

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

SOUTHERN POVERTY LAW CENTER

Plaintiff,

V.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY

and

UNITED STATES CUSTOMS AND
BORDER PROTECTION

Defendants.

Civil Action No. 1:18-cv-01724

JURY DEMANDED

COMPLAINT FOR INJUNCTIVE RELIEF

1. Plaintiff Southern Poverty Law Center (“SPLC”) brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, for injunctive, and other appropriate relief to compel the disclosure and release of documents from Defendants U.S. Department of Homeland Security (“DHS”), and DHS’ component agency, U.S. Customs and Border Protection (“CBP”) (collectively, “Defendants”).

2. On February 9, 2018, SPLC submitted a FOIA request to CBP seeking specific information related to (1) apprehensions by CBP on common carrier buses or at bus stops in Florida and (2) interactions between CBP and customers/passengers of common carrier buses in Florida, within the respective date ranges of (a) September 1, 2016 to February 1, 2017, and (b) September 1, 2017 to February 1, 2018 (“the Request”).

3. More than five months have passed since SPLC submitted the Request. To date, Defendants have failed to produce a single document in response to the Request and have ceased communicating with SPLC regarding the status of that Request despite multiple overtures from

SPLC. In short, Defendants have wholly failed to comply with their obligations under FOIA. SPLC files this lawsuit to compel the production of the documents and information it seeks.

I.
PARTIES

4. Plaintiff SPLC is a non-profit organization dedicated to fighting hate and bigotry and to seeking justice for the most vulnerable members of our society. Through the use of public education, litigation, and other forms of advocacy, SPLC works toward a vision of equal justice and equal opportunity. SPLC has a longstanding commitment to defending the rights of immigrants, and it provides free legal representation to immigrants who have suffered violations of their civil rights. SPLC submitted the Request that is the subject of this action and is a “person” within the meaning of 5 U.S.C. § 551(2).

5. Defendant DHS is an “agency” within the meaning of 5 U.S.C. § 552(f)(1). DHS is the executive department responsible for enforcing federal immigration laws and is an agency of the United States. On information and belief, DHS (whether for itself or via its component agency, Defendant CBP) has possession of and control over the documents and information requested by SPLC under FOIA.

6. Defendant CBP is a component agency of DHS and an “agency” within the meaning of 5 U.S.C. § 552(f)(1). CBP is the component agency of DHS responsible for the management and control of the United States’ borders. CBP has possession of and control over the documents and information requested by SPLC under FOIA.

II.
JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1346. This Court also has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B).

8. This Court has personal jurisdiction over each of the Defendants because each Defendant is conducting business and maintaining operations in this District.

9. Venue is proper in this District pursuant to 5 U.S.C. § 552(a)(4)(B), which provides for the hearing of FOIA cases in, among other proper venues, the district in which responsive records may be found, and in the District of Columbia.

10. Injunctive relief is proper under 28 U.S.C. § 2202 and 5 U.S.C. § 552(a)(4)(B).

III. **STATUTORY FRAMEWORK**

11. Any member of the public may request records from an agency of the United States under FOIA. An agency that receives a FOIA request must respond in writing to the requestor within 20 business days after receipt of the request. 5 U.S.C. § 552(a)(6)(A)(i). In its response, the agency must: inform the requestor as to whether it intends to comply with the request; provide reasons for its determination; and inform the requestor of his or her right to appeal the determination. FOIA provides for an extension of this deadline “[i]n unusual circumstances” but limits this extension to “ten working days.” 5 U.S.C. § 552(a)(6)(B)(i).

12. A FOIA requestor is deemed to have exhausted all administrative remedies if the agency fails to comply with the request within statutory time limits. 5 U.S.C. § 552(a)(6)(C)(i).

13. FOIA requires an agency to disclose in a timely manner, in response to a FOIA request, all records that do not fall within nine narrowly construed statutory exemptions. 5 U.S.C. § 552 (a)(3)(A); 5 U.S.C. § 552(b)(1)-(9). FOIA also requires an agency to make a reasonable search for responsive records. 5 U.S.C. § 552(a)(3)(C).

14. Upon a requestor’s complaint, a district court has jurisdiction to enjoin an agency from withholding records and to order production of records subject to disclosure. 5 U.S.C. § 552(a)(4)(B).

