UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEMOCRACY FORWARD FOUNDATION, Plaintiff, v. U.S. DEPARTMENT OF HOMELAND SECURITY, et al., Defendants.	Civil Action No. 26-cv-2624 (BAH)

RETRIEVED FROM DEMOCRACYDOCKET.COM

JOINT STATUS REPORT

Plaintiff Democracy Forward Foundation and Defendants U.S. Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), and U.S. Department of Justice ("DOJ"), by and through undersigned counsel, respectfully submit the Parties' second joint status report:

1. This case concerns Plaintiff's Freedom of Information Act ("FOIA") requests to ICE, respectively requesting (1) email communications sent by identified ICE officials containing certain key terms; (2) directives, training materials, and similar materials regarding the presence of ICE agents or designated immigration officers at polling places; and (3) records reflecting final legal advice and analysis regarding the presence of ICE agents or designated immigration officers at polling places. Plaintiff also submitted one request to DOJ's Office of Legal Counsel ("OLC"), requesting records reflecting final legal advice and analysis regarding the presence of immigration enforcement officials at polling places.

2. As previously reported, on August 7, 2026, OLC issued its response to the Plaintiff's FOIA request, stating that it had conducted a search and located no records responsive to Plaintiff's request.

3. As previously reported, on August 10, 2026, ICE and Plaintiff reached an agreement regarding the processing of Plaintiff's FOIA requests and production of responsive records. Plaintiff agreed to narrow the scope of its requests by adjusting the search timeframe and removing specified custodians and key terms. ICE agreed to complete its searches and communicate search results to Plaintiff by September 1, 2026, then subsequently process, make determinations, and release to Plaintiff 1,000 pages by October 1, 2026, and another 1,000 pages by November 1, 2026. The parties further agreed that if those deadlines are met, the monthly processing rate would reduce to 750 pages per month from December 1, 2026, onward. The parties agreed that this schedule includes the completion of any interagency consultations.

4. As previously reported, on September 1, 2026, ICE confirmed to Plaintiff that it had completed its searches for records responsive to all three of Plaintiff's FOIA requests and had located approximately 4,646 pages of potentially responsive records.

5. On October 1, 2026, ICE released its First Interim Response to Plaintiff, consisting of 166 pages of responsive material. In its October 1, 2026 transmittal letter, ICE started that this is the "first interim response" to Plaintiff's FOIA requests to ICE, and set forth the key terms of the FOIA request. ICE stated that it has "considered this request under the FOIA, 5 U.S.C. § 552, and processed 808 pages of potentially responsive records. Upon review[,] ICE has determined that 642 pages were deemed non-responsive or duplicative. The remaining 164 pages will be released in full or disclosed in part. Exemptions 5, 6, 7(C), 7(E), and (b)(7)(f) of the FOIA, 5 U.S.C. § 552 [are] described below."

RETRIEVED FROM DEMOCRACYDOCKET.COM

6. On the same day, Plaintiff asked ICE to clarify why it had processed 808 pages instead of the agreed-upon 1,000 pages.

7. On October 5, 2026, ICE provided a clarification letter to Plaintiff. There, ICE explained that, "It was brought to ICE's attention that a footnote on page two was either cut off or inadvertently deleted, when the working version of the letter was converted from a Word file to a PDF file." The deleted footnote "provided important clarifying information relevant to the October 1, 2026 production of records by ICE in this litigation. First, the footnote outlined the custodians and terms that were searched – per the terms of August 10, 2026 agreement. Second, the footnote stated that searches were conducted for records responsive to your FOIA request, i.e., for the agreed-upon emails; that the agency conducted separate searches for directives, guidance, memoranda, protocols, policies, training materials, legal advice and analysis; that de-duplication was conducted; and that a final total of 808 pages of potentially responsive records were located." Thereafter, a "manual review resulted in a determination that 642 pages were deemed non-responsive or duplicative. ICE has not located any other records responsive to your request."

8. On October 7, 2026, Plaintiff raised additional questions about the adequacy of ICE's search, requesting clarity on the terms of ICE's search and how it conducted its responsiveness review. Subsequently, on October 15, 2026, Plaintiff raised objections to ICE's redactions under FOIA Exemption 7(E) throughout the October 1, 2026 production. The parties are continuing to confer regarding these issues.

9. Jointly, the Parties respectfully propose that the Court permit the Parties to submit another joint status report in 60 days, on December 14, 2026, updating the Court on the status of the parties' conferral and whether outstanding issues remain.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Dated: October 15, 2026

Respectfully submitted,

By: /s/ Hart Wood
Hart Wood (D.C. Bar No. 1034361)
Daniel A. McGrath (D.C. Bar No. 1531723)
Ronald A. Fein (D.C. Bar No. 90026641)
Robin F. Thurston (Bar No. 7268942)
Democracy Forward Foundation
P.O. Box 34553
Washington, D.C. 20043
(202) 448-9090
hwood@democracyforward.org
dmcgrath@democracyforward.org
rfein@democracyforward.org
rthurston@democracyforward.org

Counsel for Plaintiff

JEANINE FERRIS PIRRO
United States Attorney

By: /s/ Catherine J. Malycke
CATHERINE J. MALYCKE
VA Bar No. 84952
Assistant United States Attorney
Civil Division
601 D Street, N.W.
Washington, D.C. 20530
Telephone: (202) 809-3495
Catherine.Malycke@usdoj.gov

Attorneys for the United States of America

RETRIEVED FROM DEMOCRACYDOCKET.COM