

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

DEMOCRACY FORWARD FOUNDATION,
P.O. Box 34553
Washington, D.C. 20043,

Plaintiff,

vs.

U.S. DEPARTMENT OF HOMELAND
SECURITY
2707 Martin Luther King Jr Ave, SE
Washington, DC 20528

IMMIGRATION AND CUSTOMS
ENFORCEMENT
500 12th Street SW, Stop 5009
Washington, DC 20536-5009

Defendants.

Case No. 25-cv-2208

COMPLAINT FOR INJUNCTIVE RELIEF

Plaintiff Democracy Forward Foundation (“DFF”) brings this action against Defendants U.S. Department of Homeland Security (“DHS”) and Immigration and Customs Enforcement (“ICE”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). Plaintiff alleges as follows:

Jurisdiction and Venue

1. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper under 28 U.S.C. § 1391(e), as Defendants’ headquarters are located in Washington, D.C., within this district, and a substantial part of the events or omissions giving rise to Plaintiff’s claims occurred here.

Parties

3. Plaintiff Democracy Forward Foundation (“DFF”) is a not-for-profit organization incorporated under the laws of the District of Columbia and based in Washington, D.C. Plaintiff works to promote transparency and accountability in government, in part, by educating the public on government actions and policies.

4. Defendant DHS is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. DHS has possession, custody, and control of records to which Plaintiff seeks access.

5. Defendant ICE is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. ICE has possession, custody, and control of records to which Plaintiff seeks access.

Facts

6. The Trump-Vance administration is pursuing an unprecedented immigration enforcement agenda substantially directed by Deputy Chief of Staff for Policy Stephen Miller.¹

7. Miller is reportedly responsible for setting a 3,000 arrest per day quota, instructing ICE officials to raid locations where migrant workers congregate, and for advancing questionable legal theories used by the administration to justify such immigration actions.²

8. While conducting these arrests, ICE officials often wear masks and plainclothes and do not provide or wear identification.³

¹ Sara Dorn, *Stephen Miller Pushes For Even More Surprise ICE Raids—His Deportation Quotas, Explained*, Forbes (June 9, 2025, 5:45 PM), <https://perma.cc/A7RX-ZPSV>.

² *Id.*

³ Ray Sanchez & Alisha Ebrahimji, *Masked ICE officers: The New Calling Card of the Trump Administration’s Immigration Crackdown*, CNN (June 21, 2025), <https://perma.cc/78TA-BJC4>.

9. Prior to his current appointment, Miller co-founded America First Legal, alongside Gene Hamilton. Hamilton now leads the organization after serving in the Trump-Vance Administration.⁴

DHS Communications Request (2025-HQFO-04283)

10. On May 22, 2E025, DFF sent a FOIA request to DHS seeking the following:

(1) All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, text messages, or messages on messaging platforms, including Slack, Signal, and Microsoft Teams) sent or received by the individuals listed below (A) containing any of the following key terms (B).

A. Agency Officials

1. Secretary Kristi Noem
2. Deputy Secretary Troy Edgar
3. Deputy Homeland Security Advisor Anthony Salisbury
4. Advisor Corey Lewandowski
5. Military Advisor Rear Admiral Jeffrey W. Novak
6. Assistant Secretary for International Affairs Christopher Pratt
7. Deputy Under Secretary for the Office of Strategy, Policy, and Plans John Gountainis

B. Key Terms

1. "Stephen Miller"
2. "Miller, Stephen"
3. "Stephen.miller"
4. "s.miller"
5. "Vince Haley"
6. "Haley, Vince"
7. "Tom Homan"
8. "Thomas Homan"
9. "Homan, Tom"
10. "Homan, Thomas"
11. "Sam Adolphsen"
12. "Adolphsen, Sam"
13. "Gene Hamilton"
14. "Gene P. Hamilton"

⁴ America First Legal, *Gene Hamilton Returns to America First Legal as President Following Service as Deputy White House Counsel to President Donald J. Trump* (June 24, 2025), <https://perma.cc/HNJ8-4M7J>.

15. "Hamilton, Gene"
16. "America First Legal"

- (2) All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, text messages, or messages on messaging platforms, including Slack, Signal, and Microsoft Teams) sent or received by the individuals listed above in part (1)(A) and the email domain "aflegal.org".

This request sought all records from January 20, 2025, until the date of the search.

11. On May 28, 2025, DHS acknowledged this request and assigned it tracking number 2025-HQFO-0428.

12. When acknowledging the request, DHS stated there may be a delay in processing the request.

13. DFF has not received any further communication from DHS regarding this request.

ICE Communications Request (2025-ICFO-38853)

14. On May 22, 2025, DFF sent a FOIA request to ICE seeking the following:

- (1) All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, text messages, or messages on messaging platforms, including Slack, Signal, and Microsoft Teams) sent or received by the individuals listed below (A) containing any of the following key terms (B).

