

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

AMERICA FIRST LEGAL FOUNDATION,  
611 Pennsylvania Avenue SE #231  
Washington, DC 20003

*Plaintiff*

v.

FEDERAL BUREAU OF INVESTIGATION,  
935 Pennsylvania Ave NW  
Washington, DC 20535-0001

and

DEPARTMENT OF JUSTICE  
950 Pennsylvania Ave NW  
Washington, DC 20530-0001

*Defendants.*

Civil Action No.: 23-2172

**COMPLAINT**

1. The Plaintiff, America First Legal Foundation (“AFL”), brings this action against the Federal Bureau of Investigation (“FBI”) and the Department of Justice (collectively, “Defendants”) to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

2. Secretary Alejandro Mayorkas’s loss of public confidence has garnered the introduction of several resolutions seeking his impeachment in the 118<sup>th</sup> Congress. *See, e.g.*, H.R. Res. 8, 118th Cong. (2023); H.R. Res. 89, 118th Cong. (2023); H.R. Res. 411, 118th Cong. (2023); H.R. Res. 470, 118th Cong. (2023); *see also* H.R. Res. 477, 118th Cong. (2023) (authorizing and directing the Committee on the

Judiciary to investigate whether sufficient grounds exist for impeachment); S. Res. 169, 118th Cong. (2023) (expressing the sense of the Senate that he does not have the confidence of the Senate or of the American people to faithfully carry out the duties of his office).

3. Accordingly, AFL brings this action to uncover the FBI background investigations records that may reveal the truth about Secretary Mayorkas's fitness to hold public office.

### **JURISDICTION AND VENUE**

4. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Additionally, it may grant declaratory relief pursuant to 28 U.S.C. § 2201, *et seq.*

5. Venue is proper in this District pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

### **PARTIES**

6. The Plaintiff, AFL, is a nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, ensure due process and equal protection for all Americans, and encourage public knowledge and understanding of the law and individual rights guaranteed under the United States Constitution and the laws of the United States. AFL's mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and/or other media, including social media platforms, all to educate the public.

7. Defendant FBI is an agency within the meaning of 5 U.S.C. § 552(f), is located within the District of Columbia, and has possession and control of the records AFL seeks.

8. Defendant Department of Justice is an agency within the meaning of 5 U.S.C. § 552(f), is located within the District of Columbia, and has possession and control of the records AFL seeks.

### **AFL'S FOIA REQUEST**

9. On January 6, 2023, AFL submitted a FOIA request to the FBI, seeking records of “the FBI background investigation, Form SF-86, and any supporting security clearance documentation, including waiver forms [completed] by Alejandro Mayorkas or his designees for the purpose of allowing the FBI to conduct a background investigation as part of his nomination[s]” for Secretary of Homeland Security, Deputy Secretary of Homeland Security, Director of the United States Citizenship and Immigration Services, and the United States Attorney for the Central District of California, “as produced to or shared with” Congress. Exhibit A at 4–9.

10. In the request, AFL explained that Privacy Act protections were waived once the records were disclosed to Congress. *Id.* at 4–5; *see also Am. Oversight v. U.S. Dep't of Just.*, 375 F. Supp. 3d 50 (D.D.C. 2019) (showing that the Defendants, in response to another FOIA request, released Attorney General Jeff Sessions’s SF-86 and other records prepared during his background check).

11. AFL requested expedited processing of the request because, *inter alia*, Secretary Mayorkas has “authority over the unprecedented neglect of American borders and his central role in triggering both a massive humanitarian crisis and national security vulnerabilities for every American citizen,” which is a “pressing matter of critical national importance.” *Id.* at 7.

12. AFL also requested expedited processing of the request because “[t]he information contained in Secretary Mayorkas’s previous FBI background investigations is vital to exploring his alleged fitness to hold his current office” in the context of his “impending impeachment.” *Id.* at 8.

13. On January 13, 2023, the FBI responded to AFL’s request, stating that the “records on third party individual(s) [AFL] requested are categorically denied pursuant to FOIA exemptions (b)(6) and (b)(7)(C).” Exhibit A at 11–14.

