

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JUDICIAL WATCH, INC.,	)
425 Third Street S.W., Suite 800	)
Washington, D.C. 20024,	)
	)
Plaintiff,	)
	)
v.	)
	)
U.S. AGENCY FOR INTERNATIONAL	)
DEVELOPMENT	)
1300 Pennsylvania Avenue, N.W.	)
Washington, D.C. 20534,	)
	)
Defendant.	)
_____	)

**COMPLAINT**

1. Plaintiff Judicial Watch, Inc. brings this action against the U.S. Agency for International Development 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**

2. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

**PARTIES**

4. 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.”

5. Defendant U.S. Agency for International Development (“USAID”) is an agency of the U.S. Government headquartered at 1300 Pennsylvania Ave, N.W., Washington DC 20534.

USAID has possession, custody, and control of records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

6. On April 2, 2024, Plaintiff served a FOIA request to USAID, seeking access to the following:

**1. All records identifying the recipients of USAID funding under the \$7,000,000 grant allocation awarded on or about November 15, 2023, and associated with Federal Award Identification Number 720BHA24GR00005.**

**2. All proposals, applications, scope of work documents, or similar records related to any grant award or sub-award associated with Federal Award Identification Number 720BHA24GR00005.**

The time frame for the request was identified as January 1, 2023, to the present.

7. By an email dated April 2, 2024, USAID acknowledged receiving the request and advised Plaintiff that the request had been assigned reference number F-00263-24. USAID’s email also asserted that the agency was invoking FOIA’s ten-day extension of time provision due to “unusual circumstances.”

8. As of the date of this Complaint, USAID has failed to: (i) determine whether to comply with the 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.

### **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 reason of 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 by May 15, 2024. 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 conduct searches for any and all records responsive to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to the request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to the 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 the 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: July 23, 2024

Respectfully submitted,

/s/ James F. Peterson

JAMES F. PETERSON

D.C. Bar No. 450171

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