IV.
FACTUAL BACKGROUND

15. In and around January 2018, multiple media outlets reported that agents of CBP (and/or other DHS agencies) had been captured on video conducting searches and questioning passengers on Greyhound buses in Fort Lauderdale, Florida, and Tampa, Florida. According to an article in the *Miami Herald*,¹ CBP acknowledged in a statement that these efforts were related to its enforcement of immigration laws.

16. It was reported that these agents had taken multiple individuals into custody as a result of these searches.

V.
THE FOIA REQUEST

17. On February 9, 2018, SPLC submitted the FOIA Request to CBP. The Request, assigned Case Number CBP-2018-030379, was narrow, targeted, and detailed. It seeks records related to (1) apprehensions by CBP on common carrier buses or at bus stops in Florida and (2) interactions between CBP and customers/passengers of common carrier buses in Florida. The Request seeks information related to these apprehensions and interactions from within the date ranges of (a) September 1, 2016 to February 1, 2017, and (b) September 1, 2017 to February 1, 2018. A copy of the Request is attached as Exhibit 1 to this Complaint.

18. Specifically, the Request stated that SPLC seeks:

- Any and all documents related to apprehensions that took place at common carrier bus stops and/or aboard common carrier buses (such as Greyhound, RedCoach Business, Megabus, etc.) in Florida from September 1, 2016 to February 1, 2017 and September 1, 2017 to February 1, 2018. Documentation should include dates, times, and details regarding the apprehension, any and all action taken by CBP, and the name and badge numbers of the CBP officer(s) involved. Records should include, but are not limited, to incident reports,

¹ David Neal, "Border Patrol agents boarded a bus and asked for citizenship papers. Is that legal?" *MIAMI HERALD*, Jan. 22, 2018, available at <https://www.miamiherald.com/news/local/immigration/article196016724.html>.

arrest reports, immigration arrest warrants, body camera footage, and use of force reports; and

- Any and all documents related to interactions between CBP officers and customers and/or passengers of common carrier buses, either at stops or aboard the bus, in Florida from September 1, 2016 to February 1, 2017 and September 1, 2017 to February 1, 2018. “Interactions” includes conversations, searches, inspections, questioning of any kind, and requests for identification or other papers. Documentation should include dates, times, and details regarding the interaction, any and all action taken by CBP, and the name and badge numbers of the CBP officer(s) involved. Records should include, but are not limited, to incident reports, arrest reports, immigration arrest warrants, body camera footage, and use of force reports; and
...
- Any and all documents detailing or describing CBP procedures or policies related to interactions, apprehensions, inspections, or mere presence at common carrier bus stops and inside common carrier buses.

Ex. 1. at 1-2.

19. The Request also described three reported incidents that involved CBP officers performing searches and/or apprehensions on certain Greyhound buses in Florida on January 19, January 25, and January 30, 2018, respectively. Ex. 1 at 2. The Request specified that the records produced in response to the Request should include documents related to those three incidents. Ex. 1 at 2.

20. SPLC requested a waiver of all fees for the Request because disclosure of the requested information was in the public interest and not in SPLC’s commercial interest. *See* 5 U.S.C. § 552(a)(4)(A). Numerous news accounts reflect the strong and sustained public interest in the records the SPLC seeks. The records sought in the Request will significantly contribute to public understanding of the operations or activities of the government. *See id.* § 552(a)(4)(A)(iii).

21. In the alternative, the Request stated that if a waiver was not granted, SPLC was willing to pay fees for the Request up to a maximum of \$50, and asked that if CBP estimated that the fees would exceed this limit, to please inform SPLC. Ex. 1 at 2.

22. By letter dated March 6, 2018 (the “CBP Letter”), CBP acknowledged that it had received the Request. This letter is attached hereto as Exhibit 2. The CBP Letter did not respond to SPLC’s request for a waiver or invoke the 10-day extension option as provided in the FOIA statute. Instead, the CBP Letter told SPLC that “your request was too broad in scope or did not specifically identify the records which you are seeking.” The CBP Letter continued that “[w]henver possible, a request should include specific information about each record sought, such as the event that would have created the record, a date range for the request, and subject matter of the records. Ex. 2 at 1. But this is precisely what SPLC had done in its original Request.

23. The CBP Letter also suggested that SPLC had, by highlighting the three reported incidents on Greyhound buses, SPLC had effectively requested “records pertaining to specific individuals” and was thus required to include a signed G-28 or G-639 form, or a signed statement from the individual verifying that his/her information may be released.

