

**UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA**

**DAVID B. WHEELER and
AMERICAN MUCKRAKERS PAC, INC.,**
Plaintiffs,

VS.

CIVIL ACTION NO. _____

ELON MUSK, in his capacity as Head of the
Department of Government Efficiency;
DONALD J. TRUMP, in his individual capacity;
VIVEK RAMASWAMY, in his former capacity
as Co-Head of the Department of Government
Efficiency; **OFFICE OF MANAGEMENT AND
BUDGET**; and **UNITED STATES DEPARTMENT
OF GOVERNMENT EFFICIENCY (DOGE)**,
Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND

CIVIL CONSPIRACY

JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States, specifically the Federal Advisory Committee Act (FACA) and the Administrative Procedure Act (APA).
2. Venue is proper under 28 U.S.C. § 1391(e) as a significant part of the events or omissions occurred in this judicial district.

PARTIES

3. Plaintiff David B. Wheeler is a resident of North Carolina and President of American Muckrakers PAC, Inc. Wheeler has suffered direct injury due to the Defendant's actions and the Defendant Department of Government Efficiency (DOGE) lack of transparency, which has impeded his advocacy, and watchdog activities.
4. Plaintiff American Muckrakers PAC, Inc. is a non-profit political action committee based in North Carolina, registered with the Federal Election Commission (FEC), dedicated to promoting government transparency. Its operations have been directly obstructed by DOGE's refusal to disclose information, thus impairing its mission.
5. Defendant Donald J. Trump is named in his individual capacity, having initiated DOGE's operations outside the legal framework, and for his alleged participation in the civil conspiracy described herein prior to taking office as President.
6. Defendant Elon Musk is sued in his capacity as the current head of DOGE and in his individual capacity for his role in the alleged illegal activities and civil conspiracy.
7. Defendant Vivek Ramaswamy is named in his former capacity as co-head of DOGE, involved in the alleged illegal activities and civil conspiracy.

8. Defendants Office of Management and Budget (OMB) and the United States Department of Government Efficiency (DOGE) are implicated for their roles in the alleged violations.

STATEMENT OF FACTS

9. On November 12, 2024, Donald J. Trump announced the formation of DOGE, which has operated since Trump took office as President on January 20, 2025, without adhering to the requirements of FACA, including:
 - a. **Non-Compliance with FACA:** No charter has been filed with the General Services Administration, no public meetings have been held, and advisory committee membership does not reflect a balanced viewpoint as required by 5 U.S.C. App. 2 § 5(b)(2).
 - b. **Use of Encrypted Communications:** DOGE's use of encrypted messaging services and undisclosed email addresses has concealed its activities from public scrutiny, directly violating FACA's transparency mandates (5 U.S.C. App. 2 § 10(a)).
 - c. **Unbalanced Membership:** DOGE's membership, consisting primarily of industry insiders and political appointees, lacks the "fair balance" mandated by FACA (5 U.S.C. App. 2 § 5(b)(2)).
10. Plaintiffs have made multiple formal requests for information on DOGE's activities since November 2024, including emails and written requests to Susie Wiles, Chief of Staff to Trump, and Elon Musk, with no substantive response, thus denying public access to government information.

11. DOGE staff have allegedly accessed sensitive government databases without proper authorization, risking national security and potentially violating the Privacy Act of 1974 (5 U.S.C. § 552a).

ELON MUSK'S HISTORY OF DISREGARDING TRANSPARENCY LAW AND ETHICAL ISSUES

12. Defendant Elon Musk's past actions and business practices demonstrate a history of lacking transparency and serious ethical challenges:

- a. **Conflicts of Interest:** Musk's companies, SpaceX and Tesla, have benefited from over \$15 billion in government contracts, potentially influencing his actions within DOGE to favor his business interests.
- b. **Hypocrisy on Transparency:** Musk's ownership of Twitter (now X) involved fighting government surveillance while simultaneously profiting from government data through partnerships like Dataminr, highlighting a double standard on privacy and transparency issues.
- c. **Control Over Information:** Musk's decisions at X regarding content moderation and free speech, such as unbanning Donald Trump, suggest he exerts significant control over public discourse, which could extend to his influence on governmental transparency.
- d. **Legal and Ethical Scrutiny:** Musk has faced numerous legal challenges related to his companies, including labor practices and environmental concerns, indicating a pattern of not prioritizing legal and ethical standards.

- e. **Influence on Policy:** Musk's financial support for Trump's campaign and his role in DOGE raise concerns about his influence over government policy to benefit his business ventures.
- f. **Privacy and Data Security:** Incidents like Neuralink's fines for hazardous material violations and security concerns with Starlink's data practices question Musk's commitment to data privacy and security.
- g. **Political Influence:** Musk's political activities, including his support for Trump and his influence in political spheres, could indicate an agenda to shape government policy in favor of his personal and business interests.
- h. **Public Criticism:** Experts and public figures like Olga Lautman and Phumzile Van Damme have criticized Musk's control over sensitive government data and the potential for conflicts of interest.
- i. **Legal Battles:** Musk has been involved in various lawsuits, including those related to securities fraud with Tesla, which might reflect on his approach to legal compliance.
- j. **Statements vs. Actions:** Musk's public statements on government efficiency contrast with the secretive operations of DOGE, suggesting a disconnect between his rhetoric and actual practices.

CAUSES OF ACTION

Count I: Violation of the Federal Advisory Committee Act (FACA)

13. DOGE's operations contravene FACA by failing to file a charter, hold open meetings, or ensure balanced representation, thereby undermining the statutory mandate for transparency and public engagement.

Count II: Violation of the Administrative Procedure Act (APA)

14. DOGE's establishment and operations are arbitrary, capricious, and not in accordance with law, particularly under 5 U.S.C. § 706(2)(A), as they were initiated without legal authority, public notice, or opportunity for public comment.

Count III: Civil Conspiracy

15. Defendants, including Trump, Musk, and Ramaswamy, have conspired to operate DOGE in a manner that evades legal transparency requirements, thereby influencing government policy without public oversight. This conspiracy includes:
- a. **Establishment of DOGE:** Creating an entity to make policy recommendations without legal basis.
 - b. **Secrecy in Operations:** Utilizing secretive communication methods to avoid transparency.
 - c. **Misrepresentation:** Falsely representing DOGE's legitimacy and compliance with federal law.

RELIEF REQUESTED

WHEREFORE, Plaintiffs respectfully request this Court to:

16. Declare DOGE's operations violate FACA, APA, and principles of public accountability.
17. Issue preliminary and permanent injunctions to halt DOGE's operations until compliance with federal law is achieved and proper oversight is instituted.
18. Mandate DOGE to file a charter, open its meetings to the public, and ensure compliance with FACA's balanced membership requirement.
19. Order Defendants to respond to public inquiries regarding DOGE's activities.
20. Declare that Defendants have engaged in a civil conspiracy to undermine governmental transparency.
21. Require full disclosure of DOGE's operations, membership, communications, and any unauthorized access to government systems.
22. Appoint an independent monitor to oversee DOGE's compliance with legal mandates.
23. Order training for DOGE staff on confidentiality and security protocols, and compliance with applicable laws.
24. Award Plaintiffs their costs and reasonable attorneys' fees pursuant to the [Equal Access to Justice Act](#), 28 U.S.C. § 2412, due to the substantial justification of this action.
25. Grant such other and further relief as the Court deems just and proper.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 3, 2025.

Respectfully submitted,

David B. Wheeler
Pro-Se Representative for Plaintiffs David B.
Wheeler and American Muckrakers PAC, Inc.

