

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

DEMOCRACY FORWARD FOUNDATION,  
1333 H Street, NW  
11<sup>th</sup> Floor  
Washington, D.C. 20005

*Plaintiff,*

vs.

U.S. CITIZENSHIP AND IMMIGRATION  
SERVICES,  
111 Massachusetts Ave., NW  
MS 2260  
Washington, DC 20529

*Defendant.*

Case No. \_\_\_\_\_

**COMPLAINT FOR INJUNCTIVE RELIEF**

1. Plaintiff Democracy Forward Foundation (“Democracy Forward”) brings this action under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), to compel the production of documents pertaining to Defendant U.S. Citizenship and Immigration Services (“USCIS”).

**JURISDICITON AND VENUE**

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

3. Venue in this Court is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

## **PARTIES**

4. Plaintiff Democracy Forward Foundation is a not-for-profit public interest organization incorporated under the laws of the District of Columbia and based in Washington, D.C. Plaintiff works to promote transparency and accountability in government, in part by educating the public on government actions and policies.

5. Defendant USCIS is a federal agency within the meaning of FOIA, *see* 5 U.S.C. § 552(f)(1), that is headquartered in Washington, D.C. Defendant has possession, custody, and control of records Plaintiff has requested pursuant to FOIA.

## **STATEMENT OF FACTS**

6. During ongoing litigation concerning a different FOIA Request filed by Democracy Forward, USCIS identified a population of records totaling 148 pages which it deemed non-responsive to that FOIA Request, despite Democracy Forward's arguments to the contrary. *See* Joint Status Report, *Democracy Forward Found. v. U.S. Dep't of State, et al.*, Civ A. No. 18-0479 (TSC) (D.D.C. Aug. 12, 2018), ECF No. 33, copy attached as Exhibit A.

7. On August 8, 2019, Democracy Forward filed the FOIA Request that is the subject of this case, seeking that 148-page population of records that USCIS had identified and deemed non-responsive in the other litigation. A copy of this FOIA Request is attached hereto as Exhibit B.

8. In addition to seeking records, Democracy Forward sought a public interest waiver of all fees in connection with the request pursuant to 5 U.S.C. §552(a)(4)(A)(iii). In the event that its fee waiver request was denied, Plaintiff informed USCIS that it was willing to pay all reasonable fees incurred for searching and duplicating records in response to its request up to

\$250, and requested that USCIS contact plaintiff prior to incurring costs in excess of \$250. *See* Ex. A.

9. According to the deadlines set by the FOIA Statute, USCIS was obligated to respond to Democracy Forward's FOIA request by September 6, 2019. 5 U.S.C. § 552(a)(6)(A)(i).

10. To date, Democracy Forward has not received any response from USCIS to its FOIA Request. The online USCIS FOIA portal lists the control number for the FOIA Request as COW2019501082 (a screenshot of this status is attached as Exhibit C), but to date USCIS has not informed Democracy Forward of any determination concerning the FOIA request, nor has USCIS produced any documents responsive to the FOIA Request.

### **CLAIMS FOR RELIEF**

#### **Count One (Violation of the FOIA, 5 U.S.C. § 552)**

11. Plaintiff incorporates by reference the foregoing paragraphs as if fully set forth herein.

12. By failing to respond to Plaintiff's request within the statutorily prescribed time limit, USCIS has violated its duties under FOIA, *see* 5 U.S.C. § 552 *et seq.*, including but not limited to its duties to conduct a reasonable search for responsive records and to produce all responsive, reasonably segregable, non-exempt information, and to not withhold responsive records.

13. Plaintiff is being irreparably harmed by USCIS's violation of the FOIA and will continue to be irreparably harmed until USCIS is compelled to comply with the FOIA.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that this Court:

1. order Defendant to conduct a search for any and all responsive records to Plaintiff's FOIA requests using search methods reasonably likely to lead to discovery of all responsive records;
2. order Defendant to produce, by a date certain, any and all non-exempt responsive records and a *Vaughn* index of any responsive records withheld under a claim of exemption;
3. enjoin Defendant from continuing to withhold any and all non-exempt responsive records;
4. order Defendant to grant Plaintiff's request for a fee waiver;
5. award Plaintiff its attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
6. grant any other relief this Court deems appropriate.

Dated: September 20, 2019

Respectfully submitted,

/s/ Aman George  
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Aman George (D.C. Bar No. 1028446)  
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