

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

_____	)	
<b>CHRISTOPHER SOGHOIAN,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 11-1080 (ABJ)</b>
	)	
<b>v.</b>	)	<b>ECF</b>
	)	
<b>DEPARTMENT OF JUSTICE,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**DEFENDANT’S ANSWER**

Defendant, United States Department of Justice, by and through its undersigned counsel, hereby answers the Complaint (ECF No. 1) as follows:

**FIRST DEFENSE**

Defendant has conducted an adequate search in response to the underlying request under the Freedom of Information Act (“FOIA”), 5 U.S. C. § 552, as amended; has released all responsive, non-exempt records; and has not improperly withheld any records under FOIA.

**SECOND DEFENSE**

Plaintiff’s Complaint fails to state a claim upon which relief can be granted.

**THIRD DEFENSE**

In response to the specifically-enumerated paragraphs, as set forth in the Complaint, Defendant admits, denies and otherwise avers as follows:

1. Paragraph 1 of the Complaint contains Plaintiff’s characterization of the nature of this action and conclusions of law, to which no response is required.

## **JURISDICTION AND VENUE**

2. Paragraph 2 of the Complaint sets forth conclusions of law and allegations of jurisdiction and venue, to which no response is required.

## **PARTIES**

3-4. Paragraphs 3 and 4 of the Complaint consist of Plaintiff's allegations about himself and his educational and professional background, to which no response is required. To the extent that a response is deemed necessary, Defendant avers that it lacks knowledge or information sufficient to confirm or deny the allegations contained in Paragraphs 3 and 4 of the Complaint, and therefore denies them.

5. Admit.

6. Paragraph 6 of the Complaint consists of a characterization of Plaintiff's FOIA request to the U.S. Department of Justice, Criminal Division ("DOJ CRM"), which speaks for itself and is the best evidence of its contents. To the extent that a response is deemed necessary, Defendant admits that Plaintiff submitted a FOIA request, as alleged in Paragraph 6 of the Complaint, and, to the extent that Plaintiff's characterization of the request differs, denies the allegations contained in Paragraph 6.

7. Paragraph 7 of the Complaint consists of a characterization of the letter sent to Plaintiff by the Executive Office of United States Attorneys ("EOUSA") regarding the component's determination relating to records referred by DOJ CRM in connection with Plaintiff's FOIA request. The letter speaks for itself and is the best evidence of its contents. To the extent that a response is deemed necessary, Defendant admits that Plaintiff received a letter from EOUSA, as alleged in Paragraph 7 of the Complaint, and, to the extent that Plaintiff's characterization of the contents of the letter differs, denies the allegations contained in Paragraph 7.

8. Paragraph 8 of the Complaint consists of a characterization of DOJ CRM's response to Plaintiff's FOIA request, which speaks for itself and is the best evidence of its contents. To the extent that a response is deemed necessary, Defendant admits that DOJ CRM responded to Plaintiff's FOIA request, as alleged in Paragraph 8 of the Complaint, and, to the extent that Plaintiff's characterization of the response differs, denies the allegations contained in Paragraph 8.

9-12. Paragraphs 9-12 of the Complaint consist of Plaintiff's characterization of his appeal to the U.S. Department of Justice's Office of Information and Policy ("OIP") of the determinations of DOJ CRM and EOUSA as to his FOIA request, and OIP's acknowledgement of the administrative appeals. The referenced letters speak for themselves and are the best evidence of their contents. To the extent that a response is deemed necessary, Defendant admits that Plaintiff filed an appeal of the FOIA determinations by DOJ CRM and EOUSA, and that OIP acknowledged the appeals, as alleged in Paragraphs 9-12 of the Complaint, and, to the extent that Plaintiff's characterization of these documents differs, denies the allegations contained in Paragraphs 9-12.

13. Admit.

14-16. Paragraphs 14-16 of the Complaint set forth conclusions of law, to which no response is required. To the extent that a response is deemed necessary, Defendant denies the allegations contained in Paragraphs 14-16 of the Complaint.

### **Background Information on Surveillance Practices**

#### **Surveillance of Roaming Users**

17. The first sentence of Paragraph 17 of the Complaint sets forth conclusions of law, to which no response is required. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence of Paragraph 17 of the Complaint, which relate to Plaintiff's stated reasons for submitting his FOIA request, and therefore denies them.

**Surveillance of Persons Within a Target’s “Community of Interest”**

18-22. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraphs 18-22 of the Complaint, which relate to Plaintiff’s stated reasons for submitting his FOIA request, and therefore denies them. To the extent these allegations purport to quote from published documents, Defendant further avers that the documents speak for themselves and are the best evidence of their contents, and, to the extent that Plaintiff’s characterization of the contents of the documents differs, Defendant also denies the allegations in these paragraphs for that reason.

**Surveillance of “To” and “From” Non-Content Records**

23. Paragraph 23 of the Complaint set forth conclusions of law, to which no response is required.

24-25. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraphs 24-25 of the Complaint, which relate to Plaintiff’s stated reasons for submitting his FOIA request, and therefore denies them.

**CAUSE OF ACTION**

**Violation of the Freedom of Information Act for**

**Wrongful Withholding of Agency Records**

26. Defendant reasserts and incorporates by reference each and every Answer stated in response to the allegations set forth in Paragraphs 1-25 of the Complaint as if fully stated herein.

27-29. Paragraphs 27-29 of the Complaint sets forth conclusions of law to which no response is required. To the extent a response is deemed necessary, Defendant denies them.

**RELIEF REQUESTED**

The remaining unnumbered paragraphs of the Complaint consist of Plaintiff’s request for

relief, to which no response is required. To the extent that a response is required, Defendant denies that Plaintiff is entitled to the requested relief or any relief from Defendant.

**GENERAL DENIAL**

Defendant denies each and every allegation in the Complaint that was not admitted or otherwise qualified.

**WHEREFORE**, having fully answered, Defendant respectfully prays that Plaintiff's Complaint be dismissed with prejudice and judgment be entered in favor of Defendant and requests such further relief as the Court deems appropriate.

Respectfully submitted,

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By: \_\_\_\_\_ /s/

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