

responses and disseminates its findings and the requested records to the American public to inform them about “what their government is up to.”

4. Defendant Central Intelligence Agency (“CIA”) is an agency of the U.S. Government and is headquartered in Langley, Virginia. The CIA has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On June 15, 2015 Plaintiff submitted a FOIA request to the CIA seeking the production of:

- A) All pornographic material collected during and/or after the U.S. military operation in Abbottabad, Pakistan on or about May 1, 2011 that killed Osama bin Laden; and
- B) A catalogue or index of all pornographic material collected during and/or after the U.S. military operation in Abbottabad, Pakistan on or about May 1, 2011 that killed Osama bin Laden.

6. By letter dated July 6, 2015, the CIA acknowledged receipt of Plaintiff’s FOIA request on June 23, 2015 and assigned it Reference Number F-2015-01977.

7. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), the CIA was required to determine whether to comply with the FOIA request within twenty (20) working days of receipt of the request and to notify Plaintiff immediately of its determination, the reasons therefor, and the right to appeal any adverse determination.

8. The CIA’s determination regarding Plaintiff’s FOIA request was due by July 22, 2015 at the latest.

9. As of the date of this complaint, the CIA has failed to: (i) determine whether to comply with Plaintiff’s FOIA request; (ii) notify Plaintiff of any such determination or the reasons

therefor; (iii) advise Plaintiff of the right to appeal any adverse determination; or (iv) produce the requested records or otherwise demonstrate that the requested records are exempt from production.

10. Because the CIA has failed to comply with the time limit set forth in 5 U.S.C. § 552(a)(6)(A), Plaintiff is deemed to have exhausted any and all administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C).

COUNT 1
(Violation of FOIA, 5 U.S.C. § 552)

11. Plaintiff realleges paragraphs 1 through 10 as if fully stated herein.

12. Defendant is unlawfully withholding records requested by Plaintiff pursuant to 5 U.S.C. § 552.

13. Plaintiff is being irreparably harmed by reason of Defendant's unlawful withholding of records responsive to Plaintiff's FOIA request, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to conform their conduct to the requirements of the law.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct searches for any and all responsive records to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request; (2) order Defendant to produce, by a date certain, any and all non-exempt records to Plaintiff's FOIA request and a *Vaughn* index of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request; (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); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: March 7, 2016

Respectfully submitted,

/s/ Michael Bekesha
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