

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEMOCRACY FORWARD
FOUNDATION,

Plaintiff,

v.

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

Defendants.

Civ. A. No. 26-2624 (BAH)

ANSWER TO PLAINTIFF'S COMPLAINT

Defendants, U.S. Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”), and the U.S. Department of Justice (“DOJ”), by and through its undersigned counsel, hereby answers the Complaint (ECF No. 1) filed by Plaintiff Democracy Forward Foundation (“DFF” or “Plaintiff”), in this Freedom of Information Act (“FOIA”) case. Defendants expressly deny each and every allegation in the Complaint not specifically admitted or otherwise qualified herein. Defendants reserve their right to amend, alter, and supplement the defenses contained in this Answer as the facts and circumstances giving rise to the Complaint become known to the Defendants through the course of the litigation. To the extent the Complaint refers to or quotes from external documents, statutes, or other sources, Defendants may refer to such materials for their accurate and complete contents in response; but such references are not intended to be, and should not be construed to be, an admission that the cited materials are (1) correctly cited or quoted by Plaintiff; (2) relevant to this, or any other, action; or (3) admissible in this, or any other, action.

COMPLAINT FOR INJUNCTIVE RELIEF¹

The first paragraph (not numbered) consists of Plaintiff's characterization of this action, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations contained in the first unnumbered paragraph.

Jurisdiction and Venue²

1. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is required, Defendants admit that this Court has jurisdiction over this matter subject to the terms and limitations of FOIA.

2. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is required, Defendants admit that venue is proper in this judicial district for a properly stated FOIA claim.

Parties

3. Defendants lack sufficient knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3. To the extent a response is required, Defendants deny the allegations in Paragraph 3.

4. Defendants admit only that it is a federal agency headquartered in Washington, D.C. The remaining allegations in Paragraph 4 are denied.

¹ Merely for ease of reference, the Defendants' Answer replicates the headings contained in the Complaint. Although the Defendants believe no response is required to such headings (Fed R. Civ. P. 10(b)), to the extent a response is deemed required and to the extent those headings and titles could be construed to contain factual allegations, those allegations are denied.

² For ease of reference, Defendants reproduce the Complaint's headings here. To the extent these headings could be construed to contain factual allegations, those allegations are denied.

5. Defendants deny that it is an agency within the meaning of 5 U.S.C. § 552(f)(1) but admits that it is a component of the U.S. Department of Homeland Security and is subject to the requirements of the FOIA. The remaining allegations in Paragraph 5 are denied.

6. Defendants admit only that it is a federal agency headquartered in Washington, D.C. The remaining allegations in Paragraph 6 are denied.

Legal Standards

7. Paragraph 7 consists of legal conclusions and characterizations of the provisions of FOIA, to which no response is required. To the extent any response is required, Defendants refer the Court to the cited provisions of FOIA, at 5 U.S.C. § 552(a), for a complete and accurate statement of the law. Defendants deny the allegations in Paragraph 7 to the extent they are inconsistent with those statutory provisions.

8. Paragraph 8 consists of legal conclusions and characterizations of the provisions of FOIA, to which no response is required. To the extent any response is required, Defendants refer the Court to the cited provisions of FOIA, at 5 U.S.C. §§ 552(a)(6)(E), for a complete and accurate statement of the law. Defendants deny the allegations in Paragraph 8 to the extent they are inconsistent with those statutory provisions.

9. Paragraph 9 consists of legal conclusions and characterizations of the provisions of FOIA-related regulations, to which no response is required. To the extent any response is required, Defendants refer the Court to the cited provisions at 28 C.F.R. § 16.5(e)(1)(iv) and 6 C.F.R. § 5.5(e)(1)(iv), for a complete and accurate statement of the law. Defendants deny the allegations in Paragraph 9 to the extent they are inconsistent with those statutory provisions.

DEF's FOIA Requests

10. Paragraph 10 summarizes, characterizes, and otherwise contains statements allegedly made in a third party's publicly available articles, referenced in footnotes 1 and 2 of the Complaint, to which no response is required. Defendants respectfully refer the Court to those articles which speak for themselves and are the best evidence of their contents. Defendants deny any allegations inconsistent therewith. To the extent the allegations in this paragraph are alleged for other purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

11. Paragraph 11 consists of conclusory statements of fact and law, to which no response is required. To the extent a response is required, Defendants refer the Court to the text of the legal provisions cited – 18 U.S.C. § 592; 18 U.S.C. § 595; Section 11(b) of the Voting Rights Act, 52 U.S.C. § 10307(b) – for a complete and accurate statement of the law. Defendants deny the allegations in Paragraph 11 to the extent they are inconsistent with those statutory provisions.

