

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

JOHN DOE¹
c/o 1250 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036

Plaintiff

v.

CENTRAL INTELLIGENCE AGENCY
Washington, D.C. 20505

Defendant.

Civil Action No. 13- _____

* * * * *

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.

¹ 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,

/s/

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