

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

AMERICAN OVERSIGHT,

Plaintiff,

V.

Case No. 26-cv-2212 (DLF)

U.S. DEPARTMENT OF JUSTICE,

Defendant.

MEMORANDUM IN SUPPORT OF
PLAINTIFF AMERICAN OVERSIGHT'S
MOTION FOR A PRELIMINARY INJUNCTION

TABLE OF CONTENTS

INTRODUCTION	1
BACKGROUND	2
ARGUMENT.....	7
I. THIS COURT HAS JURISDICTION TO ORDER DOJ TO GRANT AMERICAN OVERSIGHT’S REQUESTS FOR EXPEDITED PROCESSING.	8
II. AMERICAN OVERSIGHT IS ENTITLED TO A PRELIMINARY INJUNCTION BECAUSE IT HAS ESTABLISHED A LIKELIHOOD OF SUCCESS ON THE MERITS, IRREPARABLE INJURY ABSENT INJUNCTIVE RELIEF, A BALANCE OF EQUITIES, AND FURTHERANCE OF THE PUBLIC INTEREST.....	9
A. American Oversight Is Substantially Likely to Succeed on the Merits Because Its Requests for Expedited Processing Satisfy the Requisite Criteria under FOIA and DOJ’s Regulations.	9
1. American Oversight’s Requests for Expedited Processing Satisfy FOIA’s “Compelling Need” Standard Because American Oversight Is Primarily Engaged in Disseminating Information and There Is an Urgency to Inform the Public About Todd Blanche’s Official Communications Regarding the Epstein Files and the Jack Smith Report.	11
2. American Oversight’s Requests for Expedited Processing Also Satisfy DOJ’s Regulatory Standard Because Todd Blanche’s Official Communications Regarding the Epstein Files and the Jack Smith Report Are Matters of Widespread and Exceptional Media Interest in which There Exist Serious Questions about the Government’s Integrity that Affect Public Confidence.	13
B. American Oversight Will Be Irreparably Harmed Absent a Preliminary Injunction Ordering Expedited Processing Because Responsive Records Will Go Stale After Todd Blanche’s July Confirmation Hearing and the Expected Senate Vote Before the August Recess.	15
C. Granting American Oversight Expedited Processing Will Not Burden Others’ Interests, But Instead May Benefit Similarly Situated FOIA Requesters.	20
D. The Public Interest Strongly Favors Expedited Processing of American Oversight’s Epstein Review Request and Smith Report Request Because the Requests Seek Official Communications of the Nominee for Attorney General on Matters of Current Intense Public Debate.....	22
CONCLUSION.....	24

TABLE OF AUTHORITIES

	Page(s)
<u>Cases</u>	
<i>Aguilera v. FBI</i> , 941 F. Supp. 144 (D.D.C. 1996).....	20
<i>Al-Fayed v. CIA</i> , 254 F.3d 300 (D.C. Cir. 2001).....	9, 10
<i>Am. Civil Liberties Union v. U.S. Dep’t of Justice</i> , 321 F. Supp. 2d 24 (D.D.C. 2004).....	8, 11
<i>Am. Oversight v. U.S. Dep’t of State (Am. Oversight I)</i> , 414 F. Supp. 3d 182 (D.D.C. 2019).....	9, 12, 15, 16, 19
<i>Am. Oversight v. U.S. Postal Serv. (Am. Oversight II)</i> , Civ. Action No. 20-2580 (RC), 2021 WL 4355401 (D.D.C. Sep. 23, 2021)	11, 12
<i>Am. Oversight v. U.S. Dep’t of Vet. Affairs (Am. Oversight III)</i> , Civ. Action No. 18-656 (BAH), 2018 WL 2582793 (D.D.C. Jun. 2, 2018)	12
<i>Brennan Ctr. for Jus. at N.Y.U. Sch. of Law v. U.S. Dep’t of State</i> , 300 F. Supp. 3d 540 (S.D.N.Y. 2018)	10
<i>Citizens for Resp. & Ethics in Wash. v. U.S. DOGE Serv., (CREW)</i> , 769 F. Supp. 3d 8 (D.D.C. 2025)	15, 17
<i>Cleaver v. Kelley</i> , 427 F. Supp. 80 (D.D.C. 1976).....	20
<i>Ctr. for Pub. Integrity v. U.S. Dep’t of Def.</i> , 411 F. Supp. 3d 5 (D.D.C. 2019).....	20
<i>Ctr. to Prevent Handgun Violence v. U.S. Dep’t of the Treasury</i> , 49 F. Supp. 2d 3 (D.D.C. 1999).....	23
<i>Dunlap v. Presidential Advisory Comm’n on Election Integrity</i> , 286 F. Supp. 3d 96 (D.D.C. 2017).....	15
<i>Electr. Priv. Info. Ctr. (EPIC I) v. Dep’t of Jus.</i> , 416 F. Supp. 2d 30 (D.D.C. 2006).....	9, 10, 16, 19, 21

<i>Heritage Foundation v. U.S. Envir. Protec. Agency</i> , Civ. Action No. 23-748 (JEB), 2023 WL 2954418 (D.D.C. Apr. 14, 2023)	17, 20
<i>Jacksonville Port Auth. v. Adams</i> , 556 F.2d 52 (D.C. Cir. 1977).....	23
<i>Judicial Watch, Inc. v. U.S. Secret Serv.</i> , 726 F.3d 208 (D.C. Cir. 2013).....	19
<i>Leadership Conference on Civil Rights v. Gonzales</i> , 404 F. Supp. 2d 246 (2005)	19, 20
<i>Nat’l Archives & Records Admin. v. Favish</i> , 541 U.S. 157 (2004)	15
<i>NLRB v. Robbins Tire & Rubber Co.</i> , 437 U.S. 214 (1976)	9, 23
<i>Payne Enters. v. U.S.</i> , 837 F.2d 486 (D.C. Cir. 1988).....	15
<i>Protect Democracy Project, Inc. v. U.S. Dep’t of Def.</i> , 263 F. Supp. 3d 293 (D.D.C. 2017).....	9, 10, 16, 17
<i>U.S. Dep’t of Justice v. Reporters Comm. for Freedom of the Press</i> , 489 U.S. 749 (1989)	23
<i>Wash. Post v. Dep’t of Homeland Sec.</i> , 459 F. Supp. 2d 61 (D.D.C. 2006).....	16, 18, 19, 23

