

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN OVERSIGHT,
1030 15th Street NW, B255
Washington, DC 20005,

Plaintiff,

v.

Case No. 26-cv-0020

FEDERAL BUREAU OF INVESTIGATION,
935 Pennsylvania Ave. NW
Washington, D.C. 20535,

and

U.S. DEPARTMENT OF JUSTICE,
950 Pennsylvania Ave. NW
Washington, D.C. 20530,

Defendants.

COMPLAINT

1. American Oversight brings this case to seek information from the Federal Bureau of Investigation and the Department of Justice that is expected to shed light on senior agency officials’ communications regarding (1) the events of January 6, 2021, including the attack on the U.S. Capitol, to stop the certification of the 2020 presidential election, and (2) President Trump’s pardons and commutations of the individuals convicted of offenses related to those events.

2. Prior to serving in the second Trump administration, Federal Bureau of Investigation (“FBI”) Director Kash Patel, former FBI Deputy Director Dan Bongino, and Attorney General Pam Bondi trafficked in conspiracy theories regarding the 2020 election and the

events of January 6, 2021, at the U.S. Capitol.¹ Now, under the less-than-subtle urging of President Trump, these officials have sought retribution against his perceived enemies, including through the Department of Justice’s (“DOJ”) Weaponization Working Group.²

3. In furtherance of its mission to promote government transparency and accountability, American Oversight filed requests with FBI and DOJ under the Freedom of Information Act (“FOIA”), seeking these officials’ text messages and emails regarding January 6, the Capitol attack, efforts to undermine certification of the 2020 election, clemency for the rioters, and abuse of government power to seek retribution against Trump’s perceived political enemies.

4. Having received no records in response to its FOIA requests, American Oversight now brings this action against FBI and DOJ under FOIA, 5 U.S.C. § 552, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, seeking declaratory and injunctive relief to compel compliance with the requirements of FOIA.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201, and 2202.

6. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C.

¹ Aaron Blake, *Kash Patel Tries to Correct MAGA Conspiracy Theories He Once Stoked — Again*, CNN (Sept. 29, 2025, 8:46 PM), <https://www.cnn.com/2025/09/29/politics/kash-patel-fbi-january-6-analysis>; Devlin Barrett, *Before Ascending to Top Tier of F.B.I., Bongino Fueled Right-Wing Disbelief*, N.Y. Times, Feb. 24, 2025, <https://www.nytimes.com/2025/02/24/us/politics/dan-bongino-trump-fbi-director-conspiracies.html>; Beth Reinhard, *How Pam Bondi Boosted Trump’s Election Fraud Claims in a Key Swing State*, Wash. Post, Dec. 16, 2024, <https://www.washingtonpost.com/politics/2024/12/16/pam-bond-attorney-general-2020-pennsylvania/>.

² Alan Feuer et al., *Justice Dept.’s Weaponization Group Underscores Trump’s Quest for Retribution*, N.Y. Times, Feb. 6, 2025, <https://www.nytimes.com/2025/02/06/us/politics/justice-department-weaponization-group.html>; Marc Fisher, *Kash Patel’s Acts of Service*, New Yorker, Nov. 17, 2025, <https://www.newyorker.com/magazine/2025/11/24/kash-patels-acts-of-service>.

§ 1391(e)(1).

7. American Oversight has exhausted or is deemed to have exhausted its administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i) relating to the five at-issue requests and is now entitled to judicial action enjoining Defendants from continuing to withhold department or agency records and ordering the production of department or agency records improperly withheld.

PARTIES

8. Plaintiff American Oversight is a nonpartisan, non-profit section 501(c)(3) organization primarily engaged in disseminating information to the public. American Oversight is committed to promoting transparency in government, educating the public about government activities, and ensuring the accountability of government officials. Through research and FOIA requests, American Oversight uses the information gathered, and its analysis of it, to educate the public about the activities and operations of the federal government through reports, published analyses, press releases, and other media. The organization is incorporated under the laws of the District of Columbia.

9. Defendant FBI is a department of the executive branch of the U.S. government headquartered in Washington, DC, a component of DOJ, and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). FBI has possession, custody, and control of records that American Oversight seeks.

10. Defendant U.S. Department of Justice is a department of the executive branch of the U.S. government headquartered in Washington, DC, and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). DOJ has possession, custody, and control of records that American Oversight seeks.

STATEMENT OF FACTS

11. Between March and September 2025, American Oversight submitted five FOIA requests to FBI and DOJ.

Patel Key Term Communications Request

12. On September 24, 2025, American Oversight submitted a FOIA request to FBI (internal tracking number DOJ-FBI-25-2281) seeking email communications of Director Kash Patel containing any one of 23 key terms. The request spanned records from February 20, 2025, through May 31, 2025. A true and correct copy of that request is attached as Exhibit A.

13. On September 30, 2025, FBI acknowledged receipt of the request, assigned the request tracking number 1683867-000.

14. On October 7, 2025, FBI stated that “unusual circumstances” applied to the processing of the request, which would delay a determination on the request.

15. As of the date of this filing, American Oversight has received no further communication from FBI regarding this FOIA request.

Bongino Key Term Communications Request

16. On September 24, 2025, American Oversight submitted a FOIA request to FBI (internal tracking number DOJ-FBI-25-2282) seeking email communications of Deputy Director Dan Bongino containing any one of 23 key terms. The request spanned records from March 17, 2025, through May 31, 2025. A true and correct copy of that request is attached as Exhibit B.

17. On September 30, 2025, FBI acknowledged receipt of the request, assigned the request tracking number 1683880-000.

18. On October 28, 2025, FBI stated that “unusual circumstances” applied to the processing of the request, which would delay a determination on the request.

19. As of the date of this filing, American Oversight has received no further communication from FBI regarding this FOIA request.

Patel Text Message Communications Request

20. On September 24, 2025, American Oversight submitted a FOIA request to FBI (internal tracking number DOJ-FBI-25-2283) seeking text message communications of Director Kash Patel containing any one of 23 key terms. The request spanned records from February 20, 2025, through May 31, 2025. A true and correct copy of that request is attached as Exhibit C.

21. On September 30, 2025, FBI acknowledged receipt of the request, assigned the request tracking number 1684083-000.

22. On October 28, 2025, FBI stated that “unusual circumstances” applied to the processing of the request, which would delay a determination on the request.

23. As of the date of this filing, American Oversight has received no further communication from FBI regarding this FOIA request.

Bongino Text Message Communications Request

24. On September 24, 2025, American Oversight submitted a FOIA request to FBI (internal tracking number DOJ-FBI-25-2284) seeking text message communications of Deputy Director Dan Bongino containing any one of 23 key terms. The request spanned records from March 17, 2025, through May 31, 2025. A true and correct copy of that request is attached as Exhibit D.

25. On September 30, 2025, FBI acknowledged receipt of the request, assigned the request tracking number 1683877-000.

26. On October 8, 2025, FBI stated that “unusual circumstances” applied to the processing of the request, which would delay a determination on the request.

27. As of the date of this filing, American Oversight has received no further communication from FBI regarding this FOIA request.

DOJ Email Communications Request

28. On March 11, 2025, American Oversight submitted a FOIA request to DOJ (internal tracking number DOJ-OIP-25-0631) seeking email communications of senior-level DOJ officials, including Attorney General Pam Bondi and former Acting Deputy Attorney General Emil Bove, containing certain key terms, from February 1, 2025, through the date the search is conducted. A true and correct copy of that request is attached as Exhibit E.

29. On April 7, 2025, DOJ acknowledged receipt of the request, assigned the request tracking number FOIA-2025-03218, and stated that DOJ would invoke a 10-day extension for its response to the request.

30. As of the date of this filing, American Oversight has received no further communication from DOJ regarding this FOIA request.

Exhaustion of Administrative Remedies

31. As of the date of this Complaint, Defendants have failed to (a) notify American Oversight of final determinations regarding American Oversight's FOIA requests, including the scope of responsive records Defendants intend to produce or withhold and the reasons for any withholdings; or (b) produce the requested records or demonstrate that the requested records are lawfully exempt from production.

32. Through Defendants' failure to respond to American Oversight's FOIA requests within the time period required by law, American Oversight has constructively exhausted its administrative remedies and seeks immediate judicial review.

COUNT I

Violation of FOIA, 5 U.S.C. § 552

Failure to Conduct Adequate Searches for Responsive Records

33. American Oversight repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

34. American Oversight properly requested records within the possession, custody, and control of Defendants.

35. Defendants are agencies subject to FOIA, and they must therefore make reasonable efforts to search for requested records.

36. Defendants have failed to promptly review agency records for the purpose of locating those records that are responsive to the American Oversight's FOIA requests.

37. Defendants' failures to conduct adequate searches for responsive records violate FOIA and applicable regulations.

38. Plaintiff American Oversight is therefore entitled to injunctive and declaratory relief requiring Defendants to promptly make reasonable efforts to search for records responsive to American Oversight's FOIA requests.

COUNT II

Violation of FOIA, 5 U.S.C. § 552

Wrongful Withholding of Non-Exempt Responsive Records

39. American Oversight repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

40. American Oversight properly requested records within the possession, custody, and control of Defendants.

41. Defendants are agencies subject to FOIA and must therefore release in response to FOIA requests any non-exempt records and provide lawful reasons for withholding any materials.

42. Defendants are wrongfully withholding non-exempt agency records requested by

American Oversight by failing to produce non-exempt records responsive to American Oversight's FOIA requests.

43. Defendants' failures to provide all non-exempt responsive records violate FOIA and applicable regulations.

44. Plaintiff American Oversight is therefore entitled to declaratory and injunctive relief requiring Defendants to promptly produce all non-exempt records responsive to American Oversight's FOIA requests and provide indexes justifying withholdings of any responsive records withheld under claims of exemption.

REQUESTED RELIEF

WHEREFORE, American Oversight respectfully requests the Court to:

- a) Order Defendants to conduct a search or searches reasonably calculated to uncover all records responsive to American Oversight's FOIA requests;
- b) Order Defendants to produce, within twenty days of the Court's order, or by such other date as the Court deems appropriate, any and all non-exempt records responsive to American Oversight's FOIA requests and indexes justifying the withholding of any responsive records withheld under claim of exemption;
- c) Enjoin Defendants from continuing to withhold any and all non-exempt records responsive to American Oversight's FOIA requests;
- d) Award American Oversight the costs of this proceeding, including reasonable attorneys' fees and other litigation costs reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and
- e) Grant American Oversight such other relief as the Court deems just and proper.

Dated: January 5, 2026

Respectfully submitted,

/s/ Daniel Martinez

Daniel Martinez
D.C. Bar No. 90025922
Benjamin A. Sparks
D.C. Bar No. 90020649
AMERICAN OVERSIGHT
1030 15th Street NW, B255
Washington, DC 20005
(202) 897-2465
danny.martinez@americanoversight.org

Counsel for Plaintiff