14. On April 13, 2023, AFL appealed the FBI’s denial. Exhibit A at 1.

15. On June 16, 2023, the Department of Justice affirmed the FBI’s denial of AFL’s request. Exhibit B.

### **CLAIM FOR RELIEF**

#### **Violation of FOIA, 5 U.S.C. § 552**

16. AFL repeats paragraphs 1–15.

17. AFL properly requested records within the possession, custody, and control of the Defendants.

18. The FBI failed to conduct a reasonable search for responsive records.

19. The FBI improperly withheld the responsive records under FOIA pursuant to 5 U.S.C. §§ 552(b)(6) and (b)(7)(C).

20. Moreover, the FBI failed to disclose any segregable, non-exempt portions of responsive records. *See* 5 U.S.C. § 552(b).

21. AFL properly appealed the FBI's determination to withhold the responsive records in full.

22. The Department of Justice improperly affirmed the FBI's determination to withhold the responsive records in full.

23. Accordingly, AFL has exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(C).

24. The Defendants violated the FOIA by failing, within the prescribed time limit, to (i) reasonably search for records responsive to AFL's FOIA requests; (ii) provide a lawful reason for the withholding of any responsive records; and (iii) segregate exempt information in otherwise non-exempt responsive records.

### **RELIEF REQUESTED**

WHEREFORE, AFL respectfully requests this Court:

i. Declare that the records sought by these requests, as described in the foregoing paragraphs, must be disclosed pursuant to 5 U.S.C. § 552;

ii. Order the Defendants to conduct searches immediately for all records responsive to AFL's FOIA requests and demonstrate that they employed search methods reasonably likely to lead to the discovery of responsive records;

- iii. Order the Defendants to produce by a date certain all non-exempt records responsive to AFL's FOIA requests;
- iv. Award AFL attorneys' fees and costs pursuant to 5 U.S.C. § 552(a)(4)(E);  
and
- v. Grant AFL such other and further relief as this Court deems proper.

July 26, 2023.

Respectfully submitted,

*/s/ Michael Ding*

MICHAEL DING (D.C. Bar No. 1027252)  
JACOB MECKLER (D.C. Bar No. 90005210)  
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611 Pennsylvania Avenue SE #231  
Washington, D.C. 20003  
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*Counsel for the Plaintiff  
America First Legal Foundation*



April 13, 2023

**Via FOIA STAR Portal**

Office of Information Policy  
United States Department of Justice  
441 G Street NW, 6<sup>th</sup> Floor  
Washington, DC 20530  
Attn: Director

**Freedom of Information Act Request 1578086-000: Appeal of Denial**

Dear Director:

This appeals the Federal Bureau of Investigation's ("FBI") denial of America First Legal Foundation's ("AFL") Freedom of Information Act ("FOIA") Request No. 1578086-000 (Exhibit 1). The denial rests on an assertion that the personal privacy interest of Secretary Mayorkas outweighs the public interest in disclosure.

**I. Standard of review**

FOIA is meant "to pierce the veil of administrative secrecy and to open agency action to the light of public scrutiny." *U.S. Dep't of State v. Ray*, 502 U.S. 164, 173 (1991) (quoting *Dep't of Air Force v. Rose*, 425 U.S. 352, 361 (1976)). FOIA "directs that 'each agency, upon any request for records ... shall make the records promptly available to any person' unless the requested records fall within one of the statute's nine exemptions." *Loving v. Dep't of Def.*, 550 F.3d 32, 37 (D.C. Cir. 2008).

**II. FBI's denial lacks legal foundation**

FBI denied FOIA Request 1578086-000. This is the entirety of its justification:

The records on third party individual(s) you requested are categorically denied pursuant to FOIA exemptions (b)(6) and (b)(7)(C), 5 U.S.C. §§ 552 (b)(6) and (b)(7)(C). Please be advised that you have not sufficiently demonstrated that the public's interest in disclosure (relating to the operations and activities of the government) outweigh the personal privacy interests of these individual(s). While the existence of FBI records is acknowledged, the records are exempt from disclosure as

processing these third party records would constitute an unwarranted invasion of personal privacy.

