

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN OVERSIGHT,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,
et al.,

Defendants.

Civil Action No. 26-0020 (ACR)

ANSWER TO COMPLAINT

Defendants Federal Bureau of Investigation (“FBI”) and Department of Justice (the “Department”), by and through undersigned counsel, respectfully submit this Answer to the Complaint (ECF No. 1) filed by Plaintiff American Oversight on January 5, 2026. This case arises under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. Defendants expressly deny all allegations in the Complaint, including the relief sought, that are not specifically admitted to or otherwise qualified in this Answer. Moreover, to the extent the Complaint refers to or quotes from external documents, statutes, or other sources, Defendants may refer to such materials for their accurate and complete contents. However, such references are not intended to be, and should not be construed as, an admission that the cited materials are: (a) correctly cited or quoted by Plaintiff; (b) relevant to this, or any other, action; or (c) admissible in this, or any other, action. Defendants respond to the Complaint in corresponding, numbered paragraphs as follows:

COMPLAINT¹

1. The allegations in this paragraph consist of Plaintiff's characterization of this action and Plaintiff's FOIA requests, to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of Plaintiff's intent in bringing this action. To the extent that the allegations in the paragraph purport to characterize Plaintiff's FOIA requests, the requests speak for themselves and are the best evidence of their contents. Defendants respectfully refer the Court to the requests for a full and accurate statement of their contents and deny any allegations inconsistent therewith.

2. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

3. Defendant FBI admits receiving four FOIA requests from Plaintiff in September 2025. Defendant the Department admits receiving one FOIA request from Plaintiff in March 2025. Defendants lack knowledge or information sufficient to form a belief as to the truth of Plaintiff's alleged missions and the alleged reasons why Plaintiff submitted these requests. The remainder of this paragraph consists of Plaintiff's characterization of the FOIA requests, to which no response is required. The requests speak for themselves and are the best evidence of their contents. Defendants respectfully refer the Court to the requests for a full and accurate statement of their contents and deny any allegations inconsistent therewith.

4. Defendants admit that, as of the date of the Complaint, they had not released responsive records or issued a final determination in response to the requests. The remaining

¹ Unless otherwise stated, for ease of reference, Defendants refer to the headings contained in the Complaint, but to the extent those headings could be construed to contain factual allegations, those allegations are denied.

allegations in this paragraph consist of Plaintiff's characterization of this action and requests for relief, to which no response is required. To the extent a response is deemed required, Defendants admit that Plaintiff purports to bring this action under the FOIA and deny that Plaintiff is entitled to the requested relief.

JURISDICTION AND VENUE

5. This paragraph contains Plaintiff's conclusions of law concerning jurisdiction, to which no response is required. To the extent a response is deemed required, Defendants admit that this Court has subject matter jurisdiction over FOIA claims subject to the terms and limitations of the FOIA and 28 U.S.C. § 1331.

6. This paragraph contains Plaintiff's conclusions of law concerning venue, to which no response is required. To the extent a response is deemed required, Defendants admit that venue over properly asserted FOIA claims lies in this district.

7. This paragraph contains Plaintiff's conclusions of law concerning exhaustion, to which no response is required. To the extent a response is deemed required, Defendants deny that Plaintiff is entitled to the requested relief.

PARTIES

8. The allegations in this paragraph are Plaintiff's characterization of itself, to which no response is required. To the extent a response is deemed required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

9. Defendant FBI denies that the FBI is an agency within the meaning of 5 U.S.C. § 552(f)(1), but it admits that the FBI is a component of the Department of Justice, which is subject to the requirements of the FOIA, and that it is headquartered in Washington, D.C. The remaining allegations in this paragraph consist of legal conclusions, to which no response is required.

10. Defendant the Department admits that it is an agency within the meaning of 5 U.S.C. § 552(f)(1) subject to the requirements of FOIA, and that it is headquartered in Washington, D.C. The remaining allegations in this paragraph consist of legal conclusions, to which no response is required.

STATEMENT OF FACTS

11. Defendant FBI admits receiving four FOIA requests from Plaintiff in September 2025. Defendant the Department admits receiving one FOIA request from Plaintiff in March 2025.

Patel Key Term Communications Request

12. Defendant FBI admits that it received a FOIA request from Plaintiff dated September 24, 2025. The remainder of this paragraph consists of Plaintiff's characterization of that FOIA request, to which no response is required. The request speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the request for a full and accurate statement of its contents and denies any allegations inconsistent therewith.

13. Defendant FBI admits that on September 30, 2025, it sent Plaintiff a letter acknowledging receipt of Plaintiff's FOIA request. The remainder of this paragraph consists of Plaintiff's characterization of that letter, to which no response is required. The letter speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the letter for a full and accurate statement of its contents and denies any allegations inconsistent therewith.

14. Defendant FBI admits that on October 7, 2025, it sent Plaintiff a letter advising Plaintiff that "unusual circumstances" apply to its request. The remainder of this paragraph consists of Plaintiff's characterization of that letter, to which no response is required. The letter speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the letter for a full and accurate statement of its contents and denies any allegations inconsistent

therewith.

