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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LAWYERS' COMMITTEE FOR CIVIL
RIGHTS OF THE SAN FRANCISCO BAY
AREA AND NATIONAL IMMIGRATION
PROJECT OF THE NATIONAL LAWYERS
GUILD d/b/a NATIONAL IMMIGRATION
PROJECT,

Plaintiffs,

vs.

UNITED STATES DEPARTMENT OF
JUSTICE and EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW,

Defendants.

Case No.

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF FOR
VIOLATION OF THE FREEDOM OF
INFORMATION ACT, 5 U.S.C. § 552 *et*
*seq.***

INTRODUCTION

1
2 1. This action seeks to shed light on a rapidly expanding immigration-court practice
3 that raises urgent questions about whether noncitizens are receiving the required due process before
4 they may be ordered removed from the United States. Beginning in May 2026, news organizations
5 credibly reported the Executive Office for Immigration Review (“EOIR”) was abruptly advancing
6 hearings previously scheduled years into the future and placing large numbers of respondents on
7 “mega master” dockets, sometimes involving 100 or more people at a time (collectively, the “Mega
8 Master Practices”). Reports also credibly documented *in absentia* removal orders issued during
9 these mass hearings. These practices raise serious concerns that respondents may not learn their
10 hearings have been advanced, may be unable to meaningfully participate in overcrowded
11 proceedings even when they appear, and may face removal *in absentia* if they fail to appear. Yet
12 EOIR has disclosed little about the policies, criteria, and safeguards governing this sudden and
13 sweeping change to long-established immigration-court practice.

14 2. These events directly implicate the work of the Plaintiff nonprofit organizations, the
15 Lawyers’ Committee for Civil Rights of the San Francisco Bay Area (“LCCRSF”) and the National
16 Immigration Project (collectively, “Plaintiffs”). LCCRSF represents and advises noncitizens in
17 removal proceedings and works to secure the equitable administration of immigration law and
18 policy. The National Immigration Project provides immigration practitioners nationwide with legal
19 training, technical assistance, practice advisories, and other resources concerning immigration-
20 court practice. The National Immigration Project also issues a practice guide published by the
21 American Immigration Lawyers Association. Michelle N. Méndez & Victoria Neilson, *Trial Skills*
22 *for Immigration Court: A Practical Guide to Effective Strategies and Tactics* (2024),
23 [https://www.aila.org/shop/products/view/trial-skills-for-immigration-court-a-practical-guide-to-](https://www.aila.org/shop/products/view/trial-skills-for-immigration-court-a-practical-guide-to-effective-strategies-and-tactics)
24 [effective-strategies-and-tactics](https://www.aila.org/shop/products/view/trial-skills-for-immigration-court-a-practical-guide-to-effective-strategies-and-tactics). Both Plaintiffs disseminate information to legal representatives,
25 affected communities, and the public. Timely access to information about EOIR’s new scheduling
26 practices is critical to Plaintiffs’ ability to alert affected communities, advise legal representatives,
27 and help prevent or remedy erroneous *in absentia* removal orders.

1 within the Northern District of California. Assignment to the San Francisco or Oakland Division is
 2 proper under Civil Local Rule 3-2(c) and (d) because a substantial part of the events giving rise to
 3 this action occurred in San Francisco County, where Plaintiff LCCRSF submitted and has pursued
 4 the Request.

5 **PARTIES**

6 ***Plaintiff LCCRSF***

7 7. LCCRSF is a nonprofit, nonpartisan civil rights organization and one of the West
 8 Coast's oldest civil rights institutions. LCCRSF represents and advises noncitizens, many of whom
 9 stand to be affected by the requested policies and practices, in removal proceedings before the
 10 immigration courts.

