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16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 American Civil Liberties Union of San
Diego and Imperial Counties, American
19 Civil Liberties Union of Southern
California, Anne Lai and Sameer Ashar,)

20 Plaintiffs,)

21 v.)

22 United States Department of Homeland
23 Security, United States Customs and
24 Border Protection,)

25 Defendants.)

Case No.: 8:15-cv-00229-JLS-RNB

**FIRST AMENDED COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

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1 **COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

2 1. This is an action under the Freedom of Information Act (“FOIA”), 5
3 U.S.C. § 552, for declaratory, injunctive, and other appropriate relief, seeking the
4 immediate processing and release of agency records unlawfully withheld by
5 Defendants United States Department of Homeland Security (“DHS”) and United
6 States Customs and Border Protection (“CBP”) in response to a FOIA request
7 properly made by Plaintiffs American Civil Liberties Union of San Diego and
8 Imperial Counties (“ACLU-SDIC”), American Civil Liberties Union of Southern
9 California (“ACLU-SoCal”), and University of California, Irvine (“UCI”) School
10 of Law Immigrant Rights Clinic (“IRC”) professors Anne Lai and Sameer Ashar.

11 2. On July 3, 2014, Plaintiffs submitted a FOIA request to both DHS
12 and CBP, seeking records related to U.S. Border Patrol’s “roving patrol”
13 operations in the San Diego and El Centro Sectors, including relevant agency
14 policies, stop data, and complaint records (“Request”).¹ A copy of the Request
15 sent to DHS is attached hereto as Exhibit A. A copy of the Request sent to CBP is
16 attached hereto as Exhibit B.

17 3. Plaintiffs seek the requested records in order to shed light on Border
18 Patrol’s extensive but largely opaque “roving patrol” operations. To date, and
19 long past the statutory deadline to respond, Defendants have provided no legally
20 adequate response to Plaintiffs’ Request.

21 4. Plaintiffs now file suit under FOIA for declaratory and injunctive
22 relief, seeking the immediate disclosure of the requested records.

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¹ U.S. Border Patrol’s San Diego Sector includes Imperial Beach Station, Brown
26 Field Station, Campo Station, San Clemente Station, El Cajon Station, Theodore L.
27 Newton, Jr. and George F. Azrak (Murrieta) Station, Chula Vista Station, and
28 Boulevard Station. El Centro Sector includes El Centro Station, Calexico Station,
Riverside Station, and Indio Station. *See* U.S. Customs and Border Protection,
Border Patrol Sectors, <http://1.usa.gov/1lxpfAT> (last visited Feb. 8, 2015).

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3 **JURISDICTION AND VENUE**

4 5. This Court has subject matter jurisdiction over the FOIA claim and
5 personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B) and
6 (a)(6)(E)(iii). This Court also has jurisdiction over this action pursuant to 28
7 U.S.C. § 1331 and 5 U.S.C. §§ 701–706.

8 6. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B) and 28
9 U.S.C. § 1391(e). Plaintiffs Lai and Ashar have their principal place of business
10 in Irvine, California. Plaintiff ACLU-SoCal has its principal place of business in
11 Los Angeles, California.

12 7. Because Defendants DHS and CBP both failed to provide a
13 determination as to Plaintiffs’ FOIA Request in the time allotted by statute, as
14 required by 5 U.S.C. § 552(a)(6)(A)(i) and 6 C.F.R. § 5.6, Plaintiffs have
15 constructively exhausted all administrative remedies and are entitled to file suit
16 with this Court to enforce compliance with FOIA. *See* 5 U.S.C. § 552(a)(4)(B),
17 (a)(6)(C).

18 **PARTIES**

19 8. Plaintiffs ACLU-SDIC and ACLU-SoCal are local affiliates of the
20 American Civil Liberties Union (“National ACLU”). Both the ACLU-SDIC and
21 the ACLU-SoCal are non-profit, nonpartisan 26 U.S.C. § 501(c)(4) organizations
22 dedicated to the constitutional principles of liberty and equality. The ACLU-
23 SDIC is located in San Diego, California. The ACLU-SoCal has offices in Los
24 Angeles, San Bernardino, and Santa Ana, and its principal place of business is in
25 this district.

26 9. The ACLU is committed to ensuring that the American government
27 complies with the Constitution and laws in matters that affect civil liberties and
28 human rights. The ACLU is also committed to principles of transparency and

1 accountability in government, and seeks to ensure that the American public is
2 informed about the conduct of its government in matters that affect civil liberties
3 and human rights.