Statutes

5 U.S.C. § 552	2, 8, 9 10, 17, 21
----------------------	--------------------

Regulations

28 C.F.R. § 16.5	10, 11, 12, 13
------------------------	----------------

Other Authorities

H.R. Rep. No. 93-876	19
----------------------------	----

Other Materials

Hailey Fuchs & Jordain Carney, <i>Senate Judiciary Schedules Confirmation Hearing for Todd Blanche</i> , Politico (Jun. 16, 2026, 1:17 PM), https://www.politico.com/live-updates/2026/06/16/congress/blanche-hearing-on-the-books-00963812	7, 16
Joey Cappelletti & Mary Clare Jalonick, <i>Blanche Set for July Confirmation Hearings for Attorney General as Republicans Weigh Support</i> , Fed. News Net. / Assoc. Press (June 16, 2026, 6:39 PM), https://federalnewsnetwork.com/management/2026/06/blanche-set-for-july-confirmation-hearings-for-attorney-general-as-republicans-weigh-support/	6, 7
Rebecca Beitsch, <i>Blanche Boasts of Having ‘Cleaned House’ at DOJ, FBI Following Trump Prosecutions</i> , The Hill (Mar. 26, 2026, 1:19 PM), https://thehill.com/homenews/administration/5802553-todd-blanche-cpac-doj-fbi-firings/....	4, 22
<i>Todd Blanche Must Be Held Accountable for Pattern of Serious Ethical Misconduct</i> , Democracy Defenders Fund, Jun. 22, 2026, https://www.democracydefendersfund.org/prs/06.22.26-pr..21,22	
<i>United States v. Trump</i> , Case No. 23-cr-80101 (AMC) (S.D. Fla. filed Jan. 30, 2026), ECF No. 774.....	22

INTRODUCTION

Acting Attorney General Todd Blanche's former client, President Trump, nominated him to be the next Attorney General of the United States amid growing scrutiny over Mr. Blanche's work history from news media, the public, and members of Congress. Mr. Blanche's nomination, his reported involvement in the review of the review, redaction, and release of files detailing the criminal activities of Jeffrey Epstein, and his apparent skepticism surrounding the work of former Special Counsel Jack Smith, prompted American Oversight to submit two expedited Freedom of Information Act requests on these topics to the Department of Justice. By the time the Department of Justice denied American Oversight's requests for expedited processing, Mr. Blanche's confirmation hearing had been set for July 15 and 16, with an expected Senate vote before August.

The fast-tracking of Mr. Blanche's confirmation and the widespread news coverage of his prior work for the President and at the Department of Justice created an urgency to challenge the Department of Justice's expedited processing determinations and obtain records responsive to American Oversight's requests. And indeed, American Oversight and the public it serves will be irreparably harmed absent the relief sought by this motion. Specifically, the public deserves to review Mr. Blanche's communications regarding Jeffrey Epstein and Jack Smith in a timeframe that permits engagement with the senators who will ultimately vote on whether Mr. Blanche will serve as the nation's next top law enforcement officer. For these reasons and those outlined more fully below, American Oversight now seeks a preliminary injunction ordering the Department of Justice to grant expedited processing and produce, as soon as practicable and no later than DOJ's twenty-day statutory deadline of July 14, all non-exempt, responsive records on a schedule set by the Court.

BACKGROUND

On June 8, 2026, President Trump nominated Acting Attorney General Todd Blanche to be Attorney General of the United States. Compl. ¶ 1, ECF No. 1; Ex. A at 1 n.1, ECF No. 1-1; Ex. C at 1 n.1, ECF No. 1-3. Four days later, American Oversight submitted two targeted requests under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to Defendant, the United States Department of Justice (DOJ), seeking records with the potential to shed light on Todd Blanche's work history as Deputy Attorney General and Acting Attorney General regarding: (1) the review and release of files about the criminal activities of Jeffrey Epstein (Epstein Files Request); and (2) former Special Counsel Jack Smith's report following his investigation into President Trump's alleged mishandling of classified records (Smith Report Request). *See* Compl. ¶¶ 23, 36–38, 51–52, ECF No.1; Exs. A & C, ECF Nos. 1-1, 1-3.

The Epstein Files Request seeks Mr. Blanche's email and text message communications that contain one or more key terms related to Epstein from March 10, 2025, through May 7, 2025. Compl. ¶¶ 37–38, ECF No. 1; Ex. A, ECF No. 1-1. The Smith Report Request seeks Mr. Blanche's email and text message communications that contain certain key terms related to former Special Counsel Jack Smith from December 1, 2025, through December 31, 2025, and from January 23, 2026, through February 23, 2026, and from April 2, 2026, through May 2, 2026. Compl. ¶¶ 51–52, ECF No. 1; Ex. C, ECF No. 1-3.

American Oversight included requests for expedited processing in the Epstein Review Request and the Smith Report Request. Compl. ¶¶ 39, 53. In its requests for expedited processing, American Oversight outlined the urgent need to inform the public about Mr. Blanche's official activities in connection with these topics given his upcoming confirmation hearing. *Id.* ¶¶ 28, 44, 58–59. Relatedly, American Oversight detailed the recent widespread and exceptional media coverage of Mr. Blanche's nomination, his work history as President Trump's personal defense

attorney, and his government work on matters regarding Epstein and Smith, all of which, in combination, raise possible questions about government integrity. *See generally* Ex. A, ECF No. 1-1; Ex. C, ECF No. 1-3.

Before his present tenure in government, Mr. Blanche was President Trump's criminal defense attorney in several matters. Specifically, he was lead defense attorney in the 2024 New York criminal trial arising out of payments made by another Trump attorney to adult film actress Stormy Daniels, which ended in a conviction on 34 felony counts. Compl. ¶ 3, ECF No. 1; Ex. A at 1-2, ECF No. 1-1; Ex. C at 1-2, ECF No. 1-3. Mr. Blanche also represented President Trump as his personal criminal defense lawyer in two federal felony cases led by former Special Counsel Jack Smith, whose partially unreleased report connected to the cases has been a matter of intense public interest. Compl. ¶ 2, ECF No. 1; Ex. A at 1-2, ECF No. 1-1; Ex. C at 1-2, ECF No. 1-3. Former Special Counsel Jack Smith ultimately moved to dismiss the two prosecutions after President Trump was reelected in November 2024, citing DOJ Office of Legal Counsel's position that a sitting president is immune from criminal prosecution while in office. Ex. C at 7 n.21, ECF No. 1-3. Following President Trump's reelection and prior to being named Acting Attorney General, Mr. Blanche served as Deputy Attorney General at DOJ beginning. *See* Compl. ¶ 4, ECF No. 1; Ex. A at 1-2, ECF No. 1-1; Ex. C at 1-2, ECF No. 1-3.

