

**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 IMMIGRATION AND
CUSTOMS ENFORCEMENT

Defendants.

Civil Action No. 1:18-cv-01725

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. Immigration and Customs Enforcement (“ICE”) (collectively, “Defendants”).

2. On January 23, 2018, SPLC submitted a FOIA request to ICE seeking specific information related to coordination efforts, including so-called “Basic Ordering Agreements,” between ICE and local authorities or law enforcement agencies (“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. 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, ICE) has possession of and control over the documents and information requested by SPLC under FOIA.

6. Defendant ICE is a component agency of DHS and an “agency” within the meaning of 5 U.S.C. § 552(f)(1). ICE is the component agency of DHS responsible for the enforcement of federal laws governing border control, customs, and immigration. ICE 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. On or about January 17, 2018, ICE issued a press release announcing a “new enforcement partnership” with 17 Florida sheriffs. According to the ICE press release, the 17 counties participating in the partnership would enter into “Basic Ordering Agreements” with ICE, under which the counties would hold individuals who have been arrested and who are suspected of being deportable for a 48-hour period and be reimbursed by ICE.

16. Federal courts across the country have concluded that local enforcement of immigration detainers—requests made by ICE that local law enforcement authorities hold individuals under arrest who would otherwise be eligible for release—is unconstitutional. ICE and Florida sheriffs have claimed that this new partnership protects local law enforcement from incurring liability for constitutional violations. However, without more information, it is difficult for SPLC (and other educational and advocacy organizations) to determine whether these Basic Ordering Agreements comply with the Fourth Amendment’s protection against being held without probable cause.

V.
THE FOIA REQUEST

17. On January 23, 2018, SPLC submitted the FOIA Request to ICE. The Request, assigned Case Number ICE-2018-17869, was narrow, targeted, and detailed. It seeks records related to, among other things, Basic Ordering Agreements between ICE and local authorities or law enforcement agencies (“the Request”). 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, including memoranda, policies, meeting notes and correspondence referencing the process for local law enforcement agencies to

hold detainees of Immigration and Customs Enforcement (ICE) and aliens arrested on local criminal charges under the color of federal authority

- Any and all documents, including memoranda, policies, and correspondence referencing Basic Ordering Agreements;
- Any and all documents, including memoranda, policies, correspondence, and meeting notes referencing the use of Basic Ordering Agreements for detention of ICE detainees and aliens arrested on local criminal charges; and
- Any and all agreements, contracts, or memoranda [of] understanding, budgets and/or invoices with ICE regarding payment for holding ICE detainees and aliens arrested on local criminal charges that exist within the state of Florida.

Ex. 1. at 1. The Request was confined to the time period of July 2017 to the present day. *Id.*

19. 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. Ex. 1 at 1-2. *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).

20. By email dated March 6, 2018 (the "ICE Email"), ICE acknowledged that it had received the Request on February 2, 2018. This email is attached hereto as Exhibit 2. The ICE Email granted SPLC's request for a fee waiver and invoked the 10-day extension option as provided in the FOIA statute. *See* 5 U.S.C. § 552(a)(6)(B).

21. Given ICE's representation that the agency received SPLC's Request on February 2, 2018—along with ICE's invocation of the 10-day extension—ICE was required to respond to the Request on or before March 4, 2018.

22. By letter dated June 11, 2018 (the "June 11, 2018 Letter"), counsel for SPLC contacted the FOIA Public Liaison for ICE to request a status update regarding the Request.

23. By email dated June 29, 2018, counsel for SPLC again contacted the FOIA Public Liaison for ICE, attached the June 11, 2018 Letter, and requested that the parties schedule a call to discuss the Request (the “June 29, 2018 Email”).

24. As of the filing of this Complaint, ICE has not responded to SPLC’s June 11, 2018 Letter or June 29, 2018 Email. SPLC has received no further correspondence from ICE or DHS regarding the status of the Request.

25. As of the filing of this Complaint, ICE has not produced any documents or records responsive to the Request.

26. As of the filing of this Complaint, searching for the Request’s tracking number (ICE-2018-17869) on the “FOIAOnline” website¹ yields no search results.

27. Based on the foregoing, ICE has constructively denied the Request.

VI.
CAUSES OF ACTION

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

29. 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.

30. 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.

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

32. 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).

¹ <https://www.foiaonline.gov/foiaonline/action/public/home>.

Defendants have failed to produce records—or even to update SPLC as to the status of the Request—despite SPLC’s reasonable attempts to follow up.

33. 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. Award SPLC its costs and reasonable attorneys’ fees incurred in this action; and
- c. 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)

DLA PIPER LLP (US)

1000 Louisiana Street, Suite 2800

Houston, TX 77002-5005

Tel: 713.425.8400

Fax: 713.425.8401

gray.stratton@dlapiper.com

brett.solberg@dlapiper.com

betsey.boutelle@dlapiper.com

**ATTORNEYS FOR PLAINTIFF
SOUTHERN POVERTY LAW CENTER**

EXHIBIT 1



Fighting Hate
Teaching Tolerance
Seeking Justice

Southern Poverty Law Center
4770 Biscayne Boulevard, Suite 760
Miami, FL 33137
T 786.347.2056 F 786.237.2949
Toll Free 877.751.6183
www.splcenter.org

January 23, 2018

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009

Re: Request for Records related to "Basic Ordering Agreements"

Dear FOIA 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, Immigration and Customs Enforcement (ICE) provide the following information:

- Any and all documents¹, including memoranda, policies, meeting notes and correspondence referencing the process for local law enforcement agencies to hold detainees of Immigration and Customs Enforcement (ICE) and aliens arrested on local criminal charges under the color of federal authority;
- Any and all documents, including memoranda, policies, and correspondence referencing Basic Ordering Agreements;
- Any and all documents, including memoranda, policies, correspondence, and meeting notes referencing the use of Basic Ordering Agreements for detention of ICE detainees and aliens arrested on local criminal charges; and
- Any and all agreements, contracts, or memoranda understanding, budgets and/or invoices with ICE regarding payment for holding ICE detainees and aliens arrested on local criminal charges that exist with the state of Florida.

