

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

|                           |   |                                |
|---------------------------|---|--------------------------------|
| _____                     | ) |                                |
| CAMPAIGN LEGAL CENTER,    | ) |                                |
|                           | ) |                                |
| <i>Plaintiff,</i>         | ) |                                |
|                           | ) |                                |
| v.                        | ) |                                |
|                           | ) | Civil Action No. 19-1020 (APM) |
| UNITED STATES IMMIGRATION | ) |                                |
| AND CUSTOMS ENFORCEMENT,  | ) |                                |
|                           | ) |                                |
| <i>Defendant.</i>         | ) |                                |
| _____                     | ) |                                |

**ANSWER**

Defendant U.S. Immigration and Customs Enforcement (“ICE”), through undersigned counsel, hereby answers the Complaint filed by the Campaign Legal Center (“Plaintiff”), brought under the Freedom of Information Act (“FOIA”), as follows:

**FIRST DEFENSE**

Defendant reserves the right to amend this Answer to assert any other matter that constitutes an avoidance or affirmative defense under Federal Rule of Civil Procedure (“Rule”) 8(c).

**SECOND DEFENSE**

Any relief is limited to that provided for in 5 U.S.C. § 552(a)(4)(B).

**THIRD DEFENSE**

Plaintiff is not entitled to compel the production of responsive records protected from disclosure by one or more of the exemptions or exclusions to FOIA, 5 U.S.C. § 552, or the Privacy Act, 5 U.S.C. § 552a.

FOURTH DEFENSE

As to some or all of the claims asserted in this action, Plaintiff has failed to state a claim upon which relief may be granted.

FIFTH DEFENSE

Plaintiff is not entitled to attorneys' fees or costs.

**RESPONSES TO NUMBERED PARAGRAPHS**

Defendant denies each and every allegation contained in the Complaint except as may have been expressly admitted. To the extent the Complaint refers to or quotes from external documents, statutes or other sources, Defendant may refer to such materials for their accurate and complete contents in response; however, Defendant's 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.

Defendant has conducted adequate searches in response to the underlying requests under FOIA or otherwise is in the process of completing searches and releases of non-exempt, responsive records, or segregable portions thereof. Defendant further avers that some or all of the requested records may be exempt, in full or in part, from release under FOIA exemptions.

**COMPLAINT FOR INJUNCTIVE RELIEF<sup>1</sup>**

1. This paragraph contains Plaintiff's characterization of the action, to which no response is required.

---

<sup>1</sup> Merely for ease of reference, Defendant's Answer replicates the headings contained in the Complaint. Although Defendant believes that no response is required to such headings, 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.

**JURISDICTION AND VENUE**

2. This paragraph of the Complaint contains a conclusion of law, to which no response is required. To the extent that a response is deemed necessary, Defendant admits only that this Court has jurisdiction. Defendant further avers that the statutes cited speak for themselves.

3. This paragraph of the Complaint contains a conclusion of law, to which no response is required. To the extent that a response is deemed necessary, Defendant admits only that venue is proper in the judicial district. Defendant further avers that the statutes cited speaks for themselves.

**PARTIES**

4. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph.

5. Admit that ICE is a federal agency and component of the Department of Homeland Security (“DHS”) and is subject to the provisions of FOIA.

**STATEMENT OF FACTS**

**A. Background**

6. The allegations contained in Paragraph 6 do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external source cited speaks for itself.

7. The allegations contained in Paragraph 7 do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external source cited speaks for itself.

8. The allegations contained in Paragraph 8 do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external source cited speaks for itself.

9. The allegations contained in Paragraph 9 do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external source cited speaks for itself.

10. The allegations contained in Paragraph 10 do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external source cited speaks for itself.

11. The allegations contained in Paragraph 11 do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external source cited speaks for itself.

12. The allegations contained in Paragraph 12 do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external sources cited speak for themselves.

13. The allegations contained in Paragraph 13 do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external source cited speaks for itself.

14. The allegations contained in Paragraph 14 do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external source cited speaks for itself.

15. The allegations contained in Paragraph 15 do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external source cited speaks for itself.

16. The allegations contained in Paragraph 16 do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Defendant further avers that the external sources cited speak for themselves.

**B. Plaintiff's FOIA Request and Defendant's Response**

17. Admit that ICE received Plaintiff's FOIA request. Defendant avers that the request speaks for itself and respectfully refers the Court to the request for a full and accurate statement of its contents.

18. The allegations contained in Paragraph 18 consist of Plaintiff's characterization of its FOIA request. Defendant avers that the request speaks for itself and respectfully refers the Court to the request for a full and accurate statement of its contents.

19. The allegations contained in Paragraph 19 consist of Plaintiff's characterization of its FOIA request. Defendant avers that the request speaks for itself and respectfully refers the Court to the request for a full and accurate statement of its contents.

20. The allegations contained in the first sentence of Paragraph 20 consist of Plaintiff's characterization of its FOIA request. Defendant avers that the request speaks for itself and respectfully refers the Court to the request for a full and accurate statement of its contents. The allegations contained in the second sentence of Paragraph 20 contain conclusions of law to which no response is required. To the extent a response is required, deny.

