

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,

,

Plaintiff,

v.

DEPARTMENT OF JUSTICE,

Defendant.

Civil Action No. 26-0275 (ABJ)

ANSWER

Defendant, the Department of Justice, by and through the undersigned counsel, respectfully respond as follows to the separately numbered paragraphs and prayer for relief in Citizens for Responsibility and Ethics in Washington's Complaint, ECF No. 1, in this case under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

To the extent that the Complaint refers to or quotes from external documents, statutes, or other sources, Defendant may refer to such materials for their complete and accurate contents, but such references are not intended to be, and should not be construed as, an admission that the cited materials are: (1) correctly cited or quoted by Plaintiff, (2) relevant to this, or any other, action, or (3) admissible in this, or any other, action. Defendant expressly denies all allegations in the Complaint, including the relief sought, that are not specifically admitted to or otherwise qualified in this Answer. Defendant responds to the Complaint in like numbered paragraphs as follows:

1. To the extent the allegations seek to provide background facts in support of allegations of public interest, Defendant admits there may be some public interest in the records sought but presently lacks knowledge or information sufficient to form a belief as to the existence

or extent of any public interest, including as compared to any countervailing interests. To the extent the allegations in this paragraph are alleged for other purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

2. Defendant admits that it received four FOIA requests from Plaintiff, and that Plaintiff requested expedited processing for each request. Defendant lacks knowledge or information sufficient to form a belief about Plaintiff's motive in submitting FOIA requests.

3. The allegations in this paragraph consist of Plaintiff's characterization of this action conclusions of law, and request for relief to which no response is required. To the extent a response is deemed required, Defendant denies that it is in violation of FOIA.

JURISDICTION AND VENUE¹

4. This paragraph consists of legal conclusions, to which no response is required. To the extent a response is required, Defendant admits there is subject-matter jurisdiction over this action, subject to the terms and limitations of FOIA.

5. This paragraph consists of legal conclusions regarding venue, to which no response is required. To the extent that a response is deemed required, Defendant admits that venue is proper in this Court for claims involving proper FOIA requests.

PARTIES

6. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph.

¹ Merely for ease of reference, Defendants replicate the headings contained in the Complaint. Although Defendants believe that no response is required to such headings (*see* Fed. R. Civ. P. 10(b)), to the extent a response is deemed required and to the extent those headings could be construed to contain factual allegations, those allegations are denied.

7. Defendant admits that it is a federal agency within the meaning of 5 U.S.C. § 552(f)(1). The second sentence of this paragraph consists of legal conclusions, to which no response is required. To the extent that a response is required, Defendant denies the allegations.

LEGAL FRAMEWORK

8. This paragraph consists of conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant avers that the FOIA is the best evidence of its contents and respectfully refers the Court to that statute for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

9. This paragraph consists of conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant avers that the FOIA is the best evidence of its contents and respectfully refers the Court to that statute for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

10. This paragraph consists of conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant avers that the FOIA is the best evidence of its contents and respectfully refers the Court to that statute for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

11. This paragraph consists of conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant avers that the FOIA is the best evidence of its contents and respectfully refers the Court to that statute for a complete and accurate statement of

its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

12. This paragraph consists of conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant avers that the FOIA is the best evidence of its contents and respectfully refers the Court to that statute for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

13. This paragraph consists of conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant avers that the FOIA is the best evidence of its contents and respectfully refers the Court to that statute for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

14. This paragraph consists of conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant avers that the FOIA is the best evidence of its contents and respectfully refers the Court to that statute for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

15. This paragraph consists of conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant avers that the cited regulation is the best evidence of its contents and respectfully refers the Court to that regulation for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

16. This paragraph consists of conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant avers that the FOIA is the best evidence of its contents and respectfully refers the Court to that statute for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

17. This paragraph consists of conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant avers that the FOIA and cited case are the best evidence of their contents and respectfully refers the Court to that statute for a complete and accurate statement of their contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

18. This paragraph consists of conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant avers that the FOIA and cited case are the best evidence of their contents and respectfully refers the Court to that statute for a complete and accurate statement of their contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

FACTUAL ALLEGATIONS

19. This paragraph does not set forth claims of relief or aver facts in support of a claim under FOIA, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

