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. U.S. DEPARTMENT OF HOMELAND SECURITY, Office of the General Counsel 2707 Martin Luther King Jr. Ave, SE Washington, DC 20528-0485, Defendant.	)	Civil Action No.

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. 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, accountability, and integrity 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 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 U.S. Department of the Homeland Security is an agency of the United States Government and is headquartered at 2707 Martin Luther King Jr. Avenue SE, Washington, DC 20528. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On September 28, 2026, Plaintiff submitted a FOIA request to Defendant seeking access to the following public records:

1. All prompts, inputs, and outputs, together with associated metadata, generated using Google Veo, Google Flow, Adobe Firefly, or any other generative artificial intelligence tool in creating the image contained in the September 9 Post, including records maintained in any DHS account for those tools.

2. All communications within the Office of Public Affairs, and between the Office of Public Affairs and any other DHS office or any contractor, referring or relating to the creation, approval, publication, or deletion of the September 9 Post, sent or received between September 1, 2026 and September 12, 2026.

3. The September 9 Post as captured, retained, or archived by DHS, including any copy of the post, its image, and its associated metadata preserved after its deletion.

The time frame for the request was identified as "August 1, 2026, to the date the search for responsive records is conducted."

6. By email dated September 28, 2026, Defendant acknowledged receipt of the request and advised Plaintiff that the request had been assigned reference number 2026-HQFO-

04022. Defendant also informed Plaintiff that it had invoked FOIA's 10-day extension of time provision for "unusual circumstances."

7. Plaintiff has received no further communication from Defendant regarding the request.

8. 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)

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 reason of 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 November 10, 2026. Because Defendant failed to make a final determination on Plaintiff's request within the time limits set by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct searches 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: November 16, 2026

Respectfully submitted,

/s/ Sean W. O'Donnell
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