

ORIGINAL

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JOHN DOE<sup>1</sup>  
c/o 1250 Connecticut Avenue, N.W.  
Suite 200  
Washington, D.C. 20036

Plaintiff

v.

CENTRAL INTELLIGENCE AGENCY  
Washington, D.C. 20505

Defendant.

Case: 1:13-cv-01231  
Assigned To : Jackson, Ketanji Brown  
Assign. Date : 8/9/2013  
Description: General Civil

\* \* \* \* \*

COMPLAINT

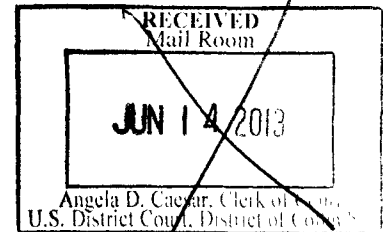
This is an action brought by plaintiff John Doe, a senior covert paramilitary officer of the defendant Central Intelligence Agency, in order to compel completion pursuant to the Administrative Procedures Act, 5 U.S.C. § 702, *et seq.*, of an investigation by the Office of Inspector General (“OIG”) pertaining to alleged war crimes committed in an overseas location that has been unreasonably and intentionally delayed.

JURISDICTION

1. This Court has subject matter jurisdiction pursuant to 5 U.S.C. § 706(1) and personal jurisdiction over the defendant pursuant to 28 U.S.C. § 1331.

VENUE

2. Venue is appropriate under 28 U.S.C. § 1391.



<sup>1</sup> Due to the covert status of the plaintiff neither his true name nor whereabouts can be revealed.

**PARTIES**

3. Plaintiff John Doe is an American citizen and resident of the United States. He is a former member of the U.S. Armed Forces and currently serves as a covert paramilitary officer for the defendant.

4. Defendant Central Intelligence Agency (“CIA”) is an agency of the U.S. Government within the meaning of the Administrative Procedures Act, 5 U.S.C. § 702 et seq.

**FACTS**

5. John Doe was assigned and completed various tasks while deployed overseas for the CIA during the period of 2003 – 2011. This included, but was not limited to, offensive operations against individuals designated or viewed as enemies of the United States.

6. Following a specific overseas assignment/activity, John Doe was wrongfully accused of participating in, committing and/or possessing information about war crimes. Other CIA employees were also accused.

7. An investigation was opened by the CIA’s OIG in or around 2010 – 2011. Upon learning of the investigation John Doe requested that his attorney be granted the proper security clearance so that he could discuss the allegations and receive appropriate legal advice. The request was denied.

8. A criminal inquiry was also opened and investigated by the Department of Justice. Without ever interviewing John Doe the matter was closed and prosecution was declined in or around 2011 – 2012.

9. In connection with internal investigations of John Doe, CIA employees, either with or without authority, initiated physical and electronic surveillance of him, some of which were unlawful. The surveillance included harassment tactics undertaken by local law enforcement who were cooperating with the CIA. Other tactics involved corruption of electronic devices such as computers and cell phones. The Federal Bureau of Investigation opened an investigation into CIA's activities involving John Doe.

10. John Doe offered to be interviewed by the CIA OIG in order to facilitate the close of the internal investigation. The CIA OIG has never interviewed him notwithstanding the fact that he was the subject of an investigation.

11. In Summer/Fall 2012, an attorney for the CIA OIG informed John Doe's attorney that he had pushed for the investigation to be closed and that there is no reason for the investigators to keep it open any longer.

12. Upon information and belief, the CIA OIG is aware that there is no evidentiary basis for the allegations against John Doe and is purposefully refusing to administratively close its investigation in order to discredit or otherwise cause harm to his career.

### **COUNT ONE**

13. John Doe repeats and realleges the allegations contained in paragraphs 1 through 12 above, inclusive.

14. The Administrative Procedure Act empowers courts to "compel agency action unlawfully withheld or unreasonably delayed." 5 U.S.C. § 706(1).

15. The length of delay in formally closing the CIA OIG's investigation into John Doe fails the rule of reason. Neither does the CIA OIG have a legitimate basis for the delay. Thus, agency action has been "unreasonably delayed".

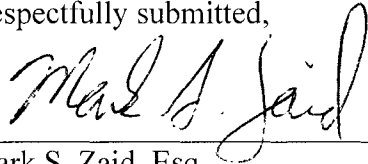
16. Compelling the CIA OIG to conclude agency action would not prejudice the CIA and is in the interests of justice and fairness.

WHEREFORE, plaintiff John Doe prays that this Court:

- (1) Compel the CIA OIG to complete and close its investigation into John Doe;
- (2) Award reasonable costs and attorney's fees as permitted;
- (3) Expedite this action in every way pursuant to 28 U.S.C. § 1657 (a); and
- (4) Grant such other relief as the Court may deem just and proper.

Date: June 12, 2013

Respectfully submitted,



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<input type="radio"/> <b>G. Habeas Corpus/ 2255</b>  <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"/> <b>H. Employment Discrimination</b>  <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"/> <b>I. FOIA/Privacy Act</b>  <input 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"/> <b>J. Student Loan</b>  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  <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"/> <b>L. Other Civil Rights (non-employment)</b>  <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"/> <b>M. Contract</b>  <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"/> <b>N. Three-Judge Court</b>  <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

**V. ORIGIN**

- 1 Original Proceeding  
  2 Remand 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.)**

**VII. REQUESTED IN COMPLAINT**      CHECK IF THIS IS A CLASS ACTION UNDER F R C P 23       **DEMAND \$**      Check YES only if demanded in complaint  
**JURY DEMAND:**      YES       NO

**VIII. RELATED CASE(S) IF ANY**      (See instruction)      YES       NO       If yes, please complete related case form

DATE: 8/14/13      SIGNATURE OF ATTORNEY OF RECORD: [Signature]

8/9/13

**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