

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

VICTORIA FERRARA,

Plaintiff,

v.

No. 20-CV-650 JHR/JFR

U.S. DEPARTMENT OF HOMELAND
SECURITY and U.S. CITIZENSHIP AND
IMMIGRATION SERVICES,

Defendants.

ANSWER

Defendants, the United States Department of Homeland Security and U.S. Citizenship and Immigration Services, by and through its undersigned counsel, hereby submits the following Answer to Plaintiff Victoria Ferrara ("Ferrara") complaint as set forth below.

INTRODUCTION AND PARTIES

1. Defendants lack sufficient information to either admit or deny paragraph 1, therefore the paragraph is denied.
2. There is no paragraph 2.
3. Admit.
4. Paragraph 4 is a characterization of the Plaintiff's case, to which no answer is required.

JURISDICTION AND VENUE

5. Paragraph 5 makes legal arguments regarding jurisdiction and venue to which no response is required.
6. Admit that a FOIA request was submitted.

7. Admit that certain documents were released but Defendants have no knowledge as to the remaining allegations in this paragraph and therefore, deny the same.

8. Admit that an appeal letter was submitted but Defendant has no knowledge as to the remaining allegations in this paragraph and therefore deny the same.

9. Admit.

10. Paragraph 10 characterizes and describes the nature of this case and makes legal arguments and accordingly no response is necessary. To the extent, a response is necessary, Defendant denies the same.

FACTUAL ALLIGATIONS

11. Paragraph 11 characterizes and describes the nature of this case and makes legal arguments and accordingly no response is necessary. To the extent, a response is necessary, Defendant denies the same.

12. Paragraph 12 characterizes and describes the nature of this case and makes legal arguments and accordingly no response is necessary. To the extent, a response is necessary, Defendant denies the same.

13. Paragraph 13 characterizes and describes the nature of this case and makes legal arguments and accordingly no response is necessary. To the extent, a response is necessary, Defendant denies the same.

REQUEST FOR RELIEF

The remainder of the Complaint is Plaintiff's request for relief to which no answer is required. To the extant an answer is deemed necessary, Defendants deny that Plaintiff is entitled to the relief requested or any relief whatsoever.

All allegations not expressly admitted or denied are denied.

FIRST AFFIRMATIVE DEFENSE

Plaintiff has failed to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Defendant's actions did not violate FOIA or any other statute, regulation, or provision of law.

THIRD AFFIRMATIVE DEFENSE

The Freedom of Information Act does not provide for declaratory relief against a federal agency.

WHEREFORE, having fully answered the complaint, Defendants pray that this Court Dismiss this Complaint with prejudice and with such further relief as may be appropriate.

Respectfully Submitted,

JOHN C. ANDERSON
UNITED STATES ATTORNEY

Electronically filed 7/29/2020

MANUEL LUCERO
Assistant United States Attorney
Post Office Box 607
Albuquerque, New Mexico 87103
(505) 224-1467
manny.lucero@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of July, 2020, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Victoria Ferrara, Esq.
1919 5th Street
Suite M
Santa Fe, NM 87505
Tel. (505) 988-5568
Fax. (505) 988-5857
E-mail: victoria@oneplanetlaw.com

Electronically filed 7/29/2020
MANUEL LUCERO
Assistant U.S. Attorney