

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

PROTECT DEMOCRACY PROJECT,	)	
2020 Pennsylvania Avenue NW, Suite 163	)	
Washington, DC 20006	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
IMMIGRATION AND CUSTOMS	)	
ENFORCEMENT,	)	
Office of the Principal Legal Advisor	)	
500 12th Street, SW, Mailstop 5900	)	
Washington, DC 20536	)	
	)	
CUSTOMS AND BORDER PROTECTION,	)	
1300 Pennsylvania Ave., NW,	)	
Washington, DC 20229	)	
	)	
U.S. DEPARTMENT OF	)	
HOMELAND SECURITY,	)	
Office of the General Counsel MS0485	)	
2707 Martin Luther King Jr. Ave SE	)	
Washington, D.C. 20528	)	
	)	
Defendants.	)	

COMPLAINT

1. Plaintiff PROTECT DEMOCRACY PROJECT brings this suit to force Defendants IMMIGRATION AND CUSTOMS ENFORCEMENT, CUSTOMS AND BORDER PROTECTION, and U.S. DEPARTMENT OF HOMELAND SECURITY to conduct a reasonable search, issue a determination, and produce records about their use of taxpayer dollars to fund propaganda while thwarting legitimate journalism into Defendants' controversial immigration policies and practices.

PARTIES

2. Plaintiff PROTECT DEMOCRACY PROJECT is a nonpartisan, nonprofit organization dedicated to preventing American democracy from declining into a more authoritarian form of government and is the FOIA requester in this case.

3. Defendant IMMIGRATION AND CUSTOMS ENFORCEMENT (“ICE”) is a federal agency and is subject to the Freedom of Information Act, 5 U.S.C. § 552.

4. Defendant CUSTOMS AND BORDER PROTECTION (“CBP”) is a federal agency and is subject to the Freedom of Information Act, 5 U.S.C. § 552.

5. Defendant U.S. DEPARTMENT OF HOMELAND SECURITY (“DHS”) is a federal agency and is subject to the Freedom of Information Act, 5 U.S.C. § 552. DHS is the parent agency of ICE and CBP.

JURISDICTION AND VENUE

6. This case is brought under 5 U.S.C. § 552(a)(4)(B) and presents a federal question conferring jurisdiction on this Court. *See* 28 U.S.C. § 1331.

7. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

JULY 17, 2026 FOIA REQUEST TO ICE

8. On July 17, 2026, Plaintiff submitted the following FOIA request to ICE:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, the Protect Democracy Project hereby requests that your office produce within 20 business days the following records:

From May 1, 2025, through the date on which searches are conducted for records responsive to this request:

1. All contracts, agreements, memoranda of understanding, waivers, payments, or other documents in possession of the Department of Homeland Security (“DHS”) (including but not limited to employees of Immigration and Customs Enforcement (“ICE”) and Customs and Border Protection (“CBP”)) granting any member of the media, social media “influencer,” or other civilian access to DHS operations, secure perimeters, and/or DHS/ICE/CBP staff.

2. All documents denying any member of the media or social media “influencer” access to DHS operations, secure perimeters, and/or DHS/ICE/CBP staff, including specifically all communications with individuals or outlets so denied.

3. Documents sufficient to identify non-DHS employees allowed to ride along in vehicles with or in convoy with DHS agents in Chicago, New Orleans, Minneapolis, Portland, and Los Angeles, including members of the media and social media “influencers.” For the purposes of these requests, “DHS employees” include persons regularly employed by U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, and any other federal law enforcement agents operating within DHS, including contractors.

4. All documents sufficient to show any payment of funds or other remuneration to, from, or earmarked for, any individual identified in response to request number 3.

5. All documents sufficient to identify all persons who are not DHS employees who were authorized to be inside the secure perimeter of DHS operations in Chicago, New Orleans, Minneapolis, Portland OR, Portland ME, and Los Angeles. For the purposes of these requests, “inside the secure perimeter of DHS operations” means any place to which the general public was not allowed access, such as inside buildings, behind gates, skirmish lines, or otherwise in close physical proximity to DHS agents.