20. This paragraph does not set forth claims of relief or aver facts in support of a claim under FOIA, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

21. This paragraph does not set forth claims of relief or aver facts in support of a claim under FOIA, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

22. This paragraph does not set forth claims of relief or aver facts in support of a claim under FOIA, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

23. This paragraph does not set forth claims of relief or aver facts in support of a claim under FOIA, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

24. This paragraph does not set forth claims of relief or aver facts in support of a claim under FOIA, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

25. This paragraph does not set forth claims of relief or aver facts in support of a claim under FOIA, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

26. This paragraph does not set forth claims of relief or aver facts in support of a claim under FOIA, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

27. This paragraph does not set forth claims of relief or aver facts in support of a claim under FOIA, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

28. This paragraph does not set forth claims of relief or aver facts in support of a claim under FOIA, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

29. This paragraph does not set forth claims of relief or aver facts in support of a claim under FOIA, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

30. This paragraph does not set forth claims of relief or aver facts in support of a claim under FOIA, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

31. This paragraph does not set forth claims of relief or aver facts in support of a claim under FOIA, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

32. Defendant admits that the Criminal Division received a FOIA request from Plaintiff dated on or about December 12, 2025. The remainder of this paragraph consists of Plaintiff's characterization of that request, to which no response is required. To the extent a response is deemed required, Defendant avers that the request is the best evidence of its contents and respectfully refers the Court to that request for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

33. Defendant admits that Plaintiff sought expedited processing.

34. The allegations in this paragraph consist of Plaintiff's characterization of the assertions and arguments made in its request for expedited processing, to which no response is required. To the extent a response is deemed required, Defendant avers that the expedited

processing request is the best evidence of its contents and respectfully refers the Court to that request for a complete and accurate statement of its contents.

35. The allegations in this paragraph consist of Plaintiff's characterization of the assertions and arguments made in its request for expedited processing, to which no response is required. To the extent a response is deemed required, Defendant avers that the expedited processing request is the best evidence of its contents and respectfully refers the Court to that request for a complete and accurate statement of its contents.

36. Defendant admits that Plaintiff sought a fee waiver.

37. Defendant admits that on December 18, 2025, the Criminal Division sent Plaintiff a letter acknowledging receipt of Plaintiff's FOIA request. Defendant respectfully refers the Court to the cited letter for a full and accurate statement of its contents and denies any allegations inconsistent therewith.

38. Defendant admits that on January 5, 2026, the Criminal Division notified Plaintiff by letter that its request for expedited processing was denied by the Department of Justice Office of Public Affairs. The remainder of the allegations in this paragraph consist of Plaintiff's conclusions of law and characterizations of its request and the Criminal Division's notification, to which no response is required. Defendant respectfully refers the Court to the cited letter for a full and accurate statement of its contents and denies any allegations inconsistent therewith. To the extent a response is deemed required, Defendant avers that the request and the notification are the best evidence of their contents and respectfully refers the Court to that request and the notification for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

39. Defendant admits the Criminal Division has sent no additional communications to Plaintiff as of the date of the Complaint.

December 12, 2025 FOIA Request to FBI

40. Defendant admits that the Federal Bureau of Investigation (“FBI”) received a FOIA request from Plaintiff dated on or about December 12, 2025. The remainder of this paragraph consists of Plaintiff’s characterization of that request, to which no response is required. To the extent a response is deemed required, Defendant avers that the request is the best evidence of its contents and respectfully refers the Court to that request for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

41. Defendant admits that Plaintiff requested expedited processing of its FOIA request.

42. The allegations in this paragraph consist of Plaintiff’s characterization of the assertions and arguments made in its request for expedited processing, to which no response is required. To the extent a response is deemed required, Defendant avers that the expedited processing request is the best evidence of its contents and respectfully refers the Court to that request for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

43. The allegations in this paragraph consist of Plaintiff’s characterization of the assertions and arguments made in its request for expedited processing, to which no response is required. To the extent a response is deemed required, Defendant avers that the expedited processing request is the best evidence of its contents and respectfully refers the Court to that request for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

44. Defendant admits that Plaintiff sought a fee waiver.

45. Defendant admits that on December 12, 2025, the FBI sent Plaintiff an email acknowledging receipt of Plaintiff's FOIA request. Defendant respectfully refers the Court to the cited email for a full and accurate statement of its contents and denies any allegations inconsistent therewith. The remaining allegations in this paragraph consist of Plaintiff's characterization of this letter, to which no response is required. To the extent a response is deemed required, Defendant avers that the letter is the best evidence of its contents and respectfully refers the Court to that letter for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

46. Defendant admits that on December 12, 2025, the FBI sent Plaintiff a second email. Defendant respectfully refers the Court to the cited email for a full and accurate statement of its contents and denies any allegations inconsistent therewith. The remaining allegations in this paragraph consist of Plaintiff's characterization of this letter, to which no response is required. To the extent a response is deemed required, Defendant avers that the letter is the best evidence of its contents and respectfully refers the Court to that letter for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

47. Defendant admits that on January 12, 2026, the FBI sent Plaintiff a letter acknowledging receipt of Plaintiff's FOIA request, which advised Plaintiff that the request had been assigned FOIPA Request No. 1708277-000. The remaining allegations in this paragraph consist of Plaintiff's characterization of this letter, to which no response is required. To the extent a response is deemed required, Defendant avers that the letter is the best evidence of its contents

and respectfully refers the Court to that letter for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

48. Defendant admits the FBI has sent no additional communications to Plaintiff as of the date of the Complaint.

December 15, 2025 FOIA Request to Office of the Pardon Attorney

49. Defendant admits that the Office of Pardon Attorney received a FOIA request from Plaintiff on December 15, 2025. The remainder of this paragraph consists of Plaintiff's characterization of that request, to which no response is required. To the extent a response is deemed required, Defendant avers that the request is the best evidence of its contents and respectfully refers the Court to that request for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

50. Defendant admits that Plaintiff requested expedited processing of its FOIA request. The remainder of this paragraph consists of Plaintiff's characterization of that request, to which no response is required. To the extent a response is deemed required, Defendant avers that the FOIA is the best evidence of its contents and respectfully refers the Court to that statute for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

51. The allegations in this paragraph consist of Plaintiff's characterization of the assertions and arguments made in its request for expedited processing, to which no response is required. To the extent a response is deemed required, Defendant avers that the expedited processing request is the best evidence of its contents and respectfully refers the Court to that request for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

52. The allegations in this paragraph consist of Plaintiff's characterization of the assertions and arguments made in its request for expedited processing, to which no response is required. To the extent a response is deemed required, Defendant avers that the expedited processing request is the best evidence of its contents and respectfully refers the Court to that request for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

53. Defendant admits that Plaintiff sought a fee waiver.

54. Defendant admits that the Office of Pardon Attorney acknowledged receipt of Plaintiff's December 15, 2026 FOIA request and assigned it administrative tracking number PARDON FOIA 2026-335561.

55. Defendant admits that the Office of Pardon Attorney further responded to Plaintiff's request by letter dated December 23, 2025. The remaining allegations in this paragraph consist of Plaintiff's characterization of this letter, to which no response is required. To the extent a response is deemed required, Defendant avers that the letter is the best evidence of its contents and respectfully refers the Court to that letter for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

56. Defendant avers that it did not send additional communications between the December 15, 2025, Letter and the date that Plaintiff filed the Complaint.

December 15, 2025 FOIA Request to the National Security Division

57. Defendant admits that it received Plaintiff's FOIA request, dated December 15, 2025, on December 16, 2025. The remainder of the allegations in this paragraph consists of Plaintiff's characterization of its request, to which no response is required. To the extent a response is deemed required, Defendant avers that the request is the best evidence of its contents and

respectfully refers the Court to that request for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

58. Defendant admits that Plaintiff sought expedited processing pursuant to 5 U.S.C. § 552 and 28 C.F.R. § 16.5(e).

59. The allegations in this paragraph consist of Plaintiff's characterization of the assertions and arguments made in its request for expedited processing, to which no response is required. To the extent a response is deemed required, Defendant avers that the expedited processing request is the best evidence of its contents and respectfully refers the Court to that request for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

60. The allegations in this paragraph consist of Plaintiff's characterization of the assertions and arguments made in its request for expedited processing, to which no response is required. To the extent a response is deemed required, Defendant avers that the expedited processing request is the best evidence of its contents and respectfully refers the Court to that request for a complete and accurate statement of its contents. Defendant denies all allegations in this paragraph to the extent they are inconsistent therewith.

