

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE JAMES MADISON PROJECT
1250 Connecticut Avenue, NW
Suite 200
Washington, D.C. 20036

and

Noah Shachtman
The Daily Beast
555 W 18th Street
Fifth Floor
New York, NY 10011

Plaintiffs,

v.

Civil Action No. 17-390

DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

and

DEPARTMENT OF HOMELAND
SECURITY
STOP-0655
245 Murray Lane, SW
Washington, D.C. 20528-0655

Defendants.

* * * * *

COMPLAINT

This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, et seq., as amended, for the disclosure of agency records withheld from the plaintiffs The James Madison Project and Noah Shachtman by the defendants Department of Justice and Department of Homeland Security (as well as their subordinate entities).

JURISDICTION

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the defendant pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

VENUE

2. Venue is appropriate under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391.

PARTIES

3. Plaintiff The James Madison Project (“JMP”) is a non-partisan organization established in 1998 to promote government accountability and the reduction of secrecy, as well as educating the public on issues relating to intelligence and national security. It maintains a website at www.JamesMadisonProject.org.

4. Plaintiff Noah Shachtman (“Shachtman”) currently serves as the Executive Editor of The Daily Beast, and is a representative of the news media.

5. Defendant Department of Justice (“DOJ”) is an agency within the meaning of 5 U.S.C. § 552 (e), and is in possession and/or control of the records requested by the plaintiffs that are the subject of this action. DOJ controls – and consequently serves as the proper party defendant for litigation purposes for – the Office of Legal Counsel (“OLC”).

6. Defendant Department of Homeland Security (“DHS”) is an agency within the meaning of 5 U.S.C. § 552 (e), and is in possession and/or control of the records requested by the plaintiffs that are the subject of this action. DHS controls – and consequently serves as the proper party defendant for litigation purposes for – the Transportation Security Administration (“TSA”), Customs and Border Protection (“CBP”), Immigration and Customs Enforcement (“ICE”), and U.S. Citizenship and Immigration Services (“USCIS”).

FACTUAL BACKGROUND

7. This lawsuit is brought under the Freedom of Information Act (“FOIA”). It seeks the disclosure of records that will shed light on the degree to which (if at all) the defendant federal agencies were consulted both prior and subsequent to the implementation of the so-called “Muslim Ban”. The requested records will also provide the public with clarity concerning the extent to which Members of Congress were consulted both prior and subsequent to the implementation of the “Muslim Ban”.

8. For context, President Trump issued an Executive Order on January 27, 2017, entitled “Protecting the Nation from Foreign Terrorist Entry into the United States”. <https://www.nytimes.com/2017/01/27/us/politics/refugee-muslim-executive-order-trump.html?mtrref=www.nytimes.com&gwh=B456165D1D10E39DE6FBC6134CD77963&gwt=pay> (last accessed January 30, 2017). The Executive Order suspended the U.S. Government refugee program, indefinitely barred Syrian refugees, and temporarily barred entry into the United States foreign nationals from seven countries. https://www.nytimes.com/2017/01/29/us/trump-refugee-ban-muslim-executive-order.html?_r=0 (last accessed January 30, 2017).

9. In the aftermath of the issuance of the Executive Order, chaos erupted at U.S. airports on January 28, 2017, as hundreds of individuals were detained and prevented from entering the United States despite holding valid entry paperwork. By the evening of January 29, 2017, at least four different U.S. district court judges had issued emergency injunctions preventing the U.S. Government from deporting individuals who had been detained pursuant to the Executive Order. <http://edition.cnn.com/2017/01/28/politics/donald-trump-executive-order-immigration-reaction/index.html> (last accessed

January 30, 2017).

