

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

AMERICAN CIVIL LIBERTIES UNION,  
915 Fifteenth Street NW, 7th Floor  
Washington, DC 20005,

*Plaintiff,*

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY,  
245 Murray Lane SW  
Washington, DC 20528,

U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT,  
500 Twelfth Street SW  
Washington, DC 20536,

*Defendants.*

No. 20-cv-3204

**COMPLAINT**

1. Plaintiff American Civil Liberties Union (“ACLU”) brings this action against the United States Department of Homeland Security (“DHS”) and United States Immigration and Customs Enforcement (“ICE”) under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, seeking declaratory and injunctive relief to compel compliance with the requirements of FOIA to immediately release improperly withheld agency records.

2. As of the date of the filing of this Complaint, the COVID-19 pandemic has killed more than 230,000 people in the United States. More than 9 million people in the United States have tested positive for the coronavirus.<sup>1</sup>

3. Defendants hold thousands of immigrants in detention facilities across the United States,<sup>2</sup> and the people living and working in those facilities are acutely vulnerable to the coronavirus, for multiple reasons. First, detention centers have been notoriously overcrowded, at times making social distancing difficult or impossible.<sup>3</sup> In one Massachusetts ICE facility, 57 people slept in bunk beds just three feet apart.<sup>4</sup> Second, substandard healthcare and hygiene policies at many facilities have heightened the risk facing detainees and staff. A June 2019 DHS Inspector General report identified “immediate risks or egregious violations” at certain ICE facilities, including “inadequate medical care” and a failure to provide detainees with “appropriate clothing and hygiene items to ensure they could properly care for themselves,” all

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<sup>1</sup> CDC COVID Data Tracker (last updated Nov. 5, 2020), <https://covid.cdc.gov/covid-data-tracker/>.

<sup>2</sup> U.S. Immigrations & Customs Enf’t, *Detention Management* (Detention FY 20 YTD), <https://www.ice.gov/detention-management#tab2> (last updated Oct. 13, 2020).

<sup>3</sup> See, e.g., Dep’t of Homeland Sec., Office of Inspector General, *DHS Needs to Address Dangerous Overcrowding and Prolonged Detention of Children and Adults in the Rio Grande Valley* (July 2, 2019) (reporting that “both ICE and HHS are operating at or above capacity”), [https://www.oig.dhs.gov/sites/default/files/assets/2019-07/OIG-19-51-Jul19\\_.pdf](https://www.oig.dhs.gov/sites/default/files/assets/2019-07/OIG-19-51-Jul19_.pdf); Ashoka Mukpo, “*They Don’t Care If You Die*”: *Immigrants in ICE Detention Fear the Spread of COVID-19*, ACLU (Apr. 8, 2020), <https://www.aclu.org/news/immigrants-rights/they-dont-care-if-you-die-immigrants-in-ice-detention-fear-the-spread-of-covid-19/>.

<sup>4</sup> Shannon Dooling, *57 Inmates to a Unit, Bunk Beds 3 Feet Apart; ICE Detainees in Bristol County Cite Overcrowding Amid COVID-19 Fears*, WBUR (Mar. 20, 2020), <https://www.wbur.org/news/2020/03/20/bristol-county-sheriff-immigration-covid-19-coronavirus>. In a March 18, 2020 letter to ICE and state health authorities, the detainees reported that medical personnel “stated that the infection of the whole ICE facility population is inevitable and will occur within the next 30 days.” *Id.*

of which “confirmed concerns identified in detainee grievances” regarding the “unsafe and unhealthy conditions” at detention centers.<sup>5</sup> And, in February 2019, members of Congress wrote to ICE about “viral disease outbreaks” in Colorado, Arizona, and Texas detention facilities, noting that one facility had experienced “a 40 percent increase in detainee population” with “no known increase in medical staff.”<sup>6</sup>

4. From the outset of the pandemic, Defendants were well aware of the devastating impact it could have on detainees in their facilities. In February and March of this year, medical experts for the DHS Office for Civil Rights and Civil Liberties warned of a “tinderbox scenario,” in which “a detention center with a rapid outbreak could result in multiple detainees . . . being sent to the local community hospital,” potentially causing “many people from the detention center *and the community* [to] die unnecessarily.”<sup>7</sup> In March, a group of U.S. Senators urged

