

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

JUDICIAL WATCH, INC.,)	
425 Third Street SW, Suite 800)	
Washington, DC 20024,)	
)	
Plaintiff,)	
)	Case No.:
v.)	
)	
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 20528-0485. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

A. United States Immigration and Customs Enforcement Request

5. On February 26, 2025, Plaintiff submitted a FOIA request to the United States Immigration and Customs Enforcement ("ICE"), a component of Defendant, seeking access to the following records:

Data reflecting the number of persons entering the United States from 2020 through 2025 who used any of the following documents as proof of identification, with the data broken out by category: Warrant for Arrest of Alien, Warrant of Removal/Deportation, Order of Removal on Recognizance, Order of Supervision, Notice to Appear, Arrival and Departure Form, and/or Alien Booking Record.

6. By email dated March 3, 2025, ICE acknowledged receipt of the request on February 26, 2025, and advised Plaintiff that the request had been assigned Case Number 2025-ICFO-21974. ICE informed Plaintiff it referred the request to U.S. Citizenship and Immigration Services ("USCIS"), a DHS component.

7. By letter dated March 4, 2025, USCIS acknowledged receipt of Plaintiff's request referred by ICE, advised Plaintiff the request had been assigned control number

COW2025001505, and informed Plaintiff that it had invoked FOIA's 10-day extension of time provision for "unusual circumstances."

8. By letter dated March 5, 2025, USCIS advised Plaintiff it had forwarded the request to U.S. Customs and Border Protection ("CBP"), a DHS component.

9. Plaintiff has received no further communication regarding the request.

B. United States Transportation Security Administration Request

10. On February 26, 2025, Plaintiff submitted a FOIA request to the United States Transportation Security Administration ("TSA"), a component of Defendant, seeking access to the following records:

Data reflecting the number of persons entering the United States from 2020 through 2025 who used any of the following documents as proof of identification, with the data broken out by category: Warrant for Arrest of Alien, Warrant of Removal/Deportation, Order of Removal on Recognizance, Order of Supervision, Notice to Appear, Arrival and Departure Form, and/or Alien Booking Record.

11. By email dated February 27, 2025, TSA informed Plaintiff it was administratively closing the request, identified as TSA FOIA number 2025-TSFO-01835, as "misrouted" and informed Plaintiff the request should be directed to CBP.

12. Via email dated March 5, 2025, Plaintiff appealed TSA's decision to administratively close Plaintiff's FOIA request and notified TSA that Plaintiff continues to seek any responsive records TSA may have in its possession.

13. By letter dated March 11, 2025, TSA acknowledged receipt of Plaintiff's appeal and advised Plaintiff it had been assigned case number 2025-TSAP-00033.

14. Plaintiff has received no further communication from TSA regarding the request or Plaintiff's appeal.

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

16. Plaintiff realleges paragraphs 1 through 15 as if fully stated herein.

17. Defendant is in violation of FOIA.

18. Plaintiff is being irreparably harmed by Defendant's violations of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

19. Plaintiff has no adequate remedy at law.

20. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make final determinations on Plaintiff's original request to ICE by April 16, 2025 and to Plaintiff's appeal of its original request to TSA by April 8, 2025, at the latest. Because Defendant failed to issue final determinations within the time required by FOIA, Plaintiff is deemed to have exhausted its administrative 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 the requests; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's requests 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 the requests; (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: December 18, 2025

Respectfully submitted,

/s/ Lauren M. Burke

Lauren M. Burke

D.C. Bar No. 1028811

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