(Exhibit 2 at 1). Circuit law is clear: Agencies must initially determine whether disclosure of records would compromise a substantial, as opposed to de minimis, privacy interest, because if no significant privacy interest is implicated, then FOIA “demands disclosure.” U.S. Dep’t of Just., *Guide to the Freedom of Information Act Exemption 6* at 9 (Feb. 13, 2022), <http://bit.ly/3GHY9LD> (citing *Multi Ag Media LLC v. USDA*, 515 F.3d 1224, 1229 (D.C. Cir. 2008)).

FBI wrongly failed to explain how disclosing records pertaining to the background investigations on Secretary Mayorkas pose a threat to the Secretary’s privacy, as it was required to do. FBI also wrongly failed to identify the substantial privacy interest supposedly implicated by the subject request, or otherwise demonstrate that it had fairly analyzed the body of responsive records and made a good faith decision to withhold. Further, FBI provided no analysis explaining how these interests should be weighed against the public interest in disclosure, instead merely asserting that the privacy interests prevail. This is not the law, and it resulted in an improper resolution of this FOIA request.

Further, the U.S. District Court for the District of Columbia has previously ordered the release of SF-86 forms pertaining to cabinet-level officials, showing that a categorical exemption is inappropriate in this case. *See Am. Oversight v. U.S. Dep’t of Just.*, 375 F. Supp. 3d 50 (D.D.C. 2019). Only routine uses of background investigations are protected by the Privacy Act, and disclosure to congressional committees is not a routine use. Accordingly, Secretary Mayorkas’s background investigation materials as produced to Congress must be provided to requesters pursuant to FOIA.

AFL is willing to work with FBI in good faith to address its concerns, but the FBI’s categorical denial is contrary to the law and should not stand.

Sincerely,

/s/ Michael Ding

Michael Ding

America First Legal Foundation



# EXHIBIT 1



January 6, 2022

**Via FOIA Portal**

Federal Bureau of Investigation  
Attn: Initial Processing Operations Unit  
Record/Information Dissemination Section  
200 Constitution Drive  
Winchester, VA 22602

**Freedom of Information Act Request: FBI Background Investigation of Alejandro Mayorkas for Senate Confirmation as United States Secretary of Homeland Security:**

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we communicate with a national audience through traditional and social media platforms. AFL's email list contains over 45,000 unique addresses, our Twitter page has 50,000 followers, the Twitter page of our Founder and President has over 370,000 followers, our Facebook page has 105,000 followers, and we have another approximately 31,600 followers on GETTR.

**I. Introduction**

As part of Congress's constitutional "advise and consent" role, each nominee to Senate-confirmed positions must undergo a Federal Bureau of Investigation (FBI) background investigation. The disclosure of this type of background investigation is governed by the Privacy Act, 5 U.S.C. § 552a, prohibiting disclosure unless the subject of the background investigation consented to the disclosure. Absent the subject of the record's consent, intra-agency disclosures waive this privilege unless the disclosure

constitutes a “routine use” of the record.<sup>1</sup> An agency must provide notice of the routine use by publishing the notice in the Federal Register. Furthermore, a disclosure is unauthorized, regardless of whether the disclosure has a qualifying routine use purpose, if the agency fails to provide notice.

In the case of the current Secretary of Homeland Security Alejandro Mayorkas, the FBI provided neither actual nor constructive notice of a routine use for sharing his background investigation with the Senate Committee on Homeland Security and Governmental Affairs. Therefore, distribution of the background investigation to congressional committees waives any § 552a protections.

Case law from the D.C. Circuit holds that the SF-86 security clearance questionnaire and associated background investigation documents, once disclosed to Congress, are waived for purposes of withholding under FOIA.<sup>2</sup> Only routine uses of the background investigation are protected by the Privacy Act, and disclosure to congressional committees is not a routine use. Accordingly, Mayorkas’s background investigation materials as produced to Congress must be provided to requesters pursuant to FOIA.