4 10. Dissemination of information to the public about actual or alleged
5 government activity is a critical and substantial component of the ACLU's
6 mission and work. Specifically, the ACLU publishes a continuously updated blog,
7 newsletters, news briefings, "Know Your Rights" documents, and other
8 educational and informational materials that are broadly disseminated to the
9 public. Such material is widely available to everyone, including individuals, tax-
10 exempt organizations, not-for-profit groups, law students, and faculty, for no cost
11 or for a nominal fee through the ACLU's public education department and
12 website. The websites of the national ACLU (www.aclu.org), ACLU-SDIC
13 (www.aclusandiego.org), and ACLU-SoCal (www.aclusocal.org) each address
14 civil rights and civil liberties issues in depth, provide features on civil rights and
15 civil liberties issues in the news, and contain many thousands of documents
16 relating to the issues on which the ACLU is focused. These websites also include
17 features highlighting information obtained through the FOIA process as well as
18 analysis of that information. Content from each of these websites often appears on
19 the others, and the websites often link to content shown on the others.

20 11. Professors Lai and Ashar are faculty at UCI School of Law, located
21 in Orange County, California, where they teach and conduct scholarly research in
22 the area of immigrant rights. Together, they also direct the Immigrant Rights
23 Clinic. IRC provides pro bono legal services to clients on immigration,
24 employment and civil rights matters. Students work under faculty supervisors
25 who are licensed attorneys. IRC also engages in non-litigation advocacy work and
26 community education to advance immigrants' rights. For example, IRC has
27 produced research reports and commentary on immigrants' rights issues, which it
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1 makes available to the public at no cost on its website,
2 www.law.uci.edu/academics/real-life-learning/clinics/immigrant-rights.html.

3 12. Defendant DHS is a Department of the Executive Branch of the
4 United States government and an “agency” within the meaning of 5 U.S.C.
5 § 552(f)(1). DHS is headquartered in Washington, D.C.

6 13. Defendant CBP is a component of DHS and an “agency” within the
7 meaning of 5 U.S.C. § 552(f)(1). It is headquartered in Washington, D.C. and has
8 field offices throughout the country.

9 **FACTUAL BACKGROUND**

10 14. The incidence of civil rights violations associated with Border
11 Patrol’s interior enforcement operations, which include interior checkpoints and
12 “roving patrol” stops, is a matter of pressing public concern. Since 2006, CBP’s
13 budget has more than doubled, from \$6 billion to \$12.9 billion in Fiscal Year
14 2014. In the same time period, the U.S. Border Patrol—a sub-agency within
15 CBP—has nearly doubled in size, from approximately 12,000 agents to over
16 21,000 agents today.² Simultaneously, reports of Border Patrol abuses along the
17 U.S.-Mexico border and throughout the interior of the United States have
18 increased.

19 15. DHS oversight agencies have not kept pace with Border Patrol’s
20 rapid growth and are ill-equipped to provide transparent and effective agency
21 training, oversight, and accountability for rights violations by agents. That this is
22 true is evident from these oversight agencies’ failure to respond to allegations of
23 rights violations in any meaningful way. To cite just one example, the ACLU is
24 still waiting for a substantive response to a civil rights complaint, filed on May 9,
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26 ² The U.S. Border Patrol “is the mobile, uniformed law enforcement arm of U.S.
27 Customs and Border Protection within the Department of Homeland Security
28 responsible for securing U.S. borders between ports of entry.” *See* U.S. Customs
and Border Protection, *Along U.S. Borders*, <http://1.usa.gov/UIaKFe> (last visited
Feb. 8, 2015).

1 2012 with DHS’s Office of Inspector General (“OIG”) and DHS’s Office of Civil
2 Rights and Civil Liberties (“CRCL”), on behalf of eleven individuals reporting
3 various abuses by CBP officials at southern Ports of Entry.³ Other organizations
4 have reported similar problems.⁴

