

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN OVERSIGHT,  
1030 15th Street NW, B255  
Washington, DC 20005,

*Plaintiff,*

v.

U.S. CUSTOMS AND BORDER  
PROTECTION,  
1300 Pennsylvania Avenue NW  
Washington, DC 20229,

*Defendant.*

Case No. 26-cv-0750

**COMPLAINT**

1. Under the leadership of then-Border Patrol Chief Gregory Bovino, in November and December 2025 the Trump Administration deployed Customs and Border Protection (CBP) agents to Charlotte, North Carolina and New Orleans, Louisiana to expand immigration enforcement actions.<sup>1</sup>

2. Bovino, who has been a key figure in the Administration’s immigration enforcement efforts, has since been removed from his top position at the agency and is now

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<sup>1</sup> See, e.g., Dana Goldstein & Hamed Aleaziz, *Trump Administration Plans to Send Border Patrol to Charlotte and New Orleans*, N.Y. Times, Nov. 11, 2025, <https://www.nytimes.com/2025/11/11/us/trump-border-patrol-charlotte-new-orleans.html>; Alexandria Sands, *Border Patrol Reports Over 250 Charlotte Arrests, But Most Detainees Are Unidentified*, Axios, Nov. 19, 2025, <https://www.axios.com/local/charlotte/2025/11/19/border-patrol-ice-operation-immigration-web>; Liz Crampton, *Border Patrol Enters an Uneasy New Orleans*, Politico (Dec. 4, 2025, 2:39 PM), <https://www.politico.com/news/2025/12/04/border-patrol-new-orleans-immigration-00677121>.

reportedly under investigation for remarks he made in connection with the Administration's actions in Minneapolis, Minnesota.<sup>2</sup>

3. On January 24, 2026, in Minneapolis, two CBP agents fired multiple gun shots into Alex Jeffrey Pretti, a 37-year-old American intensive care nurse for the United States Department of Veterans Affairs, killing him.<sup>3</sup>

4. CBP's use of force, as well as its warrantless stops and searches, are raising public concern regarding the agency's compliance with protections of the individual under the United States Constitution.<sup>4</sup>

5. American Oversight brings this action against CBP under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), 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 and the release of requested records that may shed light on CBP's expanded operations beyond traditional border enforcement, as well as its use of force.

### **JURISDICTION AND VENUE**

6. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201, and 2202.

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

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<sup>2</sup> See, e.g., Ernesto Londoño & Hamed Aleaziz, *Homeland Security Investigates Remarks of Border Patrol Leader Gregory Bovino*, N.Y. Times (Mar. 3, 2026, 11:32 AM), <https://www.nytimes.com/2026/03/03/us/greg-bovino-investigation-dhs.html>.

<sup>3</sup> See, e.g., Martin Caste, *Border Patrol Has a History of Excessive Force*, NPR, Jan. 26, 2026, <https://www.npr.org/2026/01/26/nx-s1-5687887/border-patrol-has-a-history-of-excessive-force-critics-say-theyre-out-of-their-depth>.

<sup>4</sup> See, e.g., Jacob Windler, *DHS Watchdog Investigating Use of Force By ICE*, Politico, Feb. 3, 2026, <https://www.politico.com/news/2026/02/03/dhs-investigation-use-of-force-ice-00761953>.

8. Because Defendant has failed to comply with the applicable time-limit provisions of FOIA, American Oversight is deemed to have exhausted its administrative remedies under 5 U.S.C. § 552(a)(6)(C)(i) and is now entitled to judicial action that enjoins Defendant from continuing to withhold records and orders the expedited production of records improperly withheld.

### **PARTIES**

9. Plaintiff American Oversight is a nonpartisan, non-profit section 501(c)(3) organization primarily engaged in disseminating information to the public. American Oversight is committed to promoting transparency in government, educating the public about government activities, and ensuring the accountability of government officials. Through research and FOIA requests, American Oversight uses the information gathered, and its analysis of it, to educate the public about the activities and operations of the federal government through reports, published analyses, press releases, and other media. The organization is incorporated under the laws of the District of Columbia.

10. Defendant U.S. Customs and Border Protection (“CBP”) is a component of the U.S. Department of Homeland Security (“DHS”) headquartered in Washington, D.C., and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). CBP has possession, custody, and control of records that American Oversight seeks.

### **STATEMENT OF FACTS**

11. On January 26, 2026, American Oversight submitted three FOIA requests to CBP seeking various categories of records with the potential to shed light on CBP’s expanded operations and use of force.

*Bovino Communications Request*

12. The first request, bearing internal tracking number DHS-CBP-26-0154 (hereinafter, “Bovino Communications Request”), has two parts which seek the following records from September 22, 2025, through the date the search is conducted:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by U.S. Border Patrol El Centro Chief Patrol Agent Gregory Bovino to any email address ending in .com, .co, .us, .net, .org, .mail, .edu, .law, .legal, .ch, .me, .group, .vc, or .io.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited this request to emails sent by Mr. Bovino. To be clear, however, American Oversight’s request encompasses complete email chains, including all preceding messages in a chain to which Mr. Bovino responded. This means that any message Mr. Bovino sent during the specified time frame to any email address ending listed above is responsive to this request, and all sent and received messages in that chain should be produced.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between U.S. Border Patrol El Centro Chief Patrol Agent Gregory Bovino, and any representative of the White House Office (who.eop.gov).