24. The CBP Letter further stated, “This is not a denial of your request for records. So we may continue processing your request, please narrow the time frame of your search[.]” Again, however SPLC’s Request had already proposed a narrow time frame: two specific and distinct six-month periods within the previous two years.

25. The CBP Letter concluded by advising SPLC of its options to contact a FOIA Public Liaison or seek dispute resolution from the Office of Government Information Services. Ex. 2 at 1.

26. SPLC responded to the CBP Letter by contacting the FOIA Public Liaison in the Privacy Office of the Department of Homeland Security via letter dated April 12, 2018 (the “April 12, 2018 Letter”). A copy of that letter is attached hereto as Exhibit 3. The April 12, 2018 Letter explained SPLC’s disagreement with CBP’s finding that the Request was “too broad in scope or did not specifically identify the records which you are seeking.” The April 12, 2018 Letter noted that the original Request had:

- “provided various types of specific information in our request that should allow CBP to conduct an organized, non-random search and locate the records we seek;”
- “included examples of the record types and likely file designations sought;”
- “included specific information on the kind of event which would have created the records sought, and the subject matter of the records;” and
- “provided the dates and locations of specific interactions we were interested in, and even provided links to news stories about those specific interactions and apprehensions.”

Ex. 3 at 1-2.

27. SPLC also asked that any personal identifying information be redacted from the released records, eliminating the need for a signed release of information (G-28, or G-639 form) as mentioned in the CBP Letter. Ex. 3 at 2. And, SPLC reiterated its request that “any reasonably segregable portion” of the records be provided to SPLC even if some records could not be released. *Id.*, citing 5 U.S.C. § 552(b).

28. The Public Liaison never responded to the April 12, 2018 Letter.

29. By letter dated June 11, 2018 (the “June 11, 2018 Letter”), counsel for SPLC contacted the Public Liaison to request a status update regarding the Request and to note that there had been no response to the April 12, 2018 Letter.

30. On or about June 28, 2018, the CBP Public Liaison’s office contacted counsel for SPLC by telephone. The CBP Public Liaison office representative indicated that the office had

not received SPLC's April 12, 2018 Letter. Thus, counsel followed up with an email to the CBP Public Liaison office representative attaching the Request and other previous correspondence between CBP, DHS, and SPLC (the "June 28, 2018 Email"). Also on the telephone call, the CBP Public Liaison office representative indicated that the office would contact SPLC counsel regarding the Request during the week of July 2, 2018. The promised contact not forthcoming, counsel for SPLC again reached out to the FOIA Public Liaison on July 12, 2018 by email and, to date, has received no response to that outreach.

31. As of the filing of this Complaint, SPLC has received no further correspondence from CBP or DHS, including whether either agency has identified and/or intends to disclose any record responsive to the Request.

32. As of the filing of this Complaint, a search for the Request's tracking number (CBP-2018-030379) on the "FOIAOnline" website² indicates that SPLC submitted its Request on February 9, 2018, that Request is "under agency review" and the estimated date of completion is April 3, 2018, more than three months ago.

33. Based on the February 9, 2018 submission date reflected in the FOIAOnline database, CBP was required to respond to the Request on or before March 1, 2018.

34. As of the filing of this Complaint, neither the CBP nor the DHS has produced any documents or records responsive to the Request.

35. As of the filing of this Complaint, SPLC has not received any response to its request for a fee waiver.

36. Based on the foregoing, CBP has constructively denied the Request.

² <https://www.foiaonline.gov/foiaonline/action/public/home>.

VI.
CAUSES OF ACTION

37. SPLC re-alleges and incorporates by reference all the foregoing paragraphs in this Complaint as though fully set forth herein.

38. Defendants have violated FOIA, 5 U.S.C. § 552(a)(3)(A), by failing to promptly release agency records in response to SPLC's Request.

39. Defendants have violated FOIA, 5 U.S.C. § 552(a)(3)(C)-(D), by failing to make reasonable efforts to search for records responsive to SPLC's Request.

40. Defendants have violated FOIA, 5 U.S.C. § 552(a)(6)(A), by failing to timely respond to SPLC's Request.

41. Defendants have violated FOIA, 5 U.S.C. § 552(a)(4)(A), and corresponding regulations, by failing to grant SPLC's request for limitation and/or waiver of fees.