12. Paragraph 12 summarizes, characterizes, and otherwise contains statements allegedly made in a third party's publicly available articles, referenced in footnotes 3 and 4 of the Complaint, to which no response is required. Defendants respectfully refer the Court to those articles which speak for themselves and are the best evidence of their contents. Defendants deny any allegations inconsistent therewith. To the extent the allegations in this paragraph are alleged for other purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

13. Paragraph 13 consists of Plaintiff's characterization of Plaintiff's FOIA requests to DOJ and ICE. Defendants respectfully refer the Court to Plaintiff's FOIA requests for a complete

and accurate statement of their contents and deny any allegations inconsistent therewith in Paragraph 13.

ICE Election Communications Request

14. Defendant ICE admits that DFF submitted a FOIA request to ICE, which DFF marked as DFF-DHS-ICE-26-0510, seeking the records listed in Paragraph 14.

15. Defendant ICE admits that DFF sent a FOIA request to ICE, which DFF marked as DFF-DHS-ICE-26-0510, seeking the records listed in Paragraph 15. Defendant ICE respectfully refers the Court to Plaintiff's FOIA request for a complete and accurate statement of its contents and denies any allegations inconsistent therewith in Paragraph 15.

16. Admitted.

17. Defendant ICE lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17.

18. Defendant ICE admits that on July 13, 2026, ICE sent DFF an email acknowledging DFF's FOIA request. The remaining allegations in Paragraph 18 are denied.

19. Defendant ICE admits that on July 16, 2026, ICE sent DFF an email acknowledging DFF's FOIA request. The remaining allegations in Paragraph 19 are denied.

20. Defendant ICE admits that on July 21, 2026, ICE received an email from DFF clarifying DFF's FOIA request. The remaining allegations in Paragraph 20 are denied.

21. Denied.

ICE Directives and Training Materials Request

22. Defendant ICE admits that DFF submitted a FOIA request to ICE, which DFF marked as DFF-DHS-ICE-26-0511, seeking the records listed in Paragraph 22. Defendant ICE

respectfully refers the Court to Plaintiff's FOIA request for a complete and accurate statement of its contents and denies any allegations inconsistent therewith in Paragraph 22.

23. Admitted.

24. Defendant ICE lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24.

25. Defendant ICE admits that on July 13, 2026, ICE sent DFF an email acknowledging DFF's FOIA request. The remaining allegations in Paragraph 25 are denied.

26. Defendant ICE admits that on July 16, 2026, ICE sent DFF an email acknowledging DFF's FOIA request. The remaining allegations in Paragraph 26 are denied.

27. Defendant ICE admits that on July 21, 2026, ICE received an email from DFF clarifying DFF's FOIA request. The remaining allegations in Paragraph 27 are denied.

28. Denied.

ICE Legal Advice Request

29. Defendant ICE admits that DFF submitted a FOIA request to ICE, which DFF marked as DFF-DHS-ICE-26-0512, seeking the records listed in Paragraph 29. Defendant ICE respectfully refers the Court to Plaintiff's FOIA request for a complete and accurate statement of its contents and denies any allegations inconsistent therewith in Paragraph 29.

30. Admitted.

31. Defendant ICE lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31.

32. Defendant ICE admits that on July 16, 2026, ICE sent DFF an email acknowledging DFF's FOIA request. The remaining allegations in Paragraph 32 are denied.

33. Defendant ICE admits that on July 21, 2026, ICE received an email from DFF clarifying DFF's FOIA request. The remaining allegations in Paragraph 33 are denied.

34. Denied.

DOJ Final Legal Analyses Request

35. Defendant DOJ admits that DFF submitted a FOIA request to DOJ, which DFF marked as DFF-DHS-ICE-26-0513, seeking the records listed in Paragraph 35. Defendant DOJ respectfully refers the Court to Plaintiff's FOIA request for a complete and accurate statement of its contents and denies any allegations inconsistent therewith in Paragraph 35.

36. Admitted.

37. Defendant DOJ admits that on May 5, 2026, DOJ sent DFF a letter by email acknowledging DFF's FOIA request. Defendant DOJ respectfully refers the Court to that letter for a complete and accurate statement of its contents and denies any allegations inconsistent therewith in Paragraph 37.

38. Defendant DOJ admits that on June 4, DFF submitted a letter to DOJ seeking expedited processing for DFF's FOIA request. Defendant DOJ respectfully refers the Court to that letter for a complete and accurate statement of its contents and denies any allegations inconsistent therewith in Paragraph 38.

