

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

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MALIK RAHIM)	
)	
	Plaintiff,)	
)	Civil Action No.: 2:11-cv-02850
v.)	
)	Section "G"
FEDERAL BUREAU OF)	
INVESTIGATION; and UNITED)	Magistrate: (5)
STATES DEPARTMENT OF JUSTICE)	
)	
	Defendants.)	
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ANSWER

Defendant, the U.S. Department of Justice ("DOJ"), and Putative Defendant, the Federal Bureau of Investigation ("FBI"), through their undersigned counsel, hereby answer Plaintiff's Complaint for Injunctive and Declaratory Relief ("Complaint"):

FIRST DEFENSE

Plaintiff has failed to state a claim upon which relief can be granted.

SECOND DEFENSE

The Complaint seeks to impose upon the FBI obligations that exceed those imposed by the Freedom of Information Act ("FOIA").

THIRD DEFENSE

The Complaint seeks to compel the production of records protected from disclosure by applicable exemptions.

FOURTH DEFENSE

The FBI is not a proper defendant in this action. Pursuant to 5 U.S.C. § 552(f)(1), the proper party defendant is the DOJ.

FIFTH DEFENSE

Defendants respond to each numbered paragraph of Plaintiff's Complaint as follows:

1. Paragraph 1 consists of Plaintiff's characterization of his Complaint, to which no response is required.
2. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2.
3. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3.
4. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4.
5. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5.
6. Defendants admit that an individual named Brandon Darby has testified in a federal proceeding that he worked as a confidential informant for the FBI beginning in November 2007. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 6.
7. Defendants admit that Plaintiff sent a request pursuant to FOIA to the FBI dated February 24, 2009 and submitted an "amended" FOIA request dated July 30, 2009. The remaining allegations in Paragraph 7 reflect Plaintiff's characterization of those requests, which speak for themselves, and thus no response is required.
8. Defendants deny the allegations in Paragraph 8.
9. The allegations contained in Paragraph 9 consist of Plaintiff's legal conclusions regarding exhaustion of administrative remedies to which no response is required.

10. The allegations contained in Paragraph 10 consist of Plaintiff's legal conclusions regarding subject matter jurisdiction and personal jurisdiction to which no response is required.

11. The allegations contained in Paragraph 11 consist of Plaintiff's legal conclusions regarding venue to which no response is required.

12. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12.

13. Defendants admit the allegations in Paragraph 13 to the extent they allege that the DOJ is an agency within the meaning of FOIA.

14. Defendants admit that Plaintiff sent a request pursuant to FOIA to the FBI dated February 24, 2009 and submitted an "amended" FOIA request dated July 30, 2009. The remaining allegations in the paragraph reflect Plaintiff's characterization of those requests, which speak for themselves, and thus no response is required.

15. Defendants admit the allegations in Paragraph 15.

16. Defendants admit that Plaintiff's February 24, 2009 request and July 30, 2009 "amended" request sought information about an individual identified as Brandon Darby. The remaining allegations in the paragraph reflect Plaintiff's characterization of those requests, which speak for themselves, and thus no response is required.

17. Defendants admit that, by letter dated March 17, 2009, the FBI informed Plaintiff that it was unable to respond to a request for records pertaining to another individual without submission of proof of death or a privacy waiver. The remaining allegations in Paragraph 17 reflect Plaintiff's characterization of those requests, which speak for themselves, and thus no response is required.

18. Defendants admit that, by letter dated July 30, 2009, Plaintiff appealed the FBI's March 17, 2009 response regarding the request for records pertaining to another individual. The

remaining allegations in Paragraph 18 reflect Plaintiff's characterization of the July 30, 2009 letter, which speaks for itself, and thus no response is required.

19. Defendants admit the allegations in Paragraph 19.

20. Defendants admit that, by letter dated September 25, 2009, the DOJ Office of Information Policy affirmed the FBI's March 17, 2009 decision. The remaining allegations in the paragraph reflect Plaintiff's characterization of the September 25, 2009 letter, which speaks for itself, and thus no response is required.

21. Defendants deny the allegations in Paragraph 21.

22. Paragraph 22 states legal conclusions regarding exhaustion of administrative remedies to which no response is required.

23. Paragraph 23 states legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 23.

24. Paragraph 24 states legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 24.

The remainder of the Complaint sets forth Plaintiff's requested relief, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in the remaining paragraph of the complaint and further aver that Plaintiff is not entitled to the requested relief or any other relief. Defendants hereby deny all allegations in Plaintiff's Complaint not expressly admitted or denied.

WHEREFORE, having fully answered Plaintiff's Complaint, Defendant asserts that Plaintiff is not entitled to the relief requested, or to any relief whatsoever, and requests that this action be dismissed in its entirety with prejudice and that Defendant be given such other relief as this Court deems proper.

Dated: January 17, 2012

Respectfully Submitted,

TONY WEST
Assistant Attorney General

JIM LETTEN
United States Attorney
Eastern District of Louisiana

/s/ Elizabeth J. Shapiro
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on January 17, 2012, I filed the attached Answer electronically with the Clerk of the United States District Court for the Eastern District of Louisiana through the CM/ECF system, which caused the following counsel of record to be served by electronic means:

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/s/ Elizabeth J. Shapiro
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