

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

ELECTRONIC FRONTIER FOUNDATION

815 Eddy Street
San Francisco, CA 94109

Plaintiff,

v.

DEPARTMENT OF HOMELAND SECURITY

245 Murray Lane, S.W.
Washington, DC 20528,

Defendant.

Case No.

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for injunctive and other appropriate relief. Plaintiff seeks the expedited processing and release of records that Plaintiff requested from Defendant Department of Homeland Security, and its components Immigration and Customs Enforcement and Customs and Border Protection, concerning the agencies’ use of Global Positioning System (“GPS”) tracking devices on vehicles entering the United States.

PARTIES

2. Plaintiff Electronic Frontier Foundation (“EFF”) is a not-for-profit corporation established under the laws of the State of California, with offices in San Francisco, California and Washington, D.C. EFF is a donor-supported membership organization that works to inform policymakers and the general public about civil liberties issues related to technology, and to act as a defender of those liberties. In support of its mission, EFF uses the FOIA to obtain and disseminate information concerning the activities of federal agencies.

3. Defendant Department of Homeland Security (“DHS”) is an agency of the

Executive Branch of the United States Government. DHS is an “agency” within the meaning of 5 U.S.C. § 552(f). Immigration and Customs Enforcement (“ICE”) and Customs and Border Protection (“CBP”) are components of Defendant DHS.

JURISDICTION AND VENUE

4. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. §§ 552(a)(4)(B) and 552(a)(6)(C)(i). This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331.

5. Venue is proper in this district under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

BACKGROUND

6. On September 28, 2018, the Department of Justice (“DOJ”) submitted a filing in *United States v. Ignjatov*, a criminal case involving the government’s attachment of a GPS tracking device to defendants’ vehicle at a port of entry without a warrant. No. 5:17-cr-00222-JGB, Dkt. No. 125 (C.D. Cal. filed Sept. 28, 2018). In the filing, DOJ stated that ICE Homeland Security Investigations (“HSI”) and CBP both had policies that permitted border agents “to install GPS trackers on any vehicle at the border without a warrant so long as the GPS monitoring did not exceed 48 hours.” *Id.* at *5-6 (internal citations omitted).

7. DOJ also submitted a declaration from Matthew C. Allen, Assistant Director for the Domestic Operations Division for ICE HSI. Allen Declaration, Dkt. No. 125-1. In his declaration, Assistant Director Allen stated that it was “HSI’s policy” to allow a customs officer to install a GPS tracking device on a vehicle at the border without a warrant or individualized suspicion. *Id.* at ¶ 4. Allen further stated that HSI believed its policy was consistent with the Supreme Court’s decisions in *United States v. Jones*, 565 U.S. 400 (2012), and *United States v. Flores-Montano*, 541 U.S. 149 (2004). *Id.*

8. The *Ignjatov* case involved two defendants who entered the United States from

Canada in a truck on October 20, 2017, and were under investigation for drug trafficking. Dkt. No. 121, at 2 (C.D. Cal. filed Aug. 24, 2018). While at the port of entry in Port Huron, Michigan, an HSI agent and/or a CBP agent, at the request of the FBI and Los Angeles Police Department (“LAPD”), placed two GPS tracking devices on the defendants’ truck and trailer. *Id.* Investigators then tracked the GPS devices for nearly 48 hours as defendants drove from Michigan to California. *Id.* at 2-3.

9. After their arrest, defendants filed a motion to suppress, asserting that the government’s warrantless use of GPS tracking devices violated their Fourth Amendment rights. Dkt. No. 86 (C.D. Cal. filed May 11, 2018).

10. On August 24, 2018, the court issued an order granting defendants’ motion to suppress. Dkt. No. 121. The court cited *Jones*, and held that the government’s warrantless search was unreasonable. *Id.* at 9. The court further found that the actions of the FBI and LAPD agents who requested the warrantless GPS tracking “create[d] a scenario of significant government misconduct.” *Id.* at 12.

