

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

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|---|---|------------------|
| JUDICIAL WATCH, INC., |) | |
| 425 Third Street SW, Suite 800 |) | |
| Washington, DC 20024, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | Civil Action No. |
| |) | |
| U.S. DEPARTMENT OF |) | |
| HOMELAND SECURITY, |) | |
| Office of the General Counsel |) | |
| 245 Murray Lane, SW |) | |
| Mailstop 0485 |) | |
| Washington, DC 20528-0485, |) | |
| |) | |
| Defendant. |) | |
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COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of Homeland Security (DHS) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). As grounds therefor, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff Judicial Watch, Inc. (“Plaintiff”) is a not-for-profit, educational organization incorporated under the laws of the District of Columbia and headquartered at 425 Third Street SW, Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency, integrity, and accountability in government and fidelity to the rule of law. As part of its mission,

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

4. Defendant U.S. Department of Homeland Security ("Defendant" or "DHS") is an agency of the U.S. Government and is headquartered at 245 Murray 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 February 11, 2025, Plaintiff submitted a FOIA request to the Federal Emergency Management Agency ("FEMA"), a component of Defendant, seeking access to the following public records:

1. Records of Payments and Funding Allocations:
 - Documents, invoices, receipts, contracts, and financial records reflecting FEMA payments to New York City or any associated entities under the Shelter and Services Program (SSP) from January 1, 2023, to present.
 - Any records indicating whether these funds were used for "hotels" or other accommodations.
2. Internal Communications and Directives:
 - Emails, memos, or other written communications between FEMA officials, DHS leadership, and New York City officials regarding the use of FEMA funds for migrant housing.
 - Any internal communications discussing whether these payments complied with federal policies and regulations.
3. Policy and Procedural Guidelines:

- Copies of FEMA and DHS policies governing the Shelter and Services Program, including eligibility, approval processes, and financial oversight mechanisms.

The time frame of the request was identified as “January 21, 2021, to present.”

6. By letter dated February 13, 2025, FEMA acknowledged receipt of Plaintiff’s request on February 12, 2025, and informed Plaintiff that the request had been assigned identification number 2025-FEFO-01027. The letter also invoked FOIA’s 10-day extension of time provision for “unusual circumstances.”

7. As of the date of this Complaint, Defendant has failed to: (i) determine whether to comply with the 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.

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

8. Plaintiff realleges paragraphs 1 through 7 as if fully stated herein.

9. Defendant is violating FOIA.

10. Plaintiff is being irreparably harmed by Defendant’s violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with FOIA.

11. To trigger FOIA’s administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff’s request by March 27, 2025, at the latest. Because Defendant failed to make final determinations on Plaintiff’s requests within the time

limits required by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to search for any and all records responsive to Plaintiff's FOIA requests and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's 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: May 16, 2025

Respectfully submitted,

/s/ Ramona R. Cotca

Ramona R. Cotca

D.C. Bar No. 501159

JUDICIAL WATCH, INC.

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