As discussed in American Oversight's request for expedited processing, Mr. Blanche's relationship with President Trump as his former personal lawyer has been the subject of public scrutiny and media coverage dating back to Mr. Blanche's 2024 nomination and February 2025 confirmation as Deputy Attorney General. *See* Ex. C at 9 n.30, ECF No. 1-3 (citing the New York Times, Reuters, and NPR). Mr. Blanche's prior representation of the President was also the subject of congressional scrutiny at that time, as evidenced by questions posed to him during his

confirmation hearing. *Id.* at 9. For instance, Mr. Blanche was pressed on whether he would support the release of the Special Counsel's report on the President's alleged mishandling of classified information; Mr. Blanche testified that he would not. *Id.* at 9.

The Special Counsel's reports and the President's conduct described in the reports have been and continue to be matters of ongoing public scrutiny. *See id.* at 7 n.22 (citing PBS News, Fox News, Breitbart, and the New York Times). And Mr. Blanche's own public comments in recent weeks have only heightened such scrutiny. For instance, Mr. Blanche reportedly boasted about firings and departures of multiple DOJ personnel who worked on the investigations or prosecutions led by former Special Counsel Jack Smith. *See, e.g.,* Rebecca Beitsch, *Blanche Boasts of Having 'Cleaned House' at DOJ, FBI Following Trump Prosecutions*, The Hill (Mar. 26, 2026, 1:19 PM), <https://thehill.com/homenews/administration/5802553-todd-blanche-cpac-doj-fbi-firings/>. Similarly, as noted in American Oversight's request for expedited processing, Fox News reported as recently as June 2, 2026, that Mr. Blanche discussed locating documents relating to the Special Counsel's investigation. Ex. C at 8 n.27, ECF No. 1-3. As such, Mr. Blanche's nomination for Attorney General continues to generate widespread and exceptional media coverage highlighting the conflict between his prior representation of the President and his work within DOJ regarding the former Special Counsel's investigations. *See* Ex. C. at 9 n.29 (citing coverage by the Washington Post, Roll Call, Independent, The Guardian, Scripps News, New York Post, and more).

Likewise, in the wake of his recent nomination, news media continued widespread and exceptional coverage of Mr. Blanche in his role as Deputy Attorney General in charge of the review, redaction, and release of files regarding the criminal activities of Jeffrey Epstein (Epstein Files). Compl. ¶ 5, ECF No. 1; Ex. A at 6, ECF No. 1-1. As discussed in American Oversight's

request for expedited processing, then-Attorney General Pamela Bondi testified in May 2026 before the U.S. House of Representatives that Mr. Blanche held a direct, day-to-day, supervisory role over the Epstein Files and related matters. Compl. ¶ 6, ECF No. 1; Ex. A at 6 n.20–22, ECF No. 1-1. Former Attorney General Bondi’s testimony about Mr. Blanche’s role in the review and release of the Epstein Files generated widespread media coverage from outlets including Fox News, Breitbart, Politico, CNN, CBS News, and ABC News. Ex. A at 6–7 n.23, ECF No. 1-1.

Recent media coverage of DOJ’s handling of the Epstein Files followed years of acute public interest in Jeffrey Epstein, *id.* at 7 n.24 (citing PBS News, Fox News, Wall Street Journal), which only intensified in the wake of public reporting that the Federal government directed Federal Bureau of Investigation personnel to flag instances where President Trump’s name appeared in the files, *id.* at 7 n.26. Public interest in the government’s handling of the Epstein Files has not waned, as a recent Reuters/Ipsos public opinion poll shows that high numbers of Americans across political demographics believe that the Trump Administration has hurt efforts to hold Epstein’s associates accountable. *Id.* at 9 n.34.

The outsized public interest in the government’s review, redaction, and release of the Epstein Files has manifested not only through widespread news reporting, but also through the public’s representation in Congress. Responding to the public outcry, and acting with near unanimity, Congress passed the Epstein Files Transparency Act (EFTA), which compelled DOJ to publicly release the Epstein Files. Ex. A at 7 n.25, ECF No. 1-1. Notwithstanding the EFTA, members of Congress and the public remain skeptical of DOJ’s handling of the Epstein Files, with particular focus on Mr. Blanche. For example, as recently as June 10, 2026, Representative James Comer, chair of the U.S. House Committee on Oversight and Reform, said he is taking steps to have Mr. Blanche appear before the panel to testify about the review, redaction, and release of the

Epstein Files. *Id.* at 7–8 n.27. One day after news outlets reported Representative Comer’s plans, CNN broke news that nineteen of Jeffrey Epstein’s victims announced their opposition to Mr. Blanche’s Attorney General nomination. *Id.* at 9 n.40.

The public and congressional focus on Mr. Blanche as President Trump’s Attorney General nominee also extends beyond his work reviewing the Epstein Files and his approach the former Special Counsel investigative files. For instance, as noted in American Oversight’s request for expedited processing, the New York Times recently reported that Mr. Blanche was a key player in developing the Trump Administration’s public-facing strategy surrounding the Epstein Files. *Id.* at 9 n.36. Part of that strategy reportedly included Mr. Blanche’s interview of Jeffrey Epstein’s convicted associate, Ghislaine Maxwell, whose subsequent transfer to a lower security federal prison raised questions. *Id.* at 9 n.35–36. Additionally, American Oversight’s request for expedited processing points to widespread media coverage of Mr. Blanche’s establishment of DOJ’s “Anti-Weaponization Fund” following the controversial settlement of President Trump’s civil litigation against the Internal Revenue Service. *Id.* at 2 n.6 (citing the National Review, New York Times, CBS News, and Fox News).

At the time American Oversight submitted the Epstein Review Request and Smith Report Request, news sources reported that Mr. Blanche’s confirmation hearing would likely be scheduled in July 2026. *See* Ex. A at 8 n.28, ECF No. 1-1; Ex. C at 8 n.25, ECF No. 1-3. Since then, his confirmation hearing has indeed been scheduled for July 15 and 16, 2026. Compl. ¶ 24, ECF No. 1. Recent reporting suggests that Mr. Blanche’s confirmation vote will likely take place before the Senate’s August recess. *See, e.g.,* Joey Cappelletti & Mary Clare Jalonick, *Blanche Set for July Confirmation Hearings for Attorney General as Republicans Weigh Support*, Fed. News Net. / Assoc. Press (June 16, 2026, 6:39 PM),

<https://federalnewsnetwork.com/management/2026/06/blanche-set-for-july-confirmation-hearings-for-attorney-general-as-republicans-weigh-support/>; Hailey Fuchs & Jordain Carney, *Senate Judiciary Schedules Confirmation Hearing for Todd Blanche*, Politico (Jun. 16, 2026, 1:17 PM), <https://www.politico.com/live-updates/2026/06/16/congress/blanche-hearing-on-the-books-00963812>.

