

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

CENTER TO ADVANCE SECURITY)
 IN AMERICA)
 1802 Vernon Street NW)
 PMB 2095)
 Washington, D.C. 20009,)
)
 Plaintiff,)
)
 v.)
)
 U.S. DEPARTMENT OF HOMELAND)
 SECURITY)
 245 Murray Lane, S.W.)
 Washington, D.C. 20528)
)
 Defendant.)
 _____)

Civil Case No. 1:24-cv-01607

COMPLAINT

1. Plaintiff Center to Advance Security in America (“CASA”) brings this action against the U.S. Department of Homeland Security (“DHS”) under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking declaratory and injunctive relief to compel compliance with the requirements of FOIA.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331.
3. Venue is proper in this Court pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

4. Plaintiff CASA is an unincorporated association dedicated to improving the safety and security of the American people. CASA educates and informs the American people about

the actions of their government and its officials that impact their safety; peace and security; democracy, civil rights, and civil liberties; and privacy.

5. Defendant DHS is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1). DHS has possession, custody, and control of records responsive to Plaintiff's FOIA request.

STATEMENT OF FACTS

6. On November 9, 2023, CASA submitted a FOIA request to DHS (attached as Exhibit A). The request sought the following records related to U.S. Citizenship and Immigration Services Adjudication Officer Nejwa Ali and a potential conflict of interest in administering her duties:

1. All meeting requests, calendar entries, virtual meeting invitations, call logs and any chats in the relevant virtual platforms (e.g., Microsoft Teams, Zoom, Webex, etc.) pertaining to the security screening of Nejwa Ali.
2. We are seeking records on this topic exchanged between and among the relevant following officials:
 - Ur M. Jaddou
 - Jennifer B. Higgins
 - Felicia Escobar Carrillo
 - Ted H. Kim
 - Matthew D. Emrich
 - Nejwa Ali
 - Kathleen Thorne Hochman
 - Craig Heintz
 - Michael Deyo
 - Elton McIntosh
 - Paula Thomas
 - Matthew Burke
3. We are seeking all emails, text messages, chat sessions, or other forms of written or electronic communication used to discuss the security screening of Nejwa Ali above containing the following phrases and/or words: "Palestine," "PLO," "Palestinian Liberation Organization,"

“Palestinian Authority,” “PA,” “Muslim,” “Jew,” “Christian,” “Zionism,” “Anti-Semitic,” “Terrorist attacks,” “Terror,” “Hostage,” “Ceasefire,” “Arms,” “Israel,” “IDF,” “Israel Defense Forces,” “Asylum,” “Falastine Mi Amor,” “Downfall,” “Resistance,” “Allah,” “Apartheid,” “UNRWA.”

4. We are seeking the following documents: “SF-50,” “OF-306,” “SF-61,” “I-9,” “SF-256,” “SF-181,” “SF-15,” “SF-144,” and “W4.”
5. All records exchanged by or between any official listed above with any individual working for one of the following media outlets (with suggested email addresses) on the topic of the security screening of Nejwa Ali.
 - Politico (@politico.com)
 - Military Times (@militarytimes)
 - New York Times (@nytimes.com)
 - Washington Post (@washingtonpost.com)
 - NBC News (@nbcnews.com)
 - ABC News (@abcnews.com)
 - LA Times (@latimes.com)
 - CBS News (@cbsnews.com)
 - Fox News (@foxnews.com)
 - Wall Street Journal (@wsj.com)
 - USA Today (@usatoday.com)
 - Fortune (@fortune.com)
 - Forbes (@forbes.com)
 - Vanity Fair (@vanityfair.com)
 - CNN (@cnn.com)
 - Associated Press (@ap.com)
 - George Washington University’s Project for Media and National Security
 - PBS (@pbs.org)
6. All communications exchanged between any of the above officials identified as an employee, agent, consultant, or representative of one of the following organizations:
 - BAE Systems, Inc.
 - Palestinian Delegation to the U.S.
 - AMIDEAST
 - United Nations Relief and Works Agency (UNRWA)
 - Human Rights and Conflict Resolution Tolerance (HRCRT) Program
 - Human Rights Foundation
 - U.S. Campaign for Palestinian Rights
 - Black Lives Matter
 - American Muslims for Palestine

