

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CENTER FOR CONSTITUTIONAL  
RIGHTS,

*Plaintiff,*

v.

UNITED STATES DEPARTMENT OF STATE  
and UNITED STATES AGENCY FOR  
INTERNATIONAL DEVELOPMENT,

*Defendants.*

Civil Action No.: 25-cv-6879

**COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

1. Plaintiff the Center for Constitutional Rights (“CCR”) brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. §§ 552 *et seq.*, for declaratory, injunctive and other appropriate relief, to compel the release of agency records pertaining to *inter alia* the June 26, 2025 decision to approve \$30 million for the Gaza Humanitarian Foundation (“GHF”). These records have been improperly withheld by Defendants U.S. Department of State (“DOS” or “State Department”) and the U.S. Agency for International Development (“USAID”), as well as offices and components within DOS and USAID, which hold responsive records to Plaintiff’s FOIA request.<sup>1</sup>

2. Plaintiff brings this action to seek the release of records of significant public concern sought in a July 7, 2025 FOIA request (“Request”) to DOS and USAID, regarding any

---

<sup>1</sup> The offices and components include but are not limited to: Executive Secretariat; Office of the Legal Adviser; Under Secretary for Management; Deputy Secretary; Near Eastern Affairs; U.S. Embassy in Israel; Office of Global Food Security; Office of the Director for Foreign Assistance and Human Rights; and Political-Military Affairs; Office of the Spokesperson; Bureau for Humanitarian Assistance, and any other appropriate components, field offices, or other parts of DOS and USAID.

and all information related to DOS and USAID's recent funding of GHF. Plaintiff sought both expedited processing and a fee waiver, and provided a detailed justification for both requests. A true and correct copy of the Request is attached as Exhibit A.

3. There is substantial public interest in the U.S. grant to and support of GHF. As explained in the Request, GHF operates a militarized distribution model in Gaza in close coordination with Israel, the occupying power, in circumstances where international legal bodies, such as the International Criminal Court and the International Court of Justice, and a U.S. federal court have acknowledged that the situation in Gaza plausibly involves the commission of atrocity crimes including genocide, crimes against humanity, and war crimes. The 2.2 million Palestinians in Gaza have been repeatedly displaced and are facing mass starvation and famine. Israel has barred the United Nations and humanitarian organizations from providing humanitarian relief. It is against this backdrop that the GHF began its efforts to distribute food aid in Gaza.

4. Since GHF's plan was announced on May 19, 2025, the United Nations and international humanitarian organizations have firmly and strongly repudiated GHF as a militarized aid distribution operation that is more suited to furthering genocide than to providing much-needed humanitarian relief; it has been heavily criticized both for failing to comply with fundamental principles of humanitarian operations and for contributing to international law violations such as forcible transfer while doing little to stave off the Israel-created mass starvation and famine.<sup>2</sup> In the less than three months since GHF began operations on May 26, 2025, nearly 1,400 Palestinians

---

<sup>2</sup> See, e.g., *UN Relief Chief calls on Security Council to act decisively to prevent genocide in Gaza*, UN Off. for Coordination of Humanitarian Affs. ("OCHA"), (May 13, 2025), <https://www.unocha.org/news/un-relief-chief-calls-security-council-act-decisively-prevent-genocide-gaza>; UNRWA, *UNRWA Commissioner-General on Gaza: another day of aid distribution another day of death traps*, (June 10, 2025), <https://www.un.org/unispal/document/unrwa-commissioner-general-on-gaza-another-day-of-aid-distribution-another-day-of-death-traps/>; News, *Gaza: Starvation or Gunfire - This is Not a Humanitarian Response*, ReliefWeb (July 1, 2025), <https://reliefweb.int/report/occupied-palestinian-territory/gaza-starvation-or-gunfire-not-humanitarian-response-0>.

have been killed while seeking aid, and at least 859 of these aid-seekers were killed at or near GHF aid sites.<sup>3</sup> More than 8,152 Palestinians have been injured trying to access aid since GHF began operating in Gaza.<sup>4</sup>

5. On June 26, 2025, despite the widespread criticism of GHF and the violence at and around its distribution centers, DOS announced that it had approved a \$30 million grant to GHF apparently to support its Gaza operation. This announcement immediately raised serious concerns among human rights advocates inside and outside the United States. As reporting has revealed, the normal vetting process for such funding was expedited, with GHF's funding approved despite the application falling well below USAID's normal technical standards for funding and larger concerns about the legality and morality of GHF's operations.<sup>5</sup>

6. CCR filed the Request shortly thereafter because of the need for transparency and the significant public interest in GHF's operations, as well as DOS' and USAID's decision-making in funding the deeply flawed and dangerous "aid" operation.<sup>6</sup>

7. Despite the urgent need for the requested information, Defendant DOS has estimated that it will not complete processing of the Request until February 28, 2027, citing a

---

<sup>3</sup> Gaza: Nearly 1,400 Palestinians killed while seeking food, as UN warns airdrops are no solution, U.N. News (Aug. 1, 2025), <https://news.un.org/en/story/2025/08/1165552>.

<sup>4</sup> Humanitarian Situation Update #309/Gaza Strip, OCHA (July 30, 2025), <https://www.ochaopt.org/content/humanitarian-situation-update-309-gaza-strip>; Reported Impact Snapshot/Gaza Strip, OCHA (July 30, 2025), <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-30-july-2025>.

<sup>5</sup> See, e.g., Yahya Abou-Ghazala & Jennifer Hansler, *USAID review raised 'critical concerns' over Gaza aid group days before \$30 million US grant*, CNN (July 8, 2025), <https://www.cnn.com/2025/07/08/us/usaaid-gaza-humanitarian-foundation-israel-grant>; Jonathan Landay, *Former DOGE official rushed grant to Trump-backed Gaza aid group over staff objections*, Reuters (July 9, 2025), <https://www.reuters.com/world/middle-east/former-doge-official-rushed-grant-trump-backed-gaza-aid-group-over-staff-2025-07-09/>.

<sup>6</sup> See, e.g., Jessica Le Masurier & Jack Poulson, *'Blood for food': The US soldier-spies sidelining UN aid work in Gaza*, France24 (July 3, 2025), <https://www.france24.com/en/middle-east/20250703-blood-for-food-us-soldier-spies-sidelining-un-aid-work-gaza-ghf-safe-reach>; Andrew Roth, *US to give \$30m to Gaza Humanitarian Foundation despite violent and chaotic rollout of food distribution*, The Guardian (June 24, 2025), <https://www.theguardian.com/us-news/2025/jun/24/us-food-distribution-group-gaza>; Daphne Psadedakis & Humeyra Pamuk, *State Department approves \$30 million in funding for Gaza Humanitarian Foundation*, Reuters (June 26, 2025), <https://www.reuters.com/world/us/state-department-approves-30-million-funding-gaza-humanitarian-foundation-2025-06-26/>; Prem Thanker, *SCOOP: USAID Being 'Forced' to Award Million to Disastrous Gaza Humanitarian Foundation*, Zeteo (June 20, 2025), <https://zeteo.com/p/scoop-usaid-being-forced-to-award>.

backlog of FOIA requests. This estimated date of completion is nearly two years after GHF began operations in Gaza; with Palestinians being killed around the U.S.-funded GHF distribution sites on a near-daily basis, such a delay is simply unacceptable.

8. Such a delay in record production prevents the American public from meaningfully understanding the scope of U.S. support for and involvement in GHF's operations and erodes government transparency. This delay shields what is widely reported to be a controversial, politicized grant approval process for GHF that bypassed normal vetting and review, and – most glaringly – ignores the escalating danger and indignity that Palestinians are being subjected to daily at GHF's distribution sites.

### **JURISDICTION AND VENUE**

9. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. §§ 552(a)(4)(B) and (a)(6)(C)(i). This Court also has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1346(a)(2).

10. Venue lies in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1391(e) and 1402(a), because Plaintiff CCR resides in this district.

11. Because Defendants have failed to comply with the time limits imposed by the FOIA, Plaintiff has exhausted their administrative remedies. 5 U.S.C. § 552(a)(6)(C)(i). Plaintiff is therefore entitled to appeal directly to this Court for relief. *Id.* § 552(a)(4)(B).

