

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:21-cv-03314-APM**

AMERICAN IMMIGRATION COUNCIL v. U.S. CUSTOMS  
& BORDER PROTECTION et al  
Assigned to: Judge Amit P. Mehta  
Cause: 05:552 Freedom of Information Act

Date Filed: 12/20/2021  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**AMERICAN IMMIGRATION  
COUNCIL**

represented by **Raul A. Pinto**  
AMERICAN IMMIGRATION COUNCIL  
Pmb2026  
2001 L Street N.W.  
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Washington, DC 20036  
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*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Emily Creighton**  
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*TERMINATED: 10/17/2023*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**U.S. CUSTOMS & BORDER  
PROTECTION**

represented by **Daniel Patrick Schaefer**  
ESBROOK P.C.  
800 Main Avenue, SW  
Suite 200  
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312-319-7689  
Email: [daniel.schaefer@esbrook.com](mailto:daniel.schaefer@esbrook.com)  
*TERMINATED: 10/12/2022*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas Duffey**  
U.S. ATTORNEY'S OFFICE  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. DEPARTMENT OF  
HOMELAND SECURITY**

represented by **Daniel Patrick Schaefer**  
(See above for address)

TERMINATED: 10/12/2022  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Thomas Duffey**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/20/2021	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 402 receipt number ADCDC-8940321) filed by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Civil Cover Sheet, # <u>5</u> Summons, # <u>6</u> Summons)(Creighton, Emily) (Entered: 12/20/2021)
12/20/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN IMMIGRATION COUNCIL (Creighton, Emily) (Entered: 12/20/2021)
12/21/2021		Case Assigned to Judge Amit P. Mehta. (zsb) (Entered: 12/21/2021)
12/21/2021	<u>3</u>	SUMMONS (2) Issued Electronically as to U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Notice and Consent)(adh, ) (Entered: 12/21/2021)
12/21/2021		NOTICE OF ERROR re <u>1</u> Complaint; emailed to ecreighton@immcouncil.org, cc'd 1 associated attorneys -- The PDF file you docketed contained errors: 1. Missing summonses--government. When naming a government agent or agency as a defendant, you must supply a summons for each defendant & two additional summonses for the U.S. Attorney & U.S. Attorney General. Please submit using the event Request for Summons to Issue., 2. No signature on civil cover sheet. Please use the cover sheet at <a href="https://www.dcd.uscourts.gov/new-case-forms">https://www.dcd.uscourts.gov/new-case-forms</a> & refile using the event Civil Cover Sheet., 3. <b>COMPLIANCE DEADLINE is by close of business today. This case will not proceed any further until all errors are satisfied.</b> (zsb, ) (Entered: 12/21/2021)
12/21/2021	<u>4</u>	REQUEST FOR SUMMONS TO ISSUE filed by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Summons)(Creighton, Emily) (Entered: 12/21/2021)
12/21/2021	<u>5</u>	CIVIL COVER SHEET by AMERICAN IMMIGRATION COUNCIL filed by AMERICAN IMMIGRATION COUNCIL.(Creighton, Emily) (Main Document 5 replaced on 12/21/2021) (zjf). (Entered: 12/21/2021)
12/21/2021	<u>6</u>	SUMMONS (2) Issued Electronically as to U.S. Attorney and U.S. Attorney General (ztth) (Entered: 12/21/2021)
01/07/2022	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. CUSTOMS & BORDER PROTECTION served on 12/28/2021; U.S. DEPARTMENT OF HOMELAND SECURITY served on 12/28/2021, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/29/2021. ( Answer due for ALL FEDERAL DEFENDANTS by 1/28/2022.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/29/2021. (Creighton, Emily) (Entered: 01/07/2022)
01/28/2022	<u>8</u>	NOTICE of Appearance by Daniel Patrick Schaefer on behalf of All Defendants (Schaefer, Daniel) (Entered: 01/28/2022)
01/28/2022	<u>9</u>	ANSWER to Complaint by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY.(Schaefer, Daniel) (Entered: 01/28/2022)
01/31/2022		MINUTE ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before February 14, 2022. The Joint Status Report shall include (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents

		responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Amit P. Mehta on 01/31/2022. (lcapm3) (Entered: 01/31/2022)
02/14/2022	<u>10</u>	Joint STATUS REPORT by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 02/14/2022)
02/15/2022		MINUTE ORDER. The parties shall the Joint Status Report described in the Minute Order of January 31, 2022, by March 16, 2022. Signed by Judge Amit P. Mehta on 02/15/2022. (lcapm3) (Entered: 02/15/2022)
03/16/2022	<u>11</u>	Joint STATUS REPORT by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 03/16/2022)
03/20/2022		MINUTE ORDER. The parties shall submit the Joint Status Report described in the Minute Order of January 31, 2022, by April 14, 2022. Signed by Judge Amit P. Mehta on 03/17/2022. (lcapm3) (Entered: 03/20/2022)
04/13/2022	<u>12</u>	Joint STATUS REPORT by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 04/13/2022)
04/14/2022	13	MINUTE ORDER. The parties shall file an additional Joint Status Report by May 13, 2022, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 04/14/2022. (lcapm3) (Entered: 04/14/2022)
04/14/2022		Set/Reset Deadlines: Joint Status Report due by 5/13/2022. (kt) (Entered: 04/14/2022)
05/13/2022	<u>14</u>	Joint STATUS REPORT by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 05/13/2022)
05/15/2022		MINUTE ORDER. The parties shall file an additional Joint Status Report by July 13, 2022, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 05/15/2022. (lcapm3) (Entered: 05/15/2022)
07/13/2022	<u>15</u>	Joint STATUS REPORT by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 07/13/2022)
07/14/2022		MINUTE ORDER. The parties shall file an additional Joint Status Report by September 13, 2022, which updates the court on the processing and production of responsive records. Signed by Judge Amit P. Mehta on 07/13/2022. (lcapm3) (Entered: 07/14/2022)
09/13/2022	<u>16</u>	Joint STATUS REPORT by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 09/13/2022)
09/14/2022		MINUTE ORDER. The parties shall file an additional Joint Status Report by October 13, 2022, which advises whether any disputes remain and, if so, recommends a schedule for further proceedings. Signed by Judge Amit P. Mehta on 09/14/2022. (lcapm3) (Entered: 09/14/2022)
10/12/2022	<u>17</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Thomas Duffey on behalf of U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY Substituting for attorney Daniel P. Schaefer (Duffey, Thomas) (Entered: 10/12/2022)
10/13/2022	<u>18</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Creighton, Emily) (Entered: 10/13/2022)
10/14/2022		MINUTE ORDER. The parties shall file an additional Joint Status Report by November 14, 2022, which advises whether any disputes remain and, if so,