A. Agency Officials

1. Acting Director Todd Lyons
2. Former Acting Director Caleb Vitello
3. Deputy Director Madison Sheahan
4. Chief of Staff Jon Feere
5. Acting Executive Associate Director for Enforcement and Removal Operations Kenneth Genalo
6. Acting Executive Associate Director for Homeland Security Investigations Robert Hammer
7. Principal Legal Advisor Charles Wall
8. Acting Principal Legal Advisor Adam Loiacono
9. Deputy Assistant Director for Homeland Security Investigations Selwyn Smith

10. Acting Assistant Director for Enforcement and Removal Operations Marcos Charles
11. Acting Field Office Director for Enforcement and Removal Operations Robert Cerna
12. Assistant Field Office Director for Enforcement and Removal Operations Carlos Cisneros

B. Key Terms

1. "Stephen Miller"
2. "Miller, Stephen"
3. "Stephen.miller"
4. "s.miller"
5. "Vince Haley"
6. "Haley, Vince"
7. "Tom Homan"
8. "Thomas Homan"
9. "Homan, Tom"
10. "Homan, Thomas"
11. "Sam Adolphsen"
12. "Adolphsen, Sam"
13. "Gene Hamilton"
14. "Gene P. Hamilton"
15. "Hamilton, Gene"
16. "America First Legal"

- (2) All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, text messages, or messages on messaging platforms, including Slack, Signal, and Microsoft Teams) sent or received by the individuals listed above in part (1)(A) and the email domain "aflegal.org".

15. This request sought records from January 20, 2025, through the date of the search.
16. On June 3, 2025, ICE acknowledged this request and assigned it tracking number 2025-ICFO-38853.
17. When acknowledging the request, ICE stated that there may be a delay in processing the request.
18. DFF has not received any further communication from ICE regarding this request.

ICE Masking Policies and Directives Request (2025-ICFO-29028)

19. On April 1, 2025, DFF sent a FOIA request to ICE seeking the following:

All guidance, policies, memoranda, or directives regarding ICE personnel wearing masks, hoods, hats, and other head or face coverings while carrying out immigration enforcement or other official activities.

20. The request sought records from January 20, 2025, through the date of the search.

21. On April 16, 2025, ICE acknowledged this request and assigned it tracking number 2025-ICFO-29028.

22. When acknowledging the request, ICE stated there may be a delay in processing the request.

23. DFF has received no further communication from ICE regarding this request.

ICE Raids Communications Request (2025-ICFO-17704)

24. On February 3, 2025, DFF sent a FOIA request to ICE seeking the following:

(1) All electronic communications (including email messages, complete email chains, calendar invitations, or attachments thereto, as well as any text messages or messages sent on messaging platforms such as Microsoft Teams, Skype, WhatsApp, Signal, or GChat) sent or received by the following agency custodians containing the following terms:

- a. "Chicago raids"
- b. "New York raids"
- c. "Boston raids"
- d. "Chicago operations"
- e. "New York operations"
- f. "Boston operations"
- g. Aurora
- h. "Dr. Phil"
- i. "Phil McGraw"
- j. "Put on a show"
- k. "Filming Crew"
- l. "Embed"
- m. "Joint-patrol"

Agency custodians:

- i. Caleb Vitello, Acting Director of ICE
- ii. Jon Feere, Chief of Staff

- iii. Kenneth Genalo, Acting Deputy Director
- iv. Robert Hammer, Acting Executive Associate Director, Department of Homeland Security Investigations
 - 1. Angel M. Melendez, Special Agent ICE Homeland Security Investigations (HSI) in New York City
- v. Russell Hott, Acting Executive Associate Director, Enforcement and Removal Operations
 - 1. Patricia Hyde, Field Office Director ICE ERO Boston
 - 2. LaDeon Francis, Field Office Director ERO Chicago
 - 3. Arthur J. Wilson, Jr., Acting Field Office Director Denver

(2) All electronic communications (including email messages, complete email chains, calendar invitations, or attachments thereto, as well as any text messages or messages sent on messaging platforms such as Microsoft Teams, Skype, WhatsApp, Signal, or GChat) between (a) agency custodians listed in part 1, as well as anyone serving as ICE Director of Public Affairs, and Dr. Phil McGraw, or anyone communicating on his behalf.