11. Several media outlets reported on the filing.¹

EFF’S FOIA REQUESTS

A. ICE FOIA Request 2019-ICFO-21210

12. In an email dated November 5, 2018, Plaintiff submitted a request under the FOIA, 5 U.S.C. § 552, to ICE for records pertaining to the agency’s policies and procedures regarding the use of GPS tracking devices at the U.S. border (“November 5 ICE FOIA”).

13. The request sought two categories of records: (1) Policies and/or procedures regarding the use of GPS tracking devices on vehicles crossing the border; and (2) Training

¹ See, e.g., Cyrus Farivar, *Feds to judge: We still think we can put GPS trackers on cars entering US*, Ars Technica (Oct. 6, 2018), <https://arstechnica.com/tech-policy/2018/10/feds-to-judge-we-still-think-we-can-put-gps-trackers-on-cars-entering-us/>; Tim Cushing, *DHS Investigators Argue the Border Warrant Exception Covers Searches Performed Miles from the Border*, TechDirt (Oct. 11, 2018), <https://www.techdirt.com/articles/20181009/10483840803/dhs-investigators-argue-border-warrant-exception-covers-searches-performed-miles-border.shtml>.

manuals and/or training materials on the use of GPS tracking devices on vehicles crossing the border.

14. Plaintiff's FOIA request sought expedited processing and also formally requested that it not be charged search or review fees for its request because EFF qualifies as a representative of the news media pursuant to the FOIA and 28 C.F.R. § 16.10(b)(6). Plaintiff further requested that it be granted a waiver of all fees related to its request because disclosure of the requested information is in the public interest within the meaning of 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10(k)(1).

15. On November 15, 2018, ICE acknowledged receipt of the request in two separate letters. One of the letters stated that ICE determined that Plaintiff is a media requester and, as a result, would not be charged duplication fees for the first 100 pages of responsive documents. The letter did not make any determination regarding Plaintiff's request for a waiver of all fees or expedited processing of the request. The other letter stated that because some of the requested information was stored by CBP, ICE would also forward the request to CBP.

16. By letter dated March 11, 2019, ICE sent a final response stating that a search of ICE HSI produced three pages, but that all three pages would be withheld under Exemption 7(E). The letter went on to state that "disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law" and that "techniques and procedures at issue are not well known to the public." The letter did not provide any description of the withheld information sufficient to allow Plaintiff to determine whether ICE has properly withheld information under the specific FOIA exemption.

17. On April 18, 2019, Plaintiff timely filed an administrative appeal challenging ICE's withholding of records under Exemption 7(E) and the adequacy of ICE's search for records. The appeal argued that ICE had failed to provide details as to why the responsive records risk circumvention of the law, and further stated that the techniques and procedures of the use of a GPS tracking device are widely known to the public and have been the focus of the *Jones* Supreme Court decision.

18. To date, ICE has not responded to Plaintiff's administrative appeal.

19. Plaintiff has exhausted all applicable administrative remedies with respect to its November 5 ICE FOIA.

20. ICE has wrongfully withheld the requested records from Plaintiff.

B. CBP FOIA Request CBP-OFO-2019-008804

21. On November 5, 2018, Plaintiff submitted a request under the FOIA, 5 U.S.C. § 552, to CBP through its online FOIA portal for records pertaining to the agency's policies and procedures regarding the use of GPS tracking devices at the U.S. border ("November 5 CBP FOIA").

22. The request sought two categories of records: (1) Policies and/or procedures regarding the use of GPS tracking devices on vehicles crossing the border; and (2) Training manuals and/or training materials on the use of GPS tracking devices on vehicles crossing the border.