11 8. One of LCCRSF's interest areas is the equitable administration of immigration law
 12 and policy. In addition to representing individual asylum seekers in their cases, LCCRSF guides
 13 *pro se* respondents and the public at large regarding procedures in immigration court removal
 14 proceedings. LCCRSF also pursues litigation and advocacy to hold the Department of Homeland
 15 Security ("DHS") and EOIR accountable to legal standards.

16 9. LCCRSF employs approximately thirty staff members, among them lawyers and
 17 media specialists, and disseminates information to the public through its website, publications, and
 18 educational sessions.

19 10. LCCRSF's office and principal place of business is in San Francisco, California.

20 ***Plaintiff National Immigration Project***

21 11. National Immigration Project is a national tax-exempt, nonprofit organization. Its
 22 members and supporters include attorneys, legal workers, law students, judges, grassroots
 23 advocates, community organizations, and people who have faced detention or deportation and their
 24 loved ones.

25 12. National Immigration Project provides technical and litigation assistance,
 26 participates in impact litigation, provides legal training to the bar and the bench, and regularly
 27 publishes practice advisories and community resources on immigration law topics. Immigration
 28

1 court practice and motions to rescind and reopen *in absentia* orders are two of National Immigration
2 Project's many focus areas.

3 13. Through its educational materials, National Immigration Project provides resources
4 and trainings to thousands of immigration practitioners and community members across the
5 country.

6 14. National Immigration Project's office and principal place of business is in
7 Washington, D.C.

8 ***Defendants DOJ and EOIR***

9 15. EOIR is an administrative law component of the United States Department of Justice
10 ("DOJ") responsible for adjudicating immigration cases through its immigration courts and the
11 Board of Immigration Appeals. EOIR schedules and conducts master calendar hearings, including
12 hearings scheduled under the Mega Master Practices, which are the subject of Plaintiffs' FOIA
13 Request. EOIR is an agency within the meaning of 5 U.S.C. § 552(f)(1), and is in possession of,
14 and exerts control over, records responsive to Plaintiffs' FOIA Request.

15 16. DOJ is an executive department of the United States and an agency within the
16 meaning of 5 U.S.C. § 552(f)(1). DOJ has possession, custody, and control of records responsive
17 to Plaintiffs' FOIA Request, including records held by EOIR. DOJ and EOIR are referred to
18 collectively as "Defendants."

19 **STATUTORY AND REGULATORY FRAMEWORK**

20 17. Congress enacted FOIA to promote government transparency and public
21 accountability. *Yagman v. Pompeo*, 868 F.3d 1075, 1078–79 (9th Cir. 2017) (explaining that
22 government transparency is essential to a functioning democracy). FOIA requires agencies to make
23 records promptly available upon a request that reasonably describes the records sought and
24 complies with applicable published procedures. 5 U.S.C. § 552(a)(3)(A) (requiring prompt
25 disclosure upon a qualifying request). Agencies must construe requests liberally; requesters need
26 not identify particular documents or databases by name. *Yagman*, 868 F.3d at 1080–81 (applying a
27 reasonable-effort standard for locating responsive records). If a DOJ component considers a request
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1 insufficiently descriptive, it must explain what additional information is needed or why the request
2 is insufficient. 28 C.F.R. § 16.3(b) (requiring the component to identify the information needed or
3 explain the deficiency).

4 18. An agency ordinarily must determine whether to comply within twenty working
5 days after receiving a request and notify the requester of its determination, reasons, and, for an
6 adverse determination, appeal rights. 5 U.S.C. § 552(a)(6)(A)(i)(I), (III) (prescribing the
7 determination deadline and required notice, including at least ninety days to appeal an adverse
8 determination). An acknowledgment or promise of future processing does not itself satisfy this
9 requirement. *Citizens for Resp. & Ethics in Wash. v. FEC*, 711 F.3d 180, 186–89 (D.C. Cir. 2013)
10 (requiring communication of the scope of intended disclosure and withholding, reasons for
11 withholding, and appeal rights, although production need not be completed within the
12 determination period). An agency may toll the response period once while awaiting non-fee-related
13 information reasonably requested from the requester. Any such tolling ends when the agency
14 receives the requester’s response. 5 U.S.C. § 552(a)(6)(A)(ii) (authorizing one reasonable
15 information request and providing that receipt of the response ends tolling).

