

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS ALLEN E. KAYE

DEFENDANTS U.S. DEPARTMENT OF HOMELAND SECURITY,

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Michael E. Piston Attorney at Law
225 Broadway suite 307 New York, NY 10007

ATTORNEYS (IF KNOWN)

U.S. Attorney for the Southern District of New York
86 Chamber Street. 3rd floor New York, NY 10007

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

5 U.S.C. 552 To compel Department of Homeland Security to disclose documents requested pursuant to the Freedom of Information Act.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE? No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] INJURY/PRODUCT LIABILITY	[] SEIZURE OF PROPERTY	28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 365 PERSONAL INJURY PRODUCT LIABILITY	21 USC 881	[] 423 WITHDRAWAL	[] 400 STATE REAPPORTIONMENT
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 690 OTHER	28 USC 157	[] 410 ANTI TRUST
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	PROPERTY RIGHTS	[] 820 COPYRIGHTS	[] 430 BANKS & BANKING
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 830 PATENT	[] 830 PATENT	[] 450 COMMERCE
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 840 TRADEMARK	[] 840 TRADEMARK	[] 460 DEPORTATION
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	SOCIAL SECURITY	[] 861 HIA (1395ff)	[] 470 RACKETEER INFLU- ENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 862 BLACK LUNG (923)	[] 863 DIWC/DIWW (405(g))	[] 480 CONSUMER CREDIT
[] 190 OTHER CONTRACT	[] 362 PERSONAL INJURY - MED MALPRACTICE	PRISONER PETITIONS	[] 864 SSID TITLE XVI	[] 865 RSI (405(g))	[] 490 CABLE/SATELLITE TV
[] 195 CONTRACT PRODUCT LIABILITY	ACTIONS UNDER STATUTES	[] 463 ALIEN DETAINEE	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE	[] 890 OTHER STATUTORY ACTIONS
[] 196 FRANCHISE	CIVIL RIGHTS	[] 510 MOTIONS TO VACATE SENTENCE	[] 871 IRS-THIRD PARTY	[] 891 AGRICULTURAL ACTS	[] 893 ENVIRONMENTAL MATTERS
REAL PROPERTY	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	28 USC 2255	[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 895 FREEDOM OF INFORMATION ACT	[] 896 ARBITRATION
[] 210 LAND CONDEMNATION	[] 441 VOTING	PRISONER CIVIL RIGHTS	[] 790 OTHER LABOR LITIGATION	[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	[] 950 CONSTITUTIONALITY OF STATE STATUTES
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	[] 550 CIVIL RIGHTS	[] 791 EMPL RET INC SECURITY ACT (ERISA)		
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ ACCOMMODATIONS	[] 555 PRISON CONDITION	IMMIGRATION		
[] 240 TORTS TO LAND	[] 444 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	[] 462 NATURALIZATION APPLICATION		
[] 245 TORT PRODUCT LIABILITY	[] 446 AMERICANS WITH DISABILITIES -OTHER		[] 465 OTHER IMMIGRATION ACTIONS		
[] 290 ALL OTHER REAL PROPERTY	[] 448 EDUCATION				

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from (Specify District), 6 Multidistrict Litigation (Transferred), 7 Appeal to District Judge from Magistrate Judge, 8 Multidistrict Litigation (Direct File), a. all parties represented, b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- 1 U.S. PLAINTIFF, 2 U.S. DEFENDANT, 3 FEDERAL QUESTION, 4 DIVERSITY (U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship status: CITIZEN OF THIS STATE, CITIZEN OF ANOTHER STATE, CITIZEN OR SUBJECT OF A FOREIGN COUNTRY, INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE, INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE, FOREIGN NATION.

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Allen E. Kaye, 225 Broadway Suite 307, New York, NY 10007, New York

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

U.S. Department of Homeland Security, Secretary of Homeland Security, Washington, D.C. 20528, District of Columbia

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21. DO NOT check either box if this is a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: [] WHITE PLAINS [x] MANHATTAN

DATE, SIGNATURE OF ATTORNEY OF RECORD, ADMITTED TO PRACTICE IN THIS DISTRICT [x] NO [] YES (DATE ADMITTED Mo. Yr. Attorney Bar Code #)

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

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