23. Plaintiff's FOIA request sought expedited processing and also formally requested that it not be charged search or review fees for its request because EFF qualifies as a representative of the news media pursuant to the FOIA and 28 C.F.R. § 16.10(b)(6). Plaintiff further requested that it be granted a waiver of all fees related to its request because disclosure of the requested information is in the public interest within the meaning of 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10(k)(1).

24. By letter on November 7, 2018, CBP acknowledged receipt of the request. The letter also recognized Plaintiff as a media requester and, as a result, stated CBP would not charge duplication fees for the first 100 pages of responsive documents. Also on November 7, 2018, CBP fully granted Plaintiff's fee waiver request through a determination posted to the online FOIA portal.

25. On November 8, 2018, CBP denied Plaintiff's expedited processing request through a determination posted to the online FOIA portal.

26. To date, CBP has not responded to Plaintiff's initial request since its November 8, 2018 denial of expedited processing.

27. Plaintiff has exhausted all applicable administrative remedies with respect to its November 5 CBP FOIA.

28. CBP has wrongfully withheld the requested records from Plaintiff.

CAUSES OF ACTION

Count 1

Violation of the Freedom of Information Act for Wrongful Withholding of Agency Records - November 5 ICE FOIA

29. Plaintiff repeats and realleges paragraphs 1-28.

30. Defendant DHS and its component ICE have wrongfully withheld agency records requested by Plaintiff by failing to disclose records responsive to Plaintiff's FOIA request.

31. Plaintiff has exhausted all applicable administrative remedies with respect to Defendant's wrongful withholding of the requested records.

32. Plaintiff is entitled to injunctive relief with respect to the release and disclosure of the requested documents.

Violation of the Freedom of Information Act for Wrongful Denial of Requests for a Waiver of All Processing Fees - November 5 ICE FOIA

33. Plaintiff repeats and realleges paragraphs 1-32.

34. Defendant DHS and its component ICE have wrongfully denied Plaintiff's request for a waiver of all processing fees by failing to comply with the statutory time limit for responding to Plaintiff's requests.

35. Plaintiff has exhausted all applicable administrative remedies with respect to Defendant's wrongful denial of Plaintiff's requests for a waiver of all processing fees.

36. Plaintiff is entitled to injunctive relief with respect to its requests for a waiver of all processing fees.

Count 2

**Violation of the Freedom of Information Act for Wrongful
Withholding of Agency Records - November 5 CBP FOIA**

37. Plaintiff repeats and realleges paragraphs 1-36.

38. Defendant DHS and its component CBP have wrongfully withheld agency records requested by Plaintiff by failing to comply with the statutory time limit for responding to Plaintiff's FOIA request.

39. Plaintiff has exhausted all applicable administrative remedies with respect to Defendant's wrongful withholding of the requested records.

40. Plaintiff is entitled to injunctive relief with respect to the release and disclosure of the requested documents.

REQUESTED RELIEF

WHEREFORE, Plaintiff prays that this Court:

1. Order Defendant DHS, and its components ICE and CBP, to process immediately the requested records in their entirety;
2. Order Defendant DHS, and its components ICE and CBP, upon completion of such processing, to disclose the requested records in their entirety and make copies available to Plaintiff;
3. Order Defendant DHS, and its component ICE, to grant Plaintiff's requests for a waiver of all processing fees;
4. Provide for expeditious proceedings in this action;
5. Award Plaintiff its costs and reasonable attorneys' fees incurred in this action; and
6. Grant such relief as the Court may deem just and proper.

DATED: August 27, 2019

Respectfully submitted,



DAVID L. SOBEL
D.C. Bar No. 360418
Electronic Frontier Foundation
5335 Wisconsin Avenue, N.W.
Suite 640
Washington, D.C. 20015
(202) 246-6180

SAIRA HUSSAIN
JENNIFER LYNCH
(admitted in California)
Electronic Frontier Foundation
815 Eddy Street
San Francisco, CA 94109
(415) 436-9333
Attorneys for Plaintiff
ELECTRONIC FRONTIER FOUNDATION

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

ELECTRONIC FRONTIER FOUNDATION

Plaintiff

v.