42. Because Defendants have failed to comply with the FOIA time-limit provision, SPLC is deemed to have exhausted its administrative remedies under 5 U.S.C. § 552(a)(6)(C)(i). Defendants have refused to produce records—or even to update SPLC as to the status of the Request—despite multiple attempts by SPLC to follow up.

43. Injunctive relief is authorized under 5 U.S.C. § 552(a)(4)(B) because Defendants continue to improperly withhold agency records in violation of FOIA. SPLC will suffer irreparable injury from, and have no adequate remedy at law for, Defendants' illegal withholding of government documents subject to SPLC's Request.

VII.
PRAYER FOR RELIEF

For these reasons, Plaintiff Southern Poverty Law Center asks that the Court grant the following relief:

- a. Enjoin and order Defendants to immediately process and release all records responsive to the Request;
- b. Enjoin Defendants from charging SPLC for search, review, or duplication fees for the processing of the Request;
- c. Award SPLC its costs and reasonable attorneys' fees incurred in this action; and
- d. Grant such other relief as the Court may deem just and proper.

Respectfully submitted,

Dated: July 24, 2018

By: /s/ Grayson D. Stratton

Grayson D. Stratton
(D.C. Bar No. 976910)
Brett D. Solberg
(Application for admission *pro hac vice*
forthcoming)
Betsey Boutelle
(Application for admission *pro hac vice*
forthcoming)

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**ATTORNEYS FOR PLAINTIFF
SOUTHERN POVERTY LAW CENTER**

EXHIBIT 1



Fighting Hate
Teaching Tolerance
Seeking Justice
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February 9, 2017

U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW, Room 3.3D
Washington, D.C. 20229
ATTN: FOIA Officer/Public Liaison Sabrina Burroughs

Dear FOIA Public Liaison:

On behalf of Southern Poverty Law Center (SPLC), we hereby request that, pursuant to the Freedom of Information Act, 5 U.S.C. 552, the U.S. Customs and Border Protection (CBP) provide the following information:

- Any and all documents¹ related to apprehensions that took place at common carrier bus stops and/or aboard common carrier buses (such as Greyhound, RedCoach Business, Megabus, etc.) in Florida from September 1, 2016 to February 1, 2017 and September 1, 2017 to February 1, 2018. Documentation should include dates, times, and details regarding the apprehension, any and all action taken by CBP, and the name and badge numbers of the CBP officer(s) involved. Records should include, but are not limited, to incident reports, arrest reports, immigration arrest warrants, body camera footage, and use of force reports; and
- Any and all documents² related to interactions between CBP officers and customers and/or passengers of common carrier buses, either at stops or aboard the bus, in Florida from September 1, 2016 to February 1, 2017 and September 1, 2017 to February 1, 2018. "Interactions" includes conversations, searches, inspections, questioning of any kind, and requests for identification or other papers. Documentation should include dates, times, and details regarding the interaction, any and all action taken by CBP, and the name and badge numbers of the CBP officer(s) involved. Records should include, but are not limited, to incident reports,

¹ The term "document" is to be interpreted in the broadest possible sense within the meaning of the Freedom of Information Act and shall include, without limitation, any written, printed, typed, spoken, computerized, or other graphic, phonic, or recorded matter of any kind or nature, however produced or reproduced, whether sent or received or neither, including drafts and copies bearing notations or marks not found on the original.

² *Id.*

arrest reports, immigration arrest warrants, body camera footage, and use of force reports; and

- The documents produced in accordance to the above two requests should include, among other all relevant documents, all documents related to the following three incidents:
 - The search of a Greyhound bus in Ft. Lauderdale on January 19, 2018, which resulted in the arrest of a woman. The following link is a news article on the incident:
https://www.washingtonpost.com/news/morning-mix/wp/2018/01/23/video-shows-border-patrol-officers-asking-greyhound-passengers-for-ids-taking-woman-into-custody/?utm_term=.64292a02179c
 - The search of a Greyhound bus in Ft. Lauderdale on January 25, 2018, which resulted in the arrest of a man, who was later let go. The following link is a news article on the incident:
<https://mundohispanico.com/ciudades/orlando-florida/exclusiva-patrulla-fronteriza-arresta-por-error-a-inmigrante-en-autobus-video>
 - The search of a Greyhound bus in Tampa on January 30, 2018, which resulted in the arrest of a man. The following link is a news article on the incident:
<http://www.miamiherald.com/news/local/immigration/article197562164.html>
- Any and all documents³ detailing or describing CBP procedures or policies related to interactions, apprehensions, inspections, or mere presence at common carrier bus stops and inside common carrier buses.

For each item requested, please provide copies of all pertinent documents in CBP's possession, whether located at CBP regional offices or headquarters.

We request a waiver of all fees for this request because disclosure of the requested information is in the public interest. The Southern Poverty Law Center is a non-profit, public interest organization. This request is not for commercial use. Disclosure is likely to contribute significantly to public understanding of CBP's activities because SPLC will use such information to inform its public educational and advocacy efforts. In the event that a waiver of fees is not granted, the SPLC is willing to pay fees for this request up to a maximum of \$50. If you estimate that the fees will exceed this limit, please inform us first.

If you determine that some portions of the requested records are exempt from disclosure, we will expect, as the Act provides in § 552(b)(9), that you provide us with "any reasonably segregable portion" of the records sought.

³ *Id.*

If all or any part of this request is denied, please provide us with a written statement of the grounds for the denial, citing the law or regulation under which you believe you may deny access. If this is the case, we also request that you inform us of the available remedies for review of the denial.

It is essential that this request be responded to within 30 days, as required by § 552(a)(4)(B). If we do not receive a response within 30 days, we will treat your failure to respond as a denial and seek appropriate judicial relief.

If possible, we request that the information we seek be provided in electronic format. Thank you for consideration of this request. Please address any responses to this FOIA request to Viviana Bonilla López at viviana.bonillalopez@splcenter.org.

Sincerely,

/s/ Viviana Bonilla López
Viviana Bonilla López
Law Fellow, Immigrant Justice
Southern Poverty Law Center
PO Box 370037
Miami, FL 33137

EXHIBIT 2

90 K Street NE
MS 1181
Washington, DC 20229

Viviana Bonilla-Lopez
Southern Poverty Law Center
PO Box 370037
Miami, FL 33137

March 6, 2018

Dear Viviana Bonilla-Lopez,

After careful review of your FOIA request, CBP-2018-030379, we have determined that your request is too broad in scope or did not specifically identify the records which you are seeking. *FOIA is not a search mechanism.* Records must be described in reasonably sufficient detail to enable government employees who are familiar with the subject area to locate records without placing an unreasonable burden upon the agency. For this reason, §5.3(b) of the DHS regulations, 6 C.F.R. Part 5, require that you describe the records you are seeking with as much information as possible to ensure that our search can locate them with a reasonable amount of effort. Whenever possible, a request should include specific information about each record sought, such as the event that would have created the record, a date range for the request, and subject matter of the records. The FOIA does not require an agency to create new records, answer questions posed by requesters, or attempt to interpret a request that does not identify specific records.

Requesting these types of records over this broad a time frame may take several months to compile, review and redact. CBP may be able to respond to your request in a timelier manner if you reduce your time frame. This is not a denial of your request for records. Please log into your existing FOIAOnline account or create an account at <https://foiaonline.regulations.gov> and provide a narrower search range of time frame.

Please note, CBP has no way of knowing which records pertain to the three articles you mentioned in your request, requests for records pertaining to specific individuals are considered third party requests. All third party FOIA requests must include a signed G-28 or G-639 form, or a signed statement from the individual verifying that his/her information may be released to you.

This is not a denial of your request for records. So we may continue processing your request, please narrow the time frame of your search by logging into your existing FOIAOnline account or creating an account at <https://foiaonline.regulations.gov>.

You may contact a FOIA Public Liaison by sending an email via your FOIAOnline account or call 202-325-0150. Please notate file number CBP-2018-030379 on any future correspondence to CBP related to this request. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll

free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Jodi Drengson
U.S. Customs and Border Protection

EXHIBIT 3



Fighting Hate
Teaching Tolerance
Seeking Justice

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April 12, 2018

Angela Washington
Public Liaison
The Privacy Office
U.S. Department of Homeland Security
245 Murray Lane SW
STOP-0655
Washington, D.C. 20528-0655
Phone: 202-343-1743 or 866-431-0486
Fax: 202-343-4011
E-mail: foia@hq.dhs.gov

VIA E-MAIL

Re: Response to Customs and Border Protection's March 6, 2018 Request that SPLC Narrow the Scope of FOIA Request CBP-2018-030379