On June 22, 2026, via two letters, DOJ acknowledged receipt of the Epstein Review Request and the Smith Report Request. Compl. ¶¶ 47, 61, ECF No. 1; Ex. B, ECF No. 1-2; Ex. D, ECF No. 1-4. In its acknowledgment letters, DOJ denied both of American Oversight's requests for expedited processing. Compl. ¶¶ 48, 62, ECF No. 1; Ex. B, ECF No. 1-2; Ex. D, ECF No. 1-4.

ARGUMENT

American Oversight is entitled to preliminary injunctive relief because DOJ wrongfully denied proper requests for expedited processing of FOIA requests seeking records with the potential to inform American Oversight and the public about a matter of imminent and profound importance: the President's highly controversial nominee for Attorney General. American Oversight is likely to succeed on the merits of its claims for expedited processing as its requests detail the widespread media and public interest in Todd Blanche's nomination and his previous government work concerning the Epstein Files and former Special Counsel Jack Smith's report. The requests for expedited processing illustrate how the widespread and exceptional media coverage raises significant and ongoing questions about Federal government activities and integrity surrounding the Epstein Files and the Smith report.

Further, American Oversight establishes in its requests for expedited processing the urgent need to inform the public of Mr. Blanche's official communications about Jeffrey Epstein and Jack Smith's report based on the fast-approaching July confirmation hearing and subsequent vote.

Crucially, American Oversight certified that it is a nonpartisan, nonprofit government watchdog primarily engaged in disseminating information to the public.

Given the pointed relevance of the records requested and the imminency of potential staleness absent expedited processing of the FOIA requests, the denials of expedited processing, if left to stand, pose a concrete risk of irreparable injury to American Oversight and the public it serves. For the same reasons, the public interest in expedited release of the requested records is unmistakable. American Oversight plainly meets the requirements for preliminary injunctive relief in this matter and respectfully requests that the Court grant it.

I. THIS COURT HAS JURISDICTION TO ORDER DOJ TO GRANT AMERICAN OVERSIGHT’S REQUESTS FOR EXPEDITED PROCESSING.

The FOIA statute provides jurisdiction for this Court to consider this matter and grant all necessary injunctive relief. It states:

On complaint, the district court of the United States . . . in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo. . . .

5 U.S.C. § 552(a)(4)(B). As to expedited processing, judicial review became immediately available on June 22, 2026—the date of DOJ’s denial of American Oversight’s two requests for expedited processing. 5 U.S.C. § 552(a)(6)(E)(iii); *see Am. Civil Liberties Union v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 29 (D.D.C. 2004) (lack of administrative appeal does not preclude judicial review of agency refusal to expedite); Ex. B, ECF No. 1-2; Ex. D, ECF No. 1-4. American Oversight’s claims are therefore ripe for adjudication.

II. AMERICAN OVERSIGHT IS ENTITLED TO A PRELIMINARY INJUNCTION BECAUSE IT HAS ESTABLISHED A LIKELIHOOD OF SUCCESS ON THE MERITS, IRREPARABLE INJURY ABSENT INJUNCTIVE RELIEF, A BALANCE OF EQUITIES, AND FURTHERANCE OF THE PUBLIC INTEREST.

American Oversight is entitled to a preliminary injunction ordering DOJ to expedite processing of the Epstein Review Request and the Smith Report Request because the evidence in the record satisfies the four following preliminary injunction factors: (1) a substantial likelihood of success on the merits; (2) the concrete prospect of irreparable injury absent injunctive relief; (3) a lack of substantial injury to other interested parties; and (4) furtherance of the public interest. *See Al-Fayed v. CIA*, 254 F.3d 300, 303 (D.C. Cir. 2001); *Electr. Priv. Info. Ctr. (EPIC I) v. Dep’t of Jus.*, 416 F. Supp. 2d 30, 35–36 (D.D.C. 2006); *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d 293, 297 (D.D.C. 2017); *Am. Oversight v. U.S. Dep’t of State (Am. Oversight I)*, 414 F. Supp. 3d 182, 185 (D.D.C. 2019).

A. American Oversight Is Substantially Likely to Succeed on the Merits Because Its Requests for Expedited Processing Satisfy the Requisite Criteria under FOIA and DOJ’s Regulations.

The FOIA requires agencies, including DOJ, to “make available to the public information,” 5 U.S.C. § 552(a), for the purpose of ensuring “an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold governors accountable to the governed,” *EPIC I*, 416 F. Supp. 2d at 36 (quoting *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1976)). The statute mandates that DOJ “determine, within twenty working days, whether or not to comply with a FOIA request.” *Id.* (citing 5 U.S.C. § 552(a)(6)(A)(I)).

The FOIA was subsequently amended to allow for expedited processing of requests in certain circumstances. *Id.* In relevant part, the FOIA requires DOJ to “promulgate regulations . . . providing for expedited processing . . . in cases in which the person requesting the records demonstrates a compelling need” and “in other cases determined by” DOJ.

5 U.S.C. § 552(a)(6)(E)(i). “[C]ompelling need” means an “urgency to inform the public concerning actual or alleged Federal Government activity” when the “request [is] made by a person primarily engaged in disseminating information.” *Id.* § 552(a)(6)(E)(i)(I); *see also* 28 C.F.R. § 16.5(e)(1)(ii). DOJ’s regulations also allow for expedited processing for records concerning “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence.” 28 C.F.R. § 16.5(e)(1)(iv).

In instances where DOJ grants a request for expedited processing, the FOIA requires it to “process” the FOIA request “as soon as practicable.” 5 U.S.C. § 552(a)(6)(E)(iii). Courts have read “as soon as practicable” as creating a rebuttable presumption “of agency delay . . . when an agency fails to process an expedited FOIA request within the [twenty-working-day] time limit applicable to standard FOIA requests.” *EPIC I*, 416 F. Supp. 2d at 39; *see also Brennan Ctr. for Jus. at N.Y.U. Sch. of Law v. U.S. Dep’t of State*, 300 F. Supp. 3d 540, 548–49 (S.D.N.Y. 2018). Alternatively, when DOJ denies a request for expedited processing, the FOIA provides that DOJ’s decision is immediately subject to *de novo* judicial review. *Protect Democracy Project, Inc.*, 263 F. Supp. 3d at 298 (“A decision denying expedited processing is reviewed by the courts *de novo*, *Al-Fayed v. CIA*, 254 F.3d 300, 304 (D.C. Cir. 2001), ‘based on the record before the agency at the time of the determination,’ 5 U.S.C. § 552(a)(6)(E)(iii).”).

