

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

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

Plaintiff,

vs.

Case No. 26-cv-3544

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT,
500 12th Street SW, Stop 5009
Washington, D.C. 20536-5009, and

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

Defendants.

COMPLAINT FOR INJUNCTIVE RELIEF

Plaintiff Democracy Forward Foundation (“DFF”) brings this action against Defendants U.S. Immigration and Customs Enforcement (“ICE”) and U.S. Department of Homeland Security (“DHS”) 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 5 U.S.C. § 552(a)(4)(B) and 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 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.

5. 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, through its components, possession, custody, and control of records to which Plaintiff seeks access.

DFF’s FOIA Requests

6. Homeland Security Investigations (“HSI”), an office within ICE, has historically focused on federal criminal investigations of cross-border offenses such as drug smuggling, cybercrime, and human trafficking.¹ HSI now appears to have moved significant resources to instead investigate alleged voter fraud and noncitizen voting.²

7. In early 2026, HSI issued a memorandum “requiring its employees to ‘review all open and closed voter fraud cases’ involving immigrants who registered to vote, or actually voted,”

¹ See HSI: Who We Are, Immigr. & Customs. Enf’t., <https://perma.cc/NE57-PCXG> (last accessed Sept. 29, 2026).

² Patricia Clarembaux, *Trump Administration Tasks ICE with Tracking ‘False’ Voters Ahead of the Midterms*, El País (June 16, 2026), <https://perma.cc/7JSM-B8ES>; Gabe Cohen *et al.*, *Markwayne Mullin Uses Homeland Security to Further Trump’s Voter Fraud Crusade*, CNN (Aug. 12, 2026, 10:31 AM), <https://perma.cc/7HTK-EQ9M>; Peter Elkin, *et al.*, *Inside Trump’s Failed Hunt for Noncitizen Voters*, ProPublica (Aug. 14, 2026), <https://perma.cc/SRK4-ULAV>.

prior to naturalizing.³ According to documents reviewed by the *New York Times*, of 49.5 million voter registrations checked, only 0.02 percent were referred to HSI.⁴

8. This reporting, in part based on ICE agency records, raises questions of substantial public interest about the extent of HSI's involvement in the Trump-Vance Administration's focus on alleged voter fraud.

9. Given this substantial public interest, DFF submitted multiple FOIA requests seeking records to shed light on ICE's investigation of alleged voter fraud and noncitizen voting, including email communications of senior ICE officials; guidance and memoranda on these subjects; records about how DHS and ICE search for alleged voter fraud, and how they store voter data; and records of the time spent by ICE employees on election-related matters.

ICE Key Terms Request (2026-ICFO-30875)

10. On June 17, 2026, DFF sent a FOIA request, bearing internal tracking number DFF-DHS-ICE-26-0936, to ICE seeking the following:

All email communications (including email messages, complete email chains, email attachments, calendar invitations) sent by any of the following ICE officials and containing any of the following key terms.

ICE Officials

- i. John Condon, Acting Executive Associate Director, Homeland Security Investigations ("HSI")
- ii. Matthew Millhollin, Acting Deputy Executive Associate Director, HSI
- iii. Anyone serving as Deputy Executive Associate Director, HSI
- iv. Anyone serving as Chief of Staff to the Acting Executive Associate Director, HSI
- v. Anyone serving as Assistant Director, Domestic Operations, HSI
- vi. Anyone serving as Assistant Director, Office of Intelligence, HSI

³ Glenn Thrush *et al.*, *Administration Targets Noncitizen Voting, Despite Finding It Rare*, N.Y. Times (Feb. 18, 2026), <https://perma.cc/S96N-BFKF>.

⁴ Alexandra Berzon & Nick Corasaniti, *Initial Review Finds No Widespread Illegal Voting by Migrants, Puncturing a Trump Claim*, N.Y. Times (Jan. 14, 2026), <https://perma.cc/EK58-PHXE>. Though a name can be referred to HSI, the verification tool has also "mistakenly flagged some people who appear to actually be citizens." *Id.*

- vii. The seniormost HSI official tasked with overseeing investigations into election fraud, voter fraud, and/or “non-citizen voting”

Key Terms

- a. election*
- b. midterm*
- c. vot*
- d. poll*
- e. ballot*
- f. fraud

Please note that DFF is using the asterisk (*) to designate the standard use of “wildcards” in the search for responsive records. For example, a search for “vot*” would return all of the following: vote, voter, voting, etc. If your agency is unable to search for wildcards, please advise so that we may specifically include the variations that we would like searched.

In an effort to accommodate ICE and reduce the number of potentially responsive records to be processed and produced, we have limited this request to communications sent by the specified officials. To be clear, however, DFF still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both a specified official’s response to an email and the initial received message are responsive to this request and should be produced.