The Biden Administration is following the lead of the Obama Administration by failing to abide by these procedures and limiting which information is accessible to members of Congress. Thus, to ensure that a similar measure of oversight and scrutiny is applied to the Biden Administration’s cabinet nominations, AFL requests the following records pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

## II. Requested Records

1. All records and all versions of the FBI background investigation, Form SF-86 and any supporting security clearance documentation, including waiver forms, that were both completed, regardless of completion date(s), by Alejandro Mayorkas or his designees for the purposes of allowing the FBI to conduct a background investigation as part of his nomination for **Secretary of Homeland Security** and as produced to or shared with Senate Homeland Security and Governmental Affairs majority staff or any other congressional staff.
2. All records and versions of the FBI background investigation, Form SF-86 and any supporting security clearance documentation, including waiver forms, that were both completed, regardless of completion date(s), by Alejandro Mayorkas or his designees for the purposes of allowing the FBI to conduct a background investigation as part of his nomination for **Deputy Secretary of Homeland Security** and as produced to or shared with Senate Homeland Security and Governmental Affairs majority staff or any other congressional staff.

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<sup>1</sup> 5 U.S.C § 552a(b)(3).

<sup>2</sup> See *Am. Oversight v. U.S. Dep’t of Just.*, 375 F. Supp. 3d 50 (D.D.C. 2019).

3. All records and versions of the FBI background investigation, Form SF-86 and any supporting security clearance documentation, including waiver forms, that were both completed, regardless of completion date(s), by Alejandro Mayorkas or his designees for the purposes of allowing the FBI to conduct a background investigation as part of his nomination for **Director of the United States Citizenship and Immigration Service** and as produced to or shared with Senate Homeland Security and Governmental Affairs majority staff or any other congressional staff.
4. All records and versions of the FBI background investigation, Form SF-86 and any supporting security clearance documentation, including waiver forms, that were both completed, regardless of completion date(s), by Alejandro Mayorkas or his designees for the purposes of allowing the FBI to conduct a background investigation as part of his nomination for **United States Attorney for the Central District of California** and as produced to or shared with Senate Homeland Security and Governmental Affairs majority staff or any other congressional staff.

### III. Processing Requirements

The FBI must comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines.<sup>3</sup>

### IV. Expedited Processing

AFL requests expedited processing of this request. In support thereof, AFL certifies its compelling need for expedited processing under 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e), which provides in relevant part:

*(e) Expedited processing. (1) Requests and appeals shall be processed on an expedited basis whenever it is determined that they involve... (ii) An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information: or (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence.*

The FBI must grant expedited processing to requests involving an urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information.<sup>4</sup> By this test, AFL should be granted expedited processing. First, several federal agencies have acknowledged

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<sup>3</sup> U.S. Dep't of Just. (Mar. 15, 2022), <https://www.justice.gov/ag/page/file/1483516/download>.

<sup>4</sup> 5 U.S.C. §§ 552(a)(6)(E)(i)(I), 552(a)(6)(E)(v)(II); *see also* 28 C.F.R. §§ 16.5(e)(ii).

AFL is primarily engaged in disseminating information. Second, the background of the Secretary of Homeland Security is assuredly a matter of “actual or alleged Federal Government activity.” Third, the common public meaning of “urgency” at the time of § 552(a)(6)(E)(v)(II)’s enactment was “the quality or state of being urgent.” The common public meaning of “urgent”, in turn, was “requiring or compelling speedy action or attention.”<sup>5</sup> The public’s interest in preserving the sanctity of our borders cannot be overstated.

As many federal agencies have acknowledged in granting AFL expedited processing, AFL is primarily engaged in disseminating information. Additionally, there is an urgency to inform the public regarding Secretary Mayorkas’ background investigation, given his authority over the unprecedented neglect of American borders and his central role in triggering both a massive humanitarian crisis and national security vulnerabilities for every American citizen. Specifically, Secretary Mayorkas has facilitated historic violations of United States immigration law, endangered United States sovereignty by ceding operational control of the United States-Mexico border to Mexican drug cartels, placed Americans at heightened risk of violence and injury as a result of both massive increases in unlawful entries of foreign nationals and the influx of lethal fentanyl, and has been embarrassingly dismissive of this untenable crisis at the border as “nothing new.”<sup>6</sup> This is a pressing matter of critical national importance.