American Oversight is substantially likely to succeed on the merits of its expedited processing claims because its requests for expedited processing of the Epstein Review Request and the Smith Report Request satisfy the “compelling need” standard under the FOIA and DOJ’s additional criteria set out by regulation.

1. American Oversight’s Requests for Expedited Processing Satisfy FOIA’s “Compelling Need” Standard Because American Oversight Is Primarily Engaged in Disseminating Information and There Is an Urgency to Inform the Public About Todd Blanche’s Official Communications Regarding the Epstein Files and the Jack Smith Report.

Consistent with FOIA’s compelling-need standard, DOJ’s regulations require the agency to process a FOIA request on an expedited basis if the request “involve[s] . . . [a]n urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information. . . .” 28 C.F.R. § 16.5(e)(1)(ii).

American Oversight is primarily engaged in disseminating information. Both of American Oversight’s requests for expedited processing unequivocally established that American Oversight is primarily engaged in disseminating information. American Oversight’s mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. Ex. A at 10, ECF No. 1-1; Ex. C at 10, ECF No. 1-3. American Oversight uses the information it gathers through FOIA requests and other investigation, and its analysis of it, to educate the public through reports, press releases, and other media. *Id.* The organization also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter). *Id.* Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition, American Oversight “‘gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.’” *Id.* (quoting *ACLU v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004) (internal quotes omitted)).

Indeed, other courts in this district have accepted that “American Oversight is a nonpartisan nonprofit ‘primarily engaged in disseminating information to the public.’” *Am. Oversight v. U.S.*

Postal Serv. (Am. Oversight II), Civ. Action No. 20-2580 (RC), 2021 WL 4355401, at *1 (D.D.C. Sep. 23, 2021) (quoting the complaint while reciting undisputed facts for purposes of summary judgment); *see also Am. Oversight v. U.S. Dep’t of Vet. Affairs (Am. Oversight III)*, Civ. Action No. 18-656 (BAH), 2018 WL 2582793, at *25 (D.D.C. Jun. 2, 2018); *cf. Am. Oversight I*, 414 F. Supp. 3d at 187–88 (granting a preliminary injunction in American Oversight’s favor and ordering expedited processing of two FOIA requests). Accordingly, American Oversight’s requests for expedited processing establish that American Oversight is primarily engaged in disseminating information.

There is an urgency to inform the public of Mr. Blanche’s communications about Jeffrey Epstein and former Special Counsel Jack Smith. Concurrent with its targeted requests for Mr. Blanche’s official-capacity¹ email and text communications regarding Jeffrey Epstein and DOJ’s review of the Epstein files and former Special Counsel Jack Smith’s investigations and reports, American Oversight provided DOJ with voluminous citations to news articles documenting Mr. Blanche’s path to and work within DOJ, particular as they relate to these topics. *See, e.g.*, Ex. A, ECF No. 1-1; Ex. C, ECF No. 1-3. The articles cited in American Oversight’s expedited processing requests illustrate the outsized public interest in and the urgency to inform the public about Mr. Blanche’s nomination, Ex. A at 2 n.6, 9 n.35–36, ECF No. 1-1, his responsibility over the review and release of the Epstein Files, Ex. A at 6–7 n.20–26, 9 n.34, 9 n.40, ECF No. 1-1, and his views about public dissemination of information on former Special Counsel Jack Smith’s investigations, Ex. C at 2 n.6, 9 n.29–32, ECF No. 1-3.

¹ Mr. Blanche’s official-capacity communications regarding the Epstein Files and the Smith Report are undisputedly “actual or alleged Federal Government activit[ies]. . . .” 28 C.F.R. § 16.5(e)(1)(ii).

Based on DOJ's regulation, this stack of news sources establishes an urgent need to inform the public of the information contained in the records sought. *See* 28 C.F.R. § 16.5(e)(3) ("The existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an 'urgency to inform' the public on the topic."). The urgency to inform the public is further compounded by Mr. Blanche's upcoming confirmation hearing. In its requests for expedited processing, American Oversight informed DOJ that public reporting indicated the confirmation hearing was likely to be scheduled in July. Ex. A at 8 n.28, ECF No. 1-1; Ex. C at 8 n.25, ECF No. 1-3. Thus, American Oversight's requests for expedited processing easily cleared the bar to establish an urgency to inform the public about Mr. Blanche's official communications regarding DOJ matters of heightened public importance.

2. American Oversight's Requests for Expedited Processing Also Satisfy DOJ's Regulatory Standard Because Todd Blanche's Official Communications Regarding the Epstein Files and the Jack Smith Report Are Matters of Widespread and Exceptional Media Interest in which There Exist Serious Questions about the Government's Integrity that Affect Public Confidence.

DOJ's regulations also require the agency to process a FOIA request on an expedited basis if the request "involve[s] . . . [a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence." 28 C.F.R. § 16.5(e)(1)(iv).

As established above, Mr. Blanche's nomination has only added to an already widespread and exceptional media interest in his role at DOJ, particularly as it relates to the Epstein Files and former Special Counsel Jack Smith's investigations and reports. A large swath of this media interest is built on Mr. Blanche's past work as the President's personal attorney, raising pivotal questions about the integrity of Mr. Blanche—and, by extension, the government—that affect public confidence in DOJ's independence and competence.

For example, American Oversight’s expedited processing request for the Epstein Review Request cited media stories from Fox News, Breitbart, Politico, CNN, CBS News, and ABC News covering Mr. Blanche’s role in the review and release of the Epstein Files. Ex. A at 6–7 n.23, ECF No. 1-1. Media interest has only intensified since Mr. Blanche’s nomination, with reports about congressional members seeking Mr. Blanche’s testimony about the Epstein Files, and nineteen survivors of Jeffrey Epstein’s crimes voicing their opposition to his nomination. Ex. A at 7–8 n.27, 9 n.40, ECF No. 1-1. American Oversight’s expedited processing request also cited a recent public opinion poll showing high numbers of Americans across political demographics holding the belief that the Trump Administration has hurt efforts to hold Epstein’s associates accountable. *Id.* at 9 n.34. In short, whether the focus is on Mr. Blanche’s oversight of the Epstein File release or his unconventional interview with Ghislaine Maxwell, *see id.* at 9 n.35–36, Mr. Blanche’s central role in the Trump Administration’s strategy around the Epstein Files continues to be a matter of widespread media interest that steadily raises new questions about the government’s integrity and chips away at public confidence in DOJ’s ability to serve justice impartially.

