

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

<b>FIX THE COURT</b>	)	
1440 G Street, N.W., Suite 800	)	
Washington, DC 20005,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	
<b>DEPARTMENT OF JUSTICE</b>	)	
950 Pennsylvania Avenue, N.W.	)	
Washington, DC 20530,	)	
	)	
Defendant.	)	
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**COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF**

(1) This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552; and the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202. Plaintiff seeks injunctive and declaratory relief to compel defendant Department of Justice to disclose requested records.

**Jurisdiction and Venue**

(2) This court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B). This court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. §§ 2201(a) & 2202. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

**The Parties**

(3) Plaintiff Fix the Court is a national, non-partisan organization that advocates for pro-transparency reforms that would yield a more open and accountable U.S. Supreme Court.

(4) Defendant Department of Justice (“DOJ”) is a department of the Executive Branch of the United States Government. The U.S. Marshals Service (“USMS”) is a component of DOJ. Defendant DOJ is an “agency” within the meaning of 5 U.S.C. § 552(f).

## Plaintiff's FOIA Request and Defendant's Response

(5) On May 26, 2016, plaintiff submitted a FOIA request to USMS, seeking disclosure of the following agency records:

1. The written USMS guidelines that describe the circumstances under which a member of USMS staff may accompany a U.S. Supreme Court justice on a trip outside of Washington, D.C.;
2. All documents, including memoranda and correspondence, that contain information relating to trips outside of Washington, D.C., on which members of USMS accompanied U.S. Supreme Court justices between Jan. 1, 2015, and Dec. 31, 2015, including:
  - a. The name of the justice who took each trip and the dates of each trip;
  - b. The location, either U.S. or foreign city or airport, from which and to which that justice traveled; and
  - c. The cost to the USMS for accompanying the justices on each of these trips; and
3. All documents, including memoranda and correspondence, that contain information relating to Justice Antonin Scalia's travel to Texas in February 2016.

(6) By letter to plaintiff dated May 27, 2016, USMS acknowledged receipt of plaintiff's FOIA request and assigned it "Request No. 2015USMS30492."

(7) On June 28, 2016, following a telephone conversation with USMS staff, plaintiff sent an email message to USMS, in which plaintiff revised its FOIA request, and described the records it was seeking as follows:

1. The written USMS guidelines that describe the circumstances under which a member of USMS staff will accompany a U.S. Supreme Court justice on a trip outside of Washington, D.C.;
2. All documents, including memoranda and correspondence, that contain information relating to trips outside of Washington, D.C., on which members of USMS accompanied U.S. Supreme Court justices between July 1, 2015, and July 31, 2015, including:

A. The name of the justice (sitting or retired) who took each trip and the dates of each trip;

B. The location, either U.S. or foreign city or airport, from which and to which that justice traveled; and

C. The cost to the USMS for accompanying the justices on each of these trips; and

3. All documents, including memoranda and correspondence, that contain information relating to Justice Antonin Scalia's travel to Texas in February 2016.

(8) By letter to plaintiff dated July 6, 2016, USMS acknowledged receipt of plaintiff's "reformulated" FOIA request, which it continued to identify as "Request No. 2015USMS30492." USMS informed plaintiff that search fees associated with the request would total \$240.00, and that plaintiff should send the agency a check made payable in that amount in order for plaintiff's request to be processed.

(9) On July 6, 2016, in response to the letter of that date from USMS, plaintiff sent the agency a check made payable in the amount of \$240.00. On information and belief, the agency received and deposited plaintiff's check.

(10) On numerous occasions since July 2016, plaintiff has sent email messages to USMS asking about the status of its FOIA request.

(11) To date, plaintiff has not received a determination or any final response from USMS or defendant DOJ concerning the FOIA request plaintiff submitted on May 26, 2016.

### **CAUSE OF ACTION**

#### **Violation of the Freedom of Information Act for Wrongful Withholding of Agency Records**

(12) Plaintiff repeats and realleges paragraphs 1-11.

(13) Plaintiff has exhausted the applicable and available administrative remedies with respect to defendant's processing of plaintiff's FOIA request.

(14) Defendant has wrongfully withheld the requested records from plaintiff by failing to comply with the statutory time limit for rendering a determination or response to plaintiff's FOIA request.

(15) Plaintiff is entitled to injunctive and declaratory relief with respect to the release and disclosure of the requested documents.

**Requested Relief**

WHEREFORE, plaintiff prays that this Court:

- A. Order defendant DOJ and its component, USMS, to disclose all non-exempt records responsive to plaintiff's FOIA request immediately;
  - B. Issue a declaration that plaintiff is entitled to disclosure of the requested records;
  - C. Provide for expeditious proceedings in this action;
  - D. Award plaintiff its costs and reasonable attorneys fees incurred in this action;
- and
- E. Grant such other relief as the Court may deem just and proper.

Respectfully submitted,



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