

To FOIA-Appeals<FOIAAppeals@state.gov>CCFOIAStatus@state.gov

Tuesday, February 10th, 2026 at 11:04 AM Tuesday, February 10th, 2026 at 11:04 AM

Dear FOIA Litigation and Appeals Office,

This message serves as a final notice of intent to seek judicial relief regarding the Department of State's continued failure to comply with the Freedom of Information Act in connection with FOIA request number F-2025-28025, submitted on August 4, 2025.

The statutory deadline for a determination under 5 U.S.C. § 552(a)(6)(A) expired without a response. The Department subsequently requested additional time after the deadline had already lapsed. As of today, more than five months later, the Department has provided no substantive response, no interim release, and no lawful estimated date of completion.

The Department's February 5, 2026 correspondence confirms that administrative remedies are exhausted under 5 U.S.C. § 552(a)(6)(C)(i) and that judicial review is the appropriate remedy. In parallel, the Office of Government Information Services has confirmed it cannot compel agency action and has closed the matter without further involvement.

Accordingly, the Department is now in continuing violation of FOIA.

Unless the Department provides a substantive response to this request by close of business on Friday, I will proceed to seek judicial relief in federal court without further notice. This will include seeking appropriate relief under FOIA, including declaratory and injunctive relief and recovery of applicable costs and fees.

This notice is provided in good faith to afford the Department one final opportunity to cure its statutory default.

Sincerely,

David Burger

Founder & Director

Covenant for Forgotten Warriors