6. All documents sufficient to show any payment of funds or other remuneration to, from, or earmarked for, any individual identified in response to request number 5.

7. All e-mail communication between DHS employees and/or its contractors, and all non-DHS employees identified in response to requests 3 and 5.

8. All communications, including through messaging apps (including Signal and WhatsApp) between DHS employees and/or its contractors, and all non-DHS employees identified in response to these requests 3 and 5.

9. All documents sufficient to show DHS expenditures for placards, patches, vests, or windbreakers marked “Media” or “Press.”

10. All documents sufficient to show the identity of all individuals to whom DHS-funded placards, patches, vests, or windbreakers marked “Media” or “Press” were distributed for use.

11. All agency guidance issued governing how to treat or interact with members of the media or influencers in enforcement operations in Chicago, New Orleans, Charlotte, Minneapolis, Portland OR, Portland ME, and Los Angeles.

12. All documents (including contracts, agreements, waivers, payments, and memoranda of understanding) referencing non-DHS employees accompanying Kristi Noem to the roof of the ICE detention center in Portland Oregon on October 7, 2025 and otherwise present at the Portland ICE detention center on other dates.

13. All e-mail communication between DHS employees and/or its contractors, and all non-DHS employees identified in response to request 12.

14. All communications, including through messaging apps (including Signal and What'sApp) between DHS employees and/or its contractors, and all non-DHS employees identified in response to request 12.

15. Documents sufficient to show expenditures for the production of videos pertaining to DHS Operation Midway Blitz and Portland ICE protests, including payroll of staff and contractors, and including specifically any funds expended on:

- a. DHS video pertaining to the September 30 2025 raid of a South Shore IL neighborhood apartment building;
- b. DHS video pertaining to the September 16 2025 raid of a house in Elgin IL; and
- c. Videos published on DHS Instagram and X accounts between October 4-7 2025 showing munitions deployed outside of the Portland OR ICE facility.

16. In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, social media posts and messages, messages on messaging

applications, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

9. A true and correct copy of the FOIA request is attached as Exhibit 1.

10. Plaintiff also requested expedited processing of the request, which ICE denied, but Plaintiff does not challenge the denial of expedited processing. *Id.*

11. On July 29, 2026, ICE acknowledged receipt of the FOIA request, assigning reference number 2026-ICFO-34003 to the matter. It denied the request, claiming it is overly broad, unduly burdensome on the agency, and does not reasonably describe the records Plaintiff seeks.

12. A true and correct copy of the acknowledgement letter is attached as Exhibit 2.

13. ICE did not send any further correspondence to Plaintiff regarding this request.

14. As of the date of this filing, ICE has failed to make any responsive records promptly available to Plaintiff.

15. Neither any of the individual components of the request, nor the totality of all of the requests, fail to reasonably describe the requested records under 6 C.F.R. § 5.3(b).

16. ICE has provided no other putative legal authority for denying the requests.

17. Because ICE did not provide appeal instructions in its denial letter, Plaintiff was not required to submit an administrative appeal.

JULY 17, 2026 FOIA REQUEST TO CBP

18. On July 17, 2026, Plaintiff submitted the following FOIA request to CBP:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, the Protect Democracy Project hereby requests that your office produce within 20 business days the following records:

From May 1, 2025, through the date on which searches are conducted for records responsive to this request:

