UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

THE MILITARY RELIGIOUS FREEDOM FOUNDATION,

Plaintiff,

v. Case No.

DEPARTMENT OF VETERANS AFFAIRS,

Defendant.

COMPLAINT FOR INJUNCTIVE RELIEF AND DISCLOSURE OF DOCUMENTS

Plaintiff The Military Religious Freedom Foundation ("MRFF"), by and through undersigned counsel, hereby submits this Complaint for Injunctive Relief and Disclosure of Documents pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), to compel the disclosure and release of agency records improperly withheld by Defendant Department of Veterans Affairs (VA) and for other appropriate relief.

JURISDICTION AND VENUE

1. This Court has both subject matter jurisdiction over this matter and personal jurisdiction over the parties. 5 U.S.C. § 552(a)(4)(B).

2. Venue is proper in the United States District Court for the District of New Mexico. 5 U.S.C. § 552(a)(4)(B).

PARTIES

3. Plaintiff MRFF is a non-profit organization headquartered in Albuquerque, New Mexico for the purpose of protecting the religious freedom of all soldiers, sailors, Marines, airmen, midshipmen, cadets, and veterans throughout the United States of America.

4. Defendant VA is an executive branch department of the federal government, which is subject to the requirements of FOIA.

STATEMENT OF FACTS

5. MRFF filed a request for information from Defendant VA on April 12, 2022, pursuant to FOIA.

6. The 2022 FOIA request ("Request") sought: "All documents and records relating to the Department of Veterans Affairs' contract with Choice Books LLC under which Choice Books LLC maintains retail book displays or otherwise sells its books in Department of Veterans Affairs facilities."

7. Michael L. "Mikey" Weinstein, MRFF's founder and president and an Air Force veteran, is a patient at the Raymond G. Murphy Department of Veterans Affairs Medical Center, as are a number of MRFF's veteran clients.

8. MRFF did not receive any response to the Request from Defendant VA within twenty (20) days of its Request, as mandated by FOIA. 5 U.S.C. § 552(a)(6)(A)(i).

9. MRFF did not receive any notice from Defendant VA of unusual circumstances requiring an extension of the statutory deadline within twenty (20) days of its Request, as mandated by FOIA. 5 U.S.C. § 552(a)(6)(b)(ii).

10. Defendant VA did not respond to MRFF's August 30, 2022 email requesting confirmation of receipt of the FOIA Request. To date Defendant VA has not responded to MRFF's FOIA Request.

CLAIM: VIOLATION OF FOIA

11. The allegations contained in Paragraphs 1 through10 are incorporated as if fully set forth herein.

12. FOIA requires that requests receive a response within twenty (20) days. 5 U.S.C. § 552(a)(6)(A)(i).

13. Defendant VA failed to produce any documents or otherwise respond to MRFF's Request within twenty (20) days, as required by FOIA, and is now several months past the statutory deadline.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully request the following relief:

1. An order directing Defendant VA to release all records requested in MRFF's FOIA Request;

2. An order stating Defendant VA's actions violate the terms of FOIA;

3. A finding that Defendant VA's actions are arbitrary and capricious; and

4. An order directing Defendant VA to pay all costs and attorney fees associated with the filing of this litigation.

Respectfully submitted,