### **PARTIES**

12. Plaintiff CCR is a non-profit, public interest legal and public education organization headquartered in New York, New York that engages in litigation, public advocacy and education, and the production of publications. CCR engages in the fields of constitutional, civil and international human rights. CCR's diverse issue areas include litigation and advocacy around Palestinian sovereignty and solidarity, racial and ethnic profiling, and government and corporate

accountability. One of CCR's primary activities is the publication of newsletters, know-your-rights handbooks, legal analysis of current civil and human rights issues, and other similar materials for public dissemination. These and other materials are freely available to the public. CCR operates a website, [ccrjustice.org](http://ccrjustice.org), which addresses the issues on which CCR works. CCR staff members often serve as experts for journalists and media outlets, including on issues related to racial and ethnic discrimination, war crimes, militarism, and Palestinian rights. In addition, CCR regularly issues press releases, has an active social media presence with tens of thousands of followers, and also issues regular email updates sent to over 50,000 supporters about developments and news pertaining to CCR's work.

13. Defendant DOS is a department of the Executive Branch of the United States within the meaning of 5 U.S.C. § 552(f)(1) and 5 U.S.C. § 701. DOS has possession and control of the requested records and is responsible for fulfilling Plaintiff's FOIA request.

14. Defendant USAID is an agency within the meaning of 5 U.S.C. § 552(f) and 5 U.S.C. § 701. USAID has possession and control of the requested records and is responsible for fulfilling Plaintiff's FOIA request.

## STATEMENT OF FACTS

### **I. Background: GHF's Militarized "Aid" Operations in a Famine-Struck Israel-Occupied Gaza**

15. GHF is a newly-established Delaware-registered nonprofit entity. The Boston Consulting Group played a large role in its creation under a multi-million dollar contract, reportedly working alongside former U.S. intelligence and defense officials and private entrepreneurs, and in close consultation with Israel. GHF is supported in its operations by U.S. armed private contractors from Safe Reach Solutions ("SRS") and UG Solutions who provide

logistics and security. GHF's distribution hubs, which are primarily located in the southern part of Gaza and in closed military zones, are operated in close coordination with Israeli forces.<sup>7</sup>

16. The reason for the need for humanitarian aid for Palestinians in Gaza is Israel's 17 year blockade and its U.S.-backed 22-month military assault in which Israel has made good on its promise to deny the basic necessities for life – including food and water – to the 2.2. million Palestinians in Gaza,<sup>8</sup> creating the conditions for mass starvation and famine, alongside the killing of more than 57,000 Palestinians, injury to more than 134,000 Palestinians, and forcible displacement – often repeatedly – of nearly the entire population.<sup>9</sup>

17. GHF began operation of militarized food distribution hubs in Gaza on May 26, 2025, following the 11-week total siege on and closure of Gaza.<sup>10</sup> GHF's operations are carried

---

<sup>7</sup> See, e.g., "Designed as Death Traps": Fmr. Green Beret Who Worked at Gaza Food Sites Reveals Rampant War Crimes, Democracy Now! (July 29, 2025), [https://www.democracynow.org/2025/7/29/anthony\\_aguilar\\_ghf\\_war\\_crimes](https://www.democracynow.org/2025/7/29/anthony_aguilar_ghf_war_crimes); Report, Gaza: Israeli Killings of Palestinians Seeking Food Are War Crimes, Abandon US-backed 'Death Trap' Scheme, Press Israel to End Mass Starvation, Human Rights Watch (Aug. 1, 2025) ("Human Rights Watch Report"), <https://www.hrw.org/news/2025/08/01/gaza-israeli-killings-of-palestinians-seeking-food-are-war-crimes>.

<sup>8</sup> Emanuel Fabian, Defense minister announces 'complete siege' of Gaza: No power, food or fuel, Times of Israel (Oct. 9, 2023), [https://www.timesofisrael.com/liveblog\\_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/?trk=public\\_post\\_comment-text](https://www.timesofisrael.com/liveblog_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/?trk=public_post_comment-text) (Israel's then-Minister of Defense Yoav Gallant declared: "I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything is closed.").

<sup>9</sup> See, e.g., Humanitarian Situation Update #302/Gaza Strip, OCHA (July 2, 2025), <https://www.ochaopt.org/content/humanitarian-situation-update-302-gaza-strip>; United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, U.N. Doc. A/78/198, (Sept. 5, 2023); AFP, US approves \$7.4bn sale of more weapons to Israel used to ravage Gaza, The Guardian (Feb. 7, 2025), <https://www.theguardian.com/us-news/2025/feb/07/israel-weapons-sale-gaza>; Israel Besieges 2.3 Million Palestinians in Less than 15% of Gaza, Amid Escalating Starvation and Mass Killings, Palestinian Center for Human Rights (July 7, 2025), <https://pchrgaza.org/israel-besieges-2-3-million-palestinians-in-less-than-15-of-gaza-amid-escalating-starvation-and-mass-killings/>; Gaza: Evidence points to Israel's continued use of starvation to inflict genocide against Palestinians, Amnesty Int'l (July 3, 2025), <https://www.amnesty.org/en/latest/news/2025/07/gaza-evidence-points-to-israels-continued-use-of-starvation-to-inflict-genocide-against-palestinians/>.

<sup>10</sup> Controversial new U.S. and Israel-backed Gaza aid effort gets off to a slow, tumultuous start, CBS (May 27, 2025), <https://www.cbsnews.com/news/us-israel-backed-gaza-humanitarian-foundation-aid-effort-tumultuous-start/>.

out on land and in areas that Israel has completely razed and emptied of Palestinians, which are now closed Israel-military “no go” zones.<sup>11</sup>

18. GHF’s so-called food distribution sites immediately became a death magnet: the day after operations began, Israel shot and killed three people, and injured at least 50 people seeking aid near GHF’s distribution site in Rafah’s Tal al-Sultan neighborhood in Southern Gaza.<sup>12</sup> In the first week, at least 100 Palestinians were killed and over 184 injured during the intermittent GHF operations.<sup>13</sup> Since then, the killings by GHF contractors and Israeli forces have occurred on a near-daily basis.<sup>14</sup> Moreover, GHF’s aid distribution sites require Palestinians who have been starved to travel great distances into militarized zones or Israel-declared “no-go” zones near the border with Egypt, often under gunfire, in order to access GHF sites.<sup>15</sup>

19. Members of Congress, United Nations officials, humanitarian organizations and legal organizations have all warned that GHF is contributing to international law violations, such as forcible transfer, killing, torture, if not genocide of the Palestinian population in Gaza.<sup>16</sup>

---

<sup>11</sup> See, e.g., Human Rights Watch Report, *supra* n. 7; Report, *This is Not Aid. This is Orchestrated Killing*, Doctors Without Borders/Médecins Sans Frontières (MSF) (August 2025) (“MSF Report”), <https://msf.org.uk/sites/default/files/2025-08/MSF-Gaza-ThisIsNotAid-FINAL.pdf>.

<sup>12</sup> *UN aid teams plead for access amid reports Gazans shot collecting food*, UN News (May 28, 2025), <https://news.un.org/en/story/2025/05/1163756>.

<sup>13</sup> *Israeli gunfire kills at least 27 aid seekers in Gaza: Health Ministry*, Al Jazeera (June 3, 2025), <https://www.aljazeera.com/news/2025/6/3/israeli-fire-kills-at-least-27-aid-seekers-in-gaza-health-ministry>.

<sup>14</sup> Andrew Roth, *US to give \$30m to Gaza Humanitarian Foundation despite violent and chaotic rollout of food distribution*, The Guardian (June 24, 2025), <https://www.theguardian.com/us-news/2025/jun/24/us-food-distribution-group-gaza>; ‘Going hungry’: More than 700 Palestinians killed seeking aid in Gaza, Al Jazeera (July 5, 2025), <https://www.aljazeera.com/news/2025/7/5/going-hungry-more-than-700-palestinians-killed-seeking-aid-in-gaza>.

<sup>15</sup> News Desk, *GHF Contractor reveals ‘horrific’ details of US-Israeli ‘aid traps’*, The Cradle (June 12, 2025), <https://thecradle.co/articles/ghf-contractor-reveals-horrific-details-of-us-israeli-aid-traps>.

<sup>16</sup> See, e.g., Press Release, *Worked Security for GHF in Gaza? Beware of War Crime Charges, Democrats Say*, Sen. Peter Welch (July 31, 2025), <https://www.welch.senate.gov/worked-security-for-ghf-in-gaza-beware-of-war-crime-charges-democrats-say/>; Press Release, *UN experts call for immediate dismantling of Gaza Humanitarian Foundation*, OHCHR (Aug. 5, 2025), <https://www.ohchr.org/en/press-releases/2025/08/un-experts-call-immediate-dismantling-gaza-humanitarian-foundation>; Press Release, *Human Rights and Legal Organizations Warn Gaza Humanitarian Foundation and Partners of Legal Liability for Complicity with Serious International Law Violations*, CCR (June 23, 2025) <https://ccrjustice.org/home/press-center/press-releases/human-rights-and-legal-organizations-warn-gaza-humanitarian>; Human Rights Watch Report, *supra* n.7; MSF Report, *supra* n.11.