1. All contracts, agreements, memoranda of understanding, waivers, payments, or other documents in possession of the Department of Homeland Security (“DHS”) (including but not limited to employees of Immigration and Customs Enforcement (“ICE”) and Customs and Border Protection (“CBP”)) granting any member of the media, social media “influencer,” or other civilian access to DHS operations, secure perimeters, and/or DHS/ICE/CBP staff.
2. All documents denying any member of the media or social media “influencer” access to DHS operations, secure perimeters, and/or DHS/ICE/CBP staff, including specifically all communications with individuals or outlets so denied.
3. Documents sufficient to identify non-DHS employees allowed to ride along in vehicles with or in convoy with DHS agents in Chicago, New Orleans, Minneapolis, Portland, and Los Angeles, including members of the media and social media “influencers.” For the purposes of these requests, “DHS employees” include persons regularly employed by U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, and any other federal law enforcement agents operating within DHS, including contractors.
4. All documents sufficient to show any payment of funds or other remuneration to, from, or earmarked for, any individual identified in response to request number 3.
5. All documents sufficient to identify all persons who are not DHS employees who were authorized to be inside the secure perimeter of DHS operations in Chicago, New Orleans, Minneapolis, Portland OR, Portland ME, and Los Angeles. For the purposes of these requests, “inside the secure perimeter of DHS operations” means any place to which the general public was not allowed access, such as inside buildings, behind gates, skirmish lines, or otherwise in close physical proximity to DHS agents.
6. All documents sufficient to show any payment of funds or other remuneration to, from, or earmarked for, any individual identified in response to request number 5.
7. All e-mail communication between DHS employees and/or its contractors, and all non-DHS employees identified in response to requests 3 and 5.
8. All communications, including through messaging apps (including Signal and WhatsApp) between DHS employees and/or its contractors, and all non-DHS employees identified in response to these requests 3 and 5.

9. All documents sufficient to show DHS expenditures for placards, patches, vests, or windbreakers marked “Media” or “Press.”

10. All documents sufficient to show the identity of all individuals to whom DHS-funded placards, patches, vests, or windbreakers marked “Media” or “Press” were distributed for use.

11. All agency guidance issued governing how to treat or interact with members of the media or influencers in enforcement operations in Chicago, New Orleans, Charlotte, Minneapolis, Portland OR, Portland ME, and Los Angeles.

12. All documents (including contracts, agreements, waivers, payments, and memoranda of understanding) referencing non-DHS employees accompanying Kristi Noem to the roof of the ICE detention center in Portland Oregon on October 7, 2025 and otherwise present at the Portland ICE detention center on other dates.

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16. In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, social media posts and messages, messages on messaging applications, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

19. A true and correct copy of the FOIA request is attached as Exhibit 3.
20. Plaintiff also requested expedited processing of the request, but Plaintiff does not challenge this denial. *Id.*
21. CBP did not send any correspondence to Plaintiffs regarding this request within the statutory deadline.
22. As of the date of this filing, CBP has not issued a determination on Plaintiff's request.
23. As of the date of this filing, CBP has failed to make any responsive records available to Plaintiffs.

COUNT I – ICE'S FOIA VIOLATION

24. Paragraphs 1-23 are incorporated by reference.
25. Plaintiff's FOIA request seeks the disclosure of agency records and was properly made.
26. Defendant ICE is a federal agency subject to FOIA.
27. Included within the scope of the request are one or more records or portions of records that are not exempt under FOIA.
28. Defendant ICE has failed to conduct a reasonable search for records responsive to the request.

29. Defendant ICE has failed to produce all non-exempt records responsive to the request.

COUNT II – CBP’S FOIA VIOLATION

30. Paragraphs 1-23 are incorporated by reference.

31. Plaintiff’s FOIA request seeks the disclosure of agency records and was properly made.

32. Defendant CBP is a federal agency subject to FOIA.

33. Included within the scope of the request are one or more records or portions of records that are not exempt under FOIA.

34. Defendant CBP has failed to conduct a reasonable search for records responsive to the request.

35. Defendant CBP has failed to issue a determination within the statutory deadline.

36. Defendant CBP has failed to produce all non-exempt records responsive to the request.

WHEREFORE, Plaintiff asks the Court to:

- i. declare that Defendants have violated FOIA;
- ii. order Defendants to conduct a reasonable search for records and to produce the requested records promptly;
- iii. enjoin Defendants from withholding non-exempt public records under FOIA;
- iv. award Plaintiff attorneys’ fees and costs; and
- v. award such other relief the Court considers appropriate.

Dated: August 20, 2026

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

Attorneys for Plaintiff
PROTECT DEMOCRACY PROJECT

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