

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

GUARDIAN NEWS & MEDIA LLC
d/b/a “Guardian U.S.”
61 Broadway
New York, NY 10006

Plaintiff,

v.

**U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT**
500 12th St., SW
Washington, D.C. 20024

Defendant.

Civil Action No. _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Guardian News & Media LLC, d/b/a Guardian U.S. (“Guardian U.S.”) by and through its undersigned counsel, hereby allege as follows:

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA” or the “Act”), for declaratory, injunctive, and other appropriate relief brought by Guardian U.S. against U.S. Immigration and Customs Enforcement (“Defendant” or “ICE”).

2. By this action, Plaintiff seeks to compel Defendant to comply with its obligations under FOIA to release requested ICE records, including I-213 forms and the corresponding “Continuation Page(s),” and “Significant Incident Reports.” Plaintiff is statutorily entitled to disclosure of the requested records, which Defendant is withholding in violation of the Act.

PARTIES

3. Plaintiff Guardian News & Media LLC operates The Guardian U.S. The Guardian U.S. has received numerous awards, including an Edward R. Murrow Award and George Polk

Award, and is renowned for the Paradise Papers investigation. It is located at 61 Broadway, New York, New York 10006.

4. Defendant U.S. Immigration and Customs Enforcement is an agency of the federal government within the meaning of 5 U.S.C. § 551 and 5 U.S.C. § 552(f) that has possession, custody, and/or control of the records that Plaintiff seeks. ICE's headquarters is located at 500 12th St. SW, Washington, D.C. 20024.

JURISDICTION AND VENUE

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

6. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

FACTS

Plaintiffs' FOIA Request

7. On May 14, 2025, Will Craft submitted a FOIA request on behalf of Guardian U.S. to ICE via its online FOIA portal (the "Request"). A true and correct copy of the Request is attached hereto as **Exhibit 1** and is incorporated by reference.

8. The Request sought:

- a. The electronic, draft, unsigned I-213 "Record of Deportable/Inadmissible Alien" forms from January 1, 2025 to May 14, 2025, that correspond to every individual detained or taken into custody by staff from any ICE Field Office or sub-field office;
- b. The electronic, draft, unsigned I-213 "Record of Deportable/Inadmissible Alien" forms from January 1, 2025, to May 14, 2025 for every individual transferred to the custody of any ICE Field Office or sub-field office by

Customs and Border Protection (“CBP”), United States Border Patrol, or by any state or local law enforcement agency;

- c. The corresponding “Continuation Page(s)” and/or continuation forms for the I-213 forms corresponding to the records responsive to items 1 and 2, above; and
- d. All Significant Incident Reports filed using the electronic Significant Event Notification (SEN) system in all ICE Areas of Responsibility from January 1, 2025 to May 14, 2025.

9. ICE has previously released I-213 forms and the corresponding “Continuation Page(s).” See *Protecting Immigrant Rights: Is Washington’s Law Working?*, University of Washington Center for Human Rights, (Aug. 11, 2021) <https://jsis.washington.edu/humanrights/2021/08/11/protecting-immigrant-rights-is-washingtons-law-working/>; *Dismissing Credible Fear in Washington State*, University of Washington Center for Human Rights, (Aug. 10, 2018) <https://jsis.washington.edu/humanrights/2018/08/10/dismissing-credible-fear-in-washington-state/>.

10. By email dated May 20, 2025, ICE acknowledged receipt of the Request, assigning it reference number 2025-ICFO-37042. ICE also invoked a 10-day extension to respond to the Request. A true and correct copy of ICE’s acknowledgement letter is attached hereto as **Exhibit 2**.

Current Status of Plaintiffs’ Request

11. As of the filing of this Complaint, Plaintiff has received no further communication from the ICE regarding the Request.

12. As of the filing of this Complaint, Plaintiff has not received a determination from ICE regarding the Request.

13. As of the filing of this Complaint, Plaintiff has not received any records from ICE responsive to the Request.

CAUSES OF ACTION

COUNT I: VIOLATION OF FOIA FOR FAILURE TO COMPLY WITH STATUTORY DEADLINES

14. Plaintiff repeats, realleges, and incorporates the allegations set forth in the foregoing paragraphs as though fully set forth herein.

