

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

CENTER TO ADVANCE SECURITY )  
 IN AMERICA )  
 1802 Vernon Street NW )  
 PMB 2095 )  
 Washington, D.C. 20009, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 U.S. DEPARTMENT OF HEALTH )  
 AND HUMAN SERVICES )  
 200 Independence Ave., S.W. )  
 Washington, D.C. 20201 )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Civil Case No. 1:24-cv-3096

**COMPLAINT**

1. Plaintiff Center to Advance Security in America (“CASA”) brings this action against the U.S. Department of Health and Human Services (“HHS”) under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking declaratory and injunctive relief to compel compliance with the requirements of FOIA.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331.
3. Venue is proper in this Court pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

**PARTIES**

4. Plaintiff CASA is an unincorporated association dedicated to improving the safety and security of the American people. CASA educates and informs the American people about

the actions of their government and its officials that impact their safety; peace and security; democracy, civil rights, and civil liberties; and privacy.

5. Defendant HHS is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1). HHS has possession, custody, and control of records responsive to Plaintiff's FOIA request.

### **STATEMENT OF FACTS**

6. On April 4, 2024, CASA submitted a FOIA request to HHS through the federal government's FOIA portal on FOIA.gov (attached as Exhibit A) seeking the following records:
  1. Records showing the total list of non-governmental organizations that received federal funds from the Department of Health and Human Services – Office of Refugee Resettlement for years FY 2023, and FY 2024 to assist with housing, educational, medical, legal, or other services made available to migrants apprehended at the Southern border. Additionally, for each entity receiving federal funds, please provide:
    - a. Final application materials
    - b. Total amount provided for each fiscal year requested (FY 2020-2022)
    - c. Deciding federal official
7. The release of these documents is in the public interest because it will help the public understand whether HHS is using taxpayer dollars consistent with the law and whether appropriate oversight of federal funds provided to non-governmental organizations is in place.
8. Federal government receipt of the request was acknowledged by a confirmation page on FOIA.gov that stated that CASA's FOIA request had been created and was being sent to the Administration for Children and Families.

9. To date, CASA has received no further information or communications from HHS regarding the request, nor has HHS provided either a response to the request or a time estimate for when it will do so.
10. As the record above indicates, over 200 days have elapsed since the federal government received CASA's request, yet HHS still has not made a determination with respect to it. *See Citizens for Responsibility and Ethics in Washington v. FEC*, 711 F.3d 180 (D.C. Cir. 2013). HHS has not produced responsive documents to CASA, has not communicated to CASA the scope of the documents it intends to produce or withhold—along with the reasons for any such withholding—and has not informed CASA of its ability to appeal any adverse portion of its determination.
11. Given these facts, HHS has not met its statutory obligations to provide the requested records for the request.
12. Through HHS's failure to make a determination within the time period required by law, CASA has constructively exhausted its administrative remedies and seeks immediate judicial review.

**COUNT I**

**Violation of FOIA, 5 U.S.C. § 552  
Wrongful Withholding of Non-Exempt Responsive Records**

13. CASA repeats and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.
14. CASA properly submitted its request for records within the possession, custody, and control of HHS.

15. HHS is an agency subject to FOIA, and therefore has an obligation to release any non-exempt records and provide a lawful reason for withholding any materials in response to a proper FOIA request.
16. HHS is wrongfully withholding non-exempt agency records requested by CASA by failing to produce non-exempt records responsive to CASA's request.
17. HHS's failure to provide all non-exempt responsive records violates FOIA.
18. Plaintiff CASA is therefore entitled to declaratory and injunctive relief requiring HHS to promptly produce all non-exempt records responsive to the FOIA request and provide an index justifying the withholding of any responsive records withheld under claim of exemption.

**REQUESTED RELIEF**

Center to Advance Security in America respectfully requests this Court:

- (1) Assume jurisdiction in this matter and maintain jurisdiction until Defendant complies with the requirements of FOIA and any and all orders of this Court.
- (2) Order Defendant to produce, within ten days of the Court's order, or by other such date as the Court deems appropriate, any and all non-exempt records responsive to CASA's FOIA request and an index justifying the withholding of all or part of any responsive records withheld under claim of exemption.
- (3) Award CASA the costs of this proceeding, including reasonable attorney's fees and other litigation costs reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E).
- (4) Grant CASA other such relief as the Court deems just and proper.

Dated: October 31, 2024

Respectfully submitted,

CENTER TO ADVANCE SECURITY  
IN AMERICA

By Counsel:

/s/ Jacob William Roth

Jacob William Roth

D.D.C. Bar ID: 1673038

DHILLON LAW GROUP, INC.

1601 Forum Plaza, Suite 403

West Palm Beach, Florida 33401

Telephone: 561-227-4959

[JRoth@Dhillonlaw.com](mailto:JRoth@Dhillonlaw.com)

Gary M. Lawkowski

D.D.C. Bar ID: VA125

DHILLON LAW GROUP, INC.

2121 Eisenhower Avenue, Suite 608

Alexandria, Virginia 22314

Telephone: 703-574-1654

[GLawkowski@Dhillonlaw.com](mailto:GLawkowski@Dhillonlaw.com)

*Counsel for the Plaintiff*