16 19. A requester constructively exhausts administrative remedies when the agency fails
17 to meet FOIA’s applicable deadlines. 5 U.S.C. § 552(a)(6)(C)(i) (providing exhaustion upon
18 noncompliance with applicable time limits). An agency response triggers an obligation to pursue
19 an administrative appeal only “if it includes: the agency’s determination of whether or not to
20 comply with the request; the reasons for its decision; and notice of the right of the requester to
21 appeal to the head of the agency if the initial agency decision is adverse.” *Oglesby v. U.S. Dep’t of*
22 *Army*, 920 F.2d 57, 65 (D.C. Cir. 1990); *accord Corbett v. Transp. Sec. Admin.*, 116 F.4th 1024,
23 1028–29 (9th Cir. 2024) (explaining that “had TSA provided its final responses before Corbett
24 sued,” those responses would have been “sufficient for purposes of requiring an administrative
25 appeal” because they stated TSA’s determination whether to comply, explained its reasons, and
26 notified the requester of appeal rights).

STATEMENT OF FACTS

EOIR’s Sudden and Unexplained Shift to Large-Scale Master Calendar Hearings

20. In a 2017 response to a FOIA request, EOIR issued guidance for newly appointed immigration judges, titled *Introduction to the Master Calendar*, which states: “It is recommended that the new judge begin group hearings with small numbers of respondents. As the judge becomes more comfortable with the process, the numbers can be enlarged. In any event, it is recommended that a maximum number of 25 respondents be included in a group hearing.” U.S. Dep’t of Just., Exec. Off. for Immigr. Rev., *Introduction to the Master Calendar* 19, <https://www.justice.gov/eoir/page/file/988051/dl> (last visited Aug. 20, 2026). EOIR’s recommended twenty-five-respondent maximum has been in place at least since EOIR’s 2017 FOIA response. That recommendation exists for good reason: to ensure that all respondents receive a fair and meaningful opportunity to be heard.

21. On May 26, 2026, National Public Radio (“NPR”) reported immigrants were being scheduled for “massive master calendar hearings—or ‘mega masters’—that include 100 or more people at a time.” Ximena Bustillo, *Immigration Courts Use ‘Mega Masters’ to Speed Deportations*, NPR (May 26, 2026), <https://www.npr.org/2026/05/26/nx-s1-5830474/trump-immigration-courts-mega-masters>. NPR reported, “[t]he effort comes as President Trump seeks to deport a million people a year—much higher than the 600,000 people the administration deported in 2025.” *Id.*

22. NPR reported that these EOIR “mega masters” were made up of respondents whose original hearings were scheduled for 2027, 2028, or 2029. *Id.* For many respondents, the “mega master” was their first appearance in immigration court. *Id.* NPR further reported the practice had begun in the Chicago, Boston, and Chelmsford (Massachusetts) immigration courts and was expected to begin soon in the Dallas Immigration Court. *Id.*

23. Within days, other news organizations reported immigration courts in Fort Snelling (Minnesota), New Orleans, and New York City had begun holding such hearings as well. *See, e.g.*, Shadi Bushra, *Fort Snelling Joins Nationwide Trend of Holding “Mega Master” Immigration*