5 16. The scope of Border Patrol’s authority to conduct interior
6 enforcement operations is defined by federal statute and regulations, as interpreted
7 by the federal courts and bounded by the Constitution. Border Patrol has authority
8 to conduct certain warrantless stops and seizures within “a reasonable distance” of
9 the border. *See* 8 U.S.C. § 1357(a)(3). That distance is defined by decades-old
10 regulations to be “100 air miles” from any external boundary, including coastal
11 boundaries. *See* 8 C.F.R. § 287.1(b); *see also United States v. Brignoni-Ponce*,
12 422 U.S. 873, 882–83 (1975) (“The only formal limitation on that discretion [to
13 stop vehicles] appears to be the administrative regulation defining the term
14 ‘reasonable distance’ . . . to mean within 100 air miles from the border.”). Today,
15 this encompasses roughly two-thirds of the U.S. population; nine of our ten largest
16 cities; and the entirety of several states.⁵

17 17. There is little publicly-available information regarding the extent or
18 impact of Border Patrol roving patrol operations, or regarding Border Patrol
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21 ³ *See* ACLU SOUTHERN BORDER AFFILIATES, COMPLAINT AND REQUEST FOR
INVESTIGATION, May 9, 2012, *available at* <http://bit.ly/1ru8f49>.

22 ⁴ *See generally* AMERICAN IMMIGRATION COUNCIL, NO ACTION TAKEN: LACK OF
23 CBP ACCOUNTABILITY IN RESPONDING TO COMPLAINTS OF ABUSE (2014), *available at*
<http://bit.ly/SwNbye>.

24 ⁵ States that lie entirely or almost entirely within this area include Connecticut,
25 Delaware, Florida, Hawaii, Maine, Massachusetts, New Hampshire, New Jersey,
New York, Rhode Island, and Vermont. Nine of the ten largest metropolitan areas,
26 as determined by the 2010 U.S. Census, also fall within this zone: New York City,
Los Angeles, Chicago, Houston, Philadelphia, Phoenix, San Antonio, San Diego,
27 and San Jose. *See* UNITED STATES CENSUS 2010, INTERACTIVE POPULATION MAP,
<http://1.usa.gov/1qF0Wsx> (last visited Feb. 8, 2015); *see also* American Civil
28 Liberties Union, *Know Your Rights: The Government’s 100-Mile “Border” Zone—*
Map, <http://bit.ly/1fZZQ0h> (last visited Feb. 8, 2015).

1 agents' respect for these regulatory limitations on their authority.⁶ In Southern
2 California, Border Patrol agents are present throughout a number of both major
3 metropolitan and rural areas a considerable distance from the U.S.-Mexico border.
4 For example, Plaintiffs have received reports of Border Patrol agents stopping
5 farm workers and local residents in Fallbrook, CA (seventy miles north of the U.S.-
6 Mexico border) and in Laguna Beach, CA (almost ninety miles north of the U.S.-
7 Mexico border).

8 18. For decades, federal judges have expressed concern that such interior
9 operations result in widespread rights violations.⁷ Indeed, available evidence
10 suggests that Border Patrol is engaged in unlawful activities throughout the
11 southwest border region and far into the U.S. interior. For example, the ACLU of
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13 ⁶ See, e.g., Lorne Matalon, *Texas Court Case Challenges Border Patrol on Roving,*
14 *Racial Profiling*, KPBS, Nov. 13, 2014, available at <http://bit.ly/1vzDbXd> (“[A]
15 veteran agent’s deposition showed the agent had pulled over work crews far from
16 the border. But the agent said only half the people stopped were arrested. That
17 implies that many U.S. citizens and others with the legal right to live and work in
18 the United States were also stopped.”); Jeremy Schwartz, *Border Patrol Makes*
19 *Many Arrests Deep in the Heart of Texas*, Austin American-Statesman, Nov. 1,
20 2014, available at <http://atxne.ws/1yOpDmf> (“In San Angelo, 130 miles from the
21 border, roving patrols constituted the principal activity of agents, according to
22 Border Patrol agent John Finney, whose 2012 deposition in a deportation court case
23 provides a rare description of the agency’s otherwise hidden operations. . . . Finney
24 estimated that ‘a little better than 50 percent’ of stops based on such reasonable
25 suspicion were of undocumented immigrants and so resulted in arrests . . .”).

