

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

STATEMENT OF FACTS

5. On January 26, 2024, Plaintiff submitted a FOIA request to the United States Secret Service (“USSS”), a component of Defendant, seeking access to the following:

1. All records related to the investigation of the alleged pipe bomb discovered outside Democratic National Committee headquarters on January 6, 2021, including but not limited to witness statements, photographs, audio/video recordings, schematics, investigative reports, and memoranda.
2. All emails and text messages sent to and from USSS officials in the Washington Field Office, the Office of Protective Operations, and members of Kamala Harris’ protective detail related to the alleged pipe bomb discovered outside DNC headquarters on January 6, 2021.

The time frame for the requested records is January 1, 2021 to the present.

6. By letter dated January 29, 2024, USSS acknowledged receiving the request and indicated that the request had been assigned file number 20240347. In its letter, USSS also informed Plaintiff that it was invoking a 10-day extension for processing of the request.

7. By letter dated March 12, 2024, USSS notified Plaintiff that a search for responsive records had been completed with “potentially responsive” documents located. In its letter, USSS also advised that the review of documents to determine whether they are responsive

to Plaintiff's request may be delayed "due to the increasing number of FOIA requests received by this office."

8. As of the date of this Complaint, USSS has failed to (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiff of the scope of any responsive records it intends to produce or withhold and the reasons for any withholdings; or (iii) inform Plaintiff that it may appeal any adequately specific, adverse determination.

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 it.

12. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's request by March 12, 2024, at the latest. Because Defendant failed to make a final determination on Plaintiff's FOIA 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 Plaintiff's FOIA request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request and *Vaughn* indices 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 18, 2024

Respectfully submitted,

/s/ Michael Bekesha

Michael Bekesha

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