

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

CHELSEA MANNING,

Plaintiff,

v.

Case No.

UNITED STATES DEPARTMENT
OF JUSTICE and the FEDERAL BUREAU
OF INVESTIGATION,

Defendants.

**COMPLAINT FOR REVIEW OF AGENCY ACTION PURSUANT
TO THE FREEDOM OF INFORMATION ACT**

Plaintiff Chelsea Manning, through undersigned counsel, brings this Complaint against the United States Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) for their categorical refusal to provide records under the Freedom Of Information Act (FOIA).

JURISDICTION

1. This action seeks judicial review of Defendants' failure to comply with the requirements of FOIA by categorically denying Plaintiff's FOIA request. Therefore, this Court has jurisdiction over this action under 5 U.S.C. § 552.

VENUE

2. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

PARTIES

3. Plaintiff is currently incarcerated in the United States Disciplinary Barracks at Fort Leavenworth, Kansas.
4. Respondents are the United States Department of Justice and the FBI.

FACTUAL ALLEGATIONS

Background

5. In 2010, the United States Army charged Plaintiff, then known as Private First Class Bradley E. Manning, with various violations of the the Uniform Code of Military Justice and the United States Code for disclosing classified and confidential information to the not-for-profit media organization, WikiLeaks.
6. On March 1, 2011, after a probable cause hearing, the Army referred Plaintiff's case to a general court-martial.
7. Plaintiff pled guilty to some of the charges in February 2013 and proceeded to trial on the remaining charges in June 2013.
8. At trial Plaintiff was acquitted of aiding the enemy, under UCMJ Art. 104, but convicted of charges related to espionage, theft, and computer fraud under the United States Code, as well as various other military-related offenses.
9. In August 2013, a military judge sentenced Plaintiff to 35 years of imprisonment and a dishonorable discharge from the Army. She is currently serving her sentence at the Fort Leavenworth Disciplinary Barracks in Fort Leavenworth, Kansas. Plaintiff's military appeal is pending.
10. Plaintiff has supporters world-wide who recognize that she acted for the public good to provide information of human rights abuses and other actions that had been secret.
11. Upon information and belief, the FBI investigated Plaintiff for the same conduct that formed the basis of the military's court-martial proceeding against her.

Plaintiff's FOIA Requests to the FBI

12. On February 20, 2014, Plaintiff wrote to the FBI under the FOIA requesting,

[] Documents, papers, reports, letters, memoranda, films, electronic data, photographs, audio and video recordings of or relating to investigation conducted by the Washington Field Office of the Federal Bureau of Investigation and the U.S. Attorney's Office of the Eastern District of Virginia into the alleged disclosures of classified and sensitive but unclassified information by Private First Class (PFC) Bradley E. Manning beginning in late 2010 and continuing until an unknown date, but as late as mid-2012.

[] Any other documents, papers, reports, letters, memoranda, films, electronic data, photographs, audio and video recordings of or relating to the investigation conducted by the Federal Bureau of Investigation and the U.S. Attorney's Office of the Eastern District of Virginia into alleged civilian co-conspirators of the disclosures of information by Manning.

In that request, Plaintiff indicated her willingness to pay fees associated with a burdensome search and requested expedited processing based on an "urgency to inform the public about an actual or alleged federal government activity" and a "matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." 32 C.F.R. § 16.5(d)(1)(ii) and (d)(1)(iv).

13. On March 7, 2014, the FBI acknowledged Plaintiff's request, but stated that Plaintiff's "letter did not contain sufficient information to conduct an accurate search of the Central Records System." Consequently, Plaintiff submitted the requested information, by completing the FBI's form, to supplement her request on March 17, 2014.

