

Getting Past ‘No!’

Appealing and Suing for Public Records

Excellence in Journalism
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Important disclaimer: Cuillier is not a licensed attorney and cannot give legal advice. If you wish to secure legal advice, please contact an attorney or reach out to the resources listed at the end of these tip sheets.

You Can Do It!

Time and time again we have seen journalists and citizens denied public record requests and left with no recourse other than to sue. Yet, how many journalists – or journalism organizations – have the resources or gumption to file a lawsuit? Unfortunately, very few, and research shows fewer news organizations are willing to sue. The intimidation factor itself is the largest barrier, and a lot of government agencies know that, following the unwritten policy of only releasing sensitive records when a suit is actually filed. You can stand up to that. Sometimes simply filing a lawsuit will dislodge the records, and at minimum it makes for a good news peg to expose unnecessary government secrecy. This handout will walk you through the pro se (pronounced “pro say”) process of suing on your own, and where you can get the resources to cover your costs. You can do it!

Using This Guide

As mentioned on the first page, this is not to be considered legal advice, rather a starting point to educate you about the process of suing for public records. If you need legal advice, reach out to the resources listed at the end of this document. A lot of this information is focused on federal FOIA, but the same principles apply for suing a city or state agency under state public records laws. While the process might seem daunting at first, it’s not rocket science. Here are overall thoughts for starting out:

- **Realize this will be a long battle, but DON’T GIVE UP!** A typical FOIA case can last a year, or longer, especially if the government intends to litigate, but don’t let this scare you. It might not serve your initial daily story, but it will help you get records in the future, and send a message to agencies throughout your community that they can’t get away with gaming the system when you request records.
- **Don’t take things personally.** What the attorneys write in their motions is part of their job. Don’t take their attacks personally and you will do a better job at defeating them.
- **Realize you won’t win every time.** Realize that there are indeed some legal exemptions which might actually apply to the records sought. Focus on your strong elements. Be willing to seek help, or even cut bait if you have to. Don’t set bad precedent. Live to fight another day!

Before Suing

Make sure you crossed your t’s and dotted your i’s when it comes to the initial public records request. It is better to fix any procedural errors that you made prior to suing than worrying about having the government move to dismiss the lawsuit after you filed.

- **Learn the law**
 - Read resources that explain the public records law. For federal FOIA, the Reporters Committee for Freedom of the Press has a great guide at <https://www.rcfp.org/federal-open-government-guide>, including sample FOIA request letters and appeal letters. Reporters Committee’s Open Government Guide provides a good explanation of each state public records law, as well.
 - Read the full text of the law and relevant court opinions.
 - Consult experts, such as your state press association or open government coalition if it’s a state/local issue, or the Reporters Committee if it’s a federal issue. Look

for recent cases regarding your specific record. See the list of resources at the end of this handout.

- If your case is a little fuzzy – no strong case law or precedent established to support you, then you might consider going with a professional attorney. The only thing worse than losing a records lawsuit is setting bad precedent for everyone else. If the law is on your side and recent rulings have strongly supported your position, then proceed.
- **Know the agency rules**
 - Each federal agency has regulations governing how to submit FOIA requests, and state and local agencies usually have their own processes. Follow the instructions. If you didn't do so initially, go ahead and submit a new request, under compliance with the regulations. Then, wait the necessary time period prior to continuing.
 - Your request should have also clearly stated it was a FOIA request (if federal) or public records request (if state/local) and not consisted merely of questions – agencies are not required to answer questions, they provide documents instead.
- **Take good notes**
 - Record everything you can during the request process, including when you talk to people and what was said. Have it in writing (e.g., email), if possible.
 - Create a timeline so you are clear on how things progressed with your request. Note when the agency has missed its deadlines. Federal FOIA provides agencies with 20 working days to comply with a FOIA request. There are exceptions to the rule, in cases where “unusual circumstances” are invoked. In those circumstances, the deadline is typically extended to 30 working days. The timer starts when the agency acknowledges the request, unless the agency takes longer than 10 working days to acknowledge the request. However, if you sent the request directly to the office responsible for the request (very unlikely), the timer starts right away. Each state public records law has its own timetable.
- **Clarify and ask for fee waiver**
 - At the federal level, agencies are allowed to 1) assess fees for FOIA requests and 2) request clarification for FOIA requests. You must prove that there is justification for a fee waiver (waivers are provided for the news media), or pay the fees. If you pay the fees, the agency is still required to comply with the request within the deadlines, unless you agreed to an extension or unusual circumstances are invoked. Agencies are also allowed to request clarification or narrow a FOIA request. You should promptly provide the requested clarification. In either of these cases, the agency “pauses” the clock until it receives the clarification regarding the request or fees.
- **Inquire about a completion date**
 - Attempt to work with the agency to get an estimated status date by which it expects it will complete the request. Federal FOIA requires agencies to provide an