(3) All electronic communications (including email messages, complete email chains, calendar invitations, or attachments thereto, as well as any text messages or messages sent on messaging platforms such as Microsoft Teams, Skype, WhatsApp, Signal, or GChat) between (a) specified agency custodians and (b) the following individuals:

A. Agency Custodians

- i. Caleb Vitello, Acting Director of ICE
- ii. Jon Feere, Chief of Staff
- iii. Kenneth Genalo, Acting Deputy Director
- iv. Robert Hammer, Acting Executive Associate Director, Department of Homeland Security Investigations
 - 1. Angel M. Melendez, Special Agent ICE Homeland Security Investigations (HSI) in New York City
- v. Russell Hott, Acting Executive Associate Director, Enforcement and Removal Operations
 - 1. Patricia Hyde, Field Office Director ICE ERO Boston
 - 2. LaDeon Francis, Field Office Director ERO Chicago
 - 3. Arthur J. Wilson, Jr., Acting Field Office Director Denver

B. Non-ICE Officials

- i. Stephen Miller, Deputy White House Chief of Staff
- ii. Tom Homan, White House “Border Czar”
- iii. Any individual with an email address ending in @who.eop.gov
- iv. James McHenry, DOJ Acting Attorney General
- v. Emil Bove, DOJ Acting Deputy Attorney General
- vi. Chad Mizelle, DOJ Chief of Staff, Office of the Attorney General
- vii. Paul Ingrassia, DOJ White House Liaison

- viii. Benjamin Huffman, Acting DHS Secretary
- ix. Kristi Noem, DHS Secretary
- x. Elon Musk, or anyone communicating on his behalf include anyone from the U.S. “DOGE” Service

25. The request sought records from January 20, 2025, through the date of the search.

26. On February 13, 2025, ICE responded to the request stating parts 2 and 3 are “too broad and do not specifically identify the records” sought.

27. On February 18, 2025, DFF responded to ICE stating the following:

Democracy Forward's request, as drafted, is a proper FOIA request and “reasonably describes” the records sought within the meaning of the FOIA statute, as well-established by case law. The request for communications between specific individuals over a short period of time would allow ICE to identify the precise records sought with a reasonable amount of effort. As Courts have held:

“The Court sees no reason, and the EPA provides none, why a request for emails or other communications records *necessarily* must include a key word or subject matter for an agency to determine “precisely what records are being requested.” Am. Oversight v. United States Env’t Prot. Agency, 386 F. Supp. 3d 1, 9 (D.D.C. 2019).

The case ICE has cited for its position here does not support ICE's refusal to process this request at all. In Dale v. Internal Revenue Serv., 238 F. Supp. 2d 99, 104 (D.D.C. 2002), the court was considering the applicability of a fee waiver after IRS had processed the requester’s FOIA. It incidentally cites the agency's initial letter arguing that a request for “all” files--of all types--related to a topic was too broad. The court did not hold IRS's initial position was correct, and the request there was not nearly as precise as Democracy Forward’s request here.

Please process Democracy Forward’s request as drafted. If, upon conducting a search and obtaining search results, you identify large numbers of documents to process and would like to discuss narrowing, we remain ready to engage in a reasonable effort to accommodate your agency.

28. On February 20, 2025, ICE acknowledged this request and assigned it request number 2025-ICFO-17704.

29. When acknowledging the request, ICE stated that there may be a delay in processing the request.

30. DFF has received no further communication from ICE regarding this request.

Exhaustion of Administrative Remedies

31. As of the date of the Complaint, Defendants have failed to notify DFF of determinations regarding DFF's requests. Through Defendants' failure to respond within the time limits required by law, DFF has constructively exhausted administrative remedies.

CLAIM FOR RELIEF

Count 1 (Violation of FOIA, 5 U.S.C. § 552)

32. Plaintiff incorporates by reference the foregoing paragraphs as though fully set forth herein.

33. By failing to respond to Plaintiff's requests and appeal with determinations within the statutorily mandated time period, Defendants have violated their duties under 5 U.S.C. § 552, including but not limited to, their duties to conduct a reasonable search for responsive records, to take reasonable steps to release all nonexempt information, and to not withhold responsive records.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests that this Court:

1. Order Defendants to conduct searches for any and all responsive records to Plaintiff's FOIA requests using search methods reasonably calculated to lead to discovery of all responsive records;
2. Order Defendants to produce, by a date certain, any and all non-exempt responsive records and a *Vaughn* index of any responsive records withheld under a claim of exemption;

3. Enjoin Defendants from continuing to withhold any and all non-exempt responsive records;
4. Order Defendants to grant Plaintiff's requests for fee waivers;
5. Award Plaintiff its costs, attorneys' fees, and other disbursements for this action; and
6. Grant any other relief this Court deems appropriate.

Dated: July 11, 2025

Respectfully submitted,

/s/ Daniel A. McGrath

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**pro hac vice* forthcoming