

FILED

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

MAHMOUD M. HEGAB)
6614 Jupiter Hill Circle)
Apartment F)
Alexandria, VA 22312)

Plaintiff,)

v.)

LETITIA A. LONG, Director)
NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY)

And)

NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY)
7500 Geoint Drive (Fort Belvoir))
Springfield, VA 22150)

Defendants.)

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CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Civil No. 1:11cv1067
JCC/IDD

COMPLAINT

(TO SET ASIDE AGENCY ACTION DENYING PLAINTIFF A SECURITY
CLEARANCE IN VIOLATION OF HIS CONSTITUTIONAL RIGHTS)

1. This is an action to set aside a final decision of the National Geospatial-Intelligence Agency (hereinafter referred to as(NGA) revoking Plaintiff's security clearance and access to classified information in violation of his rights and privileges under the United States Constitution.

JURISDICTION

2. This court had jurisdiction pursuant to 28 U.S.C. § 1331 because this matter arises under the Constitution of the United States.

VENUE

3. Venue properly lies in this court pursuant to 28 U.S.C. § 1391(e)(1) and (2). Defendant is an agency of the United States with its principal headquarters in Fairfax County, Virginia.

WAIVER OF IMMUNITY

4. This action is brought against Defendant, NGA, pursuant to the government's waiver of immunity under the Administrative Procedure Act, 5 U.S.C. § 702 and § 706(2)(B), for an agency's violation of a Constitutional Right and unlawful agency action contrary to a Constitutional right, power, or privilege.

THE FACTS

5. Mahmoud M. Hegab, plaintiff, is a United States citizen who was employed by defendant, NGA.

6. Defendant, Letitia A. Long, is the Director of NGA and is sued in her official capacity

7. Defendant, NGA, is an agency of the United States government.

8. Plaintiff was employed by NGA on January 4, 2010 in the position of Financial/Budget Analyst.

9. During plaintiff's employment by NGA, he held a Top Secret security clearance and Access to Sensitive Compartmented Information (SCI). There were no problems with plaintiff's employment and his performance was well regarded by his supervisors.

10. On January 4, 2010 when plaintiff began his work at NGA he informed a security officer during his orientation that he had gotten married to Bushra Nusairat, in a civil ceremony which took place in November 2009, between the time of his security clearance investigation and that date when he first he reported to work. He reported further that he and his wife had not yet begun living together because, according to their religious custom, until there was a religious ceremony they were considered betrothed, but not married. Plaintiff and Ms. Nusairat were married in a religious ceremony on October 2, 2010 after which they began living together as husband and wife and have continued to live together to present.

11. Bushra Nusairat is an American citizen, who at the time of her marriage to plaintiff was residing in Fairfax County, Virginia, and who has continued to reside in Fairfax County Virginia with plaintiff since their marriage.

12. By memorandum dated November 2, 2010, which plaintiff received on November 18, 2010, NGA notified plaintiff of its intent to revoke his security clearance and his access to classified information. The proposed revocation was based in part, on his marriage to Ms. Nusarait, and in part on information previously disclosed by plaintiff as part of his security clearance investigation in 2009 which had been reviewed, discussed and cleared by NGA prior to his being hired and being granted a security clearance by NGA.