39. Defendant DOJ admits that on June 12, DOJ sent DFF a letter related to DFF's request for expedited processing. Defendant DOJ respectfully refers the Court to that letter for a complete and accurate statement of its contents and denies any allegations inconsistent therewith in Paragraph 39.

40. Defendant DOJ admits that on July 14, DFF submitted a letter to DOJ Office of Information Policy appealing DOJ OLC's determination. Defendant DOJ respectfully refers the

Court to that letter for a complete and accurate statement of its contents and denies any allegations inconsistent therewith in Paragraph 40

41. Defendant DOJ admits that on July 14, 2026, DOJ sent DFF a letter by email acknowledging DFF's FOIA appeal. Defendant DOJ respectfully refers the Court to that letter for a complete and accurate statement of its contents and denies any allegations inconsistent therewith in Paragraph 41.

42. Defendant DOJ admits that on July 23, 2026, DOJ Office of Information Policy sent DFF a letter affirming DOJ OLC's denial of expedited processing. Defendant DOJ respectfully refers the Court to that letter for a complete and accurate statement of its contents and denies any allegations inconsistent therewith in Paragraph 42..

43. Admitted, as of the date of the Complaint.

Exhaustion of Administrative Remedies

44. This paragraph consists of conclusory statements of fact and law, to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 44.

45. This paragraph consists of conclusory statements of fact and law, to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 45.

46. This paragraph consists of conclusory statements of fact and law, to which no response is required. To the extent a response is required, Defendants deny the allegations in Paragraph 46.

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CLAIM FOR RELIEF

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

47. Defendants incorporate by reference its responses to all preceding paragraphs.

48. Paragraph 48 consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is required, Defendant deny the allegations in Paragraph 48.

Count 2 (Violation of FOIA, Failure to Grant Expedited Processing, 5 U.S.C. § 552, 6 C.F.R. § 5.5(e)(1)(iv), 28 C.F.R. § 16.5(e)(1)(iv))

49. Defendants incorporate by reference its responses to all preceding paragraphs.

50. Paragraph 50 consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is required, Defendant deny the allegations in Paragraph 50.

REQUEST FOR RELIEF

The remainder of the Complaint contains Plaintiff's requests for relief, to which no response is required. To the extent a response is deemed required, Defendants deny that Plaintiff is entitled to the requested relief.

Defendants deny all allegations of the Complaint not expressly admitted or denied above.

AFFIRMATIVE DEFENSES

In further response to the Complaint, Defendants raises the following defenses. Defendants respectfully request and reserve the right to amend, alter, and supplement the defenses in this Answer as the facts and circumstances giving rise to the Complaint become known to the Defendants through the course of this litigation. Defendants do not assume the burden of proving any of these defenses or elements of them where the burden is properly placed on Plaintiff as a matter of law.

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim for which relief can be granted, as Defendants have not unlawfully withheld any records within the meaning of the FOIA, 5 U.S.C. § 522 or the Privacy Act, 5 U.S.C. § 522a.

SECOND DEFENSE

Plaintiff is not entitled to compel the production of any record or portion of any record protected from disclosure by one or more of the exclusions or exemptions to FOIA or the Privacy Act, 5 U.S.C. § 552a, or other applicable law.

THIRD DEFENSE

This Court lacks subject matter jurisdiction over Plaintiff's request for relief that exceeds the relief authorized under FOIA.

FOURTH DEFENSE

Defendants have exercised due diligence in response to Plaintiff's FOIA request and exceptional circumstances exist that necessitate additional time for Defendants to search for and process records, if any, responsive to Plaintiff's FOIA request.

FIFTH DEFENSE

Plaintiff is neither eligible for nor entitled to an award of attorneys' fees or costs.

SIXTH DEFENSE

Defendants have not improperly withheld records requested by Plaintiff under FOIA.

SEVENTH DEFENSE

Plaintiff is not entitled to the production of non-exempt portions of records that are not reasonably segregable from exempt portions of records.

EIGHTH DEFENSE

Plaintiff's request fails to comply with the requirements of FOIA to the extent the request fails to reasonably describe the records sought or present an unreasonably burdensome effort upon Defendants to search for, review, redact, and release any responsive records.

NINTH DEFENSE

To the extent the Complaint alleges background facts unnecessary to the consideration of Defendants' response to the FOIA request at issue, the Complaint violates Rule 8(a)(2) by alleging information that is unnecessary to a "short and plain" statement of the claim. The Court should strike all such immaterial and impertinent matters pursuant to Rule 12(f).

Dated: August 27, 2026
Washington, DC

Respectfully submitted,

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