

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

PRISOLOGY,
215 W. FRANKLIN ST. STE. 100
WAXAHACHIE, TX 75165

Plaintiff,

v.

14-CV-969

FEDERAL BUREAU OF PRISONS,
320 FIRST ST. N.W.
WASHINGTON, DC 20534

Defendant.

COMPLAINT

1. The Electronic Freedom of Information Act (“E-FOIA”) of 1996 amended the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, to require federal agencies to make certain records available to the public via computer telecommunications means. 5 U.S.C. § 552(a)(2)(A)-(C). To date, Defendant Federal Bureau of Prisons (“BOP”) has largely disregarded its obligations under the E-FOIA amendments. Plaintiff Prisology (“Prisology”), a national non-profit organization that advocates for criminal justice reform, seeks declaratory and injunctive relief regarding the BOP’s non-compliance with the E-FOIA amendments.

Parties

2. Plaintiff Prisology, Inc., is a Texas non-profit organization that advocates for criminal justice reform. Prisology’s mailing address is 215 W. Franklin St. Ste. 100, Waxahachie, Texas 75165.

2. Defendant Federal Bureau of Prisons is a federal agency subject to the

requirements of the FOIA. BOP's mailing address is 320 First St. N.W., Washington, DC 20534.

Jurisdiction

4. This Court has jurisdiction over Prisology's federal law claims against the BOP under 28 U.S.C. §§ 1331 and 1346(a)(2).

Count One

5. In accordance with the E-FOIA amendments, federal agencies are required to make available through computer telecommunications means the following records created on or after November 1, 1996:

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register;

(C) administrative staff manuals and instructions to staff that affect a member of the public;

5 U.S.C. § 552(a)(2)(A)-(C).

6. Notwithstanding the E-FOIA Amendments and Department of Justice regulations implementing the E-FOIA, *see e.g.*, 28 C.F.R. § 16.2(c), the BOP refuses to make available numerous qualifying records via computer telecommunications means.

7. Examples of records subject to the E-FOIA that the BOP does not make available via computer telecommunication means include, but are not limited to: (1) responses to administrative remedy requests and appeals from each BOP institution, Regional Office, and the BOP's Central Office; (2) private settlements outside of litigation between the BOP and its employees, inmates, and other persons; (3) grants and denials of requests for compassionate release; (4) all settlements, compromises, and rejections of claims made

pursuant to the Federal Tort Claims Act and Inmate Accident Compensation Program; and (5) Disciplinary Hearing Officer reports reflecting agency adjudication of serious prison disciplinary charges.

Relief Requested

8. Prisology requests a declaratory judgment that the records in paragraph 7 of this Complaint are subject to disclosure via computer telecommunications means in accordance with the E-FOIA. Additionally, Prisology requests an injunction pursuant to the Administrative Procedure Act, 5 U.S.C. § 706(1) & (2)(A), requiring the BOP to make the paragraph 7 records that were created on or after November 1, 1996, available via computer telecommunications means.

9. Prisology also requests its costs, attorney's fees, and such other relief the Court deems fit.

Respectfully submitted,

s/ Jeremy Gordon

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