estimated completion date upon request.¹ Email a few times, a few days apart, requesting the completion date. This is also a good step to show the court the agency is engaging in bad faith, and that you were acting in good faith. This will help when you try to recover fees in the future. However, don't let a date that is months away scare you away from filing the lawsuit.

- **Appeal administratively**

- Research indicates that a third of the time an administrative appeal will cut records loose, saving you the hassle of litigation. Appeal the agency's lack of response or its denial. At the federal level this will force you to wait another 20 working days before suing, as the agency will have to lapse on the deadline for the appeal as well. At the state/local level, a simple letter to the agency asking for it to reconsider its decision can suffice and show the court you are reasonable. Some states allow you to appeal to the attorney general or a commission (e.g., Connecticut).
- Be sure to submit the administrative appeal to the appropriate FOIA appeals inbox. FOIA allows you to appeal the failure to comply with a request, which is called a "constructive denial." Although this will delay your ability to sue right away, it will show the court that you were trying to avoid litigation and were trying to work the issue out with the agency versus the courthouse.

- **Exhaust all other options**

Sometimes the best way to get public records is through cajoling, political pressure, public shaming, or skillful negotiation.

- Narrow the request to specifically what you need.
- Publicize the denial, focusing on how it affects average people. Go up the ladder to elected officials to ask why their agency is hiding information. Request the same record of peer agencies and note their deviance (research shows the pressure causes agencies to cough up records – nobody wants to appear deviant).
- These and more tactics are outlined in the CQ Press book, "The Art of Access: Strategies for Acquiring Public Records," by David Cuillier and Charles N. Davis.

- **Get support**

If you get nowhere with an administrative appeal and decide to sue, apply for aid to help cover your costs (make sure to keep receipts for all expenses related to the request/suit, such as parking, mailing, court fees, etc.):

- The National Freedom of Information Coalition Knight Litigation Fund (<http://www.nfoic.org/knight-foi-fund>) provides assistance for court fees.
- The Society of Professional Journalists' Legal Defense Fund offers funds toward attorney fees (<https://www.spj.org/ldf.asp>). In both grant cases, you have to apply, but it's a simple process.
- Check with media law attorneys in your area to see if anyone will take it pro bono or on contingency. This could save you a lot of time and heartache.

¹ 5 U.S.C § 552(a)(7)(B)(ii).

Taking Them to Court

After considering the above, it is time to sue. Ask the agency one last time for an estimated completion date in an effort to further show that they, not you, are the ones being unreasonable. If you get rebuffed or ignored, sue. Here is how:

1. Get to know the court

If it's a federal FOIA case, look up U.S. District Court in your area and visit the courthouse. For a federal record, you are allowed to sue in the U.S. District Court where you live, the U.S. District Court where the records are kept, or the U.S. District Court of the District of Columbia. It is probably easiest to sue in the district court where you live if you need to go to an oral hearing. If it's a state/local record, visit your county courthouse. Many court websites have sections designed for pro se parties, including forms and examples of complaints. Refer to these. If they don't, refer to the local rules, specifically the section about commencing or initiating a civil action. Courts do things differently, and some will require you to provide a cover sheet, notice of interested parties, or other documents. If in doubt, call or visit the court clerk's office. Be friendly. Clerks are usually helpful, and while they can't give legal advice they are usually willing to answer procedural questions.

2. Write the complaint

The meat of your suit is the "complaint," which states who you are, who you are suing, what happened, and what you want. It launches the lawsuit. You need to provide sufficient information to say what you want and why (because you were wronged). However, do not make the mistake of including all your arguments in the complaint. The government has the burden of proving that they met the legal standard to deny your public records request. Don't argue something when you don't have their argument in front of you. Also, don't give them ideas as to what to argue. Don't try to write it to sound like a lawyer. Just write it clearly. Follow the court rules, which outline the exact process, even the formatting of complaints, such as font and margin size. Some courts provide complaint templates. We have included a sample FOIA suit complaint at the end of this handout.