20. Accordingly, Plaintiffs seek records to understand the decision of DOS and USAID to support GHF's operations.

## **II. Compelling Necessity for Records Sought**

21. There is a compelling need for the records sought through the Request. As detailed in the Request and as explained herein, (i) the records arise out of an "aid" operation that poses an imminent threat to Palestinian lives and safety, and (ii) the records relate to a matter of significant public interest and widespread media coverage, including and specifically, as relates to government decisionmaking and activities.

22. Since GHF began operations on May 26, 2025, there have been at least 1,400 Palestinians killed and more than 8,150 Palestinians injured around or in transit to GHF distribution sites. Despite the ongoing violence against and killing of Palestinian aid-seekers – against the backdrop of ongoing genocide and mass starvation of 2.2 million Palestinianians in Gaza – the U.S. administration has failed to be transparent and accountable to the public. Specifically, it has failed to provide a clear and transparent explanation as to why it decided to award GHF \$30 million or how the funds will be used by GHF; whether DOS previously paid \$7 million to GHF and if it did, how those funds were utilized; and how U.S. tax-payer dollars are implicated in a widely criticized, militarized distribution scheme that violates basic principles of humanitarian operations and international human law, as thousands of starved Palestinians are killed and injured.

23. It has been widely reported that the State Department waived mandatory counter-terrorism and anti-fraud safeguards and overrode vetting mechanisms, including by ignoring 58 internal objections to GHF's application, in awarding GHF the \$30 million.<sup>17</sup> Media reports since

---

<sup>17</sup> Landay, *Former DOGE official rushed grant to Trump-backed Gaza aid group over staff objections*, *supra* n.5. Among the questions raised by USAID experts that were overridden by the Trump-administration backed former DOGE official were: "how GHF would ensure the safety of Palestinians collecting food packages at its sites; whether its staff had proper humanitarian training and its plans to distribute powdered infant formula in an enclave with scarce access to clean drinking water." *Id.*



the Request was submitted indicate that an internal USAID assessment of GHF's application warned, for example, that failing to complete a specified "legal requirement" regarding terrorism-related vetting "could raise the risk of misuse of taxpayer resources" and "could risk programmatic diversion, reputational harm, and potential violations of U.S. counterterrorism laws"<sup>18</sup> – all matters of significant public concern.

24. Despite the only publicly announced State Department award being for \$30 million, President Trump recently stated that the United States has dispensed double that award (\$60 million), leading Plaintiff - and the public and media - to further question the extent of U.S. financial support for GHF.<sup>19</sup>

25. In the absence of further publicly available information from DOS and USAID about how GHF will use tens of millions of tax-payer money, Plaintiff has grave concerns about the legal legitimacy and practical effectiveness of funding an organization that is facilitating displacement, violence, and killings of Palestinians in Gaza.

26. Plaintiff is particularly concerned that there may be a link between aid distribution through GHF and President Trump's earlier suggestion that Gaza be cleansed of Palestinians and redeveloped not for Palestinians, but as the "Gaza Riviera" for investors – a potential link that has also been the subject of significant public interest and media coverage.<sup>20</sup> Plaintiff seeks information subject to this Request in order to better understand U.S. plans regarding Gaza in the

---

<sup>18</sup> *Id.* See also Abou-Ghazala & Hansler, *USAID review raised 'critical concerns' over Gaza aid group days before \$30 million US grant*, CNN, *supra* n.5.

<sup>19</sup> Karen DeYoung, *Trump claims the U.S. gave \$60 million in Gaza aid. It's \$3 million so far*, Washington Post (Aug. 2, 2025), <https://www.washingtonpost.com/national-security/2025/08/01/ghf-trump-gaza-aid-millions/>. See U.S. Dep't of State, Press Briefing (June 26, 2025), <https://www.state.gov/briefings/department-press-briefing-june-26-2025/#post-636805-ISPAL3>; Landay, *Former DOGE official rushed grant to Trump-backed Gaza aid group over staff objections*, *supra* n. 5; Pamuk & Psaledakis, *Exclusive: Trump officials told Congress Israel agreed to match \$30 million for GHF, sources say*, *supra* n. 6.