14. On March 18, 2014, after filling out the FBI's form, Plaintiff further supplemented her request by providing additional personal information to the agency, including her full name, prior and current address, place of birth, and phone number. She also repeated the nature of the materials requested, their timeframe, and associated case number.
15. On March 21, 2014, the FBI acknowledged receipt of Plaintiff's request.
16. On April 3, 2014, the FBI denied Plaintiff's request for expedited processing, stating that she had "not provided enough information concerning the statutory requirements for expedition[.]" Regardless, the FBI concluded that "the topic of [Plaintiff's] request [was] not a matter 'in which there exist possible questions about the government's integrity which affect public confidence.'" (no citation for internal quotation provided).
17. On April 4, 2014, Plaintiff wrote to the Director of the Office of Information Policy and appealed the FBI's denial of her request to expedite.
18. On April 8, 2014, the FBI categorically denied Plaintiff's request for records, claiming that any records responsive to Plaintiff's request were exempt from disclosure pursuant to 5 U.S.C. § 552(b)(7)(A).

The material you requested is located in an investigative file which is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(7)(A). 5 U.S.C. § 552(b)(7)(A) exempts from disclosure:

records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ... could reasonably be expected to interfere with enforcement proceedings...

The records responsive to your request are law enforcement records; there is a pending or prospective law enforcement proceeding relevant to these responsive records, and release of the information in these responsive

records could reasonably be expected to interfere with enforcement proceedings.

The FBI went on to include a *Glomar* paragraph in its categorical denial, stating:

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). [Sic] This response is limited to those records that are subject the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that the excluded records do, or do not, exist.

19. On April 17, 2014, Plaintiff appealed the agency's denial of her request for records, including its *Glomar* provision, and its failure to substantively respond to her Privacy Act request.
20. On May 7, 2014, the DOJ, Office of Information Policy, acknowledged receipt of Plaintiff's appeal.
21. On August 7, 2014, the DOJ affirmed the FBI's categorical denial of Plaintiff's request for records and denied her appeal, relying on §552(a)(j)(2) of the Privacy Act and 5 U.S.C. § 552(b)(7)(A) of the FOIA. The Chief of the Administrative Appeals Staff for the DOJ's Office of Information Policy wrote, in relevant part:

After carefully considering your appeal, I am affirming the FBI's action on your request. In order to provide you with the greatest possible access to responsive records, your request was reviewed under both the Privacy Act of 1974 and the Freedom of Information Act. This Office has determined that the records responsive to your request are exempt from the access provision of the Privacy Act. *See* 5 U.S.C. § 552a(j)(2); *see also* 28 C.F.R. § 16.96 (2013). For this reason, I have reviewed your appeal under the FOIA.

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. The FBI properly withheld this information *in full* because it is protected from disclosure under the FOIA pursuant to 5 U.S.C. § 552(b)(7)(A). This provision concerns records or information compiled for law enforcement proceedings.

(emphasis added).

22. On January 5, 2015, Plaintiff sought the assistance of the Office of Government Information Services (OGIS) and asked the agency to “mediate and resolve the dispute between [Plaintiff] and the Attorney General regarding [Plaintiff’s] Freedom of Information Act (FOIA) 5 U.S.C. § 552) [sic] request[.]”
23. The OGIS responded to Plaintiff’s request for mediation by repeating the FBI’s categorical and purported grounds for denial of Plaintiff’s request and explained that

Exemption 7(A) is temporal in nature and not intended to “endlessly protect material simply because it is in an investigatory file,” according to the Department of Justice Guide to Freedom of Information Act. Courts have ruled that Exemption 7(A) remains applicable through long-term law enforcement investigations. It may be helpful to know that as part of the appeals process on cases such as yours, OIP confirms that Exemption 7(A) is still applicable to records sought at the time of the appeal.
24. As acknowledged by the DOJ in its letter responsive to Plaintiff’s appeal, Plaintiff has exhausted her administrative remedies and is now permitted to “file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).”
25. Because the Army general court-martial and the FBI investigation arose from the same conduct, any attempt to prosecute Plaintiff in federal criminal court would violate Plaintiff’s double jeopardy rights. *See United States v. Stoltz*,

720 F.3d 1127 (9th Cir. 2013) (“It is . . . well settled that a general or special court-martial conviction precludes a subsequent civilian criminal conviction for the same offense.”) (citing *Grafton v. United States*, 206 U.S. 333, 345-48 (1907)). Without the ability to prosecute Plaintiff for the alleged conduct underlying their investigation, Defendants have no reasonable basis to withhold the requested records.

