

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

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	)	
2707 Martin Luther King Jr. Avenue SE	)	
Mailstop 0485	)	
Washington, DC 20528-0485	)	
	)	
Defendant.	)	
_____	)	

**COMPLAINT**

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of Homeland Security 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. 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 ("DHS") is an agency of the U.S. Government and is headquartered at 2707 Martin Luther King Jr. Avenue SE, Mailstop 0485, Washington, DC 20528. Defendant has possession, custody, and control of the records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

5. On April 18, 2025, Plaintiff sent identical FOIA requests to the Defendant and to U.S. Immigration & Customs Enforcement ("ICE"), a component of Defendant seeking access to the following records:

- 1. Document titled "Unaccompanied Alien Children Joint Initiative Field Implementation" created, developed, or circulated by the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), or any of its subcomponents.**
- 2. Records and communications about the four phases of implementation referenced in the initiative.**
- 3. Communications sent among / between ICE leadership and DHS leadership including (Kristi Noem; Troy Edgar; Joseph N. Mazzara; Daniel Tamburello; Avery Alpha; Christopher C. Pratt; Kika Scott; Andrew J. Davidson; Pete R. Flores; John Modlin; Todd M. Lyons; Madison Sheahan; Kenneth Genalo; and Robert Hammer) about the directive to locate, track, categorize, or take action against unaccompanied alien children under the aforementioned initiative.**
- 4. Communications sent between ICE leadership, DHS leadership including (Kristi Noem; Troy Edgar; Joseph N. Mazzara; Daniel Tamburello; Avery Alpha; Christopher C. Pratt; Kika Scott; Andrew J. Davidson; Pete R. Flores; John Modlin; Todd M. Lyons; Madison Sheahan; Kenneth Genalo; Robert Hammer; and the Federal Bureau of Investigation (email domain: @fbi.gov), Department of Justice (email domains: @justice.gov or @doj.gov) Department of Health & Human Services (email domain: @hhs.gov) about 2 the directive to**

**locate, track, categorize, or take action against unaccompanied alien children under the aforementioned initiative.**

- 5. Records and communications about identification and categorizing of unaccompanied minors into groups such as “flight risk,” “public safety,” and “border security.”**
- 6. Any reports, spreadsheets, databases, or data summaries showing the total number of unaccompanied minors assessed, categorized, or acted upon (e.g., issued Notices to Appear, detained, or deported) pursuant to this initiative.**
- 7. Any statistical analysis, performance metrics, or outcome evaluations generated as a result of the initiative.**
- 8. Records of any consultations with legal service providers, child welfare experts, or nongovernmental organizations (NGOs) concerning the rights or welfare of unaccompanied minors under this initiative.**

The time frame for the request was identified as “January 1, 2025 to the present.”

6. By email dated April 24, 2025, ICE acknowledged receipt of the request on April 18, 2025. ICE also advised Plaintiff that the request had been assigned tracking number 2025-ICFO-32594 and invoked FOIA’s 10-day extension of time provision, citing “unusual circumstances.”

7. On May 7, 2025, DHS notified Plaintiff that, due to the subject matter of the request, the request was transferred to ICE for processing.

8. As of the date of this Complaint, Defendant has failed to: (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiff of the scope of any responsive records it intends to produce or withhold and the reasons for any withholdings; or (iii) inform Plaintiff that it may appeal any adequately specific, adverse determination.

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

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

10. Defendant is in violation of FOIA.

11. 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 the law.

12. Plaintiff has no adequate remedy at law.

13. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's request by June 2, 2025, at the latest. Because Defendant failed to make a final determination within the time limits set by FOIA, Plaintiff is deemed to have exhausted its administrative remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct a search for any and all records responsive to Plaintiff's FOIA request and demonstrate that they 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 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: August 5, 2025

Respectfully submitted,

/s/ Meredith L. Di Liberto

MEREDITH L. DI LIBERTO

D.C. Bar No. 487733

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