3. Fill out the summons

The summons notifies the government that it is being sued. Download the summons template from the court website under the forms section. Do not sign the summons, the clerk will. Prepare three versions. When serving the federal government, you need to serve the Department of Justice U.S. Attorney General, the Civil Process Clerk for the U.S. Attorney's Office of the district you are suing in, as well as the agency you are suing. Your complaint also needs exhibits, such as the records request, agency acknowledgment, and any communications with the agency. If the agency has an overlying "department," such as the Federal Aviation Administration under the Department of Transportation, sue both agencies. It is likely you will need to take three copies of everything to the courthouse. One will be for the clerk, one for the judge, and one for you. You will then use your copy to make the additional copies needed to serve the government with the lawsuit.

4. Go to the courthouse

Now that you have everything ready, head over to the courthouse. If you are suing for federal records, go to your nearest U.S. District Court. If you are suing for local/state records, head to your nearest county courthouse. Unfortunately, most courts do not allow pro se individuals to file cases online. Be sure to go with the filing fee, which can be paid with credit card. At federal court that can run about \$400, and county courts for local/state records cases are usually less. See page 4 where you can apply for funds from the NFOIC Knight Litigation Fund. When you arrive, go to the civil clerk's office, and explain you want to sue. Give them the documents you have, and they will take care of the rest. They will return stamped copies to you. While there, ask about the possibility of seeing filed documents online. This will greatly reduce the time it takes to receive documents filed in your case.

5. Serve the agency

Now you need to notify the government that it has been sued. You must serve all the defendants (the agency/department), and in the case of the federal government, the U.S. Attorney General at the Department of Justice, and the Civil Process Clerk at the U.S. Attorney's Office in the district you sued in. You can do this by certified mail with return receipt. Note, however, that someone else must serve the documents. This can be your family member, neighbor, etc., as long as they are over 18, and not the person suing. In your mailing, include all the documents you filed with the court, including the summons, and a "proof of service" form, which you can obtain from the clerk. Note that you normally have to utilize the "other" checkbox on the form since you are suing the government instead of a person, and the rules for serving the government are different. Do not sign the form, but make copies. Just include the form in the mailing. This notifies everyone of the date they were served. Service can take several weeks, as the mail slows down once it reaches the post office which serves the agency while it goes through the needed security screenings. It will take a few days to get back the green cards proving that the documents were served. Make copies of those cards, and fill out the rest of the proof of service form, and mail three copies of that to the Clerk of the Court. This will tell the court that you did your part with serving the government and sets the date by which the agency needs to reply.

6. Wait for an answer

The "answer" is the agency answering every paragraph of your complaint. For the most part. The agency will likely deny most everything you claim, except what you included in an exhibit or that can be easily proven by you. Do not take the answer personally. At the federal level, the government has 30 days to file an answer. Some courts incorrectly issue a 60-day summons but government lawyers will typically take steps to correct this mistake. The next step will likely be that a government lawyer calls you or emails you. Note, this person represents the government, not you. However, you must work together to reach a resolution in your case, as you don't have a lawyer. At the federal level the DOJ will request an extension to filing an answer to the complaint you filed. It is a good idea to grant this. The DOJ will try to resolve the issues without resorting to further litigation. It is possible that the DOJ will get the agency to respond to your request and avoid the need to file an answer. In

this situation, the case will be dismissed through a joint request or stipulation. Be sure to read the joint request for provisions stating you won't be allowed to recover the money from the court expenses you incurred. If so, reach out to the DOJ and let them know not to include that provision. You can try to recover court fees as a pro se litigant (that doesn't include copy fees, attorney fees, or fees for your own time).

7. Hagggle

The next stage will involve some back and forth communications, and might lead to closing the case immediately. Some courts require the parties meet and prepare a joint proposal for deadlines; others make the deadlines themselves. It is possible that portions of the request you submitted can be resolved during this phase. The agency might be willing to negotiate, seeing you are serious. Check online with resources such as the Federal FOIA Appeals Guide at www.rcfp.org/federal-foia-appeals-guide to see if any claimed exemptions are worth disputing. If something is not worth disputing, advise the agency that you will not object to those portions of their response. If no issues remain, the case should be dismissed by mutual consent. If issues remain, dispositive motions are next.

