

John Doe
123 Main Street
City, ST 12345

Federal Bureau of Investigation
Records/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843

Date: _____

Freedom of Information Act [/ Privacy Act]

Dear Sir or Madam:

This is a request for records under the Freedom of Information [and Privacy] Act[s]. [Please conduct the search pursuant to both laws in order to release the maximum amount of information.] I request copies of all records relating to [describe request]. Please search both your automated indices and the older general (manual) indices. [Please conduct a cross-reference search.]

[To prove my identity, I am enclosing a completed form DOJ-361.]

This is an individual request for research and study purposes, and I agree that I will pay up to \$30 for fees, if necessary. Please notify me in advance if fees are expected to exceed that amount. If the file is likely to result in more than 250 pages, I would appreciate receiving a digital copy of the file on a CD-ROM rather than in paper form.

If you have any questions, please call me at [phone number]. Please direct all written correspondence to the address at the top of this letter.

Sincerely,

John Doe

John Doe
123 Main Street
City, ST 12345

Office of Information Policy
U.S. Department of Justice
Suite 11050
1425 New York Avenue, N.W.
Washington, D.C. 20530-0001

June 27, 2011

Re: FOIPA Appeal, No. 1234567-000

To whom it may concern:

This is an appeal pursuant to 5 USC § 552(a)(6). On June 17, 2011 I received a letter from David M. Hardy of the FBI denying in part my FOIPA request. The letter indicated that an appeal could be sent to you.

[Describe basis for appeal.]

I trust that upon examination of my request, you will conclude that the records I requested are not properly covered by the exemption listed and that you will overrule the decision to withhold the information.

If you choose instead to continue to withhold some or all of the material which was denied in my initial request to your agency, I ask that you give me an index of such material, together with the justification for the denial of each item which is still withheld.

As provided in the Freedom of Information Act, I will expect to receive a reply to this administrative appeal letter within twenty working days. If you deny this appeal and do not adequately explain why the material withheld is properly exempt or do not reply within the timeframe provided in the statute, I intend to initial a lawsuit to compel its disclosure.

Sincerely,

John Doe

6. Venue is proper in this district pursuant to 5 USC § 552(a)(4)(B).

STATEMENT OF FACTS

7. On March 1, 2011, Plaintiff sent a FOIA request to the FBI via First Class mail requesting [describe request].

8. In a letter sent to Plaintiff dated April 14, 2011, the FBI acknowledged receipt of Plaintiff's FOIA request and assigned it tracking number 1234567-000.

9. Under 5 USC § 552(a)(6)(A)(i), Defendant was required to respond to Plaintiff's March 1, 2011 FOIA request within 20 working days, or by March 29, 2011.

10. As of the date of this Complaint, the FBI has failed to produce any records responsive to Plaintiff's March 1, 2011 FOIA requests or explain why such records are exempt from production.

11. Under 5 USC § 552(a)(6)(C)(i), Plaintiff is deemed to have exhausted his administrative remedies because the FBI has failed to comply with the statutory time limit.

COUNT I:
VIOLATION OF FOIA

12. This Count realleges and incorporates by reference all of the preceding paragraphs.

13. Defendant has violated FOIA by failing to produce the records responsive to Plaintiff's March 1, 2011 FOIA requests.

14. Plaintiff and the public have been and will continue to be irreparably harmed until Defendant is ordered to comply with Plaintiff's FOIA request.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- (1) Declare Defendant's failure to comply with FOIA to be unlawful;
- (2) Enjoin Defendant from continuing to withhold the public records responsive to Plaintiff's FOIA requests and otherwise order Defendant to produce the requested public record without further delay;
- (3) Grant Plaintiff an award of attorney fees and other litigation costs reasonably incurred in this action pursuant to 5 USC § 552(a)(4)(E)(i); and
- (4) Grant Plaintiff such other and further relief which the Court deems proper.

Respectfully Submitted,

/s/ John Doe

John Doe, Pro Se
123 Main Street
City, ST 12345
(123)456-78901