<sup>20</sup> Franco Ordoñez & Deepa Shivaram, *Trump says he wants the U.S. to take ownership of the Gaza Strip*, NPR (Feb. 4, 2025), <https://www.npr.org/2025/02/04/nx-s1-5287012/trump-netanyahu-ceasefire-gaza>; Stephen Foley and Jim Pickard, *Tony Blair's staff took part in 'Gaza Riviera' project with BCG*, Financial Times (July 6, 2025), <https://www.ft.com/content/0b1bc761-c572-4b61-882a-fb4467259dcd>.

short, mid- and long-term, as reflected in the support for GHF; humanitarian operations generally and militarized, privatized operations specifically; ending the widespread starvation and risk of famine in Gaza; and efforts to end the military assault and closure of Gaza by Israel. All of this information will be made available to the public, free of charge.

27. Plaintiff seeks this information in order for it and the public to better understand the rationales and motives behind DOS and/or USAID's decision to provide GHF with tens of millions of U.S. tax-payer dollars in the face of a campaign of death, danger, and humiliation of Palestinians in desperate need of humanitarian assistance in Gaza because of Israel's policies. Plaintiff's interests in these records are rooted in a desire for government transparency and accountability.

### **III. Plaintiff's Requests for Information**

23. On July 7, 2025, Plaintiff submitted its FOIA request via online web platform to DOS and USAID. In the Request, Plaintiff sought expedited processing and a fee waiver, detailing the justifications for both requests.

24. The Request specifies nine categories of records related to the \$30 million award to GHF created from October 1, 2024 to the date of the searches. *See* Exhibit A, Request, Section C, paras. 1-9. Plaintiff continues to seek all responsive records related to the nine categories set out in detail in the Request. Furthermore, in an effort to assist the Defendants, Plaintiff proposed a list of search terms that would likely yield responsive records. *See id.* at Section D.

#### *A. Department of State Response*

25. On July 7, 2025, DOS acknowledged Plaintiff's FOIA request and assigned it the tracking number F-2025-22165.

26. On July 15, 2025, Plaintiff received an email from DOS stating (1) the request for expedited processing was denied because the Agency decided the request does not demonstrate a

“compelling need” for the requested information; (2) the fee waiver request is denied because it does not meet the public interest standard set forth in 22 CFR 171.16(j)(2)(ii); and (3) Plaintiff falls within the “news media” requester fee category such that Plaintiff will be charged after 100 pages of duplication. Plaintiff appealed the denial of fee waiver on August 18, 2025, and that appeal is proceeding under tracking number A-2025-00420.<sup>21</sup>

27. On July 29, 2025, Plaintiff received a duplicative email from DOS confirming receipt and assigning a different tracking number, F-2025-23971, to Plaintiff’s FOIA request.

28. On August 6, 2025, Plaintiff emailed the DOS FOIA Case Processing Office to clarify why DOS assigned two separate reference numbers to the same request.

29. On August 7, 2025, Plaintiff received an email from the FOIA Case Processing Office confirming it was a duplication error and the request will proceed under case number F-2025-22165. In this same email, the Office informed Plaintiff that due to a “backlog of FOIA requests,” the estimated date of completion of Plaintiff’s request would be February 28, 2027.

30. To date, DOS has not made a determination on or produced records responsive to Plaintiff’s request.

### *B. USAID Responses*

31. On July 8, 2025, USAID assigned the tracking number F-00782-25 to Plaintiff’s FOIA request.

32. On July 10, 2025, Plaintiff received an email from USAID stating that the request for expedited processing was denied because the request did not articulate an imminent threat to the life or physical safety of an individual, nor is there an urgency to inform the public. The email also stated that USAID would be extending the FOIA’s time limits due to one or more “unusual

---

<sup>21</sup> Depending on the outcome of Plaintiff’s fee waiver appeal, Plaintiff may file or move to file an amended complaint to include a claim against any such denial.

circumstances” but did not clarify what circumstances allegedly exist. Finally, the response failed to issue a determination on Plaintiff’s request for a fee waiver, and instead declared the fee waiver request to be “moot.”