10. Countless lawyers raced to the various U.S. airports to prove pro bono legal services to those who were impacted by the new entry restrictions. <https://www.yahoo.com/news/trump-travel-ban-galvanizes-young-lawyers-action-023327562.html> (last accessed January 30, 2017). Despite the issuance of the emergency stays by the different federal judges, reports emerged of CBP officials refusing to comply with the court orders. <http://www.thedailybeast.com/articles/2017/01/29/trump-s-border-patrol-defies-judge-u-s-senator-at-dulles-airport-at-his-first-constitutional-crisis-unfolds.html> (last accessed January 31, 2017); http://www.huffingtonpost.com/entry/dulles-airport-feds-violated-court-order_us_588d7274e4b08a14f7e67bcf (last accessed January 31, 2017). On February 4, 2017, the Department of Homeland Security stated that it would stop enforcing the Executive Order. <http://www.cnn.com/2017/02/03/politics/federal-judge-temporarily-halts-trump-travel-ban-nationwide-ag-says/> (last accessed March 2, 2017).

COUNT ONE (DOJ OLC)

11. The plaintiffs, JMP and Shachtman (referred to jointly as “the Requesters”), repeat and reallege the allegations contained in paragraphs 7 through 10 above, inclusive.

12. By letter dated January 31, 2017, the Requesters submitted to DOJ OLC a FOIA request.

13. The FOIA request specifically sought copies of records, including cross-references, memorializing the following:

- 1) Any records memorializing discussions between DOJ OLC staff and private staff, Presidential transition staff, and/or White House staff of President Donald J. Trump (“President Trump”) regarding the legality of (and recommended means of implementing) an Executive Order barring entry of certain categories of foreign nationals based strictly on their nationality, including, but not limited to, individuals who qualify as refugees, U.S. legal permanent residents, and holders of a valid U.S. visa;
- 2) Any records memorializing discussions between DOJ OLC staff and other Federal agencies regarding an Executive Order that falls within the scope of category #1, including, but not limited to, issues of legality and implementation;
- 3) Any records memorializing discussions among DOJ OLC staff regarding an Executive Order that falls within the scope of category #1, including, but not limited to, issues of legality and implementation;
- 4) Any records memorializing discussions between DOJ OLC staff and Members of Congress (as well as Congressional staff members) regarding an Executive Order that falls within the scope of category #1, including, but not limited to, issues of legality and implementation;
- 5) Any records memorializing final determinations by DOJ OLC staff regarding the extent to which an Executive Order that falls within the scope of category #1 would apply to U.S. citizens who hold dual citizenship; and
- 6) Any records memorializing final determinations by DOJ OLC staff regarding the legality of an Executive Order that falls within the scope of category #1.

14. The Requesters clarified that the scope of information outlined in paragraph 13 should encompass discussions and final determinations that occurred both prior and subsequent to President Trump’s signing of the Executive Order on January 27, 2017. The Requesters also asked that DOJ OLC use, but not limit itself to, the search terms “religious test”, “Christian ban”, “Jewish ban”, and “Muslim ban”.

15. The Requesters stated that DOJ OLC could limit the timeframe of its searches from November 8, 2016, up until the date upon which DOJ OLC began conducting searches for responsive records. The Requesters further clarified that the scope of DOJ

OLC's search should not be limited to DOJ OLC-originated records.

16. In the FOIA request, the Requesters pre-emptively waived any objection to the redaction of the names of any U.S. Government officials below a GS-14 position or whom otherwise were not acting in a supervisory position. The Requesters similarly waived any objection to redactions of the names of any U.S. Government contractors in a position of authority similar to that of a GS-13 series civilian employee or below.

17. In terms of all other third parties who work for the U.S. Government and whose names appear in records responsive to this request, the Requesters explained in detail that the privacy interests of those individuals have been diminished by virtue of their involvement in one or more of the U.S. Government functions described above as falling within the scope of the FOIA request. Relying upon the public interest aspect outlined regarding third party privacy interests, the Requesters stated that they were also seeking a waiver of fees or, at a minimum, a reduction in fees, as well as expedited processing.

18. To date, no substantive response has been received by the Requesters from DOJ OLC. The Requesters have constructively exhausted all required administrative remedies.

19. The Requesters have a legal right under the FOIA to obtain the information they seek, and there is no legal basis for the denial by DOJ OLC of said right.

COUNT TWO (DHS)

20. The Requesters repeat and reallege the allegations contained in paragraphs 7 through 10 above, inclusive.

21. By letter dated January 31, 2017, the Requesters submitted to DHS a FOIA request.

22. The Requesters repeat and reallege the allegations contained in paragraphs 13 through 17, as the scope of the FOIA request submitted to DHS, as well as the issues of third party privacy interests, fee waiver and expedited processing, were addressed in identical fashion in the DOJ OLC request.

23. By letter dated February 6, 2017, DHS acknowledged receipt of the FOIA request and assigned it Request Number 2017-HQFO-00302. In its letter, DHS stated that it was granting a fee waiver and expedited processing.

24. To date, no substantive response has been received by the Requesters from DHS. The Requesters have constructively exhausted all required administrative remedies.

25. The Requesters have a legal right under the FOIA to obtain the information they seek, and there is no legal basis for the denial by DHS of said right.

COUNT THREE (TSA)

26. The Requesters repeat and reallege the allegations contained in paragraphs 7 through 10 above, inclusive.

27. By letter dated January 31, 2017, the Requesters submitted to TSA a FOIA request.

28. The Requesters repeat and reallege the allegations contained in paragraphs 13 through 17, as the scope of the FOIA request submitted to TSA, as well as the issues of third party privacy interests, fee waiver and expedited processing, were addressed in identical fashion in the DOJ OLC request.

29. By letter dated February 7, 2017, TSA acknowledged receipt of the FOIA request and assigned it Request Number 2017-HQFO-00326. In its letter, TSA stated that it was granting a fee waiver.

30. To date, no substantive response has been received by the Requesters from TSA. The Requesters have constructively exhausted all required administrative remedies.

31. The Requesters have a legal right under the FOIA to obtain the information they seek, and there is no legal basis for the denial by TSA of said right.

COUNT FOUR (CBP)

32. The Requesters repeat and reallege the allegations contained in paragraphs 7 through 10 above, inclusive.

33. By letter dated January 31, 2017, the Requesters submitted to CBP a FOIA request.

34. The Requesters repeat and reallege the allegations contained in paragraphs 13 through 17, as the scope of the FOIA request submitted to CBP, as well as the issues of third party privacy interests, fee waiver and expedited processing, were addressed in identical fashion in the DOJ OLC request.

35. By letter dated February 22, 2017, CBP acknowledged receipt of the FOIA request and assigned it Request Number 2017-HQFO-00426. In its letter, CBP stated that it was granting a fee waiver and expedited processing.

36. To date, no substantive response has been received by the Requesters from CBP. The Requesters have constructively exhausted all required administrative remedies.

37. The Requesters have a legal right under the FOIA to obtain the information they seek, and there is no legal basis for the denial by CBP of said right.

COUNT FIVE (ICE)

38. The Requesters repeat and reallege the allegations contained in paragraphs 7 through 10 above, inclusive.

39. By letter dated January 31, 2017, the Requesters submitted to ICE a FOIA request.

40. The Requesters repeat and reallege the allegations contained in paragraphs 13 through 17, as the scope of the FOIA request submitted to ICE, as well as the issues of third party privacy interests, fee waiver and expedited processing, were addressed in identical fashion in the DOJ OLC request.

41. By letter dated February 13, 2017, ICE acknowledged receipt of the FOIA request and assigned it Request Number 2017-HQFO-00334. In its letter, ICE stated that it was granting a fee waiver and expedited processing.

42. To date, no substantive response has been received by the Requesters from ICE. The Requesters have constructively exhausted all required administrative remedies.

43. The Requesters have a legal right under the FOIA to obtain the information they seek, and there is no legal basis for the denial by ICE of said right.

COUNT SIX (USCIS)

44. The Requesters repeat and reallege the allegations contained in paragraphs 7 through 10 above, inclusive.

45. By letter dated January 31, 2017, the Requesters submitted to USCIS a FOIA request.

46. The Requesters repeat and reallege the allegations contained in paragraphs 13 through 17, as the scope of the FOIA request submitted to USCIS, as well as the issues of third party privacy interests, fee waiver and expedited processing, were addressed in identical fashion in the DOJ OLC request.

