

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

NATIONAL IMMIGRATION PROJECT)
 OF THE NATIONAL LAWYERS GUILD,)
 14 Beacon Street, Suite 602)
 Boston, MA 02108,)
)
 MIJENTE SUPPORT COMMITTEE,)
 1937 W. Adams Street)
 Phoenix, AZ 85009,)
)
 and)
)
 DETENTION WATCH NETWORK,)
 1419 V Street NW)
 Washington, DC 20009,)
)
 Plaintiffs,)
)
 v.)
)
 IMMIGRATION AND CUSTOMS)
 ENFORCEMENT,)
 500 12th Street SW)
 Washington, DC 20536,)
)
 Defendant.)

Civil Action No. 17-cv-2448

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This action is brought under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to compel Immigration and Customs Enforcement (ICE) to produce records responsive to twenty-four FOIA requests for records concerning “Operation Mega” or related operations.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B). Venue is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff National Immigration Project of the National Lawyers Guild is a non-profit membership organization of immigration attorneys, legal workers, grassroots advocates, and others working to defend immigrants' rights and to secure a fair administration of immigration and nationality laws.

4. Plaintiff Mijente Support Committee is a national organization that coordinates and organizes with its members in several states to address issues relating to immigration enforcement and Latinx political participation.¹ Founded by community organizers, its focus is on developing and sparking social change with respect to immigration and other social justice issues in the Latinx community and beyond.

5. Plaintiff Detention Watch Network (DWN) is a coalition of approximately 200 organizations and individuals working against the injustices of the immigration detention and deportation systems. DWN members are community organizers, advocates, social workers, lawyers, doctors, artists, clergy, students, formerly detained immigrants, and affected families from around the country. They are engaged in individual case and impact litigation, documenting conditions violations, local and national administrative and legislative advocacy, community organizing and mobilizing, teaching, and social service.

6. Defendant ICE is an agency of the federal government of the United States and has possession of and control over the records plaintiffs seek.

STATEMENT OF FACTS

Operation Mega

7. On or about September 7, 2017, news outlets reported that ICE planned to execute

¹ Latinx is a gender-neutral term used in place of Latina or Latino.

a mass immigration enforcement operation called “Operation Mega” to apprehend noncitizens in mid-September 2017. News reports indicated various alternative names for the operation, such as “Operation Epic.”

8. News reports indicated ICE intended “Operation Mega” to be implemented nationwide and to target several thousand noncitizens.

9. Also on September 7, 2017, ICE issued a press release stating that “Due to the current weather situation in Florida and other potentially impacted areas, along with the ongoing recovery in Texas, [ICE] had already reviewed all upcoming operations and has adjusted accordingly. There is currently no coordinated nationwide operation planned at this time.”

Plaintiffs’ FOIA Requests

10. On September 12, 2017, plaintiffs—along with other requesters—submitted twenty FOIA requests to ICE field offices in Atlanta, GA; Baltimore, MD; Boston, MA; Buffalo, NY; Chicago, IL; Dallas, TX; Denver, CO; El Paso, TX; Houston, TX; Los Angeles, CA; Miami, FL; Newark, NJ; New Orleans, LA; New York, NY; Philadelphia, PA; Phoenix, AZ; San Antonio, TX; Seattle, WA; San Francisco, CA; and Fairfax, VA, seeking disclosure of records concerning “Operation Mega or related operations.” These twenty FOIA requests were identical, save that each contained a subpart that specifically related to the particular field office receiving the FOIA request.

11. On September 13, 2017, plaintiffs—along with other requesters—submitted two FOIA requests to ICE field offices in St. Paul, Minnesota, and Salt Lake City, Utah, seeking disclosure of records concerning “Operation Mega or related operations.” These two FOIA requests were identical to those submitted on September 12, save that each contained a subpart that specifically related to the particular field office receiving the FOIA request.

12. On September 14, 2017, plaintiffs—along with other requesters—submitted two FOIA requests to ICE field offices in San Diego, California, and Detroit, Michigan, seeking disclosure of records concerning “Operation Mega or related operations.” These two FOIA requests were identical to those submitted on September 12 and 13, save that each contained a subpart that specifically related to the particular field office receiving the FOIA request.