26 ⁷ See, e.g., *United States v. Soyland*, 3 F.3d 1312, 1316, 1320 (9th Cir. 1993)
27 (Kozinski, J., dissenting) (“There’s reason to suspect the agents working these
28 checkpoints are looking for more than illegal aliens. If this is true, it subverts the
rationale of [*United States v. Martinez-Fuerte*, 428 U.S. 543 (1976)] and turns a
legitimate administrative search into a massive violation of the Fourth Amendment
. . . . Given the strong hints that the Constitution is being routinely violated at these
checkpoints, we owe it to ourselves and the public we serve to look into the matter.
Even without an order of this court or the district court, the Department of Justice
would be well-advised to establish the bona fides of these checkpoints . . .”);
United States v. Garcia, 732 F.2d 1221, 1229 (5th Cir. 1984) (Tate, J., dissenting)
 (“Quite unfortunately, we have the opportunity only to review the successful
guesses of these agents; we are never presented with the unconstitutionally intrusive
stops of Hispanic residents and citizens that do not result in an arrest.
Differentiating the United States from police states of past history and the present,
our Constitution in its Fourth Amendment prohibition against unreasonable
searches protects all our residents, whether middle-class and well-dressed or poor
and disheveled, from arbitrary stop by governmental enforcement agents in our
travel upon the highways of this nation.”).

1 Arizona filed a complaint in October 2013 on behalf of five Arizona residents,
2 each of whom was stopped and detained by Border Patrol a considerable distance
3 from the border.⁸ In one of those cases, agents threatened to cut a woman out of
4 her seatbelt in front of her two young children after she questioned the basis for
5 the stop. The complaint documented several other instances where individuals
6 were removed forcibly from their vehicles and subjected to unauthorized searches.

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8 19. Border Patrol does not release stop data or other information related
9 to roving patrol operations; what little is publicly known has been revealed
10 through litigation and FOIA requests. For example, in September 2013, the
11 ACLU of Washington settled a class action lawsuit challenging roving patrol
12 practices on the Olympic Peninsula on behalf of several victims of racial profiling.
13 Pursuant to that settlement, Border Patrol agreed to re-train agents on their
14 obligations under the Fourth Amendment and to share stop data with the ACLU.⁹
15 In January 2013, following extensive FOIA litigation, Families for Freedom and
16 New York University issued a report disclosing an “incentives program” for
17 Border Patrol agents and the agency’s widespread practice of arresting individuals
18 lawfully present in the United States.¹⁰ A prior report based on the same FOIA
19 request examined thousands of Border Patrol stops aboard public transportation in

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21 ⁸ See ACLU of Arizona, Administrative Complaint and Request for Investigation of
22 Unlawful Roving Patrol Stops by U.S. Border Patrol in Southern Arizona Including
Unlawful Search and Seizure, Racial Profiling, Trespassing, Excessive Force, and
Destruction of Personal Property 2–4 (Oct. 9, 2013), *available at*
<http://bit.ly/1oOBYEz>.

23 ⁹ See Complaint, *Sanchez v. U.S. Office of Border Patrol* (W.D. Wa. Apr. 26, 2012)
24 (No. 2:12-cv-00735), *available at* <http://bit.ly/N7xtpO>; Settlement Agreement,
25 *Sanchez v. U.S. Border Patrol* (W.D. Wa. 2012) (No. 2:12-cv-00735), *available at*
<http://bit.ly/1j9wUXP>; see also, e.g., Manuel Valdes, *ACLU, Immigrant Groups to*
26 *Keep an Eye on U.S. Border Patrol After Profiling-case Win*, Wash. Post, Sept. 24,
2013, *available at* <http://wapo.st/1oODDdp>.

27 ¹⁰ See FAMILIES FOR FREEDOM & NYU LAW IMMIGRANT RIGHTS CLINIC,
28 UNCOVERING USBP: BONUS PROGRAMS FOR UNITED STATES BORDER PATROL
AGENTS AND THE ARREST OF LAWFULLY PRESENT INDIVIDUALS (Jan. 2013),
available at <http://bit.ly/1bjjh8h>.

1 upstate New York.¹¹ The vast majority of those stops occurred far from the actual
2 border, with only one percent resulting in initiation of removal proceedings; many
3 involved violations of agency guidelines, including improper reliance on race and
4 arrests of lawfully present individuals.

5 20. The failure of DHS and CBP to produce the documents requested by
6 Plaintiffs violates the FOIA and impedes Plaintiffs' efforts to educate the public
7 on the many questions that remain regarding the full extent and impact of wide-
8 ranging roving patrol operations conducted by the largest law enforcement agency
9 in the country.

10 FOIA REQUEST

11 21. As noted, on July 3, 2014, Plaintiffs submitted a FOIA Request to
12 both DHS and CBP, seeking records related to U.S. Border Patrol's "roving
13 patrol" operations in the San Diego and El Centro Sectors, including relevant
14 agency policies, stop data, and complaint records.