Similarly, widespread and exceptional media interest persists around Mr. Blanche’s path from defending President Trump against former Special Counsel Jack Smith’s classified documents prosecution to nominee to be the nation’s top law enforcement officer with potential authority over the investigative files of former Special Counsel Jack Smith. American Oversight pointed to numerous news stories exploring this perceived conflict of interest and how it affects the public’s confidence in Mr. Blanche’s fitness to serve independently in DOJ. *See, e.g.*, Ex. C at 9 n.30, ECF No. 1-3 (citing the New York Times, Reuters, and NPR). The media interest in Mr. Blanche’s connection to the former Special Counsel’s investigation spans ideological demographics, as illustrated by the expedited processing request’s citation to media outlets

including Fox News, the New York Post, the Washington Post, and the Guardian. *See id.* at 2 n.6, 9 n.29. News coverage in this vein consistently raises sharp questions about Mr. Blanche’s integrity and his ability to remain independent within DOJ, particularly after he signed off on the creation of the \$1.8 billion “Anti-Weaponization Fund” as part of a civil settlement between his former client, the President, and the Internal Revenue Service. *See Ex. C* at 2 n.6, ECF No. 1-3.

Accordingly, the record makes clear that the Epstein Review Request and the Smith Report Request seek documents concerning matters of widespread and exceptional media coverage that raise serious questions about the government’s integrity thereby affecting the public’s confidence in DOJ and the President’s nominee to lead that agency.

B. American Oversight Will Be Irreparably Harmed Absent a Preliminary Injunction Ordering Expedited Processing Because Responsive Records Will Go Stale After Todd Blanche’s July Confirmation Hearing and the Expected Senate Vote Before the August Recess.

In light of Mr. Blanche’s mid-July confirmation hearing and an expected confirmation vote before the Senate’s August recess, American Oversight will be irreparably harmed absent injunctive relief because it will permanently lose its chance to fulfill its mission by informing members of the public about Mr. Blanche’s government work in time to engage their senators.

“As the Supreme Court has observed, public awareness of the government’s actions is ‘a structural necessity in a real democracy.’” *Am. Oversight I*, 414 F. Supp. 3d at 186 (quoting *Nat’l Archives & Records Admin. v. Favish*, 541 U.S. 157, 172 (2004)). “Timely awareness is equally necessary because ‘stale information is of little value.’” *Citizens for Resp. & Ethics in Wash. v. U.S. DOGE Serv. (CREW)*, 769 F. Supp. 3d 8, 28 (D.D.C. 2025) (emphasis in original) (quoting *Payne Enters. v. U.S.*, 837 F.2d 486, 494 (D.C. Cir. 1988)); *see also Dunlap v. Presidential Advisory Comm’n on Election Integrity*, 286 F. Supp. 3d 96, 110 (D.D.C. 2017) (“District courts in this circuit have recognized that, where an obligation to disclose exists, plaintiffs may suffer

irreparable harm if they are denied access to information that is highly relevant to an ongoing public debate.”) (citing *Wash. Post v. Dep’t of Homeland Sec.*, 459 F. Supp. 2d 61, 75 (D.D.C. 2006; *EPIC I*, 416 F. Supp. 2d at 41). As such, “[w]hen ‘time is necessarily of the essence,’ the harm in agency delay is more likely to be irreparable.” *Am. Oversight I*, 414 F. Supp. 3d at 186 (quoting *EPIC I*, 416 F. Supp. 2d at 40–41).

Time is necessarily of the essence with Mr. Blanche’s potential confirmation approaching in as little as one month, or even sooner.² As American Oversight noted in its June 12 requests for expedited processing, public reporting at that time suggested that Mr. Blanche’s confirmation hearing would likely be scheduled in July. *See* Ex. A at 8 n.28, ECF No. 1-1; Ex. C at 8 n.28, ECF No. 1-3. Since that time, the timeline for Mr. Blanche’s confirmation has solidified and only increased the imminent risk that the requested records will go stale. Consistent with previous news media predictions, Mr. Blanche’s confirmation hearing has been scheduled for July 15 and 16, 2026. *See* Hailey Fuchs & Jordain Carney, *Senate Judiciary Schedules Confirmation Hearing for Todd Blanche*, Politico (Jun. 16, 2026, 1:17 PM), <https://www.politico.com/live-updates/2026/06/16/congress/blanche-hearing-on-the-books-00963812>. And more recent reporting now suggests that the Senate is likely to take up a confirmation vote before it breaks for its August recess.³ *Id.*

² While Mr. Blanche faced questioning and vetting through his first confirmation process to become Deputy Attorney General, he was not subject to FOIA before that time. American Oversight’s FOIA requests focus on Mr. Blanche’s official work as Deputy Attorney General and Acting Attorney General involving high-profile matters, thereby creating a new record of Mr. Blanche’s work on behalf of the United States that could not have existed at the time of his first confirmation hearing. The public needs to know about this work before the next confirmation.

³ The court may consider these developments as part of its irreparable harm analysis. In *Protect Democracy Project, Inc.*, the court explained that, while the analysis of a requester’s likelihood of success on the merits is restricted to information “available to the agencies ‘at the time of the [expedited processing] determination[s],’” the court was not “aware of any similar constraint . . . that applies in assessing irreparable harm or the other preliminary injunction

This timeline significantly increases the likelihood that American Oversight will be irreparably stifled in its ability to fulfill its mission of promoting transparency in government, educating the public about government activities, and ensuring the accountability of government officials at a critical moment. *See* Ex. A at 10, ECF No. 1-1; Ex. C at 10, ECF No. 1-3. Mr. Blanche’s communications about his controversial work on the review, redaction, and release of the Epstein Files, and the report created by the Special Counsel who prosecuted his former client are issues of national importance, evidenced in part by the widespread media coverage identified in American Oversight’s requests for expedited processing. The window for the public to learn about and meaningfully engage their senators on these matters is rapidly closing. “[T]he potential for irreparable harm under these circumstances exists because ongoing public and congressional debates about issues of vital national importance cannot be restarted or wound back.” *CREW*, 769 F. Supp. 3d at 28 (internal quotes omitted).