13. Plaintiffs were joined on several of their FOIA requests by other individuals and organizations whose work focuses primarily on the geographic area covered by each respective field office, including as follows:

- Atlanta, GA FOIA Request: Kevin Caron, Roberto Tijerina, Mary Hooks, Adelina Nichols, Emery Wright, Stephanie Guilloud, Georgia Latino Alliance for Human Rights (GLAHR), Georgia Detention Watch (GDW), Southerners on New Ground (SONG) and Project South;
- Baltimore, MD FOIA Request: CASA Baltimore, Asian Americans Advancing Justice, and UndocuBlack Network;
- Boston, MA FOIA Request: Jacquelyn Lemus, Gillian Mason, Vanessa Aguirreche Snow, Katherine Asuncion, Chrystal Murrieta, Monique Nguyen, Student Immigrant Movement, and Matahari Women Workers’ Center;
- Chicago, IL FOIA Request: Barbara Suarez, Rosa María Navarro, Diana Lozano, Sara John, Inter-Faith Committee on Latin America (IFCLA), and Organized Communities Against Deportation (OCAD);
- Denver, CO FOIA Request: Jordan Garcia, Sophia Clark, Caitlin Trent, Gabriela Flora, Pamela Resendiz Trujano, and American Friends Service Committee;
- El Paso, TX FOIA Request: Detained Migrant Solidarity Committee, Beckett Law Firm

PC, Catholic Charities of Southern New Mexico, Hope Border Institute, the Law Offices of Carlos Spector, Lourdes Ortiz, Alan Dicker, and Sarah Rosen;

- Fairfax, VA FOIA Request: Katherine McCann, Kathryn Johnson, Brandon Wu, Phill Wilayto, Dustin King, Stacie Vecchietti, Jesse Franzblau, Electra Bolotas, Jennifer Clayton, Jenn Lawhorne, Sanctuary DMV, Virginia Defenders for Freedom, Justice and Equality, ICE Out of VA, The Virginia Anti-Violence Project, and SONG-Richmond, Virginia;
- Houston, TX FOIA Request: Ana Macnaught, Dona Murphey, Damaris Gonzalez, and United We Dream;
- Los Angeles, CA FOIA Request: Hairo Cortes Palacios, Marcela Hernandez, Jonathan Perez, Kevin Flores-Calixto, Faby Jacome, Erik Garcia, Jose Servin, Jennaya Dunlap, Julio Marroquin, Yesenia Gonzalez, Fernando Romero, Immigrant Youth Coalition, CHISPA, Orange County Immigrant Youth United, and Inland Coalition for Immigrant Justice;
- New Orleans, LA FOIA Request: Chloe Sigal, Rachel Taber, Mary Yanik, Wesley Ware, Jai' Shavers, Shaquita Griffin, Kwan Reagans, Anthony Johnson, Professor Bill Quigley, Cathy Carrillo, Margaret Ernst, Emily Sellers, Nashville Community Defense, the Congress of Day Laborers/Congreso de Jornalerxs, and BreakOUT;
- New York, NY FOIA Request: Irene Jor, Families for Freedom, Desis Rising Up and Moving (DRUM), Queer Detainee Empower Project (QDEP), and We Belong Together;
- Philadelphia, PA FOIA Request: Erika Almiron, Councilwoman Maria Quiñones-Sánchez, Candace McKinley, Jasmine Rivera, Peter Pedemonti, Troy Turner, Abel Rodriguez, Maria Sotomayor, Juntos, Asian Americans United, Black Lives Matter

Philadelphia, CASA, Casa San Jose, Casa Dominicana de Hazleton, Caucus of Working Educators, Center on Immigration at Cabrini University, Decarcerate PA, Free Migration Project, GALAEI, Global Women's Strike, Grupo de Apoyo e Integración Hispanoamericano, Make the Road PA, New Sanctuary Movement of Philadelphia, Payday Men's Network, Philadelphia Red Umbrella Alliance, Philadelphia Federation of Teachers, Philadelphia Student Union, Pennsylvania Immigrant & Citizenship Coalition (PICC), Philadelphia Organized to Witness, Empower & Rebuild (POWER), Reclaim Philadelphia, Unitarian Universalist Pennsylvania Legislative Advocacy Network (UUPLAN), UNITE HERE Local 274, Up Against The Law, Vietlead, Women of Color In The Global Women's Strike, and Youth Art & Self-Empowerment Project (YASP);

