fusion GPS).

28. More than 20 business days have elapsed since Plaintiffs submitted their request for records to FBI on Prevezon Holdings (request number 1389661-000) and Hermitage Capital (request number 1389684-000), but as of the filing of this Complaint, Plaintiffs have not received a response from FBI regarding whether FBI will release the requested records.

U.S. Citizen and Immigration Services

29. On February 28, 2018, Plaintiffs submitted to USCIS via email a request for records about Russian lawyer Natalia Veselnitskaya and correspondence with the company Prevezon Holdings. Plaintiffs requested a waiver of fees.

30. On March 7, 2018, USCIS acknowledged receipt of Plaintiffs' request and assigned it tracking number COW2018000322. USCIS granted Plaintiffs' fee waiver.

31. More than 20 business days have elapsed since Plaintiffs submitted their request for records to USCIS, but as of the filing of this Complaint, Plaintiffs have not received a response from USCIS regarding whether USCIS will release the requested records.

COUNT I:
VIOLATION OF FOIA

32. This Count realleges and incorporates by reference all of the preceding paragraphs. All documents referenced in this Complaint are incorporated by reference as if set forth fully herein.

33. FBI and USCIS have improperly withheld responsive records.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

(1) Declare Defendants' failure to comply with FOIA to be unlawful;

- (2) Order Defendants to grant Plaintiffs' requests for fee waivers and to grant Plaintiffs' fee status as members of the media and/or educational requesters.
- (3) Order Defendants to immediately process Plaintiffs' FOIA request;
- (4) Grant Plaintiffs an award of attorney fees and other litigation costs reasonably incurred in this action pursuant to 5 USC § 552(a)(4)(E)(i);
- (5) Grant Plaintiffs such other and further relief which the Court deems proper.

Respectfully Submitted,

/s/ Jeffrey Light

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