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5	323-696-2299		
6	Attorney for Plaintiff		
7	UNITED STATES	DISTRICT COURT	
8			
9	CENTRAL DISTRICT OF CALIFORNIA — WESTERN DIVISION		
10	Ana Muñiz		
11	-1		
12	Plaintiff,	Civ. No. 18-6224	
13	V.	GIV. NO. 10-0224	
14		Complaint for Declaratory and	
15	THE UNITED STATES DEPARTMENT OF Homeland Security,	Injunctive Relief	
16			
17	Defendant.		
18			
19			
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		
-e 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 Complaint for Declaratory and Injunctive Relief

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3. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B)
 because Plaintiff is a resident of the City and County of Los Angeles.
 3 Parties

4 4. Plaintiff Ana Muñiz is an Assistant Professor of Criminology, Law and Society at the University of California, Irvine. Her research specializations 5 include immigration enforcement, gang databases, gang injunctions, gang 6 profiling, critical race studies, and joint law enforcement (federal, state, and 7 8 local). Professor Muñiz has served as an expert witness in two cases in the 9 Central District of California involving constitutional challenges to gang 10 injunctions (Rodriguez, et al. v. City of Los Angeles, et al., Case No. 2:11-cv-1135, and Arellano, et al, v. City of Los Angeles, Case No. 2:16-cv-7932). 11

12 5. Defendant Department of Homeland Security (DHS) is an agency of13 the United States.

6. U.S. Citizenship and Immigration Services (USCIS) is a component
of the DHS. USCIS has possession, custody and control of the records Plaintiff
seeks.

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Statement of Facts

7. As a part of her academic research and advocacy, Plaintiff requests
public records from local, state, and federal entities involved in law enforcement
and immigration enforcement activities. This suit involves a FOIA requests to
USCIS that remains unresolved many months past FOIA's statutory deadline.

8. On November 11, 2017, Plaintiff sent a FOIA request to USCIS by email seeking information related to pertaining to individuals removed, deemed removable, denied status adjustments, and/or denied deferred action due to accusations of gang involvement, membership, association, and/or affiliation. Specifically, Plaintiff requested records containing, describing, pertaining to, or referring to the following:

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I-213 Form documentation pertaining to individuals denied status
 adjustments and/or denied deferred action due to accusations of gang
 involvement and/or affiliation (including but not limited to gang
 membership, gang affiliation, and gang association) from January 1,
 2012 to June 1, 2017;

I-213 Form documentation pertaining to individuals removed and/or
deemed removable from the United State due to accusations of gang
involvement and/or affiliation (including but not limited to gang
membership, gang affiliation, and gang association) from January 1,
2012 to June 1, 2017.

11 9. Plaintiff's request emphasized that she is "*not interested in*

receiving any personally identifying information and am open to redaction."
(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.

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Count I: Violation of FOIA

13. Plaintiff realleges and incorporates by reference the allegations ineach of the preceding paragraphs of this Complaint.

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

1 15. Plaintiff and the public have been and will continue to be
 irreparably harmed until Defendant is ordered to comply with Plaintiff's FOIA
 request.

Request for Relief	
WHEREFORE, Plaintiff respectfully requests that this Court:	
(1)	Declare Defendant's failure to comply with FOIA to be
unlawful;	
(2)	Enjoin Defendant from continuing to withhold the public
records responsive to Plaintiff's FOIA requests and otherwise order Defendant	
to produce the requested public records without further delay;	
(3)	Grant Plaintiff an award of attorney fees and other litigation
costs reasonably incurred in this action, to the extent permitted by law; and	
(4)	Grant Plaintiff such other and further relief which the Court
deems proper.	
Date: July 18, 2018	18 Respectfully submitted,
	/c / Matthow Strugar
	<u>/s/ Matthew Strugar</u> Matthew Strugar (State Bar No. 232951)
	matthew@matthewstrugar.com
	Law Office of Matthew Strugar 3435 Wilshire Blvd., Suite 2910
	Los Angeles, CA 90010
	323-696-2299
	 (1) unlawful; (2) records responsite to produce the response (3) costs reasonably (4)