26. Nor will any privacy concerns be implicated by disclosing the records to Plaintiff because she is the subject of the FBI’s investigation.

CAUSE OF ACTION

A. Plaintiff repeats and re-alleges the foregoing allegations in this Complaint with the same force and effect as if hereinafter set forth at length.

B. Plaintiff has made a lawful request for records and information from the FBI under the FOIA.

C. The FBI has improperly failed to provide the records and information as provided by law, and instead claims categorical exemption under 5 U.S.C. § 552(b)(7)(A).

D. Disclosing the requested records will not interfere with any enforcement proceedings that are pending or reasonably anticipated. Plaintiff has already been convicted at a court-martial for the underlying conduct investigated by the FBI.

E. Plaintiff has exhausted her administrative remedies, and the Agency's decisions and actions are final.

F. Plaintiff seeks judicial review of the FBI’s wrongful and categorical failure to provide the records and information sought in her FOIA request.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court:

- 1) Order the FBI to provide the records and information improperly withheld from Plaintiff.
- 2) Award Plaintiff reasonable attorneys' fees and costs incurred in this action, as allowed under FOIA or by law.
- 3) Order any other relief this Court deems just and proper.

Respectfully Submitted,

**FREEDMAN BOYD HOLLANDER
GOLDBERG URIAS & WARD P.A**

/s/ Nancy Hollander

Nancy Hollander
D.C. Bar No. TX0061
20 First Plaza, NW, Suite 700
Albuquerque, NM 87102
(505) 842-9960

Attorneys for Plaintiff

CIVIL COVER SHEET

JS-44 (Rev. 7/13 DC)

<p>I. (a) PLAINTIFFS CHELSEA MANNING</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>Leavenworth</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Freedman Boyd Hollander Goldberg Urias & Ward, P.A.</p>	<p>DEFENDANTS UNITED STATES DEPARTMENT OF JUSTICE and the FEDERAL BUREAU OF INVESTIGATION</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p> <p>ATTORNEYS (IF KNOWN)</p>
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<p>II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff <input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input checked="" type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!</p> <table style="width:100%; border: none;"> <tr> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DFT</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DFT</td> </tr> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="radio"/> A. Antitrust</p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> B. Personal Injury/Malpractice</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> C. Administrative Agency Review</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction</p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>
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<p><input checked="" type="radio"/> E. General Civil (Other) OR <input type="radio"/> F. Pro Se General Civil</p>			
<p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 27 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Conditions</p> <p><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p><u>Federal Tax Suits</u></p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p>	<p><u>Forfeiture/Penalty</u></p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks & Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p> <p><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization</p>	<p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>

<input type="radio"/> G. Habeas Corpus/ 2255 <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"/> H. Employment Discrimination <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 type="radio"/> I. FOIA/Privacy Act <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"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <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"/> L. Other Civil Rights (non-employment) <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"/> M. Contract <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"/> N. Three-Judge Court <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

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 Plaintiff brings an action against the DOJ & FBI for their violations of the FOIA pursuant to 5 U.S.C. § 552

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

DATE: <u>Oct 8, 2015</u>	SIGNATURE OF ATTORNEY OF RECORD:
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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 cover sheet. 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.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

CHELSEA MANNING,

Plaintiff(s)

v.

UNITED STATES DEPARTMENT OF JUSTICE and the FEDERAL BUREAU OF INVESTIGATION,

Defendant(s)

Civil Action No. 1:15-CV-01654

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) United States Department of Justice

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — 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: Freedman Boyd Hollander Goldberg Urias & Ward P.A. Nancy Hollander 20 First Plaza, Suite 700 Albuquerque, NM 87102

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 1:15-CV-01654

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:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

CHELSEA MANNING,

Plaintiff(s)

v.

UNITED STATES DEPARTMENT OF JUSTICE and the FEDERAL BUREAU OF INVESTIGATION,

Defendant(s)

Civil Action No. 1:15-CV-01654

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Federal Bureau of Investigation

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — 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:

Freedman Boyd Hollander Goldberg Urias & Ward P.A.
Nancy Hollander
20 First Plaza, Suite 700
Albuquerque, NM 87102

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. 1:15-CV-01654

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: