

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

PATRICK EDDINGTON,)
1000 Massachusetts Avenue)
Washington, DC 20001)

Case No. 19-cv-02984

Plaintiff,)

v.)

UNITED STATES POSTAL SERVICE)
475 L'enfant Plaza SW Rm 1p830)
Washington, DC 20260-1101)

Defendant.)

COMPLAINT

1. Plaintiff, Patrick Eddington files this Freedom of Information Act suit to force Defendant U.S. Postal Service, to produce records regarding the implementation of surveillance and/or detention for persons of Muslim faith and/or Arab or Persian/Iranian heritage in the case of a declaration of a national emergency by the President.

PARTIES

2. Plaintiff Eddington is a policy analyst and scholar at the Cato Institute and made the FOIA requests at issue in this case as part of his work.

3. Defendant U.S. Postal Service (“USPS”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

JURISDICTION AND VENUE

4. This case is brought under 5 U.S.C. § 552(a)(6)(c)(i) and presents a federal question conferring jurisdiction on this Court.

5. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

POSTAL SERVICE'S FOIA VIOLATION

6. On May 12, 2019, Eddington requested “any correspondence to or from the United States Postal Service and any other department or agency of the Executive branch,... concerning plans, policies, or programs regarding implementation of a registration or detention program for 1) persons of the Muslim faith, regardless of nationality... or 2) persons of Arab or Persian/Iranian heritage in the event of the declaration of a national emergency by the President or the enactment of an Authorization for the Use of Military Force (AUMF) or Declaration of War (DoW) against any nation: 1) in which Islam is the predominant religion or 2) in which the country or countries against which an AUMF or DoW corresponds to a specific Arab heritage... or other racial heritage group present in the United States.” Eddington also requested expedited processing and a waiver of all fees for his request. A true and correct copy of the request is attached as Exhibit A.

7. On May 15, 2019, USPS acknowledged receipt of the request as FOIA Request Number 2019-FPRO-00923 and advised Eddington that his request was “very broad in scope” and covered a “lengthy period” of time. USPS further advised that it would “need more definitive information” from EDDINGTON in order to process his request. A true and correct copy of the acknowledgement is attached as Exhibit B.

8. On May 20, 2019, Eddington responded to USPS by first appealing the adequacy of the search conducted prior to the May 15, 2019 correspondence, and then provided more specific details as requested by USPS. A true and correct copy of the appeal is attached as Exhibit C.

9. On May 21, 2019 USPS acknowledged receipt of the appeal as FOIA Appeal Case Number 2019-APP-00074 and advised Eddington that his appeal was under review. A true and correct copy of this acknowledgement is attached as Exhibit D.

10. On June 3, 2019, Eddington received an informal email from USPS stating only that the status of Appeal Number 2019-APP-00074 was updated to “closed.” A true and correct copy of this email is attached as Exhibit E.

11. On June 12, 2019, Eddington requested a formal denial letter including the reasons for the denial from USPS. A true and correct copy of this request is attached as Exhibit F.

12. As of the date of this filing, Eddington has received no further correspondence or production from USPS regarding this request.

COUNT I – POSTAL SERVICE VIOLATION OF FOIA

13. The above paragraphs are incorporated herein.

14. Plaintiff made a proper FOIA request to Defendant.

15. Defendant USPS is an agency subject to FOIA.

16. Defendant has not promptly produced all non-exempt records responsive to the request resulting from an adequate search.

WHEREFORE, Plaintiff asks the Court to:

- i. Order Defendants to conduct a reasonable search for records and to produce all non-exempt requested records;
- ii. Award Plaintiff’s attorney fees and costs; and
- iii. Enter any other relief the Court deems appropriate.

Dated: October 3, 2019

Respectfully Submitted,
/s/ Joshua Hart Burday
Attorneys for Plaintiffs

Matthew Topic, Bar No. IL0037
Joshua Burday, Bar No. IL0042
Merrick Wayne, Bar No. IL0058
(E-Mail: foia@loevy.com)
LOEVY & LOEVY
311 N. Aberdeen, Third Floor
Chicago, Illinois 60607
Tel.: (312) 243-5900
Fax: (312) 243-5902