Hearings, *Raising Due Process Concerns*, MinnPost (June 2, 2026), <https://www.minnpost.com/metro/2026/06/fort-snelling-immigration-court-nationwide-trend-mega-immigration-hearings/>; Bobbi-Jeanne Misick & Robert Stewart, “Mega” Immigration Hearings Begin in New Orleans, Verite News (June 2, 2026), <https://veritenews.org/2026/06/02/new-orleans-immigration-court-mega-hearings/>; Whitney Curry Wimbish, *NYC Immigration Courts Speed Deportations as Striking Detainees in Newark Suffer*, Am. Prospect (June 1, 2026), <https://prospect.org/2026/06/01/nyc-immigration-courts-speed-deportations-as-striking-detainees-in-newark-suffer/>. A subsequent report documented fifty people ordered removed *in absentia* on the first day of “mega master” hearings in San Diego. See Kate Morrissey, *50 People Ordered Deported in First Day of San Diego “Mega” Master Immigration Hearings*, Daylight San Diego (June 13, 2026), <https://www.daylightsandiego.org/50-people-ordered-deported-in-first-day-of-san-diego-mega-master-immigration-hearings/>.

24. In *Matter of Orozco Becerra*, 29 I. & N. Dec. 600 (B.I.A. 2026), the Board of Immigration Appeals (“BIA”) held that when respondents, including minor respondents, fail to appear for their hearing and DHS has established they received proper notice of the hearing and are removable as charged, the immigration judge lacks authority to administratively close removal proceedings. This rule heightens the consequences of EOIR’s sudden rescheduling practices. If a respondent does not learn that a hearing scheduled years into the future has been advanced, but DHS nevertheless establishes statutory notice and removability, *Orozco Becerra* leaves the immigration judge no discretion to administratively close the case; the judge must enter an *in absentia* removal order. See 8 U.S.C. § 1229a(b)(5)(A) (providing that a noncitizen who fails to appear after receiving required written notice “shall be ordered removed in absentia” if DHS establishes notice was provided and the noncitizen is removable by “clear, unequivocal, and convincing evidence”). *Orozco Becerra* thus underscores the importance—indeed, the necessity—of understanding EOIR’s policies governing accelerated hearings, notice, and resulting *in absentia* removal orders.

1 ***Plaintiffs’ Stated Need for the Requested Information***

2 25. Plaintiffs’ FOIA Request explained that respondents may not learn their hearings,
3 often scheduled years into the future, have been suddenly accelerated under EOIR’s new Mega
4 Master Practices, and similarly may not receive notice their failure to appear may subject them to
5 *in absentia* removal orders under current BIA precedent. The Request further explained that even
6 respondents who receive notice and appear may be unable to hear the immigration judge call their
7 case, especially because courtrooms are not large enough to hold all scheduled respondents at Mega
8 Master hearings, and may be unable to understand the required advisals of their rights, especially
9 if EOIR is unable to provide an interpreter or the respondent is unable to fully understand the court-
10 provided interpreter. While EOIR typically provides interpreters for widely spoken languages such
11 as Spanish, they are often not available for rare languages. For instance, Guatemalans whose best
12 language is an indigenous language are highly susceptible to the prejudice of being unable to
13 understand their rights.

14 26. Plaintiffs’ FOIA Request explained that EOIR provided zero notice to legal
15 representatives that the sea change of its new Mega Master Practices was forthcoming and provided
16 zero explanation for the sudden transition once media outlets began reporting on it. The Request
17 further explained the critical need for the public, legal representatives, and respondents to
18 understand EOIR policies, practices, and statistics on case outcomes related to EOIR’s transition
19 to large-scale master calendar hearings and other consequences of its Mega Master Practices.

20 ***Plaintiffs’ Request for Records***

21 27. On July 15, 2026, Plaintiffs submitted the Request, dated July 14, 2026, to EOIR,
22 addressed to EOIR’s Office of General Counsel–FOIA Service Center through EOIR’s Public
23 Access Link. A true and correct copy of Plaintiffs’ FOIA Request is attached hereto as **Exhibit 1**.

