

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

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PUBLIC CITIZEN,)
1600 20th Street NW)
Washington, DC 20009,)
)
Plaintiff,)
)
v.	Civil Action No. 26-cv-1966)
)
FEDERAL MOTOR CARRIER)
SAFETY ADMINISTRATION,)
1200 New Jersey Avenue SE)
Washington, DC 20590,)
)
Defendant.)
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COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Plaintiff Public Citizen brings this action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to compel Defendant Federal Motor Carrier Safety Administration (FMCSA) to produce records responsive to a FOIA request submitted by Public Citizen seeking FMCSA’s communications with states regarding issuance of non-domiciled commercial driver’s licenses.

JURISDICTION AND VENUE

- 2. This Court has jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).
- 3. Venue is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

4. Plaintiff Public Citizen is a nonprofit organization based in Washington, DC. Public Citizen submitted the FOIA request at issue in this action.

5. Defendant FMCSA is an agency of the United States. FMCSA has possession of and control over the records that Plaintiff seeks.

STATEMENT OF FACTS

6. On November 26, 2025, Public Citizen submitted a FOIA request to FMCSA. The request sought: “All correspondence, from September 22, 2025, through the date of the search, between the Federal Motor Carrier Safety Administration, on the one hand, and any state agency or governor, on the other hand, regarding a state’s issuance of non-domiciled commercial driver’s licenses.”

7. In its FOIA request, Public Citizen sought a full waiver of fees because disclosure of the requested records would be in the public interest and not for commercial use.

8. FMCSA acknowledged receipt of Public Citizen’s request on December 2, 2025, and assigned the request a control number of FMCS-2026-01731. The acknowledgment letter stated that processing the request may take “up to 11 months,” but that a request with a narrower scope would “help shorten the processing time.”

9. On December 15, 2025, Public Citizen by email requested that FMCSA provide an estimated date of completion. FMCSA responded by referencing its acknowledgment letter but did not provide an estimated date of completion.

10. On January 22 and 23, 2026, Public Citizen emailed FMCSA to inquire about the status of its request. On January 23, 2026, FMCSA responded by email, stating that it “anticipate[d]” that Public Citizen’s request would be “selected for processing” in October 2026.

11. On January 26, 2026, Public Citizen by email asked FMCSA to provide the estimated date of completion. FMCSA did not respond.

12. On February 3, 2026, Public Citizen by email narrowed the request, stating that the request sought, for all states, “letters ... between Chief Counsel Jesse Elison, Administrator Derek D. Barrs, or Deputy Associate Administrator for Safety Philip Thomas, on the one hand, and a state

governor or state department of motor vehicles or state licensing agency, on the other hand. The request seeks letters regarding FMCSA's preliminary or final determination of noncompliance in issuing non-domiciled commercial learner's permits (CLPs) and commercial driver's licenses (CDLs)." Public Citizen stated that the request should be categorized as a simple request and asked FMCSA for an estimated date of completion.

13. FMCSA responded to the February 3 email by stating that its "estimated response date is 4/30/2026."

14. On April 10, 2026, Public Citizen by email asked FMCSA if the estimated response date continued to be April 30, 2026. FMCSA responded by stating, "Due to a greater than normal number of FOIA and Privacy Act requests, your request is still pending in our queue."

15. On June 1, 2026, Public Citizen by email asked FMCSA for an estimated date of completion for its request. FMCSA responded on June 3 by referencing its acknowledgment letter.

16. More than 20 business days have passed since Public Citizen submitted its request, and FMCSA has not made a final determination or production of records in response to the request.

CLAIM FOR RELIEF

17. Public Citizen has a right under FOIA, 5 U.S.C. § 552, to the records responsive to its FOIA request and to a fee waiver.

18. There is no legal basis for FMCSA's failure to produce the responsive records.

PRAYER FOR RELIEF

WHEREFORE, Public Citizen requests that this Court:

A. Declare that FMCSA's failure to provide the records responsive to Public Citizen's FOIA request is unlawful;

B. Order FMCSA to make the requested records available to Public Citizen at no cost and without delay;

C. Award Public Citizen its costs and reasonable attorneys' fees under 5 U.S.C. § 552(a)(4)(E); and

D. Grant such other relief as this Court may deem just and proper.

Dated: June 3, 2026

Respectfully submitted,

/s/ Wendy Liu

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