This request is confined to information supplied to, or received from, ICE from July 2017 to the present day.

For each item requested, please provide copies of all pertinent documents in ICE's possession, whether located at ICE 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 ICE'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

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.

granted, the SPLC is willing to pay fees for this request up to a maximum of \$250. 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.

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 Shalini Goal Agarwal at Shalini.agarwal@splcenter.org.

Sincerely,



Shalini Goel Agarwal
Managing Attorney

EXHIBIT 2

From: [Shalini Agarwal](mailto:Shalini.Agarwal@dhs.gov)
To: [Viviana Bonilla Lopez](mailto:Viviana.Bonilla.Lopez@dhs.gov)
Subject: FW: ICE FOIA Request 2018-ICFO-17869
Date: Tuesday, April 10, 2018 3:22:40 PM

From: ice-foia@dhs.gov [mailto:ice-foia@dhs.gov]
Sent: Friday, February 2, 2018 11:15 AM
To: Shalini Agarwal
Subject: ICE FOIA Request 2018-ICFO-17869

February 02, 2018

SHALINI AGARWAL
SOUTHERN POVARTY LAW CENTER
4770 BISCAYNE BLVD
STE 760
MIAMI, FL 33137

RE: ICE FOIA Case Number 2018-ICFO-17869

Dear Ms. AGARWAL:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated January 23, 2018, and to your request for a waiver of all assessable FOIA fees. Your request was received in this office on February 02, 2018. Specifically, you requested all records pertaining to BASIC ORDERING AGREEMENTS (see request for specific details).

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10- day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

ICE evaluates fee waiver requests under the legal standard set forth above and the fee waiver policy guidance issued by the Department of Justice on April 2, 1987, as incorporated into the Department of Homeland Security's Freedom of Information Act regulations [\[1\]](#). These regulations set forth six factors to examine in determining whether the applicable legal standard for fee waiver has been met. I have considered the following factors in my evaluation of your request for a fee waiver:

- (1) Whether the subject of the requested records concerns "the operations or activities of the government";
- (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
- (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- (4) Whether the contribution to public understanding of government operations or activities will be "significant";
- (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and
- (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

Upon review of your request and a careful consideration of the factors listed above, I have determined to grant your request

for a fee waiver.

ICE has queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2018-ICFO-17869**. Please refer to this identifier in any future correspondence. To check the status of an ICE FOIA/PA request, please visit <http://www.dhs.gov/foia-status>. Please note that to check the status of a request, you must enter the 2018-ICFO-XXXXX tracking number. If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to 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.

Regards,

ICE FOIA Office
Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009
Telephone: 1-866-633-1182
Visit our FOIA website at www.ice.gov/foia

[1] 6 CFR § 5.11(k).

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 IMMIGRATION AND CUSTOMS ENFORCEMENT 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>
--	--

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Grayson D. Stratton, Brett D. Solberg, and Betsy Boutelle DLA Piper LLP (US), 1000 Louisiana St., Ste. 2800 Houston, TX 77002, Tel: 713.425.8400	ATTORNEYS (IF KNOWN)
--	----------------------

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY) <table style="width:100%;"> <tr> <td><input type="radio"/> 1 U.S. Government Plaintiff</td> <td><input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</td> </tr> <tr> <td><input checked="" type="radio"/> 2 U.S. Government Defendant</td> <td><input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</td> </tr> </table>	<input type="radio"/> 1 U.S. Government Plaintiff	<input type="radio"/> 3 Federal Question (U.S. Government Not a Party)	<input checked="" type="radio"/> 2 U.S. Government Defendant	<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) FOR DIVERSITY CASES ONLY! <table style="width:100%; text-align: center;"> <tr> <td></td> <td>PTF</td> <td>DFT</td> <td></td> <td>PTF</td> <td>DFT</td> </tr> <tr> <td>Citizen of this State</td> <td><input type="radio"/> 1</td> <td><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td><input type="radio"/> 4</td> <td><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="radio"/> 2</td> <td><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="radio"/> 5</td> <td><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="radio"/> 3</td> <td><input type="radio"/> 3</td> <td>Foreign Nation</td> <td><input type="radio"/> 6</td> <td><input type="radio"/> 6</td> </tr> </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
<input type="radio"/> 1 U.S. Government Plaintiff	<input type="radio"/> 3 Federal Question (U.S. Government Not a Party)																												
<input checked="" type="radio"/> 2 U.S. Government Defendant	<input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)																												
	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)*
---	--	--	--

<input type="radio"/> E. General Civil (Other)		OR	<input type="radio"/> 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)	

<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
---------------------	--

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 IMMIGRATION AND CUSTOMS ENFORCEMENT

Defendant

)
)
)
)
)
)
)
)
)
)

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 IMMIGRATION AND CUSTOMS ENFORCEMENT

Defendant

)
)
)
)
)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT
Legal Department
500 12th Street SW
Washington, DC 20536

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: