

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN OVERSIGHT,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

Civil Action No. 25-3414 (CRC)

**ANSWER**

Defendant the United States Department of Justice (“Department”), by and through undersigned counsel, respectfully submit this Answer to the Complaint filed by Plaintiff American Oversight (“Plaintiff”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. Defendant expressly denies any allegations in the Complaint that are not specifically admitted to or otherwise qualified in this Answer. Moreover, to the extent the Complaint refers to or quotes from external documents, statutes, or other sources, Defendant may refer to such materials for their accurate and complete contents in response; however, Defendant’s references are not intended to be, and should not be construed to be, an admission that the cited materials: (a) are correctly cited or quoted by Plaintiff; (b) are relevant to this, or any other, action; or (c) are admissible in this, or any other, action. Defendant responds to the Complaint in like numbered paragraphs<sup>1</sup> as follows:

1. This paragraph consists of Plaintiff’s characterization of this action and Plaintiff’s FOIA request, to which no response is required. Defendant respectfully refers the Court to

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<sup>1</sup> For ease of reference, Defendant replicates the headings contained in the Complaint. Although Defendant believes that no response is required to such headings (Fed. R. Civ. P. 10(b)), to the extent a response is deemed required and to the extent those headings and titles could be construed to contain factual allegations, those allegations are denied.

Plaintiff's FOIA request, *see* Compl. Ex. A (ECF No. 1-1), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the request. To the extent that a response is deemed required, Defendant admits that Plaintiff purports to bring this action under the FOIA but denies that Plaintiff is entitled to the relief requested or any relief whatsoever.

### **JURISDICTION AND VENUE**

2. This paragraph consists of Plaintiff's conclusions of law regarding jurisdiction, to which no response is required. To the extent a response is deemed required, Defendant admits that this Court has jurisdiction subject to the terms, conditions, and limitations of the FOIA, 5 U.S.C. § 552 *et seq.*

3. This paragraph consists of Plaintiff's conclusions of law regarding venue, to which no response is required. To the extent a response is deemed required, Defendant admits that venue is proper in this judicial district for actions brought under the FOIA.

4. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

### **PARTIES**

5. This paragraph consists of Plaintiff's characterization of itself, about which Defendant lacks sufficient knowledge or information as to the truth of the allegations.

6. Defendant admits that the Department is a federal agency subject to the FOIA. The remaining allegations in this paragraph consist of conclusions of law, to which no response is required. To the extent that a response is deemed required, Defendant lacks sufficient knowledge or information as to the truth of the allegations.

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**STATEMENT OF FACTS**

7. This paragraph consists of Plaintiff's characterization of alleged background information not pertinent to the resolution of the claims at issue in this FOIA action, to which no response is required. To the extent that a response is deemed required, Defendant admits that, on March 14, 2025, Emil Bove and Paul Perkins worked in the Office of the Deputy Attorney General. Defendant denies any other allegations at this time in light of ongoing proceedings in another matter.

8. Defendant respectfully refers the Court to the accompanying Motion to Strike in Part, which accompanies the filing of this Answer. To the extent that a response is deemed required, Defendant denies the allegations at this time in light of ongoing proceedings in another matter.

9. Defendant respectfully refers the Court to the accompanying Motion to Strike in Part, which accompanies the filing of this Answer. To the extent that a response is deemed required, Defendant denies the allegations at this time in light of ongoing proceedings in another matter.

10. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendant refers the Court to Proclamation No. 10903 for a complete and accurate statement of its contents. To the extent that Plaintiff's allegations are inconsistent with the language of Proclamation No. 10903, Defendant denies these allegations.

11. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendant refers the Court to Proclamation No. 10903 for a complete and accurate

statement of its contents. To the extent that Plaintiff's allegations are inconsistent with the language of Proclamation No. 10903, Defendant denies these allegations.

12. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. Additionally, this paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies these allegations.

13. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendant refers the Court to Proclamation No. 10903 for a complete and accurate statement of its contents. To the extent that Plaintiff's allegations are inconsistent with the language of Proclamation No. 10903, Defendant denies these allegations.

14. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendant refers the Court to the cited district court decision for a complete and accurate statement of its contents. To the extent that Plaintiff's allegations and characterizations are inconsistent with the cited district court decision, Defendant denies the allegations. To the extent that a further response is required, Defendant further denies the allegations generally.

15. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendant refers the Court to the cited district court decision for a complete and accurate statement of its contents. To the extent that Plaintiff's allegations and characterizations are inconsistent with the cited district court decision, Defendant denies the allegations. To the extent a further response is required, Defendant denies these allegations.

16. Defendant respectfully refers the Court to the accompanying Motion to Strike in Part, which accompanies the filing of this Answer. To the extent that a response is deemed required, Defendant denies the allegations at this time in light of ongoing proceedings in another matter.

17. Defendant respectfully refers the Court to the accompanying Motion to Strike in Part, which accompanies the filing of this Answer. To the extent that a response is deemed required, Defendant denies the allegations at this time in light of ongoing proceedings in another matter.

18. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendant refers the Court to the cited district court decision for a complete and accurate statement of its contents. To the extent that Plaintiff's allegations and characterizations are inconsistent with the cited district court decision, Defendant denies the allegations. To the extent a further response is required, Defendant denies these allegations.

19. Defendant respectfully refers the Court to the accompanying Motion to Strike in Part, which accompanies the filing of this Answer. To the extent that a response is deemed required, Defendant denies the allegations at this time in light of ongoing proceedings in another matter.

20. Defendant respectfully refers the Court to the accompanying Motion to Strike in Part, which accompanies the filing of this Answer. To the extent that a response is deemed required, Defendant denies the allegations at this time in light of ongoing proceedings in another matter.

21. The allegations contained in this paragraph do not set forth a claim for relief or aver

facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendant refers the Court to the cited Supreme Court decisions for a complete and accurate statement of their contents. To the extent that Plaintiff's allegations and characterizations are inconsistent with the cited Supreme Court decisions, Defendant denies the allegations. To the extent a further response is required, Defendant denies these allegations.

22. Defendant respectfully refers the Court to the accompanying Motion to Strike in Part, which accompanies the filing of this Answer. To the extent that a response is deemed required, Defendant denies the allegations at this time in light of ongoing proceedings in another matter.

23. Defendant respectfully refers the Court to the accompanying Motion to Strike in Part, which accompanies the filing of this Answer. To the extent that a response is deemed required, Defendant denies the allegations at this time in light of ongoing proceedings in another matter.

24. Defendant respectfully refers the Court to the accompanying Motion to Strike in Part, which accompanies the filing of this Answer. To the extent that a response is deemed required, Defendant denies the allegations at this time in light of ongoing proceedings in another matter.

25. Defendant respectfully refers the Court to the accompanying Motion to Strike in Part, which accompanies the filing of this Answer. To the extent that a response is deemed required, Defendant denies the allegations at this time in light of ongoing proceedings in another matter.

26. Defendant admits that the Department's Office of Information Policy ("OIP") received a FOIA request from Plaintiff dated July 15, 2025. Defendant respectfully refers the

Court to Plaintiff's FOIA request, *see* Compl. Ex. A (ECF No. 1-1), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the request. Defendant lacks sufficient knowledge or information as to the truth of the allegations related to the FOIA requests submitted to two non-defendant agencies.

27. Defendant denies the allegations contained in this paragraph.

28. Defendant admits that Plaintiff's FOIA request to OIP seeks expedited processing. Defendant respectfully refers the Court to Plaintiff's FOIA request, *see* Compl. Ex. A (ECF No. 1-1), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the request.

29. Defendant admits that Plaintiff's FOIA request to OIP seeks expedited processing. Defendant respectfully refers the Court to Plaintiff's FOIA request, *see* Compl. Ex. A (ECF No. 1-1), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the request. Defendant further refers the Court to the cited regulations for a complete and accurate statement of their contents and denies the allegations to the extent they are inconsistent with the content of the cited regulations.

30. The allegations in this paragraph consist of Plaintiff's characterization of its FOIA request to OIP. Defendant respectfully refers the Court to Plaintiff's FOIA request, *see* Compl. Ex. A (ECF No. 1-1), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the request. Defendant lacks sufficient knowledge or information as to the truth of any allegations not covered by the denial.

31. The allegations in this paragraph consist of Plaintiff's characterization of its FOIA request to OIP. Defendant respectfully refers the Court to Plaintiff's FOIA request, *see* Compl. Ex. A (ECF No. 1-1), for a complete and accurate statement of its contents and denies any

allegations inconsistent with the content of the request. Defendant lacks sufficient knowledge or information as to the truth of any allegations not covered by the denial.

32. The allegations in this paragraph consist of Plaintiff's characterization of a July 18, 2025 letter from the Department of Homeland Security ("DHS"). Defendant lacks sufficient knowledge or information as to the truth of the allegations related to a non-defendant agency's response to Plaintiff's FOIA request. To the extent that a response is deemed required, Defendant respectfully refers the Court to the letter for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the letter.

33. The allegations in this paragraph consist of Plaintiff's characterization of a July 18, 2025 letter from DHS. Defendant lacks sufficient knowledge or information as to the truth of the allegations related to a non-defendant agency's response to Plaintiff's FOIA request. To the extent that a response is deemed required, Defendant respectfully refers the Court to the letter for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the letter.

34. The allegations in this paragraph consist of Plaintiff's characterization of a July 22, 2025 letter from the Immigration and Customs Enforcement ("ICE"). Defendant lacks sufficient knowledge or information as to the truth of the allegations related to a non-defendant agency's response to Plaintiff's FOIA request. To the extent that a response is deemed required, Defendant respectfully refers the Court to the letter for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the letter.

35. The allegations in this paragraph consist of Plaintiff's characterization of a July 22, 2025 letter from ICE. Defendant lacks sufficient knowledge or information as to the truth of the allegations related to a non-defendant agency's response to Plaintiff's FOIA request. To the extent

that a response is deemed required, Defendant respectfully refers the Court to the letter for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the letter.

36. Defendant admits that, by letter dated July 24, 2025, OIP acknowledged receipt of Plaintiff's request to OIP. Defendant respectfully refers the Court to the letter, *see* Compl. Ex. B (ECF No. 1-2), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the letter.

37. The allegations in this paragraph consist of Plaintiff's characterization of a July 24, 2025 letter from OIP. Defendant respectfully refers the Court to the letter, *see* Compl. Ex. B (ECF No. 1-2), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the letter.

38. The allegations in this paragraph consist of Plaintiff's characterization of a July 24, 2025 letter from OIP. Defendant respectfully refers the Court to the letter, *see* Compl. Ex. B (ECF No. 1-2), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the letter. Additionally, this paragraph consists of Plaintiff's conclusions of law regarding "unusual circumstances," to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

39. Defendant admits that, by letter dated July 24, 2025, OIP acknowledged receipt of Plaintiff's request to OIP and assigned request number FOIA-2025-05887. Defendant respectfully refers the Court to the letter, *see* Compl. Ex. B (ECF No. 1-2), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the letter.

40. Defendant admits that, by letter dated July 25, 2025, the Department acknowledged receipt of Plaintiff's request to ICE. Defendant respectfully refers the Court to the letter, *see*

Compl. Ex. C (ECF No. 1-3), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the letter.

41. The allegations in this paragraph consist of Plaintiff's characterization of a July 25, 2025 letter from the Department. Defendant admits that the quoted language appears in the letter and respectfully refers the Court to the letter, *see* Compl. Ex. C (ECF No. 1-3), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the letter.

42. The allegations in this paragraph consist of Plaintiff's characterization of a July 25, 2025 letter from the Department. Defendant admits that the quoted language appears in the letter and respectfully refers the Court to the letter, *see* Compl. Ex. C (ECF No. 1-3), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the letter.

43. The allegations in this paragraph consist of Plaintiff's characterization of a July 25, 2025 letter from OIP. Defendant respectfully refers the Court to the letter, *see* Compl. Ex. C (ECF No. 1-3), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the letter. Defendant lacks sufficient knowledge or information related to Plaintiff's subjective understanding.

44. Defendant admits that Plaintiff submitted an administrative appeal to OIP on August 12, 2025. Defendant respectfully refers the Court to the administrative appeal for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the administrative appeal.

45. Defendant admits that, by letter dated September 23, 2025, OIP responded to Plaintiff's administrative appeal to OIP. Defendant respectfully refers the Court to the letter, *see*

Compl. Ex. D (ECF No. 1-4), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the letter.

46. Defendant admits that, by letter dated August 11, 2025, OIP further acknowledged receipt of Plaintiff's request to OIP. Defendant respectfully refers the Court to the letter, *see* Compl. Ex. E (ECF No. 1-5), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the letter.

47. The allegations in this paragraph consist of Plaintiff's characterization of an August 11, 2025 letter from OIP. Defendant respectfully refers the Court to the letter, *see* Compl. Ex. E (ECF No. 1-5), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the letter. Additionally, this paragraph consists of Plaintiff's conclusions of law regarding "unusual circumstances," to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

48. Defendant admits that, as of the date the Complaint was filed, OIP has not issued a determination on Plaintiff's FOIA request to OIP.

49. The allegations in this paragraph consist of Plaintiff's characterization of its FOIA request to OIP. Defendant respectfully refers the Court to the FOIA request, *see* Compl. Ex. A (ECF No. 1-1), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the request.

50. The allegations in this paragraph consist of Plaintiff's characterization of its FOIA request to OIP. Defendant respectfully refers the Court to the FOIA request, Defendant respectfully refers the Court to the letter, *see* Compl. Ex. A (ECF No. 1-1), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the request. Additionally, this paragraph consists of Plaintiff's conclusions of law to which no

response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

51. The allegations in this paragraph consist of Plaintiff's characterization of its FOIA request to OIP. Defendant respectfully refers the Court to the FOIA request, *see* Compl. Ex. A (ECF No. 1-1), for a complete and accurate statement of its contents and denies any allegations inconsistent with the content of the request. Additionally, this paragraph consists of Plaintiff's conclusions of law to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

52. The allegations contained in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which a response is required. To the extent a response is deemed required, Defendant denies these allegations.

53. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

*Exhaustion of Administrative Remedies*

54. Defendant admits that, as of the date the Complaint was filed, OIP has not issued a determination on Plaintiff's FOIA request to OIP.

55. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

**COUNT I**

**Violation of FOIA, 5 U.S.C. § 552 Failure to Grant Expedited Processing**

56. Defendant incorporates by reference its responses to all preceding paragraphs as

though fully set forth herein.

57. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

58. Defendant admits that the Department is a federal agency subject to the FOIA. The remaining allegations in this paragraph consist of conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

59. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

60. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

## **COUNT II**

### **Violation of FOIA, 5 U.S.C. § 552 Failure to Conduct Adequate Searches for Responsive Records**

61. Defendant incorporates by reference its responses to all preceding paragraphs as though fully set forth herein.

62. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

63. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this

paragraph.

64. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

65. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

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

66. Defendant incorporates by reference its responses to all preceding paragraphs as though fully set forth herein.

67. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

68. Defendant admits that the Department is a federal agency subject to the FOIA. The remaining allegations in this paragraph consist of conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

69. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

70. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this

paragraph.

71. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

72. This paragraph consists of Plaintiff's conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the allegations in this paragraph.

### **REQUESTED RELIEF**

The remaining paragraphs in the Complaint set forth Plaintiff's request for relief, to which no response is required. To the extent a response is deemed required, Defendant denies that Plaintiff is entitled to the relief requested or to any relief whatsoever.

### **DEFENSES**

In further response to the Complaint, Defendant raises the following defenses. Defendant reserves the right to amend, alter, and supplement the defenses contained in this Answer as the facts and circumstances giving rise to the Complaint become known to Defendant through the course of this litigation. Defendant does not assume the burden of proving any of these defenses or elements of them where the burden is properly placed on Plaintiff as a matter of law.

#### **FIRST DEFENSE**

The Court lacks subject matter jurisdiction to award relief that exceeds the relief authorized under the FOIA, including but not limited to declaratory relief. *See* 5 U.S.C. § 552(a)(4)(B).

#### **SECOND DEFENSE**

Plaintiff is not entitled to compel the production of any record or portions thereof protected from disclosure by one or more exclusions or exemptions of the FOIA, 5 U.S.C. § 552(b), the Privacy Act, 5 U.S.C. § 552a, or other applicable law.

**THIRD DEFENSE**

Plaintiff is neither eligible for nor entitled to attorneys' fees or costs.

**FOURTH DEFENSE**

Plaintiff's FOIA request is improper to the extent it is unduly burdensome or does not reasonably describe the records sought as required by 5 U.S.C. § 552(a)(3)(A).

**FIFTH DEFENSE**

Defendant has exercised due diligence in processing Plaintiff's FOIA request, and exceptional circumstances exist that necessitate additional time for Defendant to continue its processing of Plaintiff's FOIA request. *See* 5 U.S.C. § 552(a)(6)(C).

**SIXTH DEFENSE**

Plaintiff is not entitled to production of non-exempt portions of records that are not reasonably segregable from exempt portions of records.

**SEVENTH DEFENSE**

Defendant's actions did not violate FOIA or any other statutory or regulatory provision.

**EIGHTH DEFENSE**

To the extent the Complaint alleges background facts unnecessary to the consideration of Defendant's response to FOIA requests at issue, the Complaint violates Rule 8(a)(2) by alleging information that is unnecessary to a "short and plain" statement of the claim. The Court should strike all such immaterial and impertinent matters pursuant to Rule 12(f). *See Mich. Immigr. Rts. Ctr. v. Dep't of Homeland Sec.*, Civ. A. No. 16-14192, 2017 WL 2471277, at \*3 (E.D. Mich. June 8, 2017) (deeming stricken under Rule 12(f) background facts alleged in a FOIA complaint: "In this unique context, requiring Defendants to answer allegations in Plaintiffs' complaint that they would not otherwise be required to answer, and that are not material to Plaintiffs' FOIA claim,

would prejudice Defendants.”); *Robert v. Dep’t of Just.*, Civ. A. No. 05-2543, 2005 WL 3371480, at \*11 (E.D.N.Y. Dec. 12, 2005) (striking allegations of background facts; concluding that plaintiff’s “allegations are irrelevant to the validity of [his] FOIA claims”).

Dated: January 20, 2025

Respectfully submitted,

STANLEY WOODWARD, Jr.  
Associate Attorney General

SEAN GLENDENING  
Director, Office of Information Policy

JEANINE FERRIS PIRRO  
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