15. Defendant is an agency subject to FOIA. 5 U.S.C. §§ 552(f), 551.

16. The Request properly seeks records under FOIA that are within the possession, custody, and/or control of Defendant.

17. The Request complied with all applicable regulations regarding the submission of FOIA requests.

18. Defendant failed to make a determination regarding the Request within the statutory deadlines required by FOIA. 5 U.S.C. § 552(a)(6)(A).

19. Defendant's failure to make a determination with respect to the Request within FOIA's statutory deadlines violates ICE's obligations under FOIA. 5 U.S.C. § 552(a)(6)(A).

20. Plaintiff has or is deemed to have exhausted applicable administrative remedies with respect to the Request. 5 U.S.C. § 552(a)(6)(C)(i).

COUNT II: VIOLATION OF FOIA FOR UNLAWFUL WITHHOLDING OF AGENCY RECORDS

21. Plaintiff repeats, realleges, and incorporates the allegations set forth in the foregoing paragraphs as though fully set forth herein.

22. Defendant is an agency subject to FOIA. 5 U.S.C. §§ 552(f), 551.

23. The Request properly seeks records under FOIA that are within the possession, custody, and/or control of Defendant.

24. The Request complied with all applicable regulations regarding the submission of FOIA requests.

25. Defendant has not released any records or portions thereof in response to the Request.

26. Defendant has not cited any exemptions to withhold records or portions thereof that are responsive to the Request.

27. Defendant has not identified how it is reasonably foreseeable that disclosure of each of the records or portions thereof sought by the Request would harm an interest protected by a FOIA exemption and/or why disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A).

28. Records responsive to the Request are required to be released under FOIA.

29. Defendant has improperly withheld agency records responsive to the Request, in violation of FOIA. 5 U.S.C. § 552(a)(3)(A).

30. Plaintiff has or is deemed to have exhausted applicable administrative remedies with respect to the Request. 5 U.S.C. § 552(a)(6)(C)(i).

**COUNT III: VIOLATION OF FOIA
FOR FAILURE TO GRANT EXPEDITED PROCESSING**

31. Plaintiff repeats, realleges, and incorporates the allegations set forth in the foregoing paragraphs as though fully set forth herein.

32. Defendant is an agency subject to FOIA. 5 U.S.C. §§ 552(f), 551.

33. The Request properly seeks records under FOIA that are within the possession, custody, and/or control of Defendant.

34. The Request complied with all applicable regulations regarding the submission of FOIA requests.

35. In the Request, Plaintiff set forth sufficient facts and argument entitling it to expedited processing of that request pursuant to 5 U.S.C. § 552(a)(6)(E)(v)(II).

36. The records sought by Plaintiff “concern a matter of exceptional public importance and obvious . . . time sensitivity” as they relate to the ever-changing deportation practices of the current administration. *Open Society Justice Initiative v. Central Intelligence Agency*, 399 F.Supp.3d 161, 167 (S.D.N.Y. 2019).

37. Defendant failed to make a determination regarding Plaintiff’s request for expedited processing.

38. Defendant’s refusal to grant expedited processing for the Request is a violation of its obligations under FOIA. 5 U.S.C. § 552(a)(6)(E).

39. Plaintiff has or is deemed to have exhausted applicable administrative remedies with respect to the Request. 5 U.S.C. § 552(a)(6)(C)(i).

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court:

- (1) order Defendant to grant expedited processing for the Request;
- (2) order Defendant to conduct a search reasonably calculated to identify all records responsive to the Request;
- (3) enjoin Defendant from withholding all records or portions thereof responsive to the Request that may not be withheld under FOIA;
- (4) issue a declaration that Plaintiff is entitled to disclosure of the requested records;

- (5) issue a declaration that Defendant's failure to provide a timely determination in response to the Request violates its obligations under FOIA;
- (6) issue a declaration that Defendant's refusal to grant expedited processing for the Request violates its obligations under FOIA;
- (7) award Plaintiff reasonable attorney fees and costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- (8) grant such other relief as the Court may deem just and proper.

Dated: June 30, 2025

Respectfully submitted,

/s/ Adam A. Marshall

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