47. By letter dated February 2, 2017, USCIS acknowledged receipt of the FOIA request and assigned it Request Number 2017-HQFO-00282. In its letter, USCIS stated that it was granting a fee waiver and expedited processing.

48. To date, no substantive response has been received by the Requesters from USCIS. The Requesters have constructively exhausted all required administrative remedies.

49. The Requesters have a legal right under the FOIA to obtain the information they seek, and there is no legal basis for the denial by USCIS of said right.

WHEREFORE, plaintiffs The James Madison Project and Noah Shachtman pray that this Court:

(1) Order the defendant federal agencies to disclose the requested records in their entirety and make copies promptly available to the plaintiffs;

(2) Award reasonable costs and attorney's fees as provided in 5 U.S.C. § 552(a)(4)(E) and/or 28 U.S.C. § 2412 (d);

(4) expedite this action in every way pursuant to 28 U.S.C. § 1657 (a); and

(5) grant such other relief as the Court may deem just and proper.

Date: March 3, 2017

Respectfully submitted,

/s/

Bradley P. Moss, Esq.
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D.C. Bar #440532
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Mark@MarkZaid.com

Attorneys for Plaintiffs

CO-386-online
10/03

**United States District Court
For the District of Columbia**

The James Madison Project, et al.	)	
	)	
	)	
	)	
vs	)	Civil Action No. 17-390
	)	
Department of Justice, et al.	)	
	)	
	)	
	)	
Defendant	)	

CERTIFICATE RULE LCvR 7.1

I, the undersigned, counsel of record for The James Madison Project certify that to the best of my knowledge and belief, the following are parent companies, subsidiaries or affiliates of The James Madison Project which have any outstanding securities in the hands of the public:

None

These representations are made in order that judges of this court may determine the need for recusal.

Attorney of Record

Signature

Bradley P. Moss

Print Name

1250 Connecticut Avenue, N.W., Suite 200
Address

Washington	D.C.	20036
City	State	Zip Code

(202) 907-7945
Phone Number

975905
BAR IDENTIFICATION NO.

CIVIL COVER SHEET

JS-44 (Rev. 7/13 DC)

I. (a) PLAINTIFFS The James Madison Project; Noah Shachtman (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>88888</u> (EXCEPT IN U.S. PLAINTIFF CASES)	DEFENDANTS Department of Justice; Department of Homeland Security COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED
(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Bradley P. Moss, Esq. Mark S. Zaid, P.C. 1250 Connecticut Avenue, NW, Suite 200 Washington, DC 20036	ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY) <table style="width: 100%;"> <tr> <td>☐ 1 U.S. Government Plaintiff</td> <td>☐ 3 Federal Question (U.S. Government Not a Party)</td> </tr> <tr> <td>☒ 2 U.S. Government Defendant</td> <td>☐ 4 Diversity (Indicate Citizenship of Parties in item III)</td> </tr> </table>	☐ 1 U.S. Government Plaintiff	☐ 3 Federal Question (U.S. Government Not a Party)	☒ 2 U.S. Government Defendant	☐ 4 Diversity (Indicate Citizenship of Parties in item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY! <table style="width: 100%;"> <thead> <tr> <th></th> <th>PTF</th> <th>DFT</th> <th></th> <th>PTF</th> <th>DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td>☐ 1</td> <td>☐ 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td>☐ 4</td> <td>☐ 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>☐ 2</td> <td>☐ 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>☐ 5</td> <td>☐ 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>☐ 3</td> <td>☐ 3</td> <td>Foreign Nation</td> <td>☐ 6</td> <td>☐ 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	☐ 1	☐ 1	Incorporated or Principal Place of Business in This State	☐ 4	☐ 4	Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5	Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6
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Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6																								