11. This request sought records from October 1, 2025, through the date of the search.
12. On July 15, 2026, ICE sent an acknowledgment email, assigned DFF’s request tracking number 2026-ICFO-30875, and consolidated the request with four other requests DFF made to ICE under the same tracking number.
13. In the same email, ICE stated that the consolidated request was “overly broad, unduly burdensome on the agency, or does not reasonably describe the records you are seeking,” and asked DFF to provide the email addresses for three external individuals.
14. On August 14, 2026, DFF responded to ICE’s request for clarification, providing one of the individuals’ email addresses, and noting that the other two are government officials whose email addresses are not publicly available.
15. Since that date, DFF has received no correspondence from ICE regarding the

consolidated request.

ICE Key Terms Request 2 (2026-ICFO-30876, consolidated under 2026-ICFO-30875)

16. On June 17, 2026, DFF sent a FOIA request, bearing internal tracking number DFF-DHS-ICE-26-0937, to ICE seeking the following:

1. All email communications (including email messages, complete email chains, email attachments, calendar invitations) between any of the following ICE officials and any of the following external individuals or entities (including the listed domains) and containing any of the following key terms.

ICE Officials

- i. David Venturella, Acting Director and former Senior Advisor
- ii. Todd Lyons, former Acting Director
- iii. Charles Wall, Deputy Director
- iv. Madison Sheahan, former Deputy Director
- v. Carl Stiffler, Acting Chief of Staff
- vi. Jon Feere, Senior Advisor and former Chief of Staff
- vii. Mark Hall, Senior Advisor
- viii. Peter Fitzhugh, Senior Advisor
- ix. Todd Bensman, Advisor to the Border Czar
- x. Jason Killmeyer, former Chief of Staff
- xi. John Condon, Acting Executive Associate Director, Homeland Security Investigations (“HSI”)
- xii. Matthew Millhollin, Acting Deputy Executive Associate Director, HSI
- xiii. Anyone serving as Deputy Executive Associate Director, HSI
- xiv. The seniormost HSI official tasked with overseeing investigations into election fraud, voter fraud and/or “non-citizen voting”

External Individuals and Entities

- a. Anthony Salisbury
- b. Heather Honey
- c. Kurt Olsen
- d. White House (who.eop.gov)

Key Terms

- a. election*
- b. midterm*
- c. vot*
- d. poll*
- e. ballot*
- f. fraud

Please note that DFF is using the asterisk (*) to designate the standard use of “wildcards” in the search for responsive records. For example, a search for “vot*” would return all of the following: vote, voter, voting, etc. If your agency is unable to search for wildcards, please advise so that we may specifically include the variations that we would like searched.

2. All text messages (including complete text message threads or conversations) and messages on messaging platforms (such as Signal and WhatsApp) between any of the officials listed above in part 1 and any of the external individuals listed below.

External Individuals

- a. Anthony Salisbury
- b. Heather Honey
- c. Kurt Olsen

DFF is not in a position to provide a phone number for the listed individuals. If the listed officials are unable to provide them, please use the individuals’ names as search terms. For example, a search for text messages between Director Venturella and Anthony Salisbury would be conducted by searching Director Venturella’s text messages using the terms “Anthony” and “Salisbury” to identify potentially responsive records.

The search should include messages from officials’ personal accounts as well as those from their official accounts.

17. This request sought records from October 1, 2025, through the date of the search.

18. On July 14, 2026, ICE sent an acknowledgment email, assigned DFF’s request tracking number 2026-ICFO-30876, consolidated the request with four other requests DFF made to ICE under the tracking number of the ICE Key Terms Request (2026-ICFO-30875), and administratively closed 2026-ICFO-30876.

19. Since that date, DFF has received no correspondence from ICE regarding the administratively closed request.

HSI Non-Citizen Voting Directives (2026-ICFO-30878, consolidated under 2026-ICFO-30875)

20. On June 17, 2026, DFF sent a FOIA request, bearing internal tracking number DFF-DHS-ICE-26-0939, to ICE seeking the following:

- 1. All formal and informal final directives, guidance, protocols, and/or policies created by, issued to, or otherwise provided to Homeland Security Investigations (“HSI”) regarding election fraud, voter fraud, and/or “non-citizen voting,” including, but not

limited to, prioritizing investigations into voter fraud or past election results or reviewing voter rolls for non-citizens.

2. All official reports and/or memoranda created by or issued to HSI regarding election fraud, voter fraud, and/or “non-citizen voting,” including, but not limited to, all reports analyzing or referencing election or voting materials obtained from state or county election officials.

21. This request sought records created, issued, or in effect from October 1, 2025, through the date of the search.

22. On July 14, 2026, ICE sent an acknowledgment email, assigned DFF’s request tracking number 2026-ICFO-30878, consolidated the request with four other requests DFF made to ICE under the tracking number of the ICE Key Terms Request (2026-ICFO-30875), and administratively closed 2026-ICFO-30878.

