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8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA — WESTERN DIVISION**

10 ANA MUÑIZ

11 Plaintiff,

12 v.

13 THE UNITED STATES DEPARTMENT OF
14 HOMELAND SECURITY,

15 Defendant.

Civ. No. 18-6224

**Complaint for Declaratory and
Injunctive Relief**

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20 1. This is an action under the Freedom of Information Act (FOIA), 5
21 U.S.C. § 552, seeking the release of records related to individuals removed,
22 deemed removable, denied status adjustments, and/or denied deferred action
23 due to accusations of gang involvement, membership, association, and/or
24 affiliation.

25 **Jurisdiction and Venue**

26 2. This Court has jurisdiction over the parties and subject matter
27 pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

- 1 • I-213 Form documentation pertaining to individuals denied status
2 adjustments and/or denied deferred action due to accusations of gang
3 involvement and/or affiliation (including but not limited to gang
4 membership, gang affiliation, and gang association) from January 1,
5 2012 to June 1, 2017;
- 6 • I-213 Form documentation pertaining to individuals removed and/or
7 deemed removable from the United State due to accusations of gang
8 involvement and/or affiliation (including but not limited to gang
9 membership, gang affiliation, and gang association) from January 1,
10 2012 to June 1, 2017.

11 9. Plaintiff's request emphasized that she is "*not interested in*
12 *receiving any personally identifying information and am open to redaction.*"
13 (emphasis in original request).

14 10. Plaintiff received a response from USCIS on December 13, 2017,
15 assigning her request the "control number" COW2017001411.

16 11. As of the filing of this Complaint, Plaintiff has not received a final
17 determination and response from USCIS or DHS with regard to USCIS Control
18 Number COW2017001411.

19 12. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), Plaintiff is deemed to have
20 exhausted her administrative remedies with regard to USCIS Control Number
21 COW2017001411 because the agency has failed to comply with the statutory
22 time limit.

23 **Count I: Violation of FOIA**

24 13. Plaintiff realleges and incorporates by reference the allegations in
25 each of the preceding paragraphs of this Complaint.

26 14. Defendant has violated FOIA by failing to produce the records
27 responsive to Plaintiff's January 19, 2017 request related to USCIS Control
28 Number COW2017001411.

