UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,

Plaintiff,

v.

HARMEET DHILLON, in her official capacity as Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, *et al.*,

Defendants.

Civil Action No. 26-3461 (SLS)

COURTDOCKET.COM

ANSWER

Defendants the United States Department of Justice ("DOJ" or the "Department") and Harmeet Dhillon, in her official capacity as Assistant Attorney General for the Civil Rights Division of DOJ, respectfully submit this Answer to the Amended Complaint (ECF No. 18-2) filed by Plaintiff National Association for the Advancement of Colored People ("NAACP"), in this case under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Defendants deny all allegations in the Amended Complaint, including the relief sought, except as specifically admitted or otherwise qualified in this Answer. Moreover, to the extent the Amended 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; however, Defendants' references are not intended to be, and should not be construed to be, an admission that the cited materials: (a) are correctly cited or quoted by Plaintiff; (b) are relevant to this, or any other, action; or (c) are admissible in this, or any other, action. Defendants respond to the Amended Complaint in like

numbered paragraphs[1] as follows:

1. The allegations in this paragraph do not set forth claims of relief or aver facts in support of a claim under FOIA to which a response is required, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Federal Rule of Civil Procedure ("Rule") 12(f).

2. The allegations in this paragraph do not set forth claims of relief or aver facts in support of a claim under FOIA to which a response is required, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

3. This paragraph consists of Plaintiff's characterization of itself, about which Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations.

4. Defendants admit only that it received a FOIA request from Plaintiff and respectfully refers the Court to that request for a full and accurate statement of its contents. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegation in this paragraph regarding Plaintiff's reason for submitting its FOIA request.

5. Defendants admit that on September 1, 2026, Plaintiff submitted a FOIA request to DOJ's Civil Rights Division.

6. This paragraph consists of Plaintiff's characterization of this action, conclusions of law, and its request for relief, to which no response is required. To the extent a response is deemed

RETRIEVED FROM DEMOCRACYDOCKET.COM

[1] For ease of reference, Defendants replicate the headings contained in the Amended Complaint. Although Defendants believe that 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 could be construed to contain factual allegations, those allegations are denied.

required, Defendants admit only that Plaintiff brings this action under FOIA, and deny that Plaintiff is entitled to the relief requested.

7. Denied.

8. This paragraph consists of Plaintiff's characterization of this action and its request for relief, to which no response is required. To the extent a response is deemed required, Defendants admit only that Plaintiff brings this action under FOIA, and deny that Plaintiff is entitled to the relief requested.

VENUE AND JURISDICTION

9. This paragraph consists of Plaintiff's legal conclusions regarding jurisdiction to which no response is required. To the extent that a response is deemed required, Defendants admit only that the Court has jurisdiction over claims involving proper FOIA requests, subject to the terms and limitations of FOIA.

10. This paragraph consists of Plaintiff's legal conclusions regarding venue to which no response is required. To the extent that a response is required, Defendants admit only that venue is available in this District for proper FOIA challenges.

11. This paragraph consists of legal conclusions, to which no response is required. To the extent a response is deemed required, denied.

12. This paragraph consists of legal conclusions regarding 28 U.S.C. § 1361, to which no response is required. To the extent a response is deemed required, Defendant denies that this Court has jurisdiction under section 1361 based on alleged delay with respect to a FOIA request.

PARTIES

13. Admitted.

RETRIEVED FROM DEMOCRACYDOCKET.COM

14. This paragraph consists of Plaintiff's characterization of itself, about which Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations.

15. This paragraph consists of Plaintiff's characterization of itself, about which Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations.

16. Defendants admit that Harmeet Dhillon is the Assistant Attorney General for the Civil Rights Division of DOJ. As explained in Defendants' opposition to Plaintiffs' motion for a temporary restraining order, Harmeet Dhillon is an improper defendant in this FOIA action and should be dismissed from this action. *See* ECF No. 17, at 8-9.

17. Defendants admit that DOJ is an agency of the Executive Branch of the United States government within the meaning of 5 U.S.C. § 552(f)(1). The remaining allegations in this paragraph consist of legal conclusions, to which no response is required.

RETRIEVED FROM DEMOCRACYDOCKET.COM

LEGAL FRAMEWORK

18. This paragraph consists of Plaintiff's characterization of the FOIA statute. Defendants respectfully refer the Court to the statute for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

19. This paragraph consists of Plaintiff's characterization of the FOIA statute. Defendants respectfully refer the Court to the statute for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

20. This paragraph consists of Plaintiff's characterization of the FOIA statute. Defendants respectfully refer the Court to the statute for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

21. The allegations in this paragraph consist of conclusions of law regarding the legal standard for obtaining emergency relief, to which no response is required. Defendants respectfully refer the Court to the cited case for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

22. The allegations in this paragraph consist of conclusions of law regarding 28 U.S.C. § 1361, to which no response is required. Defendants respectfully refer the Court to the cited statutory provision for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

STATEMENT OF FACTS

RETRIEVED FROM DEMOCRACYDOCKET.COM

23-29. The allegations in these paragraphs do not set forth claims of relief or aver facts in support of a claim under FOIA to which a response is required, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f). Moreover, to the extent the allegations in these paragraphs consist of Plaintiff's characterizations of the cited DOJ websites, Defendants respectfully refer the Court to those DOJ websites for a complete and accurate statement of their contents, and deny any allegations inconsistent therewith.