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<sup>5</sup> Dep’t of Homeland Sec., Office of Inspector General, *Concerns about ICE Detainee Treatment and Care at Four Detention Facilities* (Jun. 3, 2019), <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>; *see also* ACLU, *Justice-Free Zones: U.S. Immigration Detention Under the Trump Administration* (Apr. 2020), [https://www.aclu.org/sites/default/files/field\\_document/justice-free\\_zones\\_immigrant\\_detention\\_report\\_aclu\\_hrwn\\_nijc\\_0.pdf](https://www.aclu.org/sites/default/files/field_document/justice-free_zones_immigrant_detention_report_aclu_hrwn_nijc_0.pdf). A report by the House Committee on Homeland Security found that ICE “prioritize[s] obtaining bed space over the wellbeing of the detainees in its custody,” and provides “deficient medical, dental, and mental health care.” *ICE Detention Facilities: Failing to Meet Basic Standards of Care* (Sept. 21, 2020), <https://homeland.house.gov/activities/other-events/ice-detention-facilities-failing-to-meet-basic-standards-of-care>.

<sup>6</sup> Ltr. from Rep. Jason Crow et al. to Acting Director Vitiello (Feb. 28, 2019), <https://crow.house.gov/sites/crow.house.gov/files/02-28-2019-Letter-to-ICE-Detention-Center-Oversight-SIGNED.pdf>.

<sup>7</sup> Catherine E. Shoichet, *Doctors Warn of ‘Tinderbox Scenario’ If Coronavirus Spreads in ICE Detention*, CNN (Mar. 20, 2020), <https://www.cnn.com/2020/03/20/health/doctors-ice-detention-coronavirus/index.html> (emphasis original); *see also* Ltr. From Scott A. Allen & Josiah “Jody” Rich to Committee Chairpersons and Ranking Members (Mar. 19, 2020), <https://whistleblower.org/wp-content/uploads/2020/03/Drs.-Allen-and-Rich-3.20.2020-Letter-to-Congress.pdf>; Amanda Holpuch, *Coronavirus Inevitable in Prison-Like US Immigration*

Acting DHS Secretary Chad Wolf and Acting ICE Director Matthew Albence to “have specific plans to manage any outbreak within the detained population and provide treatment to detained persons and staff who become infected,” and to share those plans with Congress.<sup>8</sup>

5. Despite these warnings, Defendants have failed to adequately protect immigrants and staff in their detention centers.

6. To take just one example, at the Adelanto ICE Processing Center in Adelanto, California, nearly 20% of the detainees tested positive for the coronavirus.<sup>9</sup> A federal district court held that Defendants violated detainees’ constitutional rights based on “detailed factual findings” about the conditions at Adelanto, including that “staff were not required to wear gloves and masks,” “there were only three functioning showers for 118 women,” “detainees had to wait for days to receive hand soap,” and “detainees were forced to sleep within six feet of each other due to the positions of their beds.”<sup>10</sup> Remarkably, after the private contractor operating the Adelanto facility sought to offer tests to every detainee and staff member in the facility in May,

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*Centers, Doctors Say*, The Guardian (Mar. 11, 2020), <https://www.theguardian.com/world/2020/mar/11/coronavirus-outbreak-us-immigration-centers>.

<sup>8</sup> Ltr. from Sen. Elizabeth Warren et al. to Acting Secretary Wolf, Acting Director Albence, and Acting Commissioner Morgan (Mar. 18, 2020), <https://www.warren.senate.gov/imo/media/doc/Letter%20re%20Preparedness%20in%20DHS%20Facilities.pdf>.

<sup>9</sup> Rebecca Plevin, *‘I’m Scared for My Life’: Nearly 20% of Detainees at Adelanto ICE Facility Have COVID-19*, Desert Sun (Oct. 8, 2020), <https://www.desertsun.com/story/news/2020/10/07/nearly-20-detainees-adelanto-ice-facility-have-covid-19/5918914002/>.