61. Defendant admits that Plaintiff sought a fee waiver.

62. Defendant avers that National Security Division sent a letter to Plaintiff about this request on February 19, 2026.

CLAIMS FOR RELIEF

COUNT I

**Violation of FOIA – Wrongful Withholding of Records
Responsive to CREW’s December 12 and 15, 2025 Requests
(5 U.S.C. § 552)**

63. Defendant incorporates by reference its responses to all preceding paragraphs as if set forth fully herein.

64. The allegations in this paragraph consist of conclusions of law to which no response is required. To the extent a response is deemed required, this paragraph is denied.

65. The allegations in this paragraph consist of conclusions of law to which no response is required. To the extent a response is deemed required, this paragraph is denied.

66. The allegations in this paragraph consist of conclusions of law to which no response is required. To the extent a response is deemed required, this paragraph is denied.

67. This paragraph asserts a conclusion of law to which no response is required. To the extent a response is deemed required, Defendant admits that Plaintiff has exhausted administrative remedies.

68. The allegations in this paragraph consists of Plaintiff’s request for relief to which no response is required. To the extent a response is deemed required, Defendant denies that Plaintiff is entitled to the relief requested, or any relief.

COUNT II

**Violation of FOIA – Failure to Grant Expedited Processing of
CREW’s December 12 and 15, 2025 Requests
(5 U.S.C. § 552)**

69. Defendant incorporates by reference their responses to all preceding paragraphs as if set forth fully herein.

70. This paragraph asserts a conclusion of law related to Plaintiff's expedited processing request, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

71. This paragraph consists of Plaintiff's legal conclusions, to which no response is required. To the extent a response is deemed required, this paragraph is denied.

72. This paragraph asserts a conclusion of law related to Plaintiff's expedited processing request, including its characterizations as to whether the information "concerns a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence." To the extent a response is deemed required, this paragraph is denied.

73. This paragraph asserts a conclusion of law related to Plaintiff's expedited processing request, to which no response is required. To the extent a response is deemed required, this paragraph is denied.

74. This paragraph asserts a conclusion of law related to Plaintiff's expedited processing request, to which no response is required. To the extent a response is deemed required, this paragraph is denied.

75. This paragraph asserts a conclusion of law related to Plaintiff's expedited processing request, to which no response is required. To the extent a response is deemed required, this paragraph is denied.

76. The allegations in this paragraph consists of Plaintiff's request for relief to which no response is required. To the extent a response is deemed required, Defendant denies that Plaintiff is entitled to the relief requested, or any relief.

The remaining paragraphs of the Complaint set forth Plaintiff's prayer for relief, to which no response is required. To the extent a response is deemed required, Defendant denies that Plaintiff is entitled to the relief requested. Pursuant to Rule 8(b) of the Federal Rules of Civil Procedure, Defendant asserts a general denial as to those allegations that are contained in the Complaint that are not specifically admitted herein.

DEFENSES

In further response to the Complaint, Defendant raises the following defenses. Defendant respectfully requests and reserves the right to amend, alter, and supplement the defenses in this answer as the facts and circumstances giving rise to the Complaint become known to Defendant throughout the course of this litigation.

FIRST DEFENSE

Plaintiff is not entitled to compel the production of any record or portion of any record protected from disclosure by one or more of the exclusions or exemptions to the FOIA or the Privacy Act, 5 U.S.C. § 552a, or other applicable law.

SECOND DEFENSE

The Court lacks subject matter jurisdiction over any of Plaintiff's requests for relief that exceed the relief authorized by the FOIA.

THIRD DEFENSE

Plaintiff is neither eligible for nor entitled to attorney's fees or costs.

FOURTH DEFENSE

Plaintiff is not entitled to declaratory relief and/or any other relief beyond what is provided for under 5 U.S.C. § 552(a)(4)(B).

FIFTH DEFENSE

To the extent the Complaint alleges background facts unnecessary to the consideration of Defendant's 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").

SEVENTH DEFENSE

Defendant's actions or inactions did not violate the FOIA or any other statutory or regulatory provision.

EIGHTH DEFENSE

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

Dated: March 12, 2026
Washington, DC

Respectfully submitted,

JEANINE FERRIS PIRRO
United States Attorney

By: /s/ Brian J. Levy

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