Secretary Mayorkas is also likely to be impeached by the United States House of Representatives in 2023 for his above-described gross negligence, thereby failing in his required constitutional duty to “support and defend the Constitution of the United States against all enemies, foreign and domestic.”<sup>7</sup> Information about his fitness for his current and past positions, and indeed, even whether he was fit for previous confirmation, is highly relevant to future impeachment proceedings.

Our request also meets the FBI’s regulatory test for expedited processing based on a matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence. As already discussed, both requirements are met here, because there has been extensive public interest in Secretary Mayorkas and his failure to protect the American people from the dangerous individuals, weapons, and drugs flooding into the United States at

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<sup>5</sup> The FOIA must be interpreted in accord with the ordinary public meaning of its terms at the time of enactment. *Bostock v. Clayton Cty., Georgia*, 140 S. Ct. 1731, 1738 (2020).

<sup>6</sup> Ron Blitzer, *Mayorkas Says as Many as 12K Out of 17K Migrants Have Been Released Into Us, and It Could Be Higher*, FOX NEWS, Sept. 26, 2021, <https://tinyurl.com/yfeh2jn5>.

<sup>7</sup> AP, *Mayorkas Takes Oath as Homeland Security Chief*, YOUTUBE (Feb. 2, 2021), <https://tinyurl.com/b64yn4m9>.

unprecedented rates. This request seeks to expose those circumstances to public inspection before irreparable harm is done to the nation's interest and in violation of the law. AFL is an organization engaged in gathering, analyzing, and disseminating information, and there is great urgency to inform the public concerning events of intense public interest. Moreover, the allegations at hand go directly to public confidence in the integrity of the government. For these reasons, our expedited processing request should be granted.

In fact, the impending impeachment of Secretary Mayorkas, in itself, is sufficient to justify our request for expedited processing. The information contained in Secretary Mayorkas's previous FBI background investigations is vital to exploring his alleged fitness to hold his current office. The District Court of the District of Columbia has held that expedited processing is appropriate where the information is closely related to an ongoing impeachment inquiry if the purpose of the request is "to inform the public on a matter of extreme national concern" because "[o]nly an informed electorate can develop its opinions and persuasively petition its elected officials to act in ways which further the aims of those opinions."<sup>8</sup> Furthermore, the FBI should grant AFL expedited processing under the department's expanded regulatory test for matters of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence, even if it concludes AFL fails the statutory test.<sup>9</sup> The issue of government failing to secure our own borders and fueling increased threats to the homeland has become a major concern of the American people.<sup>10</sup> Accordingly, AFL's expedited processing request should be granted.

Expedited processing in this case also would not significantly delay other requests given the very specific and easily locatable nature of AFL's FOIA requests and the extremely limited time window. Finally, by way of this letter, AFL certifies its compelling need for expedited processing for the purposes of 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e)(3).

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<sup>8</sup> *Ctr. for Pub. Integrity v. United States Dep't of Def.*, 411 F. Supp. 3d 5, 10 (D.D.C. 2019) (granting the expedited processing where information sought by a nonprofit, non-advocacy, independent journalism organization "inform[s] an imminent public debate" related to impeachment inquiry); *see also Am. Oversight v. U.S. Dep't of State*, No. 19-cv-2934-CRC, 414 F.Supp.3d 182, 2019 WL 5665930 (D.D.C. Oct. 25, 2019).

<sup>9</sup> *See* 28 C.F.R. § 16.5(e)(1)(iv).

<sup>10</sup> *See e.g.*, R. Cort Kirkwood, *Democrat Donors Inside FBI Ran Biden Laptop Censorship Operation*, NEW AMERICAN (Oct. 12, 2022), <https://bit.ly/3DjrpXD>.

## **V. Fee Waiver**

Per 5 U.S.C. § 552(a)(4)(A)(iii) and 7 CFR § 1.12(o), AFL requests a waiver of all search and duplication fees associated with this request. We believe AFL's non-commercial commitment to public education and transparency justifies this fee waiver. We are, of course, available to provide additional information in writing or offline in support of this request.