Dear Ms. Washington,

On February 9, 2018, I submitted a request on behalf of the Southern Poverty Law Center (SPLC) for records pursuant to the Freedom of Information Act. *See Ex. A.* (SPLC's Original Request). In this request, SPLC asked for records pertaining to (1) interactions between Customs and Border Protection (CBP) and customers/passengers of common carrier buses and (2) apprehensions on common carrier buses or at bus stops in Florida, from September 1, 2016 to February 1, 2017 and September 1, 2017 to February 1, 2018. *Id.* SPLC also requested (3) documents detailing or describing CBP procedures and policies related to operations on common carrier buses or at bus stops. *Id.*

On March 6, 2018, we received a response from Jodi Drengson stating that our request was "too broad in scope or did not specifically identify the records which you are seeking." *See Ex. B.* (CBP's Request to Narrow).

We disagree with this finding. The subject matters of our request are described in sufficient detail to allow CBP to locate them with a reasonable amount of effort. As required by DHS regulations, 6 C.F.R. § 5.3(b), we described the records with "sufficient information to permit an organized, non-random search for the record[s]." Although SPLC is not familiar with CBP's "filing arrangements and existing retrieval systems," we provided various types of specific information in our request that should allow CBP to conduct an organized, non-random search

and locate the records we seek. 6 C.F.R. § 5.3(b). We included examples of the record types and likely file designations sought. *See* Ex. A. (SPLC’s Original Request) (“Records should include, but are not limited, to incident reports, arrest reports, immigration arrest warrants, body camera footage, and use of force reports.”); *see also* 6 C.F.R. § 5.3(b) (“request should include specific information . . . such as . . . file designation”). We included specific information on the kind of event which would have created the records sought, and the subject matter of the records. *See* Ex. A. (SPLC’s Original Request) (“ . . . that took place at common carrier bus stops and/or aboard common carrier buses (such as Greyhound, RedCoach Business, Megabus, etc.) in Florida.”); *see also* Ex. B. (CBP’s Request to Narrow) (“request should include specific information . . . such as the event that would have created the record”); 6 C.F.R. § 5.3(b) (“requesters should include . . . subject matter of the record”). We also provided the dates and locations of specific interactions and apprehensions we were interested in, and even provided links to news stories about those specific interactions and apprehensions. *See* Ex. A. (SPLC’s Original Request); *see also* 6 C.F.R. § 5.3(b) (“requesters should include specific information . . . such as . . . date”).

As to the arrest records requested, we ask that all personal identifying information be redacted, eliminating the need for a signed release of information, G-28, or G-639 form. 5 U.S.C. § 552 (“Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt . . .”).

As to the specific incidents we identified: if there was more than one arrest on a common carrier bus or at a common carrier bus stop on January 19, 2018 in Ft. Lauderdale, on January 25, 2018 in Ft. Lauderdale, or on January 30, 2018 in Tampa, please produce all such arrest reports.

The March 6 response from CBP also asked that we narrow the date range of our request, as responsive documents from the requested range “may take several months to compile, review and redact.” *See* Ex. B. (CBP’s Request to Narrow). We included a specific, narrow, and recent date range: September 1, 2016 to February 1, 2017 and September 1, 2017 to February 1, 2018. *See* Ex. A. (SPLC’s Original Request). We will not further reduce the date range requested.

Please inform us by April 19 whether you accept the request and will begin the search for documents. 5 U.S.C. § 552 (a)(6)(A)(i) (requiring an agency to reply within 20 days of the original request for records). If you deny our request we intend to appeal the denial pursuant to 5 U.S.C. § 552(a)(6)(A)(ii).

Sincerely,



Viviana Bonilla López
Law Fellow, Immigrant Justice
Southern Poverty Law Center
PO Box 370037
Miami, FL 33137

Exhibit A

SPLC's Original Request



Fighting Hate
Teaching Tolerance
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February 9, 2017

U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW, Room 3.3D
Washington, D.C. 20229
ATTN: FOIA Officer/Public Liaison Sabrina Burroughs

Dear FOIA Public Liaison:

On behalf of Southern Poverty Law Center (SPLC), we hereby request that, pursuant to the Freedom of Information Act, 5 U.S.C. 552, the U.S. Customs and Border Protection (CBP) provide the following information:

- Any and all documents¹ related to apprehensions that took place at common carrier bus stops and/or aboard common carrier buses (such as Greyhound, RedCoach Business, Megabus, etc.) in Florida from September 1, 2016 to February 1, 2017 and September 1, 2017 to February 1, 2018. Documentation should include dates, times, and details regarding the apprehension, any and all action taken by CBP, and the name and badge numbers of the CBP officer(s) involved. Records should include, but are not limited, to incident reports, arrest reports, immigration arrest warrants, body camera footage, and use of force reports; and
- Any and all documents² related to interactions between CBP officers and customers and/or passengers of common carrier buses, either at stops or aboard the bus, in Florida from September 1, 2016 to February 1, 2017 and September 1, 2017 to February 1, 2018. "Interactions" includes conversations, searches, inspections, questioning of any kind, and requests for identification or other papers. Documentation should include dates, times, and details regarding the interaction, any and all action taken by CBP, and the name and badge numbers of the CBP officer(s) involved. Records should include, but are not limited, to incident reports,

¹ The term "document" is to be interpreted in the broadest possible sense within the meaning of the Freedom of Information Act and shall include, without limitation, any written, printed, typed, spoken, computerized, or other graphic, phonic, or recorded matter of any kind or nature, however produced or reproduced, whether sent or received or neither, including drafts and copies bearing notations or marks not found on the original.

² *Id.*

arrest reports, immigration arrest warrants, body camera footage, and use of force reports; and

- The documents produced in accordance to the above two requests should include, among other all relevant documents, all documents related to the following three incidents:
 - The search of a Greyhound bus in Ft. Lauderdale on January 19, 2018, which resulted in the arrest of a woman. The following link is a news article on the incident:
https://www.washingtonpost.com/news/morning-mix/wp/2018/01/23/video-shows-border-patrol-officers-asking-greyhound-passengers-for-ids-taking-woman-into-custody/?utm_term=.64292a02179c
 - The search of a Greyhound bus in Ft. Lauderdale on January 25, 2018, which resulted in the arrest of a man, who was later let go. The following link is a news article on the incident:
<https://mundohispanico.com/ciudades/orlando-florida/exclusiva-patrulla-fronteriza-arresta-por-error-a-inmigrante-en-autobus-video>
 - The search of a Greyhound bus in Tampa on January 30, 2018, which resulted in the arrest of a man. The following link is a news article on the incident:
<http://www.miamiherald.com/news/local/immigration/article197562164.html>
- Any and all documents³ detailing or describing CBP procedures or policies related to interactions, apprehensions, inspections, or mere presence at common carrier bus stops and inside common carrier buses.

For each item requested, please provide copies of all pertinent documents in CBP's possession, whether located at CBP regional offices or headquarters.

We request a waiver of all fees for this request because disclosure of the requested information is in the public interest. The Southern Poverty Law Center is a non-profit, public interest organization. This request is not for commercial use. Disclosure is likely to contribute significantly to public understanding of CBP's activities because SPLC will use such information to inform its public educational and advocacy efforts. In the event that a waiver of fees is not granted, the SPLC is willing to pay fees for this request up to a maximum of \$50. If you estimate that the fees will exceed this limit, please inform us first.

If you determine that some portions of the requested records are exempt from disclosure, we will expect, as the Act provides in § 552(b)(9), that you provide us with "any reasonably segregable portion" of the records sought.

³ *Id.*

If all or any part of this request is denied, please provide us with a written statement of the grounds for the denial, citing the law or regulation under which you believe you may deny access. If this is the case, we also request that you inform us of the available remedies for review of the denial.

It is essential that this request be responded to within 30 days, as required by § 552(a)(4)(B). If we do not receive a response within 30 days, we will treat your failure to respond as a denial and seek appropriate judicial relief.

If possible, we request that the information we seek be provided in electronic format. Thank you for consideration of this request. Please address any responses to this FOIA request to Viviana Bonilla López at viviana.bonillalopez@splcenter.org.

Sincerely,

/s/ Viviana Bonilla López
Viviana Bonilla López
Law Fellow, Immigrant Justice
Southern Poverty Law Center
PO Box 370037
Miami, FL 33137

Exhibit B

CBP's Request to Narrow

90 K Street NE
MS 1181
Washington, DC 20229

Viviana Bonilla-Lopez
Southern Poverty Law Center
PO Box 370037
Miami, FL 33137

March 6, 2018

Dear Viviana Bonilla-Lopez,

After careful review of your FOIA request, CBP-2018-030379, we have determined that your request is too broad in scope or did not specifically identify the records which you are seeking. *FOIA is not a search mechanism.* Records must be described in reasonably sufficient detail to enable government employees who are familiar with the subject area to locate records without placing an unreasonable burden upon the agency. For this reason, §5.3(b) of the DHS regulations, 6 C.F.R. Part 5, require that you describe the records you are seeking with as much information as possible to ensure that our search can locate them with a reasonable amount of effort. Whenever possible, a request should include specific information about each record sought, such as the event that would have created the record, a date range for the request, and subject matter of the records. The FOIA does not require an agency to create new records, answer questions posed by requesters, or attempt to interpret a request that does not identify specific records.

Requesting these types of records over this broad a time frame may take several months to compile, review and redact. CBP may be able to respond to your request in a timelier manner if you reduce your time frame. This is not a denial of your request for records. Please log into your existing FOIAOnline account or create an account at <https://foiaonline.regulations.gov> and provide a narrower search range of time frame.

Please note, CBP has no way of knowing which records pertain to the three articles you mentioned in your request, requests for records pertaining to specific individuals are considered third party requests. All third party FOIA requests must include a signed G-28 or G-639 form, or a signed statement from the individual verifying that his/her information may be released to you.

This is not a denial of your request for records. So we may continue processing your request, please narrow the time frame of your search by logging into your existing FOIAOnline account or creating an account at <https://foiaonline.regulations.gov>.

You may contact a FOIA Public Liaison by sending an email via your FOIAOnline account or call 202-325-0150. Please notate file number CBP-2018-030379 on any future correspondence to CBP related to this request. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll

free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Jodi Drengson
U.S. Customs and Border Protection

CIVIL COVER SHEET

JS-44 (Rev. 6/17 DC)

I. (a) PLAINTIFFS SOUTHERN POVERTY LAW CENTER (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>Montgomery</u> (EXCEPT IN U.S. PLAINTIFF CASES)	DEFENDANTS UNITED STATES DEPARTMENT OF HOMELAND SECURITY and UNITED STATES CUSTOMS AND BORDER PROTECTION COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small>
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(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Grayson D. Stratton, Brett D. Solberg, and Betsey Boutelle DLA Piper LLP (US), 1000 Louisiana St., Ste. 2800 Houston, TX 77002, Tel. 713.425.8400	ATTORNEYS (IF KNOWN)
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II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY) <input type="radio"/> 1 U.S. Government Plaintiff <input checked="" type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 3 Federal Question (U.S. Government Not a Party) <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <u>FOR DIVERSITY CASES ONLY!</u> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
	PTF	DFT		PTF	DFT																				
Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4																				
Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5																				
Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<input type="radio"/> A. Antitrust <input type="checkbox"/> 410 Antitrust	<input type="radio"/> B. Personal Injury/Malpractice <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="radio"/> C. Administrative Agency Review <input type="checkbox"/> 151 Medicare Act <u>Social Security</u> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)*
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E. General Civil (Other)
OR
 F. Pro Se General Civil

<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 <u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)
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<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input checked="" type="radio"/> I. FOIA/Privacy Act <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 Action for injunctive relief under Freedom of Information Act, 5 U.S.C. § 552 et seq.

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: July 24, 2018	SIGNATURE OF ATTORNEY OF RECORD: /s/ Grayson D. Stratton
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

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

SOUTHERN POVERTY LAW CENTER

Plaintiff

v.

UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
UNITED STATES CUSTOMS AND BORDER PROTECTION

Defendant

)
)
)
)
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)
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)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* UNITED STATES DEPARTMENT OF HOMELAND SECURITY
Office of the General Counsel
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Grayson D. Stratton
DLA Piper LLP (US)
1000 Louisiana St., Suite 2800
Houston, TX 77002

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify):* _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

SOUTHERN POVERTY LAW CENTER

Plaintiff

v.

UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
UNITED STATES CUSTOMS AND BORDER PROTECTION

Defendant

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)
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)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* UNITED STATES CUSTOMS AND BORDER PROTECTION
Office of Privacy and Diversity
1300 Pennsylvania Avenue NW
Mail Stop 1181
Washington, DC 20229

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Grayson D. Stratton
DLA Piper LLP (US)
1000 Louisiana St., Suite 2800
Houston, TX 77002

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify):* _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: