

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

JUDICIAL WATCH, INC.,)	
425 Third Street SW, Suite 800)	
Washington, DC 20024,)	
)	
Plaintiff,)	
v.)	Civil Action No.
)	
U.S. DEPARTMENT OF)	
HOMELAND SECURITY,)	
Office of the General Counsel)	
245 Murray Lane, SW)	
Mailstop 0485)	
Washington, DC 20528-0485,)	
)	
Defendant.)	
_____)	

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of Homeland Security to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). As grounds therefor, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff Judicial Watch, Inc. is a not-for-profit, educational organization incorporated under the laws of the District of Columbia and headquartered at 425 Third Street SW, Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency, integrity, and accountability in government and fidelity to the rule of law. As part of its mission, Plaintiff regularly requests records from federal agencies pursuant to FOIA. Plaintiff analyzes the

agencies' responses and disseminates both its findings and the requested records to the American public to inform them about "what their government is up to."

4. Defendant U.S. Department of Homeland Security is an agency of the U.S. Government and is headquartered at 245 Murray Lane SW, Mailstop 0485, Washington, DC 20528. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On April 25, 2024, Plaintiff served a FOIA request by email on the U.S. Secret Service ("Secret Service"), a component of Defendant U.S. Department of Homeland Security, seeking certain records relating to a reported incident at Joint Base Andrews. Specifically, the request seeks:

A. All records related to a reported incident at Joint Base Andrews in which a Secret Service agent was involved in an altercation with colleagues on or about April 23, 2024, including but not limited to incident reports, Vice Presidential protective detail agents' emails and text messages, and emails and text messages of the following USSS officials: Director Kimberly Cheatle, Deputy Dir. Ronald Rowe, Chief Operating Officer Cynthia Radway, Asst. Dir. Michael Plati, Asst. Dir. Brian Lambert, Chief Human Capital Officer Denise Walker Hall, Asst. Dir. David Smith, Asst. Dir. Milton Wilson, Uniformed Division Chief Michael Buck, Chief Counsel Thomas Huse, and Chief of Communications Anthony Guglielmi.

B. All SF-50s, SF-52s, training completion forms, and disciplinary records of Secret Service Agent Michelle Herczeg.

C. All USSS and DHS policy documents related to Diversity, Equity and Inclusion in the hiring, employment, training and discipline of Secret Service agents.

6. By a letter dated April 26, 2024, the Secret Service acknowledged receipt of Plaintiff's request and stated that the request had been assigned FOIA File No. 20240714. The letter further stated that the Secret Service was denying the first two parts of Plaintiff's FOIA request. As to the third part, the letter claimed that the Secret Service would process that part of

the request, but no records have been produced to Plaintiff. Finally, the letter stated that the Secret Service would invoke a 10-day extension to respond to the request.

7. By a letter dated April 29, 2024, Plaintiff appealed the determinations set forth in the April 26, 2024 letter.

8. As of the date of this Complaint, the Secret Service has failed to produce the requested records, respond to Plaintiff's administrative appeal, or otherwise demonstrate that the requested records are exempt from production.

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

9. Plaintiff realleges paragraphs 1 through 8 as if fully stated herein.

10. Defendant is in violation of FOIA.

11. Plaintiff is being irreparably harmed by Defendant's violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

12. Plaintiff has no adequate remedy at law.

13. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's request and administrative appeal by June 10, 2024, at the latest.

14. Because Defendant failed to make a final determination on Plaintiff's request within the time limits set by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to search for any and all records responsive to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably calculated to uncover all records responsive to the request;

(2) order Defendant to produce, by a date certain, any and all non-exempt records responsive 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: June 12, 2024

Respectfully submitted,

/s/ James F. Peterson

James F. Peterson

D.C. Bar No. 450171

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