		recommends a schedule for further proceedings. Signed by Judge Amit P. Mehta on 10/14/2022. (lcapm3) (Entered: 10/14/2022)
10/25/2022	<u>19</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Raul, Filing fee \$ 100, receipt number ADCDC–9624822. Fee Status: Fee Paid. by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Creighton, Emily) (Entered: 10/25/2022)
11/10/2022		MINUTE ORDER granting <u>19</u> Motion for Leave to Appear Pro Hac Vice. Attorney Raul A. Pinto is hereby admitted pro hac vice to appear in this matter. <b>Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a).</b> <a href="#">Click for instructions</a> . Signed by Judge Amit P. Mehta on 11/10/2022. (lcapm3) (Entered: 11/10/2022)
11/10/2022	<u>20</u>	NOTICE of Appearance by Raul A. Pinto on behalf of AMERICAN IMMIGRATION COUNCIL (Pinto, Raul) (Entered: 11/10/2022)
11/14/2022	<u>21</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Pinto, Raul) (Entered: 11/14/2022)
11/15/2022		MINUTE ORDER. The parties shall file an additional Joint Status Report by January 17, 2023, which advises whether any disputes remain and, if so, recommends a schedule for further proceedings. Signed by Judge Amit P. Mehta on 11/14/2022. (lcapm3) (Entered: 11/15/2022)
01/17/2023	<u>22</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Pinto, Raul) (Entered: 01/17/2023)
01/18/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by March 17, 2023, which advises whether any disputes remain and, if so, recommends a schedule for further proceedings. Signed by Judge Amit P. Mehta on 01/18/2023. (lcapm3) (Entered: 01/18/2023)
03/17/2023	<u>23</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Pinto, Raul) (Entered: 03/17/2023)
03/19/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by June 16, 2023, which proposes a schedule for further proceedings. Signed by Judge Amit P. Mehta on 03/19/2023. (lcapm3) (Entered: 03/19/2023)
06/16/2023	<u>24</u>	Joint STATUS REPORT by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Duffey, Thomas) (Entered: 06/16/2023)
06/19/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by July 18, 2023, which advises whether any disputed issues remain and, if so, proposes a schedule for further proceedings. Signed by Judge Amit P. Mehta on 06/19/2023. (lcapm3) (Entered: 06/19/2023)
07/18/2023	<u>25</u>	Joint STATUS REPORT by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Duffey, Thomas) (Entered: 07/18/2023)
07/24/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by September 18, 2023, which advises whether any disputed issues remain and, if so, proposes a schedule for further proceedings. Signed by Judge Amit P. Mehta on 07/24/2023. (lcapm2) (Entered: 07/24/2023)
09/18/2023	<u>26</u>	Joint STATUS REPORT by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Duffey, Thomas) (Entered: 09/18/2023)
09/20/2023		MINUTE ORDER. The parties shall file an additional Joint Status Report by November 17, 2023, which advises whether any disputed issues remain and, if so, proposes a schedule for further proceedings. Signed by Judge Amit P. Mehta on 09/20/2023. (lcapm3) (Entered: 09/20/2023)
10/17/2023	<u>27</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AMERICAN IMMIGRATION COUNCIL. Attorney Emily Creighton terminated. (Creighton,