23. Since that date, DFF has received no correspondence from ICE regarding the administratively closed request.

ICE Non-Citizen Voting Data (2026-ICFO-30879, consolidated under 2026-ICFO-30875)

24. On June 17, 2026, DFF sent a FOIA request, bearing internal tracking number DFF-DHS-ICE-26-0940, to ICE seeking the following:

1. All formal and informal final planning documents, reports, and/or memoranda created by, issued to, or otherwise provided to ICE regarding the use of a Homeland Security Investigations (“HSI”) database or other tool to search for alleged non-citizen voters. [footnote omitted]

2. All records governing the collection, maintenance, storage, and/or retention of voter data, including assessments (such as privacy impact assessments), directives, instructions, directions, memoranda, policies, procedures, and/or any other formal or informal written guidance.

This request includes, but is not limited to, voter data entered into any HSI database or other tool to search for alleged non-citizen voters. [footnote omitted]

DFF believes your office is in the best position to identify where responsive records are likely to reside, but believes a reasonable search should include, at a minimum, the Office

of the Director, HSI, HSI Domestic Operations, HSI Office of Intelligence, HSI field offices, and any member of “Team America”. [footnote omitted]

25. This request sought records created, issued, or in effect from October 1, 2025, through the date of the search.

26. On July 14, 2026, ICE sent an acknowledgment email, assigned DFF’s request tracking number 2026-ICFO-30879, consolidated the request with four other requests DFF made to ICE under the tracking number of the ICE Key Terms Request (2026-ICFO-30875), and administratively closed 2026-ICFO-30879.

27. Since that date, DFF has received no correspondence from ICE regarding the administratively closed request.

DHS Non-Citizen Voting Data (2026-HQFO-03029)

28. On June 17, 2026, DFF sent a FOIA request, bearing internal tracking number DFF-DHS-26-0941, to DHS seeking the following:

1. All formal and informal final planning documents, reports, and/or memoranda created by, issued to, or otherwise provided to DHS regarding the use of a Homeland Security Investigations (“HSI”) database or other tool to search for alleged non-citizen voters. [footnote omitted]

2. All records governing the collection, maintenance, storage, and/or retention of voter data, including assessments (such as privacy impact assessments), directives, instructions, directions, memoranda, policies, procedures, and/or any other formal or informal written guidance.

This request includes, but is not limited to, voter data entered into any HSI database or other tool to search for alleged non-citizen voters. [footnote omitted]

DFF believes your office is in the best position to identify where responsive records are likely to reside, but believes a reasonable search should include, at a minimum, the Office of the Secretary, Office of Strategy, Policy, and Plans, and any member of “Team America” (including, at a minimum, Heather Honey, David Harvilicz, Samantha Anderson, and Thomas McDermott). [footnote omitted]

29. This request sought records created, issued, or in effect from October 1, 2025,

through the date of the search.

30. On June 23, 2026, DHS sent an acknowledgment, assigning DFF's request tracking number 2026-HQFO-03029.

31. Since that date, DFF has received no correspondence from DHS regarding the request.

Non-Citizen Voting Investigations (2026-ICFO-30882, consolidated under 2026-ICFO-30875)

32. On June 17, 2026, DFF sent a FOIA request, bearing internal tracking number DFF-DHS-ICE-26-0942, to ICE seeking the following:

1. Records sufficient to identify the number of staff tasked to work on election-related matters and the number of hours staff have spent on election-related matters, including, but not limited to, investigating the election fraud, voter fraud, and/or "non-citizen voting."

2. Records sufficient to identify the number of open Homeland Security Investigations ("HSI") investigations on election-related matters (including investigations of election fraud, voter fraud, and/or "non-citizen voting") and the status of those investigations (such as open, closed, referred, etc.).

To be clear, DFF does not seek, and this request specifically excludes, the content of investigations. We specifically seek records reflecting data on the number of investigations and their status.

33. This request sought records from June 1, 2025, through the date of the search.

34. On July 14, 2026, ICE sent an acknowledgment email, assigned DFF's request tracking number 2026-ICFO-30882, consolidated the request with four other requests DFF made to ICE under the tracking number of the ICE Key Terms Request (2026-ICFO-30875), and administratively closed 2026-ICFO-30882.

35. Since that date, DFF has received no correspondence from ICE regarding the administratively closed request.

Exhaustion of Administrative Remedies

36. 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)

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

38. By failing to respond to Plaintiff's requests with determinations and prompt productions of responsive records 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:

- a. 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;
- b. 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;
- c. Enjoin Defendants from continuing to withhold any and all non-exempt responsive records;

- d. Award Plaintiff its costs, attorneys' fees, and other disbursements for this action; and
- e. Grant any other relief this Court deems appropriate.

Dated: October 9, 2026

Respectfully submitted,

/s/ Daniel H. Martinez

Daniel H. Martinez

(Bar No. 90025922)

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