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

☐ A. Antitrust ☐ 410 Antitrust	☐ B. Personal Injury/Malpractice ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Medical Malpractice ☐ 365 Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Product Liability	☐ C. Administrative Agency Review ☐ 151 Medicare Act <u>Social Security</u> ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) <u>Other Statutes</u> ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 890 Other Statutory Actions (If Administrative Agency is Involved)	☐ D. Temporary Restraining Order/Preliminary Injunction Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)*
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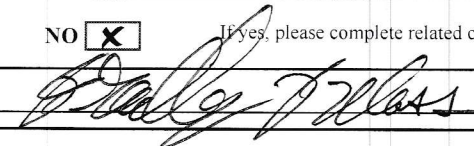
☐ E. General Civil (Other)	OR	☐ F. Pro Se General Civil	
<u>Real Property</u> ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent, Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property <u>Personal Property</u> ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	<u>Bankruptcy</u> ☐ 422 Appeal 27 USC 158 ☐ 423 Withdrawal 28 USC 157 <u>Prisoner Petitions</u> ☐ 535 Death Penalty ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Conditions ☐ 560 Civil Detainee – Conditions of Confinement <u>Property Rights</u> ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark <u>Federal Tax Suits</u> ☐ 870 Taxes (US plaintiff or defendant) ☐ 871 IRS-Third Party 26 USC 7609	<u>Forfeiture/Penalty</u> ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other <u>Other Statutes</u> ☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 430 Banks & Banking ☐ 450 Commerce/ICC Rates/etc. ☐ 460 Deportation ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions ☐ 470 Racketeer Influenced & Corrupt Organization	☐ 480 Consumer Credit ☐ 490 Cable/Satellite TV ☐ 850 Securities/Commodities/Exchange ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes ☐ 890 Other Statutory Actions (if not administrative agency review or Privacy Act)

☐ G. Habeas Corpus/ 2255 ☐ 530 Habeas Corpus – General ☐ 510 Motion/Vacate Sentence ☐ 463 Habeas Corpus – Alien Detainee	☐ H. Employment Discrimination ☐ 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) <i>*(If pro se, select this deck)*</i>	☒ I. FOIA/Privacy Act ☒ 895 Freedom of Information Act ☐ 890 Other Statutory Actions (if Privacy Act) <i>*(If pro se, select this deck)*</i>	☐ J. Student Loan ☐ 152 Recovery of Defaulted Student Loan (excluding veterans)
☐ K. Labor/ERISA (non-employment) ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 740 Labor Railway Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act	☐ L. Other Civil Rights (non-employment) ☐ 441 Voting (if not Voting Rights Act) ☐ 443 Housing/Accommodations ☐ 440 Other Civil Rights ☐ 445 Americans w/Disabilities – Employment ☐ 446 Americans w/Disabilities – Other ☐ 448 Education	☐ M. Contract ☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholder's Suits ☐ 190 Other Contracts ☐ 195 Contract Product Liability ☐ 196 Franchise	☐ N. Three-Judge Court ☐ 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify)
 ☐ 6 Multi-district Litigation
 ☐ 7 Appeal to District Judge from Mag. Judge

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 Action under 5 U.S.C. 552 to compel disclosure of agency records

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐	DEMAND \$	JURY DEMAND: YES ☐ NO ☒
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES ☐ NO ☒	If yes, please complete related case form

DATE: 3-3-17	SIGNATURE OF ATTORNEY OF RECORD: 
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

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

_____	)	
<i>Plaintiff</i>	)	
	)	
v.	)	Civil Action No.
	)	
_____	)	
<i>Defendant</i>	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

_____	)	
<i>Plaintiff</i>	)	
	)	
v.	)	Civil Action No.
	)	
_____	)	
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ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

_____	)	
<i>Plaintiff</i>	)	
	)	
v.	)	Civil Action No.
	)	
_____	)	
<i>Defendant</i>	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

_____	)	
<i>Plaintiff</i>	)	
	)	
v.	)	Civil Action No.
	)	
_____	)	
<i>Defendant</i>	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: