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U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2013 JUN 25 AM 10:03

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President of Defend Our Freedoms Foundation

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF

Defend Our Freedoms Foundation

Plaintiff,

v.

Carolyn Colvin , Commissioner of the

Social Security Administration,

§ Case #

ELH13CV1878

§ Presiding

§

§ Appeal of De Facto Denial

§ of FOIA Request under

§ 5USC 552

§

§

§

§

COMPLAINT

JURISDICTION

Complaint at hand is an appeal of a De Facto denial for production of documents under FOIA. As such the complaint involves a Federal statute 5USC552 and respondent is a Federal agency.

PARTIES

Plaintiff -Defend Our Freedoms Foundation, California foundation, located at 29839 Santa Margarita, ste 100 Rancho Santa Margarita, CA 92688

Defendant -Carolyn W. Colvin, in her official capacity as the Commissioner of the Social Security Administration located in the state of Maryland.

ALLEGATION

- 1. Plaintiff submitted a request for information under Freedom of Information Act 5USC552.**
- 2. Request was submitted to the FOIA unit of the Social Security Administration, (Hereinafter SSA), on April 26, 2013 by Certified mail.**
- 3. Request was indeed received by SSA.**
- 4. Request for information was accompanied by required fee.**
- 5. Plaintiff sought SS-5, Social Security application for three individuals, among them Harrison J. Bounel, born in 1890.**
- 6. Usual time frame for FOIA response is 20 days.**
- 7. Petitioner did not receive a response.**
- 8. Plaintiff submitted a second request.**

9. Plaintiff did not receive any information for any of the three individuals for a period of 55 days, more than twice the usual and ordinary turn around period.

10. Plaintiff believes that the Social Security number of Harrison J. Bounel is currently being used to commit fraud and therefore believes that there is an urgency in obtaining the SS-5 for Harrison J. Bounel.

11. Plaintiff provides attached herein as an Exhibit 1, a copy of the official 1940 census, released in 2011, showing that Harrison J. Bounel was 50 years old in 1940, therefore he was born in 1890 and he would be 123 today, if he would be alive.

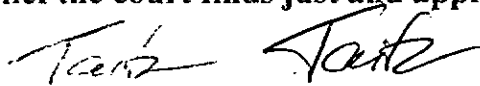
12. Plaintiff attaches herein as an Exhibit 2, report of the Chief FOIA officer of the Social Security administration, which states that according to "120 year rule" implemented by the SSA in 2010, individuals of 120 years old or older are classified as "extremely aged individuals", whose SS-5, Social Security applications have to be released under FOIA without proof of death of the individual.

CONCLUSION

Based on "120 year rule" SS-5, Social Security application of Harrison J. Bounel has to be released to the plaintiff, as Harrison J. Bounel was born in 1890 and is considered an extremely aged individual under 120 year rule, whose SS-5 has to be released to the public without consent or proof of death.

Prayer for Relief

1. Production of SS-5 for Harrison J. Bounel, born 1890.
2. Attorneys' fees
3. Any other relief the court finds just and appropriate.



/s/ Orly Taitz ESQ, President of DOFF