15 22. Plaintiffs sought expedited processing of their Request on the ground
16 that there is a "compelling need" for release of the requested records, because the
17 information therein is urgently needed by organizations primarily engaged in
18 disseminating information to inform the public about actual or alleged federal
19 government activity (that is, CBP's roving patrol policies and practices). *See* 5
20 U.S.C. § 552(a)(6)(E); *see also* 6 C.F.R. § 5.5(d)(1)(ii).

21 23. Plaintiffs also sought a waiver of search, review, and reproduction
22 fees on the grounds that disclosure of the requested records "is in the public
23 interest because it is likely to contribute significantly to public understanding of
24 the operations or activities of the government," and disclosure is "not primarily in
25 the commercial interest of the requester." *See* 5 U.S.C. § 552(a)(4)(A)(iii); *see*

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27 ¹¹ *See* NEW YORK CIVIL LIBERTIES UNION, NYU LAW IMMIGRANT RIGHTS CLINIC, &
28 FAMILIES FOR FREEDOM, JUSTICE DERAILED (Nov. 2011), *available at*
<http://bit.ly/N7A03q>.

1 *also* 6 C.F.R. § 5.11(k)(1). Plaintiffs further sought a waiver of search and review
2 fees on the grounds that the ACLU qualifies as a “representative of the news
3 media” and the requested records are not sought for commercial use. *See* 5 U.S.C.
4 § 552(a)(4)(A)(ii); 6 C.F.R. § 5.11(d)(1). Finally, Plaintiffs sought a waiver of
5 search and review fees on the grounds that Professors Lai and Ashar qualify as
6 researchers at an educational institution. *See* 6 C.F.R. § 5.11(c)(1)(i), (d)(1); *see*
7 *also* 6 C.F.R. § 5.11(b)(4) (defining “educational institution”).

8 24. On July 3, 2014, Plaintiffs submitted the Request to DHS via email at
9 foia@dhs.gov and to CBP through the agency’s online FOIA request system.

10 25. Also on July 3, 2014, Plaintiffs mailed hard copies of the Request to
11 DHS and CBP via certified U.S. mail. As noted, true and correct copies of these
12 mailed requests are attached hereto as Exhibits A and B, and are thereby
13 incorporated by reference. *See also* Exhibit C (true and correct copies of
14 Plaintiffs’ certified mail receipts).

15 26. According to the U.S. Postal Service’s tracking system, DHS
16 received the mailed copy of Plaintiffs’ Request on July 9, 2014. According to the
17 U.S. Postal Service’s tracking system, CBP also received the mailed copy of
18 Plaintiffs’ Request on July 9, 2014.

19 20 **PROCESSING OF PLAINTIFFS’ FOIA REQUEST**

21 27. On July 3, 2014, CBP sent ACLU-SDIC Staff Attorney Mitra
22 Ebadolahi an email confirming “[a] request submission to the FOIAonline
23 application.” The email communicated that CBP deemed the request submitted on
24 that date, and that CBP had assigned tracking number CBP-2014-035512
25 [hereinafter, “Tracking No. 1”] to the request. The description of the request
26 included in the email read “[p]lease see attached FOIA request letter, which
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1 includes a request for a fee waiver and for expedited processing,” but no letter was
2 in fact attached to the email.

3 28. On July 11, 2014, CBP sent Ebadolahi another email confirming “[a]
4 request submission to the FOIAonline application.” This email indicated that CBP
5 deemed the request submitted on that date and assigned another tracking number,
6 CBP-2014-036536 [hereinafter, “Tracking No. 2”], to the request. The description
7 of the request included in this email read “[d]isclosure of records related to US
8 Border Patrol’s roving patrol operations in Southern California.”

9 29. At 8:11 a.m. on July 14, 2014, CBP sent Ebadolahi another email
10 confirming “[a] request submission to the FOIAonline application.” This email
11 indicated that CBP deemed the request submitted on July 11, 2014 and assigned
12 another tracking number, CBP-2014-036615 [hereinafter, “Tracking No. 3”]. The
13 description of the request included in this email read “request [for] records related
14 to us [sic] border patrol roving patrol operations in south [sic] California as
15 detailed below,” but no further details were included “below.”

16 30. In a separate email sent at 11:41 a.m. on July 14, 2014, CBP notified
17 Ebadolahi that Tracking No. 2 had been changed from CBP-2014-036536 to CBP-
18 OBP-2014-036536.