13. CBP acknowledged its receipt of the Bovino Communications Request via email on January 28, 2026, assigned it tracking number CBP-FO-2026-051998, and invoked a 10-day extension of time in which to respond to the request.

14. To date, Plaintiff has received no further communication from CBP regarding the Bovino Communications Request.

*Legal Justification Request*

15. The second request, bearing internal tracking number DHS-CBP-26-0155 (hereinafter, “Legal Justification Request”), has two parts which seek the following records, created, issued, or in effect from January 20, 2025, through the date the search is conducted:

1. Records reflecting any final legal advice and analysis (including both formal legal analyses and memoranda, as well as informal electronic communications) regarding stop, search, and seizure authority within the 100-mile border zone, including but not limited to, authority pursuant to 8 C.F.R. § 287.1.
2. Records reflecting any final legal advice and analysis (including both formal legal analyses and memoranda, as well as informal electronic communications) regarding the Fourth Amendment to the United States Constitution.

16. CBP acknowledged its receipt of the Legal Justification Request via email on January 28, 2026, assigned it tracking number CBP-FO-2026-052001, and invoked a 10-day extension of time in which to respond to the request.

17. To date, Plaintiff has received no further communication from CBP regarding the Legal Justification Request.

*Training Materials Request*

18. The third request, bearing internal tracking number DHS-CBP-26-0156 (hereinafter, “Training Materials Request”), has two parts which seek the following records, created, issued, or in effect from January 20, 2025, through the date the search is conducted:

1. Records reflecting all training materials given to CBP regarding use of force.
2. Records reflecting all training materials given to CBP regarding the Fourth Amendment to the United States Constitution, including stop, search, and seizure authority and associated warrant requirements.

For both parts of this request, responsive records may include, but should not be limited to, PowerPoint slides, informational handouts, summary documents, handwritten or typed notes, training videos, or any other records used in trainings.

19. Plaintiff received an automated confirmation that the Training Materials Request was delivered to CBP through its FOIA portal on January 26, 2026.

20. To date, Plaintiff has received no communication from CBP regarding the Training

Materials Request.

*Exhaustion of Administrative Remedies*

21. As of the date of this Complaint, Defendant has failed to (a) notify American Oversight of final determinations regarding American Oversight's FOIA requests, including the scope of responsive records Defendant intends to produce or withhold and the reasons for any withholdings; or (b) produce the requested records or demonstrate that the requested records are lawfully exempt from production.

22. Through Defendant's failure to respond to American Oversight's FOIA requests within the time period required by law, American Oversight has constructively exhausted its administrative remedies and seeks immediate judicial review.

**COUNT I**

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

23. American Oversight repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

24. American Oversight properly requested records within the possession, custody, and control of Defendants.

25. Defendant is an agency subject to FOIA, and must therefore make reasonable efforts to search for requested records.

26. Defendant has failed to promptly review agency records for the purpose of locating those records that are responsive to the American Oversight's FOIA requests.

27. Defendant's failure to conduct adequate searches for responsive records violate FOIA and applicable regulations.

28. Plaintiff American Oversight is therefore entitled to injunctive and declaratory

relief requiring Defendant to promptly make reasonable efforts to search for records responsive to American Oversight's FOIA requests.

**COUNT II**

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

29. American Oversight repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

30. American Oversight properly requested records within Defendant's possession, custody, and control.

31. Defendant is an agency subject to FOIA and must therefore release in response to FOIA requests any non-exempt records and provide lawful reasons for withholding any materials.

32. Defendant is wrongfully withholding non-exempt agency records requested by American Oversight by failing to produce non-exempt records responsive to American Oversight's FOIA requests.

33. Defendant's failure to provide all non-exempt responsive records violates FOIA and applicable regulations.

34. Plaintiff American Oversight is therefore entitled to declaratory and injunctive relief requiring Defendant to promptly produce all non-exempt records responsive to American Oversight's FOIA requests and provide indexes justifying withholdings of any responsive records withheld under claims of exemption.

**REQUESTED RELIEF**

WHEREFORE, American Oversight respectfully requests the Court to:

- a) Order Defendant to conduct a search or searches reasonably calculated to uncover all records responsive to American Oversight's FOIA requests;

- b) Order Defendant to produce, within twenty days of the Court's order, or by such other date as the Court deems appropriate, any and all non-exempt records responsive to American Oversight's FOIA requests and indexes justifying the withholding of any responsive records withheld under claim of exemption;
- c) Enjoin Defendant from continuing to withhold any and all non-exempt records responsive to American Oversight's FOIA requests;
- d) Award American Oversight the costs of this proceeding, including reasonable attorneys' fees and other litigation costs reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and
- e) Grant American Oversight such other relief as the Court deems just and proper.

Dated: March 4, 2026

Respectfully submitted,

/s/ Elizabeth Haddix

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