30. Defendants admit that the Department received a FOIA request from Plaintiff dated September 1, 2026. Defendants respectfully refer the Court to the request for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

31. Defendants admit that by an email dated September 21, 2026, the Department acknowledged receipt of the FOIA request. Defendants respectfully refer the Court to the September 21, 2026, email for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

PLAINTIFF'S CLAIMS

32. The first sentence of this paragraph consists of conclusions of law to which no response is required. The second sentence of this paragraph consists of a quotation from a D.C. Circuit decision. Defendants respectfully refer the Court to the cited decision for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

33. The allegations in this paragraph consist of conclusions of law to which no response is required.

34. The allegations in this paragraph consist of conclusions of law to which no response is required.

35. The allegations in this paragraph consist of conclusions of law, to which no response is required. To the extent a response is required, denied.

36. The allegations in this paragraph consist of conclusions of law, to which no response is required.

37. Defendants refer the Court to the FOIA request for a complete and accurate statement of its contents.

38. This paragraph pertains to an election that has already occurred and thus Defendants deny that the request pertains to a time sensitive matter. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

39. This paragraph consists of Plaintiff's characterization of its request for relief, to which no response is required. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

EMERGENCY RELIEF

40. The allegations in this paragraph consist of conclusions of law to which no response

RETRIEVED FROM DEMOCRACYDOCKET.COM

is required. To the extent a response is deemed required, Defendants deny the allegations. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

41. The allegations in this paragraph consist of conclusions of law to which no response is required. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

42. The allegations in this paragraph consist of conclusions of law to which no response is required. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

43. The allegations in this paragraph consist of conclusions of law to which no response is required. To the extent a response is deemed required, denied. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

44. The allegations in this paragraph consist of conclusions of law to which no response is required. To the extent a response is deemed required, denied. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

45. The allegations in this paragraph consist of conclusions of law to which no response is required. To the extent a response is deemed required, Defendants deny that Plaintiff is likely to suffer irreparable harm. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

46. The allegations in this paragraph consist of conclusions of law to which no response is required. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

RETRIEVED FROM DEMOCRACYDOCKET.COM

47. The allegations in this paragraph consist of conclusions of law to which no response is required. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

48. The allegations in this paragraph consist of conclusions of law to which no response is required. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

49. The allegations in this paragraph consist of conclusions of law to which no response is required. To the extent a response is required, denied. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

50. The allegations in this paragraph consist of conclusions of law to which no response is required. To the extent a response is required, denied. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

51. The allegations in this paragraph consist of conclusions of law to which no response is required. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

52. The allegations in this paragraph consist of conclusions of law to which no response is required. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

53. The allegations in this paragraph consist of conclusions of law to which no response is required. To the extent a response is required, denied. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

RETRIEVED FROM DEMOCRACYDOCKET.COM

54. The allegations in this paragraph consist of conclusions of law to which no response is required. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

55. The allegations in this paragraph consist of conclusions of law to which no response is required. Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

56. The allegations in this paragraph do not set forth claims of relief or aver facts in support of a claim to which a response is required, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f). Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

57. The allegations in this paragraph do not set forth claims of relief or aver facts in support of a claim to which a response is required, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f). Further, Defendants note that the Court has already denied the emergency relief Plaintiff requested.

RETRIEVED FROM DEMOCRACYDOCKET.COM

PRAYER FOR RELIEF

The remaining numbered paragraph of the Amended Complaint contains Plaintiff's requested relief, to which no response is required. To the extent a response is deemed necessary, Defendants deny that Plaintiff is entitled to the relief requested. Further, to the extent these paragraphs are deemed to contain factual allegations, Defendants deny those allegations.

Pursuant to Rule 8(b)(3), Defendants deny allegations in the Amended Complaint not specifically admitted to herein.

DEFENSES

1. The Court lacks subject matter jurisdiction over any of Plaintiff's requests for relief that exceed the relief authorized under FOIA.

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

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

4. Plaintiff's FOIA request is improper to the extent it is unduly burdensome, does not reasonably describe the records sought as required by 5 U.S.C. § 552(a)(3)(A), or seeks to impose obligations not required by FOIA.

5. The Department has exercised due diligence in processing Plaintiff's FOIA request and exceptional circumstances exist that necessitate additional time for the Department to continue its processing of Plaintiff's FOIA request. *See* 5 U.S.C. § 552(a)(6)(C).

6. Plaintiff is neither eligible for nor entitled to attorney's fees or costs.

7. To the extent the Amended Complaint alleges background facts unnecessary to the consideration of Defendants' responses to the FOIA requests 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).

8. Plaintiff is not entitled to a writ of mandamus.

9. Harmeet Dhillon is an improper defendant in this FOIA action and should be dismissed from this action.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Dated: November 5, 2026

Respectfully submitted,

JEANINE FERRIS PIRRO
United States Attorney

By: /s/ *William Thanhauser*

WILLIAM THANHAUSER, D.C. Bar #1737034
Assistant United States Attorneys
601 D Street, NW
Washington, DC 20530
(202) 252-7706

Attorneys for the United States of America

RETRIEVED FROM DEMOCRACYDOCKET.COM