15. Defendant FBI admits that, as of the date of the Complaint, it had not released responsive records or issued a final determination in response to this request.

Bongino Key Term Communications Request

16. Defendant FBI admits that it received a FOIA request from Plaintiff dated September 24, 2025. The remainder of this paragraph consists of Plaintiff's characterization of that FOIA request, to which no response is required. The request speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the request for a full and accurate statement of its contents and denies any allegations inconsistent therewith.

17. Defendant FBI admits that on September 30, 2025, it sent Plaintiff a letter acknowledging receipt of Plaintiff's FOIA request. The remainder of this paragraph consists of Plaintiff's characterization of that letter, to which no response is required. The letter speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the letter for a full and accurate statement of its contents and denies any allegations inconsistent therewith.

18. Defendant FBI admits that on October 28, 2025, it sent Plaintiff a letter advising Plaintiff that "unusual circumstances" apply to its request. The remainder of this paragraph consists of Plaintiff's characterization of that letter, to which no response is required. The letter speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the letter for a full and accurate statement of its contents and denies any allegations inconsistent therewith.

19. Defendant FBI admits that, as of the date of the Complaint, it had not released responsive records or issued a final determination in response to this request.

Patel Text Message Communications Request

20. Defendant FBI admits that it received a FOIA request from Plaintiff dated September 24, 2025. The remainder of this paragraph consists of Plaintiff's characterization of that FOIA request, to which no response is required. The request speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the request for a full and accurate statement of its contents and denies any allegations inconsistent therewith.

21. Defendant FBI admits that on September 30, 2025, it sent Plaintiff a letter acknowledging receipt of Plaintiff's FOIA request. The remainder of this paragraph consists of Plaintiff's characterization of that letter, to which no response is required. The letter speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the letter for a full and accurate statement of its contents and denies any allegations inconsistent therewith.

22. Defendant FBI admits that on October 28, 2025, it sent Plaintiff a letter advising Plaintiff that "unusual circumstances" apply to its request. The remainder of this paragraph consists of Plaintiff's characterization of that letter, to which no response is required. The letter speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the letter for a full and accurate statement of its contents and denies any allegations inconsistent therewith.

23. Defendant FBI admits that, as of the date of the Complaint, it had not released responsive records or issued a final determination in response to this request.

Bongino Text Message Communications Request

24. Defendant FBI admits that it received a FOIA request from Plaintiff dated September 24, 2025. The remainder of this paragraph consists of Plaintiff's characterization of that FOIA request, to which no response is required. The request speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the request for a full and

accurate statement of its contents and denies any allegations inconsistent therewith.

25. Defendant FBI admits that on September 30, 2025, it sent Plaintiff a letter acknowledging receipt of Plaintiff's FOIA request. The remainder of this paragraph consists of Plaintiff's characterization of that letter, to which no response is required. The letter speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the letter for a full and accurate statement of its contents and denies any allegations inconsistent therewith.

26. Defendant FBI admits that it sent Plaintiff a letter advising Plaintiff that "unusual circumstances" apply to its request, but avers that this communication occurred on October 27, 2025. The remainder of this paragraph consists of Plaintiff's characterization of that letter, to which no response is required. The letter speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the letter for a full and accurate statement of its contents and denies any allegations inconsistent therewith.

27. Defendant FBI admits that, as of the date of the Complaint, it had not released responsive records or issued a final determination in response to this request.

DOJ Email Communications Request

28. Defendant the Department admits that the Department's Office of Information Policy ("OIP") received a FOIA request from Plaintiff dated March 11, 2025. The remainder of this paragraph consists of Plaintiff's characterization of that FOIA request, to which no response is required. The request speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the request for a full and accurate statement of its contents and denies any allegations inconsistent therewith.

29. Defendant the Department admits that on April 7, 2025, OIP sent Plaintiff a letter acknowledging receipt of Plaintiff's FOIA request. The remainder of this paragraph consists of

Plaintiff's characterization of that letter, to which no response is required. The letter speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to the letter for a full and accurate statement of its contents and denies any allegations inconsistent therewith.

30. Defendant the Department admits that, as of the date of the Complaint, it had not released responsive records or issued a final determination in response to this request.

Exhaustion of Administrative Remedies

31. Defendants admit that, as of the date of the Complaint, they had not released responsive records or issued a final determination in response to the requests. The remaining allegations in this paragraph consist of legal conclusions, to which no response is required.

32. The allegations in this paragraph consist of legal conclusions, to which no response is required.

COUNT I
Violation of FOIA, 5 U.S.C. § 552
Failure to Conduct Adequate Searches for Responsive Records

33. Defendants reallege and incorporate by reference all the proceeding paragraphs of this Answer as if fully stated in this paragraph.