8. Respond to dispositive motion

A dispositive motion attempts to get the judge to dispose of the case from the get-go. This can be done through one of two ways: Motion to Dismiss or Motion for Summary Judgment. Read the agency's dispositive motion carefully. At the federal level, utilize the Reporters Committee guide noted above, as well as the DOJ litigation guide specific for the exemptions invoked -- <https://www.justice.gov/oip/doj-guide-freedom-information-act-0>. For a Motion for Summary Judgment, you must identify that the agency is 1) not correct in one of the facts which would decide the case and/or 2) the agency is not entitled to judgment in its favor. Using the guides noted above, work on a "Response to the Motion." Check the local rules to see how much time you have to file. If you would like more time, request the agency consent to an extension, and then, with that consent (or denial), ask the court to approve. Work on your response carefully. Explain why the records are important to the public. Include as much information in your briefs as possible in case a new judge is assigned to the case. Make constant revisions. Attack the agency's arguments, and make sure you read and understand the arguments the agency is relying on. If the agency missed an important part required to be able to survive claiming the exemption, make sure to state that. Your response to the motion needs to comply with any page limits and formatting noted in the local rules for that court. Also, you must use a "Statement of Facts" for every single material fact you rely on. A material fact is something important that can decide the case. Your motion will basically have a lot of in-text citations to the Statement of Facts, similar to that of the agency's. You will then have a separate Statement of Facts Document, similar to the agency's, and each Statement of Fact must be supported by adequate evidence. This evidence can be either a declaration, or, an exhibit. Keeping the Statement of Facts, argument, and exhibits organized is the most time consuming portion, but be sure to do it right, because it will help your case. When responding to the motion, research the cases the agency uses to support its argument. Find distinctions between

your case and the cases cited. Show that to the court. Also, review the evidence carefully – if the agency provides a declaration or affidavit and then jumps to conclusions using words not in the declaration or affidavit, point that out. Below the title of your response, state that you want an Oral Hearing or Argument, if you want one. This can be good for your case if you feel speaking to a judge can help. However, do not think of this court appearance as another way to introduce newly found arguments into your case. File your response with the court after it is completed and be sure to provide the agency, DOJ and U.S. Attorney with a copy.

9. Respond to agency reply

Next, the agency will file a “reply” to your “response.” It is also likely that the agency will look at your response and ask for an extension to file a reply. They might want the extension just to have it, or maybe they actually want to provide additional records in an effort to avoid the judge deciding the issue. Communicate with the agency to see what their position is shortly after filing the response. Next thing you know you may have more documents. After the reply is filed, you are not allowed to file another reply without consent from the court. Typically, this consent isn’t granted except for circumstances where you can show that the agency’s reply was introducing substantially new information which you haven’t had a chance to attack.

10. Oral arguments or final decision

The judge may schedule an oral hearing, or simply decide the case without a hearing. Either way, be sure to read the judge’s decision carefully. If you lose the case, consider meeting with an attorney to review your appeal options.

11. Moving for costs

If you win the case, or if the case was dismissed after a joint request, it is possible you can recover costs if you substantially prevail. Refer to the local rules for the time limits to do this, and apply using the forms on the court website to “tax” costs. Be sure to keep the agency informed and provide them with a copy of the forms. In your forms, provide additional information proving that you are eligible and entitled to recovery of costs. Costs are in the form of printing, parking, mailing, case filing, etc. You are eligible and entitled if you won’t use the documents obtained for commercial purpose, and if the agency “changed position” as a result of the lawsuit. All those estimated status date requests at the beginning come in handy now.

12. Plant that head on a pike

Publicize your brilliant victory and thank all of those who helped. Make sure the word is out in your community, nationally through SPJ and NFOIC, and throughout the government community, so everyone knows about the win. Plant that head on a pike as a warning to other recalcitrant agencies that illegal denials will be thumped in court. Submit a new public records request asking for all agency communications pertaining to your initial request and lawsuit. That can help you learn about their thinking for the next time you sue. Revel in your tenacity and efforts to protect democracy and the people’s right to know. Huzzah!

Resources

Reporters Committee for Freedom of the Press

Provides a variety of great resources online.

- Federal Government Guide: <https://www.rcfp.org/federal-open-government-guide>
- Appeals guide: www.rcfp.org/federal-foia-appeals-guide
- Open Government Guide (explanation of each state public records law):
<http://www.rcfp.org/open-government-guide>
- Online request letter generator through iFOIA.org: <https://www.ifoia.org/#/>
- Legal hotline: 800-336-4243, <http://www.rcfp.org/legal-hotline>

National Freedom of Information Coalition Knight Litigation Fund

Provides financial assistance to cover court fees and links to state coalitions/experts.

Knight FOI Fund: <http://www.nfoic.org/knight-foi-fund>

Society of Professional Journalists Legal Defense Fund

Legal Defense Fund: <https://www.spj.org/ldf.asp>

Press Associations

State press associations have resources for journalists, including legal hotlines and guidebooks.

U.S. District Courts

Information about the location of all U.S. District Courts, if suing over federal FOIA:

<http://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-links>

Department of Justice Litigation Guide

FOIA information: <https://www.justice.gov/oip/doj-guide-freedom-information-act-0>

First Look Press Freedom Litigation Fund

A resource for funding press freedom cases: <http://bit.ly/1SDuws1>

Student Press Law Center

If you are a student, SPLC can provide legal assistance and support: <http://www.splc.org/>

They have a great request letter generator: <http://www.splc.org/page/lettergenerator>

MuckRock

Experienced in pursuing public records: <https://www.muckrock.com/>

Knight First Amendment Institute at Columbia

Open to litigating important FOIA cases: <https://knightcolumbia.org/>

FOIA Machine

A good online tool for submitting requests and tracking them: <https://www.foiamachine.org/>

First Name Middle Name Last Name

Address Line 1

City State Zip

email

Phone Number

Plaintiff in *Pro Se*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF [REDACTED]

First Name Middle Name Last Name,

Plaintiff,

vs.

Defendant Agency,

Defendant Department,

Defendants

) Case No.: _____

) **COMPLAINT FOR INJUNCTIVE**

) **RELIEF**

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, for injunctive and other appropriate relief, to order the production of agency records maintained by Defendants.

2. This lawsuit challenges Federal Defendant's failure to disclose documents in response to Plaintiff Name (Plaintiff) number if multiple FOIA request(s) and number if multiple FOIA appeals. Plaintiff seeks agency records and documents concerning short description of records sought (optional).

JURISDICTION AND VENUE

3. Jurisdiction of this action is conferred on this Court by 5 U.S.C. § 552(a)(4)(B), 5 U.S.C. § 552(a)(4)(A)(vii) IF FEE WAIVER ISSUE, 5 U.S.C. § 552(a)(6)(C)(i), and 28 U.S.C. § 1331.
4. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B).
5. Plaintiff has exhausted administrative remedies due to the constructive denial of his/her request and appeals. Plaintiff has received no responsive records or an adverse determination from the agency for more than twenty working days from the request or appeal initial submission. Defendant has therefore constructively denied Plaintiff's request and appeals and Plaintiff is eligible to bring this action. 5 U.S.C. § 552(a)(6)(C). Plaintiff is not required to file an administrative appeal for the one request that is overdue prior to bringing forth an action. *See e.g., Pollack v. DOJ*, No. 89-2569, 1993 WL 293692, at *4 (D. Md. July 23, 1993) 49 F.3d at 118-19.

PARTIES

6. Plaintiff, **Name**, is the requester of the records which Federal Defendant is now improperly withholding. Plaintiff resides in county.
7. Defendant, **Agency**, (**ACRONYM**/Agency) is an agency of the United States within the meaning of 5 U.S.C. § 552(f)(1) and has possession, custody, and control of the documents that plaintiff seeks. The agency is headquartered at **Address**. Defendant agency is part of Department , but this agency is the agency which has responsive records and is subject to FOIA for this case.
8. Defendant, Department of , is the parent cabinet level department of Defendant **Agency**. The department is headquartered at .