## **VI. Production**

To accelerate release of responsive records, AFL welcomes production on an agreed rolling basis.

If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive. Please send any responsive records being transmitted by mail to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

## **VII. Conclusion**

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org. Finally, if AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Sincerely,

/s/ Michael Ding  
America First Legal Foundation

# EXHIBIT 2





U.S. Department of Justice

Federal Bureau of Investigation  
Washington, D.C. 20535

January 13, 2023

MR. MICHAEL DING  
AMERICA FIRST LEGAL FOUNDATION  
NUMBER 231  
611 PENNSYLVANIA AVENUE SOUTHEAST  
WASHINGTON, DC 20003

FOIPA Request No.: 1578086-000  
Subject: MAYORKAS, ALEJANDRO  
(FBI Background Investigation)

Dear Mr. Ding:

This is in response to your Freedom of Information Act (FOIA) request to the FBI. Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

The FBI has completed its search for records subject to the FOIA that are responsive to your request. The records on third party individual(s) you requested are categorically denied pursuant to FOIA exemptions (b)(6) and (b)(7)(C), 5 U.S.C. §§ 552 (b)(6) and (b)(7)(C). Please be advised that you have not sufficiently demonstrated that the public's interest in disclosure (relating to the operations and activities of the government) outweigh the personal privacy interests of these individual(s). While the existence of FBI records is acknowledged, the records are exempt from disclosure as processing these third party records would constitute an unwarranted invasion of personal privacy. As a result, your request is closed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

If your request was submitted using the FBI's eFOIPA system, please be advised that your request is not consistent with our terms of service. Therefore, correspondence is being sent to you through standard mail.

For questions regarding our determinations, visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read "M. G. Seidel".

Michael G. Seidel  
Section Chief  
Record/Information  
Dissemination Section  
Information Management Division

Enclosure(s)

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

**Part 1: The standard responses below apply to all requests:**

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the [www.fbi.gov/foia](http://www.fbi.gov/foia) website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

**Part 2: The standard responses below apply to all requests for records on individuals:**

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Confidential Informant Records.** The FBI can neither confirm nor deny the existence of confidential informant records pursuant to FOIA exemptions (b)(7)(D), (b)(7)(E), and (b)(7)(F) [5 U.S.C. § 552 (b)(7)(D), (b)(7)(E), and (b)(7)(F)] and Privacy Act exemption (j)(2) [5 U.S.C. § 552a (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records would reveal confidential informant identities and information, expose law enforcement techniques, and endanger the life or physical safety of individuals. This is a standard response and should not be read to indicate that such records do or do not exist.

**Part 3: General Information:**

- (i) **Record Searches and Standard Search Policy.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems, such as the Central Records System (CRS), or locations where responsive records would reasonably be found. The CRS is an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. The standard search policy is a search for main entity records in the CRS. Unless specifically requested, a standard search does not include a search for reference entity records, administrative records of previous FOIPA requests, or civil litigation files.
  - a. *Main Entity Records* – created for individuals or non-individuals who are the subjects or the focus of an investigation
  - b. *Reference Entity Records*- created for individuals or non-individuals who are associated with a case but are not known subjects or the focus of an investigation
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Foreseeable Harm Standard.** As amended in 2016, the Freedom of Information Act provides that a federal agency may withhold responsive records only if: (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates, or (2) disclosure is prohibited by law (5 United States Code, Section 552(a)(8)(A)(i)). The FBI considers this foreseeable harm standard in the processing of its requests.
- (iv) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at [www.fbi.gov/about-us/cjis/identity-history-summary-checks](http://www.fbi.gov/about-us/cjis/identity-history-summary-checks). Additionally, requests can be submitted electronically at [www.edo.cjis.gov](http://www.edo.cjis.gov). For additional information, please contact CJIS directly at (304) 625-5590.

**EXPLANATION OF EXEMPTIONS**

**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ( A ) could reasonably be expected to interfere with enforcement proceedings, ( B ) would deprive a person of a right to a fair trial or an impartial adjudication, ( C ) could reasonably be expected to constitute an unwarranted invasion of personal privacy, ( D ) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, ( E ) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or ( F ) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a**

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.