19 31. On July 16, 2014, CBP notified Ebadolahi via email that CBP-OBP-
20 2014-036536 had been changed back to Tracking No. 2, that is, CBP-2014-
21 036536.

22 32. On August 18, 2014, CBP notified Ebadolahi that the request
23 associated with Tracking No. 1 “has been closed as it is a duplicate of an earlier
24 FOIA request that you submitted. Your earlier FOIA request will be processed in
25 the order it was received.” A letter indicating the same was attached as a PDF file
26 to the email.

1 33. In a separate email on August 18, 2014, CBP notified Ebadolahi that
2 “[y]our request for [a] Fee Waiver for the FOIA request” associated with Tracking
3 No. 1 “has been determined to be not applicable as the request is not billable.”

4 34. In another separate email on August 18, 2014, CBP notified
5 Ebadolahi that the “request for Expedited Processing for the FOIA request”
6 associated with Tracking No. 1 “is denied because failure to obtain the requested
7 records will not post an imminent threat to the life or physical safety of an
8 individual / you are not primarily engaged in disseminating information / there is
9 not urgency to inform the public about an actual or alleged federal government
10 activity / you did not certify your request to be true and correct.”

11 35. CBP did not provide any additional information related to Plaintiffs’
12 request for a fee waiver or Plaintiffs’ request for expedited processing.

13 36. To date, Plaintiffs have received no further correspondence from
14 CBP pertaining to Tracking No. 2 or Tracking No. 3. In preparation for this
15 litigation, Plaintiffs’ counsel entered these two tracking numbers into CBP’s
16 online FOIA request system, and discovered that CBP had marked both “closed”
17 as “duplicate” requests.

18 37. To date, Plaintiffs have not received any other correspondence from
19 Defendants on the substance of their FOIA Request, nor have Plaintiffs received
20 any documents responsive to their Request.

21 38. The twenty-day statutory period to respond to Plaintiffs’ Request
22 elapsed with no response or determination from either DHS or CBP on whether
23 they would withhold or disclose any or all of the requested documents in whole or
24 in part. *See* 5 U.S.C. § 552(a)(6)(A)(i); 6 C.F.R. § 5.6.

25 39. DHS and CBP have neither released any of the requested records nor
26 explained their failure to do so.
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CLAIMS FOR RELIEF

40. Plaintiffs re-allege and incorporate, as though fully set forth herein, each and every allegation contained in the above paragraphs.

41. Defendants' failure to make a reasonable effort to search for the requested records violates FOIA, 5 U.S.C. § 552(a)(3), and Defendants' corresponding regulations, *see* 6 C.F.R. § 5.4.

42. Defendants' failure to promptly make available the requested records violates FOIA, 5 U.S.C. § 552(a)(6)(A), and Defendants' corresponding regulations, *see* 6 C.F.R. § 5.6.

43. Defendants' failure to grant Plaintiffs' request for a waiver of search, review, and duplication fees as to the Request violates FOIA, 5 U.S.C. § 552(a)(4), and Defendants' corresponding regulations, *see* 6 C.F.R. §§ 5.6(c) and 5.11(k).

44. Defendants' failure to grant Plaintiffs' request for a limitation of fees as to the Request violates FOIA, 5 U.S.C. § 552(a)(4), and Defendants' corresponding regulations, *see* 6 C.F.R. §§ 5.6(c) and 5.11(d).

REQUESTED RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

A. Declare that Defendants' failure to timely respond to Plaintiffs' FOIA Request; to conduct a reasonable search; to waive or limit search, review, and duplication fees; and/or to disclose the requested records is unlawful;

B. Issue an injunction ordering Defendants to immediately disclose the requested records and to make copies available to Plaintiffs at no charge;

C. Award Plaintiffs costs and reasonable attorneys' fees incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and

D. Grant such other relief as the Court may deem just and proper.

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DATED this 20th day of February, 2015.

Respectfully submitted,

ACLU FOUNDATION OF SAN DIEGO &
IMPERIAL COUNTIES

By /s/ Mitra Ebadolahi
Border Litigation Project
Staff Attorney

ACLU FOUNDATION OF SOUTHERN
CALIFORNIA

Adrienna Wong
Staff Attorney

UNIVERSITY OF CALIFORNIA, IRVINE SCHOOL
OF LAW – IMMIGRANT RIGHTS CLINIC

Anne Lai
Supervising Attorney

Attorneys for Plaintiffs