<sup>10</sup> *Roman v. Wolf*, 2020 WL 5683233, at \*4 (9th Cir. Sept. 23, 2020) (summarizing the findings and affirming the holding).

the ICE officer in charge “ordered the GEO Group to not conduct the universal testing of detainees.”<sup>11</sup>

7. A separate federal court found that ICE had shown “deliberate indifference to the risk of an outbreak” in the Mesa Verde Detention Center in Bakersfield, California.<sup>12</sup>

8. ICE and DHS have exacerbated the spread of the coronavirus through detainee transfers. In June, for example, Defendants transferred a large group of detainees to the Farmville Detention Center in Virginia, causing a massive outbreak “that affected more than 90% of the center’s nearly 300 detainees, including a 72-year-old detainee who died.”<sup>13</sup>

9. Thousands of detainees in ICE facilities across the country have tested positive for the coronavirus, and the numbers of infections and deaths are likely far worse than indicated by ICE’s data.<sup>14</sup>

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<sup>11</sup> *Roman v. Wolf*, 2020 WL 5797918, at \*2-3 (C.D. Cal. Sept. 29, 2020) (finding that ICE’s decision “was not based on scientific evidence, sound or otherwise; was not based on a lack of detention or medical staff available to administer the tests; and not based on a lack of financial resources”), *aff’d in part and vacated on other grounds*, 2020 WL 6040125 (9th Cir. Oct. 13, 2020).

<sup>12</sup> *Zepeda Rivas v. Jennings*, 2020 WL 4554646, at \*1 (N.D. Cal. Aug. 6, 2020) (“[T]he documentary evidence shows that [ICE officials] avoided widespread testing of staff and detainees at the facility, not for lack of tests, but for fear that positive test results would require them to implement safety measures that they apparently felt were not worth the trouble”).

<sup>13</sup> Matthew Barakat, *Report: Immigration Detention Center Should Release Inmates*, Associated Press (Sept. 8, 2020), <https://apnews.com/article/virginia-lawsuits-virus-outbreak-archive-immigration-c1fe09311e28a02377c1cf1480e52707>. A federal court described Defendants’ actions as a “bureaucratic circus,” *id.*, and enjoined Defendants from transferring any detainees into the facility “until further order of the Court,” *Garcia v. Wolf*, 2020 WL 4668189, at \*1 (E.D. Va. Aug. 11, 2020).

<sup>14</sup> *See, e.g.*, Dan Glaun, *How ICE Data Undercounts COVID-19 Victims*, Frontline (Aug. 11, 2020), <https://www.pbs.org/wgbh/frontline/article/how-ice-data-undercounts-covid-19-victims/>.

10. A September 2020 Staff Report of the House Committee on Oversight and Reform and Subcommittee on Civil Rights and Civil Liberties raised “concerns that [the coronavirus] numbers will continue to rapidly increase because detainees often are not provided basic immunizations and are forced to live and eat in unsanitary conditions.”<sup>15</sup>

11. As the virus has spread throughout ICE facilities and the surrounding communities, Defendants have withheld vital public health information necessary to safeguard the civil rights of detainees. For example, a federal district court held that ICE’s sworn statement that it had tested all detainees with suspected COVID symptoms in Maryland detention facilities was “demonstrably false,” finding that ICE’s “withholding of this information [about symptomatic detainees] and failure to correct the record on this point . . . raises significant doubt whether the [detention facility] will reveal suspected cases when they arise so as to facilitate proper testing and responsive measures to protect the detainee population, or whether it will conceal suspected cases in the future and take no action, at substantial risk to the detainee population.”<sup>16</sup>

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<sup>15</sup> Staff Report, House Comm. on Oversight and Reform and Subcomm. on Civil Rights and Civil Liberties, *The Trump Administration’s Mistreatment of Detained Immigrants: Deaths and Deficient Medical Care by For-Profit Detention Contractors* (Sept. 2020), <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-09-24.%20Staff%20Report%20on%20ICE%20Contractors.pdf>.

<sup>16</sup> *Coreas v. Bounds*, 2020 WL 2292747, at \*4 (D. Md. May 7, 2020); see also *Roman v. Wolf*, 2020 WL 6107069, at \*1-2 (C.D. Cal. Oct. 15, 2020) (“[T]he Court is concerned with straight up dishonesty on the part of the Government’s counsel . . . [T]he Government has failed, and continues to fail, to provide timely information to the Court”); Dennis Kuo, et al., *The Hidden Curve: Estimating the Spread of COVID-19 Among People in ICE Detention* (June 2020), <https://www.vera.org/the-hidden-curve-covid-19-in-ice-detention> (“ICE’s lack of transparency makes it difficult to predict the risks confronting people being held for civil immigration reasons. However, as Vera’s model demonstrates, the true scale of the spread of COVID-19 in ICE detention is likely to be shockingly high.”).

12. There is also evidence that ICE has attempted to silence detainees trying to speak out. After some detainees in the South Texas Processing Center went on strike to protest the inadequate pandemic precautions in the facility, the staff “initiated an immediate ‘use of force,’” including use of pepper spray on the detainees.<sup>17</sup> And when five women detained in the Irwin County Detention Center in Georgia recorded a video describing their fear of contracting COVID-19 due to the facility’s overcrowded and unsanitary conditions, ICE placed them in solitary confinement and then ordered them to sign an admission of wrongdoing.<sup>18</sup>

13. Defendants’ secrecy has dire consequences, as every additional day of delay, inaction, and mismanagement leads to more infections and deaths in detention facilities and nearby communities. There is an urgent need for transparency regarding Defendants’ response to the pandemic in immigration detention facilities to ensure that the government is held accountable and the rights of detainees are protected going forward.

14. In May, 2020, the ACLU submitted FOIA requests to ICE and DHS, seeking records relating to Defendants’ response to COVID-19 in immigration detention facilities, as well as the pandemic’s impact on the people living and working in those facilities. Although DHS agreed that the requests qualified for expedited processing, Defendants have failed to produce any records. As Defendants drag their feet, immigrants and staff in detention facilities continue to get infected and die from COVID-19.

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<sup>17</sup> Julian Aguilar & Perla Trevizo, *Migrants Say COVID-19 Fears Led to Disturbance in Texas Immigration Detention Center*, Texas Tribune (Mar. 25, 2020), <https://www.texastribune.org/2020/03/25/fears-covid-19-led-disturbance-texas-immigration-detention-center/>.

<sup>18</sup> Debbie Nathan, *Women in ICE Detention Face Reprisals for Speaking Up About Fears of COVID-19*, The Intercept (Apr. 28, 2020), <https://theintercept.com/2020/04/28/ice-detention-coronavirus-videos/>.

15. Because Defendants failed to comply with the applicable time-limit provisions of FOIA, the ACLU has constructively exhausted its administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i), and is entitled to bring this action seeking the production of records improperly withheld.

### **JURISDICTION AND VENUE**

16. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B). The Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331, and authority to issue a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202. The Court has personal jurisdiction over the parties.

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

### **PARTIES**

18. Plaintiff American Civil Liberties Union is a nationwide non-profit, nonpartisan organization with approximately two million members dedicated to protecting the fundamental liberties and basic civil rights guaranteed by state and federal constitutions and law. The ACLU is committed to ensuring that the United States government complies with the Constitution and the laws of this country in matters that affect civil liberties and human rights, including the rights of immigrants. The ACLU also is committed to principles of transparency and accountability in government, and seeks to ensure that the American public is informed about the conduct of its government in matters that affect civil liberties and human rights. Obtaining information about governmental activity, analyzing that information, and widely publishing and disseminating it to the press and the public is a critical and substantial component of the ACLU's work and one of its primary activities.



19. Defendant DHS is an agency of the U.S. government within the meaning of 5 U.S.C. § 551, 5 U.S.C. § 552(f), and 5 U.S.C. § 702. DHS is headquartered in Washington, D.C., and has possession, custody, and control of the records that the ACLU seeks, including through its component office ICE.

20. Defendant ICE is an agency of the U.S. government within the meaning of 5 U.S.C. § 551, 5 U.S.C. § 552(f), and 5 U.S.C. § 702. ICE is headquartered in Washington, D.C., and has possession, custody, and control of the records that the ACLU seeks.

### **FACTS**

21. On May 22, 2020, the ACLU submitted a FOIA request to DHS and ICE (Ex. A) seeking the following records:

All communications and documents related to COVID-19 in immigration detention facilities, including, but not limited to directives, policies, protocols, communications, reports, emails, letters, and trainings.

All communications and documents related to COVID-19 testing of detainees, ICE employees and contractors, and employees of third-party contractors at immigration detention facilities, including, but not limited to plans, directives, protocol, reports, spreadsheets, trainings, test results, statistics, or projection.

All communications and documents related to estimating or predicting COVID-19 infection and mortality among detainees, ICE employees and contractors, and employees of third-party contractors at immigration detention facilities.

All communications and documents regarding suspected or confirmed COVID-19-related exposures, infections, and deaths among people living and working in immigration detention facilities.

All communications and documents regarding the risk of spreading COVID-19 to the communities surrounding immigration detention facilities via movement of staff, third-party contractors, visitors, detainees, and others into, out of, and between those facilities, including transfers.

All communications and documents between or among immigration detention facility employees, including executive staff, supervisors, and staff, and/or third-party contractors regarding employees' access to hygiene, access to personal protective equipment, social distancing or lack thereof, or other risks of employee exposure to COVID-19 within Detention Facilities.

All communications and documents regarding COVID-19-related grievances or complaints, including, but not limited to, those discussing access to hygiene, protective equipment, social distancing or lack thereof, or other risks of exposure to COVID-19 within immigration detention facilities, and including but not limited to communications and documents regarding how immigration detention facility employees should respond to grievances or complaints in light of changing DHS and ICE guidance.

All communications and documents dated January 1, 2016 to the present regarding planned responses in the event of a potential infectious disease outbreak within immigration detention facilities, including but not limited to an outbreak of COVID-19.

All communications and documents reflecting the models or algorithms used to estimate or predict COVID-19 infection rates and likely mortality throughout the country, including whether any models or algorithms considered the spread of COVID-19 inside and through immigration detention facilities.

All communications and documents reflecting DHS's and ICE's assessment of social distancing inside immigration detention facilities, including but not limited to discussions regarding the importance of social distancing or the number of detainees who would have to be transferred outside immigration detention facilities to ensure social distancing inside them.

All communications and documents regarding COVID-19 testing within immigration detention facilities by ICE, Centers for Disease Control and Prevention ("CDC"), or any other federal agency, including but not limited to the number of tests administered to staff, detainees, and third party contractors, the number projected to be administered to staff, detainees, and third party contractors going forward, the number of positive tests of staff, detainees, and third party contractors, any plans to publicly report the results of those tests, the frequency with which test results will be reported publicly, and the timeline for administering those tests.

All communications and documents regarding Congressional or state-based inquiries into COVID-19-related issues within immigration detention facilities, including but not limited to responses provided thereto.

All communications and documents containing or regarding guidance on release from immigration detention facilities to non-custodial settings, due to COVID-19, including but not limited to determination of which detainees are eligible for and will ultimately be cleared for transfer or release, including but not limited to determination of which detainees are vulnerable to COVID-19 contraction on the basis of health or age.

All policies and guidelines related to deportation of detainees who have tested positive for COVID-19 or who exhibit symptoms of COVID-19, including policies related to deportation air travel or flights.

22. The May 22 request sought all responsive records “dated November 1, 2019 to the present unless otherwise noted.”

23. The ACLU sought expedited processing of the May 22 request, citing the urgent need to inform the public about ICE’s response to the potential spread of a deadly pandemic within its facilities, the imminent threat facing immigrants in those facilities, and the ACLU’s activities as an organization “primarily engaged in disseminating information” within the meaning of FOIA.

24. On May 26, 2020, DHS acknowledged receipt of the May 22 request and assigned it reference number 2020-HQFO-01166. DHS granted the ACLU’s request for expedited processing. And, noting that the ACLU had also submitted its FOIA request to ICE, DHS stated that its Privacy Office “will be coordinating a search with ICE and will respond to your request on behalf of DHS and its components.”