- Phoenix, AZ FOIA Request: Center for Neighborhood Leadership, NeighborLUCHA, Neighborhood Ministries, and the Puente Human Rights Movement;
- Salt Lake City, UT FOIA Request: Montana Human Rights Network (MHRN) and Montana Immigrant Justice Alliance (MIJA);
- San Antonio, TX FOIA Request: Robert Libal, Alejandro Caceres, Cristina Parker, Claudia Muñoz, Manoj Govindaiah, Amy Fischer, Barbie Hurtado, Jonathan Ryan, Grassroots Leadership, and RAICES;
- San Diego, CA FOIA Request: Roberto Corona and Pueblo Sin Fronteras;
- San Francisco, CA FOIA Request: Pangea Legal Services, Causa Justa Just Cause, Mujeres Unidas Y Activas, and California Immigrant Youth Justice Alliance (CIYJA);
- Seattle, WA FOIA Request: Rosalinda Guillen, Maria Eugenia Mora Villalpando, Wendy Pantoja, Angélica Cházaro Luna, Community to Community Development (C2C), and Northwest Detention Center Resistance (NWDC Resistance);

- St. Paul, MN FOIA Request: Katrina Dixon Mariategue, Minneapolis Ward 9 Council Member Alondra Cano, De León and Nestor Attorneys at Law, Mary Turk, Navigate MN, SEIU Local 26, Release MN8, Voices for Racial Justice, ISALAH, Advocates of Human Rights, Southeast Asia Resource Action Center (SEARAC), Minnesota Immigrant Rights Action Committee, Showing Up for Racial Justice MN, ACER, Communication Workers of America MN State Council, and Jewish Community Action.

14. By email dated September 13, 2017, ICE acknowledged receipt of the FOIA requests for nineteen of the field offices—all of those submitted on September 12 and 13 except for Houston, San Antonio, and Salt Lake City—and informed plaintiffs that ICE “determined that [plaintiffs’] request is too broad in scope, did not specifically identify the records which [plaintiffs] are seeking, or only posed questions to the agency.” ICE indicated that plaintiffs should “resubmit [their] request containing a reasonable description of the records [they] are seeking,” and that ICE would consider plaintiffs to be “no longer interested” and would “administratively close” plaintiffs’ requests if ICE did not receive a response from them within 10 days of the date of the email.

15. By letter sent September 22, 2017, plaintiffs responded to ICE’s September 13, 2017, email and informed ICE that plaintiffs remained interested in their FOIA requests and that ICE should not administratively close their requests. Plaintiffs further explained that the requests, as written, contained a reasonable description of the records requested, and they requested that ICE immediately process the requests.

16. By letter dated October 16, 2017, plaintiffs clarified that, based on newly released information from ICE regarding an immigration operation named “Operation Safe City,” the records requested encompassed those concerning “Operation Safe City.”

17. To date, plaintiffs have not received any additional communications from ICE regarding their FOIA requests.

18. More than twenty working days have passed since ICE received the FOIA requests, and ICE has not responded to any of the FOIA requests.

**CAUSE OF ACTION
(FOIA – Failure to Disclose Responsive Records)**

19. Plaintiffs have exhausted all administrative remedies with respect to their FOIA requests for records regarding “Operation Mega” or related operations under 5 U.S.C. § 552(a)(6)(C)(i).

20. Plaintiffs have a statutory right under FOIA, 5 U.S.C. § 552(a)(3)(A), to the records they requested, and there is no legal basis for ICE’s failure to disclose them.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs request that this Court:

- (1) Declare that ICE’s withholding of the requested records is unlawful;
- (2) Order ICE to make the requested records available to plaintiffs;
- (3) Award plaintiffs their costs and reasonable attorneys’ fees pursuant to 5 U.S.C.

§ 552(a)(4)(E); and

- (4) Grant such other and further relief as this Court may deem just and proper.

Dated: November 13, 2017

Respectfully submitted,

/s/ Patrick D. Llewellyn
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*Applications for pro hac vice admission
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