

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

LEAGUE OF WOMEN VOTERS, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, *et al.*,

Defendants.

Case No. 1:25-cv-3501-SLS

JOINT STATUS REPORT

Pursuant to the Court's Minute Order of July 20, 2026, the parties provide this joint status report updating the Court on the status of the appeal of *Florida v. DHS*, No. 3:24-cv-509 (N.D. Fla.) in the Eleventh Circuit:

The deadline for the parties in *Florida* to address the Eleventh Circuit's jurisdictional question is today, September 16. As noted in the parties' previous joint status report, *see* ECF 145, Plaintiffs requested a two-week extension of the deadline to address the Eleventh Circuit's jurisdictional question, to accommodate the Supreme Court briefing in this case. The Eleventh Circuit has not ruled on that extension request and if it does not do so by end of day, Plaintiffs intend to file their brief in response to the jurisdictional question today.

**PLAINTIFFS' RESPONSE
TO DEFENDANTS' SEPTEMBER 14, 2026, NOTICE (ECF 146)**

On September 8, a whistleblower reported to Congress that, since at least August 21, USCIS Fraud Detection and National Security ("FDNS") personnel have been engaging in "illegal and inappropriate activities" while "reviewing data provided by DHS to FDNS to hunt for 'unlawful voters.'" *See* Letter from Sen. Padilla to DHS Sec. Mullin and USCIS Director Edlow

at 2 (Sept. 13, 2026), <https://perma.cc/6VR8-KRM6>. The whistleblower disclosure identifies SAVE as a data source for FDNS in this effort. *See id.* at 3; *see also* Whistleblower Report at 18, Attach. to Padilla Ltr. Senators Padilla and Schumer sent the Whistleblower Report to DHS Secretary Mullin on September 13. *See id.* at 1. At 10:36 p.m. on September 14, Defendants filed a Notice with the Court stating that they “recently determined that queries of Social Security Administration (SSA) data by the Department of Homeland Security (DHS) included both (1) SAVE queries for the benefit of the Florida Plaintiffs as well as (2) other queries related to DHS law-enforcement investigations.” ECF 146 (“the Notice”). The attached Declaration of Nicolas S. Bartell, USCIS Associate Director of Fraud Detection and National Security (“FDNS”), further states that “FDNS has made queries and received information from SSA by using an Application Program Interface (API) that is also currently used for purposes of exchanging information needed to complete SAVE queries for four states [as a result of the *Florida* litigation].” ECF 146-1, ¶ 4. Additionally, Defendants’ Notice comes in the wake of DHS repeatedly refusing to provide Plaintiffs with details regarding Defendants’ operation of the SAVE “workaround” Defendants created as a result of the *Florida* litigation. *See* ECF 144, 145.

The Notice and supporting declarations as well as the Whistleblower Report raise serious questions about Defendants’ compliance with the Court’s vacatur order as well as the accuracy of Defendants’ representations to this Court. Plaintiffs intend to meet and confer with Defendants promptly to better understand the facts underlying the Notice and will determine any appropriate next steps, including seeking relief from this Court.

RESPONSE BY DEFENDANTS

As for Plaintiffs' reference to their prior requests for additional "details" about the government's compliance with the *Florida* injunction, Defendants refer the Court to the parties' two most recent joint status reports, which already address that issue. *See* ECF Nos. 144, 145.

As for Plaintiffs' reference to "Defendants' compliance with the Court's vacatur order as well as the accuracy of Defendants' representations to this Court," Defendants refer the Court to the Notice filed on Monday, which already addresses those issues. *See* ECF No. 146.

As for the remaining issues raised by Plaintiffs for the first time in this status report, Defendants are willing to confer with Plaintiffs in good faith regarding next steps, at least with respect to any issues that are relevant to this litigation. The parties are in the process of identifying possible dates and times for a further conversation.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Dated: September 16, 2026

Respectfully submitted,

/s/Mark B. Samburg

Nikhel S. Sus (D.C. Bar No. 1017937)

John B. Hill (N.Y. Bar No. 5505508)*

Lauren C. Bingham (D.C. Bar No.
90043462)*

CITIZENS FOR RESPONSIBILITY
AND ETHICS IN WASHINGTON

P.O. Box 14596

Washington, DC 20044

(202) 408-5565

nsus@citizensforethics.org

jhill@citizensforethics.org

lbingham@citizensforethics.org

Aman T. George (D.C. Bar No. 1028446)

Jennifer Fountain Connolly (D.C. Bar No.
1019148)

Ronald A. Fein (D.D.C. Bar No. MA0012)

Johanna M. Hickman (D.C. Bar No.
981770)

Mark B. Samburg (D.C. Bar No. 1018533)

Robin Thurston (D.C. Bar No. 1531399)

DEMOCRACY FORWARD FOUNDATION

P.O. Box 34553

Washington, DC 20043

(202) 448-9090

ageorge@democracyforward.org

jconnolly@democracyforward.org

rfein@democracyforward.org

hhickman@democracyforward.org

msamburg@democracyforward.org

rthurston@democracyforward.org

Jon Sherman (D.C. Bar No. 998271)*

Michelle Kanter Cohen (D.C. Bar No.
989164)

FAIR ELECTIONS CENTER

1629 K St. NW, Suite 300

Washington, DC 20006

(202) 331-0114

jsherman@fairelectionscenter.org

mkantercohen@fairelectionscenter.org

Counsel for All Plaintiffs

John L. Davisson (D.C. Bar No. 1531914)
Enid Zhou (D.C. Bar No. 1632392)
Abigail Kunkler (D.C. Bar No. 90030868)
Mayu Tobin-Miyaji (D.C. Bar No.
90033340)

ELECTRONIC PRIVACY INFORMATION
CENTER

1519 New Hampshire Ave. NW
Washington, DC 20036

(202) 483-1140

davisson@epic.org

zhou@epic.org

kunkler@epic.org

*Counsel for Plaintiff Electronic Privacy
Information Center*

* admitted pro hac vice

BRETT A. SHUMATE

Assistant Attorney General
Civil Division

ALEXANDER K. HAAS

Director

Federal Programs Branch

ELIZABETH J. SHAPIRO

Deputy Director

Federal Programs Branch

/s/ Stephen M. Pezzi

STEPHEN M. PEZZI (D.C. Bar 995500)

Chief Litigation Counsel

United States Department of Justice

Civil Division, Federal Programs Branch

1100 L Street, NW

Washington, DC 20005

Tel: (202) 305-8576

Email: stephen.pezzi@usdoj.gov

Counsel for the United States