

DEMOCRATIC NATIONAL COMMITTEE v. US DEPARTMENT OF JUSTICE et al**District of Columbia District Court**

Case no. 1:26-cv-00825-BAH (D.D.C.)

Filed date: September 21, 2026

Docket entry no.: N/A

Docket text:

MINUTE ORDER (paperless), upon consideration of the parties 28 Joint Status Report ("JSR"), which indicates that out of the eleven FOIA requests sent to components of three agencies, the U.S. Department of Justice ("DOJ"), U.S. Department of Homeland Security ("DHS"), and U.S. Department of Defense ("DoD"), eleven months ago, on October 17, 2025, concerning records related to the deployment of uniformed military or law-enforcement personnel to polling places, ballot drop boxes, or election offices, four components continue to process potentially responsive records, at a pace that will make difficult production of responsive records possible by the time of the upcoming mid-term elections, such that: 1. The DoD Office of the Secretary of Defense/Joint Staff has 937 potentially responsive pages still to process, with such processing anticipated to be completed by September 30, 2026, see JSR at 3; 2. DHS Headquarters reports that during "the week of September 14, 2026, DHS counsel identified an additional record comprising 12 pages that was processed in July 2026 and flagged as requiring consultation with the Department of Justice," but "[d]ue to an administrative error, DHS did not include that record in its previous status reports" and "has not been able to confirm that a consultation request regarding that record was sent," id. at 4, and furthermore that the 140 pages of remaining potentially responsive records will be processed by September 30, 2026, see id. at 3, the former issue requiring additional deadlines to be set for DHS Headquarters, as set forth below; 3. DHS U.S. Customs and Border Protection continues to estimate that its processing of the records that the parties agreed to prioritize will be completed by September 30, 2026, see id. at 5; and 4. DHS U.S. Immigration and Customs Enforcement ("ICE") released a "second production once again consist[ing] of unannotated press clippings," which are nonresponsive, id. at 2, despite this problem being brought to ICE's attention on August 7, 2026, 24 Joint Status Report at 4 n.1, and even now ICE "reports that approximately 9,698 pages of potentially responsive records remain, of which approximately 7,000 appear based on metadata to be press clippings," JSR at 5, requiring additional deadlines to be set for ICE, as set forth below; DIRECTING DOJ to complete review, by September 24, 2026, of the 12 pages received by DHS on September 16, 2026, for consultation by DHS, and DHS to produce, by September 25, 2026, any non-exempt information in that record to plaintiff, with clear explanations for any withholdings; DIRECTING ICE to complete, by October 2, 2026, processing of all remaining approximately 9,698 pages of potentially responsive records that do not appear to be, based on metadata review, unannotated press clippings, unless the parties come to an alternative agreement on narrowing and expediting processing of potentially responsive documents by ICE; DIRECTING the parties to include in their joint status report due by October 2, 2026, an estimated number of pages remaining to be processed by each of the four components still processing responsive records and estimated date for completion of processing and of production; and FURTHER DIRECTING defendants to supplement, by October 10, 2026, the existing partial Vaughn Index as to documents processed between August 31, 2026, and October 2, 2026. Signed by Judge Beryl A. Howell on September 21, 2026. (lcbah4) (Entered: 09/21/2026)

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