		Emily) (Entered: 10/17/2023)
11/17/2023	<u>28</u>	Joint STATUS REPORT by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Duffey, Thomas) (Entered: 11/17/2023)
11/20/2023		MINUTE ORDER. The court no longer finds it acceptable that consulting agencies have not completed their review of potentially responsive records after more than one year. Defendants bear ultimate responsibility for producing the records requested, and they cannot simply say they have "no control over the timing of the return of [the] consults," ECF No. 28 at 1. See <i>Keys v. Dep't of Homeland Sec.</i> , 570 F. Supp. 2d 59, 70 (D.D.C. 2008) ("Because the agency who received the FOIA request... is the agency ultimately responsible for responding to the request, the agency is not absolved of its obligations under FOIA when it refers the documents elsewhere."); <i>Hall v. CIA</i> , 668 F. Supp. 2d 172, 182 (D.D.C. 2009) (holding that an agency that received and referred a FOIA request remained responsible for responding to the request and was required to "take affirmative steps to ensure that its referrals [were] being processed"). The parties shall file an additional Joint Status Report by January 15, 2024. Defendants shall provide concrete dates by which the consults will be completed. If Defendants fail to provide deadlines, or if those deadlines are not met, the court will consider sanctions, if appropriate. Signed by Judge Amit P. Mehta on 11/20/2023. (lcapm3) (Entered: 11/20/2023)
01/15/2024	<u>29</u>	Joint STATUS REPORT by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Duffey, Thomas) (Entered: 01/15/2024)
01/21/2024		MINUTE ORDER. The parties shall file an additional Joint Status Report by March 15, 2024, which updates the court on the processing and production of responsive records. Additionally, absent good cause, Defendant DHS shall process and produce the responsive, non-exempt portions of the 57 pages referenced in the parties recent Joint Status Report, ECF No. 29, by March 12, 2024. Signed by Judge Amit P. Mehta on 1/21/2024. (lcapm3) (Entered: 01/21/2024)
03/15/2024	<u>30</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Pinto, Raul) (Entered: 03/15/2024)
03/20/2024		MINUTE ORDER. The parties shall file an additional Joint Status Report by April 15, 2024, which proposes a schedule for further proceedings. Signed by Judge Amit P. Mehta on 3/20/2024. (lcapm3) (Entered: 03/20/2024)
03/20/2024		Set/Reset Deadlines/Hearings: Joint Status Report due by 4/15/2024. (zcdw) (Entered: 03/20/2024)
03/20/2024		Set/Reset Deadlines: Joint Status Report due by 4/15/2024. (znbn) (Entered: 03/21/2024)
04/15/2024	<u>31</u>	Joint STATUS REPORT <i>with proposed order</i> by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Duffey, Thomas) (Entered: 04/15/2024)
04/19/2024		MINUTE ORDER. The parties shall file an additional Joint Status Report by May 15, 2024, which proposes a schedule for further proceedings. Signed by Judge Amit P. Mehta on 04/19/2024. (lcapm3) (Entered: 04/19/2024)
05/15/2024	<u>32</u>	Joint STATUS REPORT <i>with proposed order</i> by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Duffey, Thomas) (Entered: 05/15/2024)
05/16/2024		MINUTE ORDER. The parties shall file an additional Joint Status Report by July 15, 2024, which advises whether a dispute remains as to fees and, if not, proposes a schedule for further proceedings. Signed by Judge Amit P. Mehta on 05/16/2024. (lcapm3) (Entered: 05/16/2024)
05/16/2024		Set/Reset Deadlines: Joint Status Report due by 7/15/2024 (zglw) (Entered: 05/16/2024)

07/15/2024	<u>33</u>	NOTICE of Change of Address by Raul A. Pinto (Pinto, Raul) (Entered: 07/15/2024)
07/15/2024	<u>34</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Pinto, Raul) (Entered: 07/15/2024)
07/17/2024		MINUTE ORDER. The parties shall file an additional Joint Status Report by August 15, 2024, which advises whether a dispute remains as to fees and, if not, proposes a schedule for further proceedings. Signed by Judge Amit P. Mehta on 07/17/2024. (lcapm3) (Entered: 07/17/2024)
07/19/2024		Set/Reset Deadlines: Status Report due by 8/15/2024 (zakb) (Entered: 07/19/2024)
08/15/2024	<u>35</u>	Joint STATUS REPORT by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Duffey, Thomas) (Entered: 08/15/2024)
08/19/2024		MINUTE ORDER. The parties shall file an additional Joint Status Report by September 16, 2024, which advises whether a dispute remains as to fees and, if not, proposes a schedule for further proceedings. Signed by Judge Amit P. Mehta on 08/19/2024. (lcapm3) (Entered: 08/19/2024)
08/21/2024		Set/Reset Deadlines: Status Report due by 9/16/2024 (zakb) (Entered: 08/21/2024)
09/16/2024	<u>36</u>	Joint STATUS REPORT by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Duffey, Thomas) (Entered: 09/16/2024)
09/20/2024		MINUTE ORDER. The parties shall file an additional Joint Status Report by October 16, 2024, which advises whether a dispute remains as to fees and, if not, proposes a schedule for further proceedings. Signed by Judge Amit P. Mehta on 09/20/2024. (lcapm3) (Entered: 09/20/2024)
09/25/2024		Set/Reset Deadlines: Joint Status Report due by 10/16/2024 (zakb) (Entered: 09/25/2024)