

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

**TARGETED JUSTICE, INC.**  
a 501(c)(3) Texas Corporation;

Plaintiff,

Vs.

**OFFICE OF THE ATTORNEY GENERAL,  
UNITED STATES DEPARTMENT OF JUSTICE**  
950 Pennsylvania Avenue  
NW, Washington, DC 20530-0001

Defendant.

CIVIL NO.

**COMPLAINT**

TO THE HONORABLE COURT:

COMES NOW Targeted Justice, Inc., through the undersigned attorney, and respectfully alleges and prays:

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 for injunctive and other appropriate relief. Plaintiff Targeted Justice (TJ) seeks the immediate processing and timely release of agency records from Department of Justice’s Office of the Attorney General.

**PARTIES**

2. Targeted Justice, Inc. (TJ). is a 26 USC § 501(c)(3) non-profit, non-partisan Texas educational, human rights, public interest and media organization with a membership of over four thousand individuals. TJ maintains the website [www.targetedjustice.com](http://www.targetedjustice.com) that averages over

50,000 views in thirty days and publishes a newsletter in [www.targetedjustice.substack.com](http://www.targetedjustice.substack.com) that exceeds 13,000 subscribers and over 150,000 views a month.

3. TJ is a news media organization engaged in disseminating information among the public about actual or alleged Federal Government activity that meets the criteria contained in 5 U.S.C. § 552(a)(6)(E)(v)(II).

4. Defendant Office of the Attorney General is a department of the executive branch of the U.S. government and is an agency within the meaning of 5 U.S.C. § 552(f)(1).

### **JURISDICTION AND VENUE**

5. This Court has jurisdiction pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

6. Venue lies in the Southern District of Texas, Victoria Division, pursuant to 5 U.S.C. § 552(a)(4)(B), because it is the district within which Plaintiff has its principal place of business.

### **FACTS**

7. On **January 31, 2024**, TJ served a FOIA request on defendant requesting the following records:

- a. All documents by any Attorney General or his/her designee containing waivers to the “reasonable suspicion criteria” requirement to place individuals’ identities on the Terrorist Screening Database pursuant to 58 FR 48452 § 23.20(o)/ 28 CFR § 23.20 (o).
- b. All documents by any Attorney General or his/her designee containing waivers to any and all requirements to place individuals on the Terrorist Screening Database, issued under the authority of 58 FR 48452 § 23.20(o)/ 28 CFR § 23.20 (o). **Exhibit 1.**

8. On February 13, 2024, the Department of Justice’s Office of Information Policy issued an acknowledgment letter, confirming it had received the request on February 5, 2024,

assigning the FOIA control number FOIA-2024-01043 and denying Plaintiff's request for expedited processing. **Exhibit 2.**

9. In the same communication, the Office of Information Policy requested an additional ten (10) days in excess of the statutory limit that expired on March 8, 2024.

10. More than two months after the expiration of the statutory time and extension requested to respond to the request, defendant has not replied to it.

11. To date, TJ has not received any responsive records or Vaughn Index in reply to the FOIA request.

12. TJ sought a waiver of search, review, and duplication fees on the ground that disclosure of the requested records is "in the public interest because it is likely to significantly contribute to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii).

13. TJ also sought a limitation of fees on the ground that the records sought were to report the results of its endeavor since TJ qualifies as a "representative of the news media" and the records were not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II).

14. TJ also requested that for any records that Defendant failed to produce, the agency provide a Vaughn Index and declaration setting forth reasonably detailed explanation for each withheld document as to why it falls within any statutory exemption. See *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973).

### **CAUSES OF ACTION**

15. Defendant's failure to make a reasonable effort to search for records sought by the Request violates the FOIA, 5 U.S.C. § 552(a)(3), and Defendant's corresponding regulations.

16. Defendant's failure to timely respond to the Request violates the FOIA, 5 U.S.C.

§ 552(a)(6)(A), and Defendant's corresponding regulations.

17. Defendant's failure to make promptly available the records sought by the Request violates the FOIA, 5 U.S.C. § 552(a)(3), and Defendant's corresponding regulations.

18. Defendant's failure to grant Plaintiffs' request for a waiver of fees violates the FOIA, 5 U.S.C. § 552(a)(4)(A)(iii), and Defendant's corresponding regulations.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks this Court to GRANT the following relief:

1. Find improper Defendants' withholding of the requested record pursuant to FOIA;
2. Order Defendant to conduct a thorough search for all responsive records;
3. Order Defendant to immediately process and release all records responsive to the Request;
3. Enjoin Defendant from charging Plaintiff search, review, processing, and duplication fees in connection with responding to the Request;
4. Award Plaintiff costs and reasonable attorneys' fees in this action; and
5. Grant such other relief as the Court may deem just and proper.

Respectfully submitted,

**ANA LUISA TOLEDO**

/s/Ana Luisa Toledo  
*Attorney for Plaintiffs*  
PO Box 15990  
Houston, TX 77220-1590

**DATED** this 30th day of May, 2024.