25. On June 2, 2020, ICE acknowledged receipt of the May 22 request and assigned it reference number 2020-ICFO-47893. ICE determined that the response to the request “will be coordinated by the DHS Privacy Office” and referred the request to DHS “for processing and direct response to you.” ICE also granted the ACLU’s request for a fee waiver but asserted that “we may encounter some delay in processing your request,” invoking the “10-day extension . . . allowed by [ ] 5 U.S.C. § 552(a)(6)(B).”

26. On June 10, 2020, the DHS Privacy Office sent an email to the ACLU seeking “further clarification” of the May 22 request to DHS, No. 2020-HQFO-01166. Specifically, DHS asked the ACLU to “narrow the part of the request where you seek ‘communications’” by

identifying “specific detention facilities, names of record custodians or position titles.” DHS asserted that the request would be placed “on hold until we receive further clarification from you.”

27. The ACLU provided the requested “clarification” in a letter on June 12, 2020, agreeing to narrow the May 22 request to a set of specific detention facilities listed in the letter.  
Ex. B.

28. Although DHS granted the ACLU’s request for expedited processing, Defendants have still not determined whether they will comply with the ACLU’s request and have still not produced a single document. Defendants’ response is now more than three months late. Immigrants detained in ICE facilities, their families, and the general public have an urgent need for this information.

## **CLAIMS FOR RELIEF**

### **CLAIM I**

#### **Violation of FOIA, 5 U.S.C. § 552**

#### **Failure to Conduct Adequate Searches for Responsive Records**

29. The ACLU properly requested records within the possession, custody, and control of Defendants.

30. Defendants are agencies subject to and within the meaning of FOIA, and they must therefore make reasonable efforts to search for requested records.

31. Defendants have failed to promptly review agency records for the purpose of locating those records that are responsive to the ACLU’s FOIA requests.

32. Defendants’ failure to conduct adequate searches for responsive records violates FOIA and applicable regulations.

33. Because Defendants failed to comply with the applicable time-limit provisions of FOIA, the ACLU has constructively exhausted its administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i).

34. The ACLU is therefore entitled to injunctive and declaratory relief requiring Defendants to promptly make reasonable efforts to search for records responsive to the ACLU's FOIA requests.

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

35. The ACLU properly requested records within the possession, custody, and control of Defendants.

36. Defendants are agencies and components thereof subject to FOIA, and they must therefore release in response to a FOIA request any non-exempt records and provide a lawful reason for withholding any materials.

37. Defendants are wrongfully withholding non-exempt agency records requested by the ACLU by failing to produce non-exempt records responsive to its FOIA requests.

38. Defendants are wrongfully withholding non-exempt agency records requested by the ACLU by failing to segregate exempt information in otherwise non-exempt records responsive to the ACLU's FOIA requests.

39. Defendants' failure to provide all non-exempt responsive records violates FOIA and applicable regulations.

40. Because Defendants failed to comply with the applicable time-limit provisions of FOIA, the ACLU has constructively exhausted its administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i).

41. The ACLU is therefore entitled to declaratory and injunctive relief requiring Defendants to promptly produce all non-exempt records responsive to its FOIA requests and provide indexes justifying the withholding of any responsive records withheld under claim of exemption.

### **REQUEST FOR RELIEF**

WHEREFORE, the ACLU respectfully requests the Court to:

- a. Declare unlawful the Defendants' failure to comply with FOIA;
- b. Declare that Plaintiffs are entitled to disclosure of the requested records;
- c. Order Defendants to immediately process the ACLU's request and to disclose, in their entirety, unredacted versions of all records responsive to the ACLU's request that are not specifically exempt from disclosure under FOIA, including any non-identical copies of any such records;
- d. Enjoin Defendants from charging the ACLU search, review, or duplication fees of the processing of the requests;
- e. Enjoin Defendants from continuing to withhold any and all non-exempt records responsive to Plaintiffs' Request;
- f. Retain jurisdiction of this action to ensure that no agency records are wrongfully withheld;
- g. Award Plaintiffs their reasonable attorney's fees and litigation costs incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and
- h. Grant such other relief as the Court may deem just and proper.

DATED: November 6, 2020

Respectfully submitted,

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