

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

JASON MOUNT,
22 Legion Street
Canton MA 02021 2032
Plaintiff,

v.

JEH JOHNSON, SECRETARY
U.S. DEPARTMENT OF HOMELAND
SECURITY
Washington, DC 20472

Defendant

Civil Action No.

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, to order the production of agency records, concerning:

All DHS OIG records and/or reports from January 1, 2002 through November 17, 2012 that contain information regarding an allegation that U.S. Immigration and Customs Enforcement, Homeland Security Investigations, Supervisory Special Agent Peter Edge lost his official credentials to a prostitute and the credentials had to be retrieved by local police.

Which, the Defendant has improperly withheld from Plaintiff.

2. This court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B).

3. Plaintiff, Jason Mount, is a Supervisory Special Agent employed by Immigration and Customs Enforcement (ICE), Homeland Security Investigations, and is the requester of the records which Defendant is now withholding. Plaintiff has requested this information for public interest. Specifically, Plaintiff wishes to ascertain whether Defendant disciplined an employee

who grossly misused government funds by engaging in criminal acts.

4. Defendant, U.S. Department of Homeland Security, is an agency of the United States and has possession of the documents that plaintiff seeks.

5. By an email dated November 18, 2012, plaintiff requested access to the following:

All DHS OIG records and/or reports from January 1, 2002 through November 17, 2012 that contain information regarding an allegation that U.S. Immigration and Customs Enforcement, Homeland Security Investigations, Supervisory Special Agent Peter Edge lost his official credentials to a prostitute and the credentials had to be retrieved by local police.

6. By letter dated November 27, 2012, plaintiff received a final response to his FOIA, which stated that Agency refused to confirm or deny the existence of responsive records pursuant to Exemption 7(C) of the FOIA, 5 U.S.C. §552(b)(7)(C).

7. On January 24, 2013, Plaintiff appealed the final response. In his response, Plaintiff explained he was seeking the documents because of an overriding public interest.

8. On June 30, 2014, the Agency denied Plaintiff's appeal, and refused to confirm or deny the existence of records.

9. The Agency, however, has already acknowledged the disciplinary records exists because it interviewed Plaintiff as a part of an administrative inquiry into Peter Edge's alleged criminal actions.

10. Plaintiff seeks disciplinary records for Mr. Edge's criminal actions.

11. Plaintiff has a right of access to the requested information under 5 U.S.C. § 552(a)(3), and there is no legal basis for Defendant's denial of such access.

WHEREFORE, Plaintiff requests this Court:

All DHS OIG records and/or reports from January 1, 2002 through November 17, 2012 that contain information regarding an allegation that U.S. Immigration and Customs Enforcement, Homeland Security Investigations, Supervisory Special

Agent Peter Edge lost his official credentials to a prostitute and the credentials had to be retrieved by local police.

- (1) Order Defendant to provide access to the requested documents;
- (2) Expedite this proceeding as provided for in 28 U.S.C. § 1657;
- (3) Award Plaintiff costs and reasonable attorney's fees in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and
- (4) Grant such other and further relief as may deem just and proper.

Respectfully submitted,

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December 27, 2016