**U.S. Department of Justice**  
Office of Information Policy  
Sixth Floor  
441 G Street, NW  
Washington, DC 20530-0001

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Telephone: (202) 514-3642

Michael Ding  
America First Legal Foundation  
Number 231  
611 Pennsylvania Avenue SE  
Washington, DC 20003

June 16, 2023

foia@aflegal.org

Re: Appeal No. A-2023-01067  
Request No. 1578086-000  
EH:MGS

**VIA: Email**

Dear Michael Ding:

You appealed from the action of the Federal Bureau of Investigation (FBI) on your Freedom of Information Act request for access to records concerning FBI background investigations, Form SF-86 and any supporting security clearance documentation of Alejandro Mayorkas, as produced to or shared with Senate Homeland Security and Governmental Affairs majority staff or any other congressional staff. I note that your appeal concerns the FBI's denial of your request.

After carefully considering your appeal, I am affirming the FBI's action on your request. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. To the extent that non-public responsive records exist, disclosure of such records, including law enforcement records, concerning a third-party individual would constitute a clearly unwarranted invasion of personal privacy, and could reasonably be expected to constitute an unwarranted invasion of personal privacy. See 5 U.S.C. § 552(b)(6), (7)(C). Further, it is reasonably foreseeable that releasing any non-public records, to the extent such records exist, would harm the interests protected by these exemptions. Because any non-public records responsive to your request would be categorically exempt from disclosure, the FBI properly asserted these exemptions and was not required to conduct a search for the requested records. See, e.g., DOJ v. Reporters Committee for Freedom of the Press, 489 U.S. 749, 780 (1989) (holding "as a categorical matter" pursuant to Exemption 7(C) that release of investigatory records concerning a third party "can reasonably be expected to invade" that person's privacy and that such an invasion is unwarranted in the absence of an overriding public

interest).

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office and speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

*Matthew W. Hurd*

X

\_\_\_\_\_  
Matthew W. Hurd,  
Chief, Administrative Appeals Staff





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

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)**  
 Violation of FOIA, 5 U.S.C. § 552, failing to release responsive, non-exempt records

<b>VII. REQUESTED IN COMPLAINT</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMAND \$</b> <b>JURY DEMAND:</b>	Check YES only if demanded in complaint YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
<b>VIII. RELATED CASE(S) IF ANY</b>	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: <u>07/26/2023</u>	SIGNATURE OF ATTORNEY OF RECORD <u>/s/ Michael Ding</u>
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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 coversheet. 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.





Civil Action No. 1:23-cv-2172

**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 \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

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**

AMERICA FIRST LEGAL FOUNDATION

*Plaintiff*

v.

FEDERAL BUREAU OF INVESTIGATION, et al.

*Defendant*

Civil Action No. 1:23-cv-2172

**SUMMONS IN A CIVIL ACTION**

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

Merrick Garland, Attorney General of the United States  
DEPARTMENT OF JUSTICE  
950 Pennsylvania Ave NW  
Washington, DC 20530-0001

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:

Michael Ding  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Ave SE #231  
Washington, DC 20003

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. 1:23-cv-2172

**PROOF OF SERVICE**

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

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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 \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

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:

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

AMERICA FIRST LEGAL FOUNDATION

\_\_\_\_\_  
*Plaintiff*

v.

FEDERAL BUREAU OF INVESTIGATION, et al.

\_\_\_\_\_  
*Defendant*

)  
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)

Civil Action No. 1:23-cv-2172

**SUMMONS IN A CIVIL ACTION**

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

DEPARTMENT OF JUSTICE  
U.S. Attorney's Office for the District of Columbia  
Civil Process Clerk  
601 D Street NW  
Washington, DC 20530  
Email service to: USADC.ServiceCivil@usdoj.gov

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:

Michael Ding  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Ave SE #231  
Washington, DC 20003

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. 1:23-cv-2172

**PROOF OF SERVICE**

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

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was received by me on *(date)* \_\_\_\_\_ .

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\_\_\_\_\_ 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  
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I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

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: