

**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. )  
 )  
DEPARTMENT OF HOMELAND SECURITY )  
245 Murray Lane, S.W. )  
Washington, D.C. 20528, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Civil Case No. 1:25-cv-450

**COMPLAINT**

1. Plaintiff Center to Advance Security in America (“CASA”) brings this action against the U.S. Department of Homeland Security (“DHS”) under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking declaratory and injunctive relief to compel DHS’s compliance with 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 DHS is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1). DHS, specifically Immigration and Customs Enforcement (“ICE”) and Customs and Border Protection (“CBP”), has possession, custody, and control of records responsive to Plaintiff’s FOIA request.

### **STATEMENT OF FACTS**

6. On October 7, 2024, CASA submitted two FOIA requests to DHS, one to DHS subdivision ICE and one to DHS subdivision CBP, regarding DHS’s handling of noncitizens with serious criminal convictions. The FOIA request to ICE is included as Exhibit A. The FOIA request to CBP is included as Exhibit B.

7. On October 7, 2024, ICE acknowledged receipt and later assigned the FOIA request record number 2025-ICFO-01117.

8. On October 9, 2024, CBP acknowledge receipt of CASA’s FOIA request and assigned it FOIA tracking number CBP-FO-2025-003862.

9. On October 10, 2024, CBP sent a message saying that potentially responsive records were identified and were under review.

10. Other than the initial acknowledgements of receipt, CASA has received no further communication related to either its ICE or CBP FOIA request.

11. Over 133 days have elapsed since CASA submitted its requests to DHS, yet DHS still has not made determinations with respect to them. *See Citizens for Responsibility and Ethics in Washington v. FEC*, 711 F.3d 180 (D.C. Cir. 2013). DHS has not produced responsive documents to CASA, has not communicated the scope of the documents it intends to produce or

withhold—along with the reasons for any withholding—and has not informed CASA of its ability to appeal any adverse portion of its determinations.

12. DHS has thus violated its FOIA obligations regarding each request.

13. Through DHS'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 – ICE Request # 2025-ICFO-01117**

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

14. CASA repeats and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.

15. CASA's ICE request was a properly submitted request for records within the possession, custody, and control of DHS.

16. DHS 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.

17. DHS is wrongfully withholding non-exempt agency records requested by CASA by failing to produce non-exempt records responsive to its request.

18. DHS's failure to provide all non-exempt responsive records violates FOIA.

19. Plaintiff CASA is therefore entitled to declaratory and injunctive relief requiring DHS to promptly produce all non-exempt records responsive to its FOIA request and provide an index justifying the withholding of any responsive records withheld under claim of exemption.

**COUNT II – CBP Request # CBP-FO-2025-003862**

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

20. CASA repeats and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.

21. CASA’s CBP request was a properly submitted request for records within the possession, custody, and control of DHS.

22. DHS 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.

23. DHS is wrongfully withholding non-exempt agency records requested by CASA by failing to produce non-exempt records responsive to its request.

24. DHS’s failure to provide all non-exempt responsive records violates FOIA.

25. Plaintiff CASA is therefore entitled to declaratory and injunctive relief requiring DHS to promptly produce all non-exempt records responsive to its FOIA request and provide an index justifying the withholding of any responsive records withheld under claim of exemption.

**REQUESTED RELIEF**

Plaintiff CASA respectfully requests this Court:

(1) Assume jurisdiction in this matter and maintain jurisdiction until Defendant DHS complies with the requirements of FOIA and any and all orders of this Court.

(2) Order DHS 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 request and an index justifying withholding all or part of any responsive records that are 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: February 17, 2025

Respectfully submitted,

CENTER TO ADVANCE SECURITY IN  
AMERICA

By Counsel:

/s/ Karin M. Sweigart

Karin Moore Sweigart  
D.D.C. Bar ID: CA00145  
DHILLON LAW GROUP, INC.  
177 Post Street, Suite 700  
San Francisco, CA 94108  
Telephone: 415-433-1700  
[KSweigart@Dhillonlaw.com](mailto:KSweigart@Dhillonlaw.com)

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)

*Counsel for the Plaintiff*