21. The allegations contained I Paragraph 21 contain conclusions of law to which no response is required. To the extent a response is required, deny.

22. Admit Plaintiff has requested status updates regarding its FOIA request and as of the date of the Complaint, Defendant has not yet produced responsive, non-exempt records to Plaintiff in response to the request.

23. Admit that Plaintiff e-mailed Defendant on December 3, 2018. Defendant avers that the e-mail speaks for itself and respectfully refers the Court to the e-mail for a full and accurate statement of its contents. Defendant denies the remaining allegations in Paragraph 23.

24. Admit that Plaintiff e-mailed Defendant on December 7, 2018. Defendant avers that the e-mail speaks for itself and respectfully refers the Court to the e-mail for a full and accurate statement of its contents. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in Paragraph 24.

25. Admit that on December 7, 2018, ICE acknowledged Plaintiff's FOIA request and assigned it the reference number 2019-ICFO-23637. Defendant avers that the acknowledgment speaks for itself and respectfully refers the Court to the acknowledgement for a full and accurate statement of its contents. Defendant denies the remaining allegations in Paragraph 25.

26. Admit that on December 31, 2018, ICE e-mailed Plaintiff. Defendant avers that the e-mail speaks for itself and respectfully refers the Court to the e-mail for a full and accurate statement of its contents.

27. Admit that Plaintiff e-mailed ICE on December 21, 2018. Defendant avers that the e-mail speaks for itself and respectfully refers the Court to the e-mail for a full and accurate statement of its contents. Defendant denies the remaining allegations in Paragraph 27.

28. Admit that Plaintiff e-mailed ICE on January 28, 2019. Defendant avers that the e-mail speaks for itself and respectfully refers the Court to the e-mail for a full and accurate statement of its contents.

29. Admit that on January 31, 2019, ICE e-mailed Plaintiff. Defendant avers that the e-mail speaks for itself and respectfully refers the Court to the e-mail for a full and accurate statement of its contents.

30. Admit that Plaintiff e-mailed ICE on March 7, 2019. Defendant avers that the e-mail speaks for itself and respectfully refers the Court to the e-mail for a full and accurate statement of its contents.

31. Admit that on March 8, 2019, ICE e-mailed Plaintiff. Defendant avers that the e-mail speaks for itself and respectfully refers the Court to the e-mail for a full and accurate statement of its contents.

32. Admit that Plaintiff e-mailed ICE on March 12, 2019. Defendant avers that the e-mail speaks for itself and respectfully refers the Court to the e-mail for a full and accurate statement of its contents.

33. Admit that DHS has an online FOIA tracker and that information relating to Plaintiff's FOIA request can be located at <https://www.dhs.gov/foia-status>. Defendant denies the remaining allegations in Paragraph 33.

34. Admit.

35. The allegations in this paragraph contain conclusions of law to which no response is required. To the extent a response is deemed necessary, deny.

36. The allegations in this paragraph contain conclusions of law to which no response is required. To the extent a response is deemed necessary, deny.

37. The allegations in this paragraph contain conclusions of law to which no response is required. To the extent a response is deemed necessary, deny.

### **CAUSE OF ACTION**

#### **Violation of the Freedom of Information Act for Wrongful Withholding of Agency Records**

38. Defendant incorporates its responses to Paragraphs 1 through 37.

39. The allegations in this paragraph contain conclusions of law to which no response is required. To the extent a response is deemed necessary, deny.

40. The allegations in this paragraph contain conclusions of law to which no response is required. To the extent a response is deemed necessary, deny.

41. The allegations in this paragraph contain conclusions of law to which no response is required. To the extent a response is deemed necessary, deny.

**REQUESTED RELIEF**

The remainder of Plaintiff's Complaint contains Plaintiff's request for relief, to which no response is required. To the extent this paragraph is deemed to contain factual allegations, Defendant denies those allegations and deny that Plaintiff is entitled to any relief.

Dated: May 16, 2019

Respectfully submitted,

JESSIE K. LIU, D.C. Bar No. 472845  
U.S. Attorney for the District of Columbia

DANIEL F. VAN HORN, D.C. Bar No. 924092  
Chief, Civil Division

By: /s/ Scott Leeson Sroka  
SCOTT LEESON SROKA, Member of New York Bar  
Assistant United States Attorney  
555 Fourth Street, N.W.  
Washington, D.C. 20530  
Telephone: 202-252-7113  
Email: Scott.Sroka@usdoj.gov

*Attorneys for Defendant*



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16th day of May, 2019, that service of the foregoing **Defendant's Answer** has been made on counsel of record through the Court's ECF system.

*/s/ Scott Leeson Sroka* \_\_\_\_\_

SCOTT LEESON SROKA  
Assistant United States Attorney  
555 Fourth Street, N.W.  
Washington, D.C. 20530  
Office: (202) 252-7113  
Fax: (202) 252-2599  
Email: Scott.Sroka@usdoj.gov