

regularly requests records from federal agencies pursuant to FOIA. Plaintiff analyzes the responses and disseminates its findings and the requested records to the American public to inform them about “what their government is up to.”

4. Defendant United States Department of Homeland Security is an agency of the United States Government and is headquartered at 245 Murry Lane SW, Mailstop 0485, Washington, DC 20528. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On May 14, 2015, Plaintiff submitted a FOIA request to U.S. Citizenship and Immigration Services, a component of Defendant, seeking access to:

Any and all records concerning, regarding, or related to letters sent by USCIS to current green card holders urging such individuals to become naturalized U.S. citizens prior to the 2016 election, including, but not limited to, memoranda, guidance, and/or instructions provided to USCIS staff regarding such letters and records of USCIS funds allocated to such efforts.

6. According to U.S. Postal Service records, Defendant received the request by certified mail on May 19, 2015.

7. By letter dated June 9, 2015, Defendant acknowledged receipt of the request and notified Plaintiff that the request had been assigned Case Number NRC2015075525.

8. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), Defendant was required to determine whether to comply with Plaintiff’s request within twenty (20) working days after receipt of the request and to notify Plaintiff immediately of its determination, the reasons therefor, and the right to appeal any adverse determination. In its June 9, 2015 letter, however, Defendant invoked FOIA’s 10-day extension of time provision. Accordingly, Defendant’s determination was due by July 2, 2015 at the latest.

9. As of the date of this Complaint, Defendant has failed to: (i) determine whether to comply with Plaintiff's request; (ii) notify Plaintiff of any such determination or the reasons therefor; (iii) advise Plaintiff of the right to appeal any adverse determination; or (iv) produce the requested records or otherwise demonstrate that the requested records are exempt from production.

10. Because Defendant has failed to comply with the time limit set forth in 5 U.S.C. § 552(a)(6)(A), Plaintiff is deemed to have exhausted any and all administrative remedies with respect to its request, pursuant to 5 U.S.C. § 552(a)(6)(C).

COUNT 1
(Violation of FOIA, 5 U.S.C. § 552)

11. Plaintiff realleges paragraphs 1 through 10 as if fully stated herein.

12. Defendant is violating FOIA by unlawfully withholding records responsive to Plaintiff's FOIA request.

13. Plaintiff is being irreparably harmed by reason of Defendant's violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply fully with FOIA.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to search for any and all records responsive to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to the request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request and a *Vaughn* index of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request; (4) grant Plaintiff an award of attorneys'

fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: October 16, 2015

Respectfully submitted,

/s/ Jason B. Aldrich
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