24 28. The Request sought policies, communications, and records related to EOIR’s
25 decision to create and schedule master calendar hearings with more than twenty-five noncitizens
26 on one docket and its decision to advance noncitizens’ cases to earlier master calendar hearings
27 with more than twenty-five noncitizens on one docket. The Request also sought numerical data and
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1 statistics identifying the immigration courts that have scheduled such hearings; specified case
2 counts, including cases scheduled for such hearings following approved DHS motions to re-
3 calendar and cases previously scheduled for individual or merits hearings; and specified
4 information concerning the *in absentia* removal orders issued during such hearings, including
5 notice and order dates, representation status, returned-mail status, and prior “unaccompanied child”
6 determinations. Items 1 and 2 sought records created since September 1, 2025; Items 3 through 11
7 sought information concerning hearings scheduled and *in absentia* orders issued since April 6,
8 2026. The Request also sought a fee waiver and expedited processing. *See* Ex. 1.

9 29. EOIR maintains the data sought in Items 3 through 11 in its electronic case-
10 management system and publishes aggregate *in absentia* statistics drawn from that system. Using
11 a query to extract data already maintained in an agency database does not create a new record. *Ctr.*
12 *for Investigative Reporting v. U.S. Dep’t of Just.*, 14 F.4th 916, 938 (9th Cir. 2021).

13 30. Plaintiffs sought expedited processing on two independent grounds: first, that there
14 is a compelling need for the requested records because they are urgently needed by persons
15 primarily engaged in disseminating information in order to inform the public about actual or alleged
16 Federal Government activity, 5 U.S.C. § 552(a)(6)(E)(v)(II); 28 C.F.R. § 16.5(e)(1)(ii); and second,
17 that delay would result in the possible loss of substantial due process rights, 28 C.F.R. §
18 16.5(e)(1)(iii). *See* Ex. 1.

19 31. Plaintiffs sought a waiver of all fees under 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R.
20 § 16.10(k), on the grounds that the records concern government operations and activities, that
21 disclosure will contribute significantly to public understanding of those operations and activities,
22 and that Plaintiffs have no commercial interest in the disclosure. *See* Ex. 1.

23 32. Plaintiffs are each primarily engaged in disseminating information within the
24 meaning of 5 U.S.C. § 552(a)(6)(E)(v)(II) and have the capacity and intent to disseminate widely
25 the requested information to the public. In 2025, National Immigration Project’s website received
26 907,579 page views, with its top resource garnering 15,589 views, and LCCRSF’s website averaged
27 7,000 page views per month.

1 ***EOIR’s Failure to Process the Request***

2 33. On July 15, 2026, the same day, EOIR acknowledged receipt of the Request and
3 assigned it control number 2026-51679 (“Acknowledgment”). A true and correct copy of the EOIR
4 Acknowledgment is attached hereto as **Exhibit 2**.

5 34. In the Acknowledgment, EOIR stated, “The FOIA requires an agency to respond
6 within 20 working days after receipt of the request,” and EOIR was “extending the time period to
7 respond by an additional 10 working days” because the Request “involves ‘unusual
8 circumstances’”—specifically, because it “requires the collection of records from field offices, or
9 involves a search, collection, and review of voluminous records, or requires consultation with
10 another agency or two or more agency components.” *Id.* FOIA requires an extension notice to set
11 forth “the unusual circumstances for such extension and the date on which a determination is
12 expected to be dispatched.” 5 U.S.C. § 552(a)(6)(B)(i). The EOIR Acknowledgment was materially
13 deficient and defective in a number of respects, including failing to identify which of the purported
14 “unusual circumstances” applied to the Request and failing to state the date on which EOIR
15 expected to dispatch its determination. *See* Ex. 2.

16 35. The Acknowledgment also stated EOIR had placed the Request in “track two,”
17 which EOIR described as the track “for simple requests that do not involve voluminous records or
18 lengthy consultations with other entities.” *Id.* EOIR stated that “[a]s a matter of default,” the
19 Request had been placed in track two “for simple requests.” *Id.* EOIR’s classification of the Request
20 as a “simple” request contradicts EOIR’s assertion, in the same Acknowledgment, that the Request
21 involves “unusual circumstances.”

22 36. In the Acknowledgment, EOIR also failed to provide a determination as to whether
23 it would comply with the Request. It only stated that EOIR would “address the fee waiver in a
24 separate letter,” and that “[i]f you have requested expedited processing, EOIR will contact you in
25 a separate letter.” *Id.*

26 37. On July 27, 2026, EOIR denied Plaintiffs’ request for expedited processing
27 (“Expedited Processing Denial”). A true and correct copy of the EOIR Expedited Processing Denial
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1 is attached hereto as **Exhibit 3**. The Expedited Processing Denial stated: “Upon review of your
2 request, it has been determined that you did not meet the threshold. Therefore, your request for
3 expedited treatment has been denied.” *Id.* The Expedited Processing Denial was materially deficient
4 and defective in a number of respects.

5 38. First, although the Expedited Processing Denial recited the generally applicable
6 grounds for expedited processing, it did not explain why Plaintiffs failed to satisfy either of the two
7 grounds invoked in their Request. *Id.* Because a denial of expedited processing is an adverse
8 determination, 28 C.F.R. § 16.6(d), EOIR was required to include “[t]he name and title or position
9 of the person responsible for the denial,” *id.* § 16.6(e)(1). Nevertheless, the denial was signed only
10 “FOIA Intake” and identified neither the name nor the title nor the position of the person
11 purportedly responsible for the denial.

12 39. Next, EOIR’s failure to determine Plaintiffs’ request for expedited processing within
13 ten calendar days of its receipt of the Request on July 15, 2026 (*i.e.*, on or before July 25, 2026)
14 also violated 5 U.S.C. § 552(a)(6)(E)(ii)(I) and 28 C.F.R. § 16.5(e)(4). EOIR’s Acknowledgment
15 does not satisfy the statutory standard, in that it made no expedited processing determination and
16 stated only, “[i]f you have requested expedited processing, EOIR will contact you in a separate
17 letter.” *See* Ex. 2.

18 40. Also on July 27, 2026, Jeniffer Perez Santiago, EOIR Associate General Counsel,
19 sent Plaintiffs a purported clarification notice (“Clarification Notice”) stating EOIR “cannot
20 process” the Request because it “does not reasonably define a set of records to search as required
21 by the FOIA and DOJ regulations,” placing the Request on hold, and directing Plaintiffs to “contact
22 EOIR to clarify your request.” A true and correct copy of the EOIR Clarification Notice is attached
23 hereto as **Exhibit 4**. The Clarification Notice stated EOIR would administratively close the Request
24 if Plaintiffs did not respond within thirty calendar days. *Id.*

25 41. The Clarification Notice was materially deficient and defective in a number of
26 respects. Among other things, it failed to identify any numbered category of the Request as unclear,
27 specify any term requiring definition, describe any perceived ambiguity, or state what additional
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1 information EOIR needed from Plaintiffs. Nor did the Clarification Notice state the determination
2 could be appealed or describe the requirements for an appeal. *See id.*

3 42. The Clarification Notice nevertheless summarized the Request as seeking “[r]ecords
4 concerning EOIR’s creation, implementation, and operation of large-scale master calendar hearings
5 involving more than 25 respondents, including relevant policies, communications, scheduling
6 information, affected immigration courts, and data concerning *in absentia* removal orders.” *Id.*
7 EOIR’s own summary—like EOIR’s placement of the Request in the track for “simple requests”—
8 shows that EOIR understood what records the Request seeks.

9 43. Neither of EOIR’s July 27, 2026, communications—the Expedited Processing
10 Denial nor the Clarification Notice—stated EOIR would comply with the Request or identified any
11 responsive records EOIR would release or withhold. Nor did either EOIR communication decide
12 Plaintiffs’ request for a fee waiver. *See* Exs. 3, 4.

13 44. On August 10, 2026, well within the thirty-day period stated in EOIR’s Clarification
14 Notice, Plaintiffs responded to both of EOIR’s July 27, 2026, communications (“August 10
15 Response Letter”). A true and correct copy of Plaintiffs’ August 10 Response Letter is attached
16 hereto as **Exhibit 5**. Plaintiffs unambiguously indicated their continued interest in the Request and
17 did not narrow, modify, or withdraw any category of it. *Id.* Plaintiffs asked EOIR to resume
18 processing the Request in full, to conduct a search reasonably calculated to locate responsive
19 records, and to disclose all responsive records located. *Id.* Plaintiffs further asked that, if EOIR
20 continued to believe any category ambiguous, EOIR identify “the specific category, the precise
21 ambiguity EOIR perceives, and the additional information EOIR believes is necessary.” *Id.*

22 45. Plaintiffs’ August 10 Response Letter stated it was submitted without waiver of
23 Plaintiffs’ position that the July 27 Clarification Notice did not toll the statutory response period
24 for EOIR because it did not request information “reasonably requested from the requester” within
25 the meaning of 5 U.S.C. § 552(a)(6)(A)(ii)(I), and noted “[i]n any event, EOIR’s receipt of this
26 response ends any tolling under that provision.” Ex. 5.

1 54. Plaintiffs have a legal right under FOIA to obtain the specific agency records sought
2 in the Request, and Defendants' failure to promptly make the requested records available to
3 Plaintiffs has no legal basis. On information and belief, Defendants currently have possession,
4 custody, or control of the requested records.

5 55. Defendants' unlawful withholding of documents responsive to Plaintiffs' FOIA
6 Request violates 5 U.S.C. §§ 552(a)(3)(A) and (a)(6)(A), as well as the regulations promulgated
7 thereunder.

8 56. Defendants are obligated under 5 U.S.C. § 552(a)(3) to produce records responsive
9 to Plaintiffs' FOIA Request. Neither EOIR's July 15, 2026, Acknowledgment nor its July 27, 2026,
10 Clarification Notice constituted a determination sufficient to require an administrative appeal,
11 because neither stated whether EOIR would comply with the Request, and neither notified Plaintiffs
12 of any right to appeal. *See Oglesby*, 920 F.2d at 65; *Corbett*, 116 F.4th at 1028–29.

13 57. Defendants' refusal to process the Request on the purported grounds that the
14 Request does not reasonably describe the records sought violates FOIA, 5 U.S.C. § 552(a)(3).

15 58. Defendants' failure to determine whether to provide expedited processing within ten
16 days after the date of the Request violates FOIA, 5 U.S.C. § 552(a)(6)(E)(ii)(I), and Defendants'
17 denial of expedited processing violates FOIA and 28 C.F.R. §§ 16.5(e), 16.6(e).

18 59. Plaintiffs are entitled to expedited processing of the Request under 5 U.S.C. §
19 552(a)(6)(E) and 28 C.F.R. § 16.5(e)(1)(ii)–(iii), and Defendants must process the Request as soon
20 as practicable.

21 60. Plaintiffs are entitled to a waiver of all fees associated with the Request under 5
22 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10(k).

23 61. Plaintiffs have exhausted their administrative remedies by virtue of Defendants'
24 failure to comply with FOIA's time limits.

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SECOND CLAIM

**(Violation of FOIA, 5 U.S.C. § 552, for Failure to
Conduct an Adequate Search of Agency Records)**

62. Plaintiffs repeat and re-allege each of the foregoing allegations as if fully set forth herein.

63. Plaintiffs have a legal right under FOIA to obtain the specific agency records sought in the Request, and Defendants' failure to promptly make the requested records available to Plaintiffs has no legal basis. On information and belief, Defendants currently have possession, custody, or control of the requested records.

64. Defendants are obligated under 5 U.S.C. § 552(a)(3) to conduct a reasonable search for and to produce records responsive to Plaintiffs' Request. Plaintiffs have a legal right to obtain such records, and no legal basis exists for Defendants' failure to conduct a reasonable search for records.

65. Defendants' failure to conduct a reasonable search for the records responsive to the Request and to promptly make them available violates FOIA, 5 U.S.C. § 552(a)(3), and applicable regulations promulgated thereunder.

66. Plaintiffs have exhausted their administrative remedies by virtue of Defendants' failure to comply with FOIA's time limits.

THIRD CLAIM

**(Violation of FOIA, 5 U.S.C. § 552, for Failure to
Timely Respond to Request for Agency Records)**

67. Plaintiffs repeat and re-allege each of the foregoing allegations as if fully set forth herein.

68. Plaintiffs have a legal right under FOIA to obtain the specific agency records sought in the Request, and Defendants' failure to promptly make the requested records available to Plaintiffs has no legal basis. On information and belief, Defendants currently have possession, custody, or control of the requested records.

69. Defendants' failure to make a determination whether to comply with the Request within the time permitted by FOIA—including the additional ten working days invoked by EOIR in its July 15, 2026, Acknowledgment—violates FOIA, 5 U.S.C. § 552(a)(6)(A)(i), (B)(i), and applicable regulations promulgated thereunder.

70. Defendants' failure to determine whether to provide expedited processing within ten days after the date of the Request violates FOIA, 5 U.S.C. § 552(a)(6)(E)(ii)(I), and Defendants' denial of expedited processing violates FOIA and 28 C.F.R. §§ 16.5(e), 16.6(e).

71. Plaintiffs are entitled to expedited processing of the Request under 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e)(1)(ii)–(iii), and Defendants must process the Request as soon as practicable.

72. Plaintiffs are entitled to a waiver of all fees associated with the Request under 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10(k).

73. Plaintiffs have exhausted their administrative remedies by virtue of Defendants' failure to timely respond to the FOIA Request.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

1. Declare that Defendants violated FOIA by unlawfully withholding the requested records;

2. Order Defendants to resume processing the Request in full, conduct a search reasonably calculated to locate responsive records, and disclose all responsive, non-exempt records on an expedited basis and on a schedule set by the Court;

3. Order Defendants to provide within thirty days of disclosure of non-exempt records an itemized, indexed inventory of every agency record or portion thereof responsive to Plaintiffs' Request which Defendants assert to be exempt from disclosure, accompanied by a detailed justification statement covering each refusal to release records or portions thereof in accordance with the indexing requirements of *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974);

- 1 4. Declare that Defendants' denial of expedited processing was unlawful and order
2 Defendants to process the Request on an expedited basis;
- 3 5. Declare that Plaintiffs are entitled to a waiver of all fees associated with the Request;
- 4 6. Enjoin Defendants from assessing search fees for processing the Request;
- 5 7. Award Plaintiffs' costs and reasonable attorneys' fees in this action as provided by
6 5 U.S.C. § 552(a)(4)(E); and
- 7 8. Grant such other relief as the Court may deem just and proper.
- 8
9

10 Dated: October 15, 2026

LAWYERS' COMMITTEE FOR CIVIL
RIGHTS OF THE SAN FRANCISCO BAY
AREA

13 By: /s/ Jacob Gonzalez
14 Jacob Gonzalez
Attorney for Plaintiffs

16 Dated: October 15, 2026

NATIONAL IMMIGRATION PROJECT

18 By: /s/ Khaled Alrabe
19 Khaled Alrabe
Attorney for Plaintiffs

20
21 **ATTESTATION**

22 I, Jacob Gonzalez, am the ECF user whose ID and password are being used to file this
23 Complaint. Under Civil Local Rule 5-1(i)(3), I attest that each of the other signatories has concurred
24 in the filing of this document.

25
26 Dated: October 15, 2026

/s/ Jacob Gonzalez
Jacob Gonzalez