DEPARTMENT OF HOMELAND SECURITY

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Office of General Counsel
DEPARTMENT OF HOMELAND SECURITY
245 Murray Lane SW
Mail Stop 0485
Washington DC 20528-0485

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David L. Sobel
Electronic Frontier Foundation
5335 Wisconsin Avenue, N.W.
Suite 640
Washington, D.C. 20015

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify):* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

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

ELECTRONIC FRONTIER FOUNDATION

Plaintiff

v.

DEPARTMENT OF HOMELAND SECURITY

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

U.S. ATTORNEY GENERAL
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington DC 20530

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David L. Sobel
Electronic Frontier Foundation
5335 Wisconsin Avenue, N.W., Suite 640
Washington, DC 20015

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify):* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

ELECTRONIC FRONTIER FOUNDATION

Plaintiff

v.

DEPARTMENT OF HOMELAND SECURITY

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

OFFICE OF THE U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA
ATTN: Civil Process Clerk
555 Fourth Street, N.W.
Washington DC 20530

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David L. Sobel
Electronic Frontier Foundation
5335 Wisconsin Avenue, N.W.
Suite 640
Washington, DC 20015

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

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_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify):* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

CIVIL COVER SHEET

JS-44 (Rev. 6/17 DC)

<p>I. (a) PLAINTIFFS ELECTRONIC FRONTIER FOUNDATION</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>88888</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) David L. Sobel Electronic Frontier Foundation 5335 Wisconsin Ave., NW., Suite 640 Washington, DC 20015, (202) 246-6180</p>	<p>DEFENDANTS DEPARTMENT OF HOMELAND OF SECURITY</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p> <p>ATTORNEYS (IF KNOWN)</p>																								
<p>II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="radio"/> 2 U.S. Government Defendant</p> <p><input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
	PTF	DFT		PTF	DFT																				
Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4																				
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="radio"/> A. Antitrust</p> <p><input checked="" type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> B. Personal Injury/Malpractice</p> <p><input checked="" type="checkbox"/> 310 Airplane</p> <p><input checked="" type="checkbox"/> 315 Airplane Product Liability</p> <p><input checked="" type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input checked="" type="checkbox"/> 330 Federal Employers Liability</p> <p><input checked="" type="checkbox"/> 340 Marine</p> <p><input checked="" type="checkbox"/> 345 Marine Product Liability</p> <p><input checked="" type="checkbox"/> 350 Motor Vehicle</p> <p><input checked="" type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input checked="" type="checkbox"/> 360 Other Personal Injury</p> <p><input checked="" type="checkbox"/> 362 Medical Malpractice</p> <p><input checked="" type="checkbox"/> 365 Product Liability</p> <p><input checked="" type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input checked="" type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> C. Administrative Agency Review</p> <p><input checked="" type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input checked="" type="checkbox"/> 861 HIA (1395ff)</p> <p><input checked="" type="checkbox"/> 862 Black Lung (923)</p> <p><input checked="" type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input checked="" type="checkbox"/> 864 SSID Title XVI</p> <p><input checked="" type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input checked="" type="checkbox"/> 891 Agricultural Acts</p> <p><input checked="" type="checkbox"/> 893 Environmental Matters</p> <p><input checked="" type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction</p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>
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E. General Civil (Other) OR **F. Pro Se General Civil**

<p><u>Real Property</u></p> <p><input checked="" type="checkbox"/> 210 Land Condemnation</p> <p><input checked="" type="checkbox"/> 220 Foreclosure</p> <p><input checked="" type="checkbox"/> 230 Rent, Lease & Ejectment</p> <p><input checked="" type="checkbox"/> 240 Torts to Land</p> <p><input checked="" type="checkbox"/> 245 Tort Product Liability</p> <p><input checked="" type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input checked="" type="checkbox"/> 370 Other Fraud</p> <p><input checked="" type="checkbox"/> 371 Truth in Lending</p> <p><input checked="" type="checkbox"/> 380 Other Personal Property Damage</p> <p><input checked="" type="checkbox"/> 385 Property Damage Product Liability</p>	<p><u>Bankruptcy</u></p> <p><input checked="" type="checkbox"/> 422 Appeal 27 USC 158</p> <p><input checked="" type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input checked="" type="checkbox"/> 535 Death Penalty</p> <p><input checked="" type="checkbox"/> 540 Mandamus & Other</p> <p><input checked="" type="checkbox"/> 550 Civil Rights</p> <p><input checked="" type="checkbox"/> 555 Prison Conditions</p> <p><input checked="" type="checkbox"/> 560 Civil Detainee – Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input checked="" type="checkbox"/> 820 Copyrights</p> <p><input checked="" type="checkbox"/> 830 Patent</p> <p><input checked="" type="checkbox"/> 835 Patent – Abbreviated New Drug Application</p> <p><input checked="" type="checkbox"/> 840 Trademark</p>	<p><u>Federal Tax Suits</u></p> <p><input checked="" type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input checked="" type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p> <p><u>Forfeiture/Penalty</u></p> <p><input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input checked="" type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input checked="" type="checkbox"/> 375 False Claims Act</p> <p><input checked="" type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input checked="" type="checkbox"/> 400 State Reapportionment</p> <p><input checked="" type="checkbox"/> 430 Banks & Banking</p> <p><input checked="" type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input checked="" type="checkbox"/> 460 Deportation</p>	<p><input checked="" type="checkbox"/> 462 Naturalization Application</p> <p><input checked="" type="checkbox"/> 465 Other Immigration Actions</p> <p><input checked="" type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization</p> <p><input checked="" type="checkbox"/> 480 Consumer Credit</p> <p><input checked="" type="checkbox"/> 490 Cable/Satellite TV</p> <p><input checked="" type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input checked="" type="checkbox"/> 896 Arbitration</p> <p><input checked="" type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input checked="" type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input checked="" type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>
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<input type="radio"/> G. Habeas Corpus/ 2255 <input checked="" type="checkbox"/> 530 Habeas Corpus – General <input checked="" type="checkbox"/> 510 Motion/Vacate Sentence <input checked="" type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input checked="" type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input checked="" type="radio"/> I. FOIA/Privacy Act <input checked="" type="checkbox"/> 895 Freedom of Information Act <input checked="" type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input checked="" type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input checked="" type="checkbox"/> 720 Labor/Mgmt. Relations <input checked="" type="checkbox"/> 740 Labor Railway Act <input checked="" type="checkbox"/> 751 Family and Medical Leave Act <input checked="" type="checkbox"/> 790 Other Labor Litigation <input checked="" type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input checked="" type="checkbox"/> 441 Voting (if not Voting Rights Act) <input checked="" type="checkbox"/> 443 Housing/Accommodations <input checked="" type="checkbox"/> 440 Other Civil Rights <input checked="" type="checkbox"/> 445 Americans w/Disabilities – Employment <input checked="" type="checkbox"/> 446 Americans w/Disabilities – Other <input checked="" type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input checked="" type="checkbox"/> 110 Insurance <input checked="" type="checkbox"/> 120 Marine <input checked="" type="checkbox"/> 130 Miller Act <input checked="" type="checkbox"/> 140 Negotiable Instrument <input checked="" type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input checked="" type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input checked="" type="checkbox"/> 160 Stockholder’s Suits <input checked="" type="checkbox"/> 190 Other Contracts <input checked="" type="checkbox"/> 195 Contract Product Liability <input checked="" type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input checked="" type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 Wrongful withholding of agency records; 5 U.S.C. § 552

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: August 27, 2019	SIGNATURE OF ATTORNEY OF RECORD
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.