- Arab Community Center for Economic and Social Services (ACCESS)
- United Palestinian Appeal (UPA)
- Students for Justice in Palestine (SJP)

7. The timeline for the records requested is from January 1, 2019, to the date the search begins.
7. The release of these documents is in the public interest because it will help the public understand whether the U.S. government is appropriately using taxpayer resources to keep Americans safe. CASA's explicit purpose in requesting these documents is to inform the public so they can be engaged with their leaders and ensure their decisions are consistent with America's best interests.
8. On November 9, 2023, DHS sent CASA an email stating that the request had been submitted and assigned the control number COW2023007768 and that an acknowledgement letter had been sent to CASA's myUSCIS account.
9. After this email, CASA received no further communications from DHS regarding the request.
10. To date, CASA has received neither a further response nor any other communication from DHS regarding the request.
11. As the record described above indicates, over 200 days have elapsed since CASA submitted its request to DHS, yet DHS still has not determined whether it will comply with it. *See Citizens for Responsibility and Ethics in Washington v. FEC*, 711 F.3d 180 (D.C. Cir. 2013). DHS has not produced responsive documents to CASA, has not communicated to CASA the scope of the documents it intends to produce or withhold—along with the reasons for any such withholding—and has not informed CASA of its ability to appeal any adverse portion of its determination.

12. Given these facts, DHS has not met its statutory obligations to provide the requested records, and it appears it does not intend to meet them absent litigation.
13. Through DHS's failure to make a determination within the time period required by law, CASA has constructively exhausted its administrative remedies and seeks immediate judicial review.

COUNT I

Violation of FOIA, 5 U.S.C. § 552
Wrongful Withholding of Non-Exempt Responsive Records

14. CASA repeats and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.
15. CASA properly submitted a request for records within the possession, custody, and control of DHS.
16. DHS is an agency subject to FOIA, and therefore has an obligation to release any non-exempt records and provide a lawful reason for withholding any materials in response to a proper FOIA request.
17. DHS is wrongfully withholding non-exempt agency records requested by CASA by failing to produce non-exempt records responsive to its request.
18. DHS's failure to provide all non-exempt responsive records violates FOIA.
19. Plaintiff CASA is therefore entitled to declaratory and injunctive relief requiring Defendant to promptly produce all non-exempt records responsive to its FOIA request and provide an index justifying the withholding of any responsive records withheld under claim of exemption.

REQUESTED RELIEF

Center to Advance Security in America respectfully requests this Court:

- (1) Assume jurisdiction in this matter and maintain jurisdiction until Defendant complies with the requirements of FOIA and any and all orders of this Court.
- (2) Order Defendant to produce, within ten days of the Court's order, or by other such date as the Court deems appropriate, any and all non-exempt records responsive to CASA's FOIA request and an index justifying the withholding of all or part of any responsive records withheld under claim of exemption.
- (3) Award CASA the costs of this proceeding, including reasonable attorney's fees and other litigation costs reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E).
- (4) Grant CASA other such relief as the Court deems just and proper.

Dated: May 31, 2024

Respectfully submitted,

CENTER TO ADVANCE SECURITY
IN AMERICA

By Counsel:

/s/Gary M. Lawkowski

Gary M. Lawkowski

D.D.C. Bar ID: VA125

DHILLON LAW GROUP, INC.

2121 Eisenhower Avenue, Suite 608

Alexandria, Virginia 22314

Telephone: 703-574-1654

GLawkowski@Dhillonlaw.com

Jacob William Roth

D.D.C. Bar ID: 1673038

DHILLON LAW GROUP, INC.

1601 Forum Plaza, Suite 403

West Palm Beach, Florida 33401

Telephone: 561-227-4959

JRoth@Dhillonlaw.com

Counsel for the Plaintiff