Only preliminary injunctive relief can address this urgent need and the concrete risk of irretrievably losing American Oversight’s rights under FOIA. DOJ has already denied American Oversight’s requests for expedited processing despite the cited overwhelming public and news media interest in Mr. Blanche’s Attorney General nomination. *See* Ex. B, ECF No. 1-2; Ex. D, ECF No. 1-4. Thus, a preliminary injunction is necessary because the Epstein Review Request and Smith Report Request seek records that are “time-sensitive and highly probative, or even essential to the integrity, of [his confirmation process], after which . . . the utility of the records would be lessened or lost.” *See Heritage Foundation v. U.S. Envir. Protec. Agency*, Civ. Action No. 23-748 (JEB), 2023 WL 2954418, at *4 (D.D.C. Apr. 14, 2023). Reversing DOJ’s determination and an

factors.” 263 F. Supp. 3d at 300 (quoting 5 U.S.C. § 552(a)(6)(E)(iii)). “In other words, the Court may here consider events that have transpired since” the date of the requests. *Id.*

accelerated review by this Court can ensure that unchecked delays do not irrevocably deprive American Oversight of the prompt determinations regarding its requests and the prompt disclosure of the non-exempt responsive records to which it is entitled under the FOIA.

Losing the ability to gain prompt access to the non-exempt portions of the requested records would be particularly harmful to American Oversight, whose mission is to ensure public transparency into government actions, promote accountability for government officials, and disseminate information obtained on matters of public importance. *See* Compl. ¶ 33, ECF No. 1. American Oversight’s entire purpose is to use government transparency to help it, and the public, monitor the activities of government officials and agencies. *See id.* Prompt determinations and timely production of non-exempt records will equip American Oversight to enhance the public debate on Mr. Blanche’s nomination for Attorney General. Delay, on the other hand, will deprive the public of information it needs to participate in this momentous issue in an informed manner.

If DOJ is permitted to stand on its adverse determinations and process American Oversight’s request in standard order—without the public having the benefit of the insight contained in the responsive records—the public’s ability to understand and opine on Mr. Blanche’s nomination will evaporate. So too will American Oversight suffer irreparable harm to its interest in obtaining its statutorily guaranteed access to these records and using those records in support of its government transparency and accountability mission in the present timeframe, when those records are most relevant.

This case is therefore similar in posture to *Washington Post v. Department of Homeland Security*, in which the plaintiff sought visitor logs for the Vice President’s office and residence, which the plaintiff asserted would “assist the public in the degree to which lobbyists and special interest representatives may have influenced policy decisions of the Bush administration. . . .”

459 F. Supp. 2d 61, 65 (D.D.C. 2006) (internal quotation marks omitted). The plaintiff explained that “[w]ith the midterm elections looming, any delay in processing this request would deprive the public of its ability to make its views known in a timely fashion.” *Id.* Issuing its opinion in October of 2006, the court concluded that “[b]ecause the urgency with which the plaintiff makes its FOIA request is predicated on a matter of current national debate, due to the impending election, a likelihood for irreparable harm exists if the plaintiff’s FOIA request does not receive expedited treatment.” *Id.* at 75.⁴ Here, too, American Oversight’s requests seek records that are the subject of current national debate. With Mr. Blanche’s upcoming confirmation proceedings less than one month away, the public deserves to contact members of the Senate with a robust record of Mr. Blanche’s work surrounding the Epstein Files and the Smith Report.

“[F]ailure to process FOIA requests in a timely fashion is ‘tantamount to denial.’” *Wash. Post*, 459 F. Supp. 2d at 74 (quoting H.R. Rep. No. 93-876, at 6 (1974)). That is no doubt why courts in this jurisdiction have repeatedly issued preliminary injunctions in FOIA cases where the requester seeks information urgently needed to inform a pending or developing situation. *See, e.g., id.* at 74–75 (finding irreparable harm where requested records could inform public opinion in advance of upcoming election); *Am. Oversight I*, 414 F. Supp. 3d at 187 (“The likely irreparable harm to American Oversight also stems from the fact that, if non-exempt responsive records exist, the public may not otherwise have access to them.”); *EPIC I*, 416 F. Supp. 2d at 40–41 (finding irreparable harm where requested records related to “current and ongoing debate surrounding the legality of the Administration’s warrantless surveillance program”); *Leadership Conference on*

⁴ In subsequent, unrelated litigation, the D.C. Circuit held that White House visitor logs are not “agency records” for purposes of FOIA. *See Judicial Watch, Inc. v. U.S. Secret Serv.*, 726 F.3d 208, 228–29 (D.C. Cir. 2013). However, nothing in that decision affects this Court’s analysis regarding irreparable harm in *Washington Post v. Department of Homeland Security*, 459 F. Supp. 2d 61 (D.D.C. 2006).

Civil Rights v. Gonzales, 404 F. Supp. 2d 246, 260 (2005) (finding urgency requirement for expedition satisfied based on “upcoming expiration of the special provisions of the Voting Rights Act in 2007”); *Aguilera v. FBI*, 941 F. Supp. 144, 151–52 (D.D.C. 1996) (finding irreparable harm where requested records related to prisoner’s challenge to conviction while already serving prison sentence); *Cleaver v. Kelley*, 427 F. Supp. 80, 81–82 (D.D.C. 1976) (granting preliminary injunction for records needed for upcoming criminal trial); *Ctr. for Pub. Integrity v. U.S. Dep’t of Def.*, 411 F. Supp. 3d 5, (D.D.C. 2019) (“If the requested information is released after the impeachment proceedings conclude, the information may still be of historical value[, but], for Plaintiff, the primary value of the information lies in its ability to inform the public of ongoing proceedings of national importance. . . .”); *Heritage*, 2023 WL 2954418, at *4 (collecting cases).

Similar to plaintiffs in many of the cases above, American Oversight’s ability to inform the public about Mr. Blanche’s and the Federal government’s actions in matters related to the Epstein Files and Smith Report will be irreparably harmed if DOJ is not required to make timely determinations, promptly process American Oversight’s FOIA requests on an expedited basis and produce all non-exempt, responsive documents on an accelerated schedule. American Oversight seeks judicial intervention to reverse DOJ’s adverse determinations and to ensure DOJ will comply with its obligations.

C. Granting American Oversight Expedited Processing Will Not Burden Others’ Interests, But Instead May Benefit Similarly Situated FOIA Requesters.

No other interests would be harmed by granting American Oversight its requested relief. DOJ cannot claim to be harmed by an order compelling it to comply with its statutory obligations particularly on a matter of such immense importance. Nor would granting American Oversight’s relief unduly burden other FOIA requesters. The FOIA recognizes that requests should be processed on an expedited basis when there is an urgent need to inform the public about an actual

or alleged federal government activity. *See* 5 U.S.C § 552(a)(6)(E)(v)(II). Compelling DOJ to make the statutorily required determination and promptly process the requested records upon a showing that the requested information is urgently needed to inform the public is exactly what Congress contemplated in adding subsections providing for expedited processing. *See EPIC I*, 416 F. Supp. 2d at 36–37 (discussing the 1996 amendment adding expedited processing requirements to the FOIA). Given the extraordinary importance of the targeted set of records American Oversight has requested, and the public’s time-sensitive need for the information contained in those records, there can be little doubt that these requests are of the type Congress envisioned being processed ahead of other FOIA requests. An order from this Court that DOJ promptly process American Oversight’s requests and provide all non-exempt responsive records on an accelerated schedule set by this Court would be entirely consistent with the policy enacted by Congress and will not harm the interests of the non-moving party or any other entity.

Moreover, American Oversight is seeking the release of non-exempt portions of responsive records by the twenty-working-day deadline contemplated for standard requests under the FOIA. To the extent DOJ argues that resources will have to be pulled away from processing the requests of other requestors, that is due to DOJ’s failure to allocate sufficient resources and make necessary systematic changes to process FOIA requests in compliance with its statutory obligations. Additionally, as shown by the voluminous news stories about Mr. Blanche from a range of sources, ordering DOJ to rapidly search for, process, and produce records responsive to American Oversight’s requests will likely actually *aid* many other FOIA requestors, congressional members, and reporters who have opined on and/or sought information about the highly relevant subject matters of American Oversight’s requests. *See, e.g., Todd Blanche Must Be Held Accountable for Pattern of Serious Ethical Misconduct*, Democracy Defenders Fund, Jun. 22, 2026,

<https://www.democracydefendersfund.org/prs/06.22.26-pr> (describing an ethics complaint endorsed by 101 former federal and state judges and filed with the New York State Bar seeking an investigation into Mr. Blanche on various matters, including his handling of the Epstein Files).

D. The Public Interest Strongly Favors Expedited Processing of American Oversight’s Epstein Review Request and Smith Report Request Because the Requests Seek Official Communications of the Nominee for Attorney General on Matters of Current Intense Public Debate.

A preliminary injunction is indispensable to protect the public’s right to government transparency and essential interest in being informed—prior to a Senate vote on his nomination—about Mr. Blanche’s official-capacity communications regarding matters of intense public debate. Significantly, these matters of intense public debate are not vaguely or remotely connected to Mr. Blanche’s past work at DOJ. Rather, public reporting has shown that Mr. Blanche was intimately involved in reviewing the Epstein Files and scrutinizing Special Counsel Jack Smith’s investigations. Moreover, Mr. Blanche stands to concentrate power over these matters if confirmed, and as signaled by his boasting about firings and departures of multiple DOJ personnel who worked on the investigations or prosecutions led by former Special Counsel, there are persistent questions about how he would exercise such power. *See, e.g.,* Rebecca Beitsch, *Blanche Boasts of Having ‘Cleaned House’ at DOJ, FBI Following Trump Prosecutions*, The Hill (Mar. 26, 2026, 1:19 PM), <https://thehill.com/homenews/administration/5802553-todd-blanche-cpac-doj-fbi-firings/>; *see also* Ex. A at 6 n.20–22, ECF No. 1-1; Ex. C at 2 n.6, ECF No. 1-3.⁵ Consequently, the public would clearly be served by a preliminary injunction ordering DOJ to

⁵ In fact, in the U.S. District Court for the Southern District of Florida, President Trump’s former co-defendants moved the court to destroy or permanently enjoin release of the Smith Report and represented in their motion that DOJ “indicated that they consent to the motion and do not oppose the requested relief.” Waltine Nauta’s and Carlos De Oliveira’s Expedited Mot. for, and Resp in Supp. of, an Order Permanently Prohibiting Release of Volume II of the Final Report Unlawfully Prepared by Jack Smith, *United States v. Trump*, Case No. 23-cr-80101 (AMC) (S.D. Fla. filed Jan. 30, 2026), ECF No. 774 at 13; *see also supra* n.3.

expedite processing of and release all non-exempt records responsive to the Epstein Review Request and the Jack Smith Request.

Courts in this jurisdiction have long recognized that “there is an overriding public interest . . . in the general importance of an agency’s faithful adherence to its statutory mandate.” *Jacksonville Port Auth. v. Adams*, 556 F.2d 52, 59 (D.C. Cir. 1977); accord *Wash. Post*, 459 F. Supp. 2d at 76. The very existence of the FOIA is rooted in the self-evident premise that transparency and disclosure are a public benefit in a participatory democracy. *U.S. Dep’t of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 772–73 (1989); see also *Ctr. to Prevent Handgun Violence v. U.S. Dep’t of the Treasury*, 49 F. Supp. 2d 3, 5 (D.D.C. 1999) (noting that “[t]here is public benefit in the release of information that adds to citizens’ knowledge” of government activities).

But the public benefit of injunctive relief here extends far beyond the general public interest in transparency and faithful adherence to the FOIA. Congress enacted the FOIA to ensure that citizens are able to participate in public debate in an informed manner, and this interest grows with the gravity of public decisions at hand. See *Robbins Tire*, 437 U.S. at 242 (“The basic purpose of [the] FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.”). The FOIA was designed to inform the public in crucial moments such as when the President nominates his former personal criminal defense lawyer for Attorney General. In this instance, a preliminary injunction would provide the public with Mr. Blanche’s official-capacity communications regarding the Epstein Files and the Special Counsel investigation when he worked at the agency that he has been nominated to lead.

Understanding how Mr. Blanche communicated about such high-profile DOJ matters like the Epstein Files and the Smith Report is of the utmost importance. American Oversight's FOIA requests seek records that will shed light on Mr. Blanche's work that will aid both Congress and the public to better understand Mr. Blanche's fitness as a nominee, better participate in ongoing public debate, and share their informed opinions with their senators while they have the opportunity to do so. It is essential that the public *and* Congress have as much relevant information as possible about President Trump's nominee for Attorney General. Members of the public have a limited opportunity to make their voices heard, and they deserve information that could inform how they engage their representatives in the Senate. A preliminary injunction ensuring timely processing and disclosure of records concerning Mr. Blanche's official work is crucial to serving the public's interest, and this factor readily favors American Oversight.

CONCLUSION

For the foregoing reasons, Plaintiff American Oversight respectfully requests that this Court grant a preliminary injunction requiring Defendant to grant American Oversight's requests for expedited processing, make timely determinations on American Oversight's FOIA requests, and promptly process the requests on an expedited basis and produce all non-exempt responsive records and an index justifying the withholding of any records by July 14, 2026, or by such other

date as the Court deems appropriate.

Dated: June 26, 2026

Respectfully submitted,

/s/ Benjamin A. Sparks

Benjamin A. Sparks

D.C. Bar No. 90020649

AMERICAN OVERSIGHT

1030 15th Street NW, B255

Washington, DC 20005

(202) 873-1741

ben.sparks@americanoversight.org

Counsel for Plaintiff