33. To date, USAID has not made a determination on or produced records responsive to Plaintiff’s FOIA request.

34. Plaintiff sought expedited processing under 5 U.S.C. § 552(a)(6)(E) and 22 C.F.R. §§ 171.12(d)(1)(ii) and (iii), citing and detailing a “compelling need” for the information because of the urgent need to inform the public of the decision-making regarding the spending of taxpayer dollars and resources being used to finance GHF that is already the subject of significant public discussion and media coverage. *See* Exhibit A, Request, Section G. Plaintiff further explained that the Request relates to matters that pose an imminent threat to life and safety. *Id.*

35. Plaintiff’s Request also sought a waiver of applicable fees under since “disclosure of the requested records is in the public interest because it is likely to contribute significantly to the public understanding of the activities or operations of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii) and 22 C.F.R. § 212.14(k); *see* Exhibit A, Request, Section F. CCR is a non-profit entity with no commercial interest in the records requested, which are crucial to public understanding of DOS and USAID-funded dangerous and often deadly operations in Gaza.

36. DOS and USAID have an obligation to create and preserve records “containing adequate and proper documentation of the organizations, functions, policies, procedures, and essential transactions or operations of the Department and U.S. Embassies, Consulates, and Missions abroad.” U.S. Dep’t of State, FOIA, Records Management, available at: <https://foia.state.gov/RecordsManagement/RecordsManagement2.aspx>.

#### CLAIMS FOR RELIEF

**COUNT ONE**

**Violation of FOIA for Failure to Search for, Disclose, and Release Responsive Records,  
and otherwise Make a Determination on Plaintiff's Request**

**(for All Defendants)**

37. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 36 as if repeated and incorporated herein.

38. By failing to make a timely determination on Plaintiff's FOIA Request within the mandated statutory timeframe, by failing to disclose and release the requested records, and by failing to conduct an adequate search reasonably calculated to uncover responsive records, Defendants DOS and USAID have violated the public's right, advanced by Plaintiff, to agency records under 5 U.S.C. §§ 552 *et seq* and Defendants' own regulations.

**COUNT TWO**

**Violation of FOIA for Improper Denial of Plaintiff's Request for Expedited Processing**

**(for All Defendants)**

39. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 36 as if repeated and incorporated herein.

40. By denying Plaintiff's request for expedited processing, DOS and USAID have violated Plaintiff's rights under 5 U.S.C. § 552(a)(6)(E) and Defendants' own regulations.

**COUNT THREE**

**Violation of FOIA for Improper Denial of Plaintiff's Request for Fee Waiver**

**(for Defendant USAID)**

41. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 36 as if repeated and incorporated herein.

42. By failing to respond or failing to non-conditionally grant Plaintiff's requests for fee waivers, Defendant USAID has denied Plaintiff's rights under 5 U.S.C. § 552(a)(4)(A)(iii) and its own regulations.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Declare that Defendants violated the Freedom of Information Act by failing to lawfully satisfy Plaintiff's July 7, 2025 Request;
2. Order Defendants promptly to make a full, adequate, and expedited search for the requested records;
3. Order Defendants to engage in expedited processing in this action;
4. Enjoin Defendants from disposing of or destroying any records subject to Plaintiff's FOIA Request;
5. Enjoin Defendants from assessing fees or costs for the processing of the FOIA Request;
6. Order Defendants, upon completion of expedited processing, to disclose the requested records in their entirety and make copies available to Plaintiff no later than ten days after the Court's order;
7. Award Plaintiff costs and reasonable attorney's fees incurred in this action as provided by 5 U.S.C. § 552(a)(4)(E); and
8. Grant any further relief as this Court may deem just and proper.

Dated: August 20, 2025  
New York, NY

/s/ Katherine Gallagher  
Katherine Gallagher<sup>†</sup> (NY-2222)  
Maria LaHood (NY-1438)  
Ayla Kadah\*  
Adina Marx-Arpadi, Bar. No. 6019335  
Center for Constitutional Rights  
666 Broadway, 7<sup>th</sup> Floor  
(212) 614-6464  
[kgallagher@ccrjustice.org](mailto:kgallagher@ccrjustice.org)

*\*Pro hac vice application forthcoming*

<sup>†</sup> Counsel wish to acknowledge the invaluable assistance of the following Center for Constitutional Rights student legal interns: Jesse Daniels and Sophie Hoenou.