34. The allegations in this paragraph consist of conclusions of law, to which no response is required.

35. The allegations in this paragraph consist of conclusions of law, to which no response is required. To the extent a response is required, Defendant FBI denies that the FBI is an agency within the meaning of 5 U.S.C. § 552(f)(1) but admits that the FBI is a component of the Department of Justice, which is subject to the requirements of the FOIA. Defendant the Department admits that it is an agency within the meaning of 5 U.S.C. § 552(f)(1) subject to the requirements of FOIA.

36. The allegations in this paragraph consist of conclusions of law, to which no response is required. To the extent a response is required, Defendants deny the allegations in this paragraph.

37. The allegations in this paragraph consist of conclusions of law, to which no response is required. To the extent a response is required, Defendants deny the allegations in this paragraph.

38. The allegations in this paragraph consist of conclusions of law, to which no response is required. To the extent a response is required, Defendants deny the allegations in this paragraph.

COUNT II
Violation of FOIA, 5 U.S.C. § 552
Wrongful Withholding of Non-Exempt Responsive Records

39. Defendants reallege and incorporate by reference all the proceeding paragraphs of this Answer as if fully stated in this paragraph.

40. The allegations in this paragraph consist of conclusions of law, to which no response is required.

41. The allegations in this paragraph consist of conclusions of law, to which no response is required. To the extent a response is required, Defendant FBI denies that the FBI is an agency within the meaning of 5 U.S.C. § 552(f)(1) but admits that the FBI is a component of the Department of Justice, which is subject to the requirements of the FOIA. Defendant the Department admits that it is an agency within the meaning of 5 U.S.C. § 552(f)(1) subject to the requirements of FOIA.

42. The allegations in this paragraph consist of conclusions of law, to which no response is required. To the extent a response is required, Defendants deny the allegations in this paragraph.

43. The allegations in this paragraph consist of conclusions of law, to which no response is required. To the extent a response is required, Defendants deny the allegations in this paragraph.

44. The allegations in this paragraph consist of conclusions of law, to which no response is required. To the extent a response is required, Defendants deny the allegations in this paragraph.

REQUESTED RELIEF

The remainder of the Complaint consists of Plaintiff's request for relief, to which no response is required. To the extent a response is deemed required, Defendants deny that Plaintiff is entitled to the relief requested, or to any relief whatsoever.

DEFENSES

Defendants allege the following additional defenses to the Complaint. Defendants do not assume the burden of proving any of these defenses or elements of them where the burden is properly placed on Plaintiff as a matter of law.

1. Defendants have exercised due diligence in responding to Plaintiff's FOIA request and exceptional circumstances exist that necessitate additional time for Defendants to search for and process records, if any, responsive to Plaintiff's FOIA request.

2. Plaintiff is not entitled to compel production of any record or portion of any record that the FOIA, the Privacy Act, or any other federal law excludes, exempts, or otherwise protects from disclosure.

3. Defendants have not improperly withheld records requested by Plaintiff under the FOIA, to the extent such records exist, as some or all the requested records, or portions thereof, may be exempt from disclosure. 5 U.S.C. § 552(b).

4. Plaintiff is not entitled to the production of non-exempt portions of records that are not reasonably segregable from exempt portions of records.

5. Defendants' actions or inactions did not violate the FOIA or any other statutory or regulatory provision.

6. The Court lacks subject-matter jurisdiction over Plaintiff's request for relief that exceeds the relief authorized under the FOIA.

7. Plaintiff is neither eligible for nor entitled to attorneys' fees or costs.

8. Plaintiff's FOIA requests are improper to the extent that they are overbroad, cannot be processed without undue burden, or fail to reasonably describe the records sought as required by 5 U.S.C. § 552(a)(3)(A).

9. To the extent the Complaint alleges background facts unnecessary to the consideration of Defendants' response to the FOIA request at issue, the Complaint violates Rule 8(a)(2) by alleging information that is unnecessary to a "short and plain" statement of the claim. The Court should strike all such immaterial and impertinent matters pursuant to Rule 12(f). See *Mich. Immigr. Rts. Ctr. v. Dep't of Homeland Sec.*, Civ. A. No. 16-14192, 2017 WL 2471277, at *3 (E.D. Mich. June 8, 2017) (deeming stricken under Rule 12(f) background facts alleged in a FOIA complaint: "In this unique context, requiring Defendants to answer allegations in Plaintiffs' complaint that they would not otherwise be required to answer, and that are not material to Plaintiffs' FOIA claim, would prejudice Defendants."); *Robert v. Dep't of Just.*, Civ. A. No. 05-2543, 2005 WL 3371480, at *11 (E.D.N.Y. Dec. 12, 2005) (striking allegations of background

facts; concluding that plaintiff's "allegations are irrelevant to the validity of [his] FOIA claims").

10. Defendants respectfully request and reserve the right to amend, alter, and supplement the defenses contained in this Answer as the facts and circumstances giving rise to the Complaint become known to it through the course of litigation.

Dated: March 9, 2026
Washington, D.C.

JEANINE FERRIS PIRRO
United States Attorney

By: /s/ Benjamin H. Zieman
Benjamin H. Zieman
Assistant United States Attorney
601 D Street N.W.
Washington, D.C. 20530
202-252-2540
Attorneys for the United States of America