“Request Nickname/Control Number” FOIA REQUEST

9. **By electronic submission/certified mail/fax** dated **Submission Date**, Plaintiff submitted the following request under FOIA:
 1. **Copy and Paste Request**. *See* **Exhibit ##**.
10. **By letter/email dated** **Acknowledgment Date**, the agency acknowledged the request and assigned it tracking **tracking number**. The agency assigned the request to **Individual Assigned**, in **Assigned Department**. *See* **Exhibit XX**.
11. **Add any additional contacts with the agency here, using the following samples.**
12. On or about **Date**, Plaintiff sent an email to **Agency Employee** asking for the status of the request, including an estimated completion date, in accordance with 5 U.S.C § 552(a)(7)(B)(ii). *See* **Exhibit XX**.

13. The agency did not respond to Plaintiff's **Date of Request** request for estimated status date, in violation of 5 U.S.C § 552(a)(7)(B)(ii).
14. On or about **Date**, the agency provided Plaintiff with an estimated completion date of **___**. *See* **Exhibit XX**.
15. On or about **Date**, Plaintiff received a letter from the agency dated **___**, with a **partial release of responsive records/withholding of responsive records/a no records response**. *See* **Exhibit XX**.
16. On or about **Date**, Plaintiff filed an administrative appeal with the agency for the above response. *See* **Exhibit XX**.
17. Plaintiff's administrative appeal, incorporated by reference to this complaint as if fully restated herein, challenged the agency's **___ what you dispute ___**.
18. On or about **Date**, Plaintiff received a letter from the agency dated **___**, **upholding/denying/granting** in part Plaintiff's administrative appeal. *See* **Exhibit XX**.
19. To date, the agency has failed to respond to the administrative appeal.
20. All correspondence and the above exhibits are incorporated by reference to this complaint as if fully restated herein.
21. Defendant had twenty working days to make a determination on the **request and/or appeal**, pursuant to 5 U.S.C 552 § (a)(6)(A)(i)-(ii) **IF APPEAL (II)**, and failed to do so. Defendant's failure to respond within the time limit constitutes a

constructive denial of Plaintiff's request/appeal. Only include if no final response from agency received.

Count I: Violation of FOIA: Failure to Comply With Statutory Deadlines

22. Plaintiff fully restates and incorporates by reference all previous paragraphs as if fully restated here.
23. As described above, Defendant(s) failure to respond to Plaintiff's request and appeals violated the statutory deadline imposed by the FOIA set forth in 5 U.S.C. § 552 (a)(6)(A)(i)-(ii).
24. Plaintiff has exhausted the applicable administrative remedies with respect to Plaintiff's FOIA Request and appeals. 5 U.S.C. § 552(a)(4)(B).
25. Plaintiff is entitled to injunctive relief compelling the release and disclosure of the requested agency records improperly withheld.

Count II: Violation of FOIA: Unlawful Withholding of Agency Records

26. Plaintiff fully restates and incorporates by reference all previous paragraphs as if fully restated here.
27. As described above, Defendant has failed to comply with statutory deadlines and failed to make responsive records available to Plaintiff.
28. As a result of Defendant's unlawful delay, the agency has withheld responsive agency records from Plaintiff in violation of FOIA. 5 U.S.C. § 552(a)(3)(A).

29. Plaintiff has exhausted the applicable administrative remedies with respect to Plaintiff's FOIA Request and appeals. 5 U.S.C. § 552(a)(4)(B).

30. Plaintiff is entitled to injunctive relief compelling the release and disclosure of the requested agency records.

REQUESTED RELIEF

WHEREFORE, plaintiff prays this Court:

(1) order Defendant to conduct a search for any and all responsive records to Plaintiff's FOIA request and appeal and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request and appeal;

(3) order Defendant to produce, any and all claimed nonexempt records to Plaintiff's FOIA request and appeals and a Vaughn index of any responsive records withheld under claim of exemption;

(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);

(5) Expedite this proceeding as provided for in 28 U.S.C. § 1657;

(6) Refer the inappropriate handling of FOIA requests and appeals for investigation, under the authority of 5 U.S.C. § 552(a)(4)(F);

(7) Declare the agency's actions to be arbitrary, capricious, and an abuse of discretion;

(8) Grant such other and further relief as may deem just and proper.

Respectfully submitted,

Name

Address

City State Zip

DATED: Month Day, Year

Name
In Pro Se