

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Plaintiff,

v.

Case No. 25-cv-3788

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

and

FEDERAL EMERGENCY MANAGEMENT
AGENCY
500 C Street SW
Washington, DC 20472,

Defendants.

COMPLAINT

1. American Oversight brings this case to seek information from the Department of Homeland Security and the Federal Emergency Management Agency to shed light on the former’s role in various executive actions taken by the Trump Administration.

2. In the past nine months, the Department of Homeland Security (“DHS”), its subagencies, and its political appointees have been involved in some of the most controversial actions taken by the Trump Administration, including using the commercially-available ephemeral messaging application Signal to communicate highly-sensitive information regarding military strikes in Yemen; the deployment of the National Guard in Los Angeles in response to protests of

Immigration and Customs Enforcement; the June 14, 2025 military parade held at the direction of President Trump; third-country removals of deportees to South Sudan; and the upheaval of government operations by the Department of Government Efficiency (“DOGE”).

3. In furtherance of its mission to promote government transparency and accountability, American Oversight filed requests with DHS under the Freedom of Information Act (“FOIA”) on these and other topics.

4. As part of these requests, American Oversight sought text messages and messages sent or received on other platforms, forms of communication that the Trump Administration has repeatedly come under scrutiny for using improperly. Among raising other concerns, officials have failed to comply with legal obligations to preserve many of these communications, thus jeopardizing requestors’ ability to seek those records under FOIA.¹

5. Having received no records in response to its FOIA requests, American Oversight now brings this action against DHS and the Federal Emergency Management Agency (“FEMA”) under 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.

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.

¹ See, e.g., Min. Order, *Am. Oversight v. Hegseth*, No. 25-cv-883 (D.D.C. Mar. 27, 2025), available at <https://www.courtlistener.com/docket/69788832/american-oversight-v-hegseth/> (ordering government defendants to preserve Signal messages); Erica L. Green, *What to Know About the Fallout From the Signal Group Chat Leak*, N.Y. Times (Mar. 28, 2025), <https://www.nytimes.com/article/war-plans-signal-chat-what-to-know.html>; Greg Jaffe et al., *Hegseth Said to Have Shared Attack Details in Second Signal Chat*, N.Y. Times (Apr. 20, 2025), <https://www.nytimes.com/2025/04/20/us/politics/hegseth-yemen-attack-second-signal-chat.html>; Anna Bower, “*Anna, Lindsey Halligan Here.*” LawFare (Oct. 20, 2025, 5:40 PM), <https://www.lawfaremedia.org/article/anna--lindsey-halligan-here>.

7. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e)(1).

8. American Oversight has exhausted or is deemed to have exhausted its administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i) relating to the seven at-issue requests and is now entitled to judicial action enjoining Defendants from continuing to withhold department or agency records and ordering the production of department or agency 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 DHS is a department of the executive branch of the U.S. government headquartered in Washington, D.C., and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). The DHS Privacy Office coordinates FOIA requests for several DHS components, including the Office of Chief Information Officer. DHS has possession, custody, and control of records that American Oversight seeks.

11. Defendant FEMA is a component of DHS, an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). FEMA has possession, custody, and control of records

that American Oversight seeks.

STATEMENT OF FACTS

12. Between May and August 2025, American Oversight submitted multiple FOIA requests to DHS seeking various categories of records including text messages and messages on other platforms.

Philip Hegseth Request

13. On May 1, 2025, American Oversight submitted a FOIA request to DHS (internal tracking number DHS-25-1233) seeking various categories of records about Philip Hegseth, including external email communications; calendars or calendar entries; text messages or messages on other platforms; and conflict and ethics documents. The request spanned records from January 20, 2025, through the date the search is conducted. A true and correct copy of that request is attached as Exhibit A.

14. On May 28, 2025, DHS acknowledged receipt of the request, assigned the request tracking number 2025-HQFO-04051, and stated that DHS would invoke a 10-day extension for its response to the request.

15. As of the date of this filing, American Oversight has received no further communication from DHS regarding this FOIA request.

Civil Society Agency Communications Requests

16. On May 16, 2025, American Oversight submitted a FOIA request to DHS (internal tracking number DHS-25-1312) seeking communications, including text messages or messages on other platforms, of several senior-level DHS officials (including two FEMA officials), from March 1, 2025, through the date the search is conducted. A true and correct copy of that request is attached as Exhibit B.

17. On May 27, 2025, DHS acknowledged receipt of the request, assigned the request tracking number 2025-HQFO-04213, and stated that DHS would invoke a 10-day extension for its response to the request.

18. In the same letter, DHS stated it was transferring a portion of the request regarding the communications of two FEMA officials to FEMA for processing.

19. On May 28, 2025, FEMA acknowledged receipt of the transferred portion of the request, assigned the request tracking number 2025-FEFO-01513, and stated that FEMA would invoke a 10-day extension for its response to the request.

20. As of the date of this filing, American Oversight has received no further communication from DHS or FEMA regarding these FOIA requests.

Los Angeles Deployment Key Terms Request

21. On June 10, 2025, American Oversight submitted a FOIA request to DHS (internal tracking number DHS-25-1500) seeking email communications, text messages, and messages on other platforms, of nine senior DHS officials, containing certain key terms related to the deployment of the National Guard in Los Angeles, from June 5, 2025, through the date the search is conducted. A true and correct copy of that request is attached as Exhibit C.

22. On June 12, 2025, DHS acknowledged receipt of the request, assigned the request tracking number 2025-HQFO-04726, and stated that DHS would invoke a 10-day extension for its response to the request.

23. As of the date of this filing, American Oversight has received no further communication from DHS regarding this FOIA request.

Los Angeles Deployment External Communications Request

24. On June 10, 2025, American Oversight submitted a FOIA request to DHS (internal

tracking number DHS-25-1507) seeking email communications, text messages, and messages on other platforms, of nine senior DHS officials with a number of external entities and individuals, from June 5, 2025, through June 9, 2025. A true and correct copy of that request is attached as Exhibit D.

25. On June 12, 2025, DHS acknowledged receipt of the request, assigned the request tracking number 2025-HQFO-4727, and stated that DHS would invoke a 10-day extension for its response to the request.

26. On July 7, 2025, DHS provided its final determination of the request, stating that it had “conducted a comprehensive search of files within the DHS Office of Chief Information Officer (OCIO) for records that would be responsive to [the] request. . . [and was] unable to locate or identify any responsive records.” *See* Ex. E.

27. On September 17, 2025, American Oversight filed an administrative appeal of DHS’s final determination, on the grounds that DHS failed to conduct an adequate search for responsive records. *See* Ex. F.

28. On October 1, 2025, DHS acknowledged receipt of the appeal, assigned the appeal tracking number 2025-HQAP-00866, and stated that DHS was handling appeals on a first-in, first-out basis. *See* Ex. G.

29. As of the date of this filing, American Oversight has received no further communication from DHS regarding the status of its administrative appeal.

Military Parade Request

30. On June 12, 2025, American Oversight submitted a FOIA request to DHS (internal tracking number DHS-25-1552) seeking policies, procedures, and practices about the use of force against civilians effective on June 14, 2025; and email communications, text messages, and

messages on other platforms, of six senior DHS officials, from June 7, 2025, through the date the search is conducted. A true and correct copy of that request is attached as Exhibit H.

31. As of the date of this filing, American Oversight has received no further communication from DHS regarding this FOIA request.

DOGE Request

32. On June 17, 2025, American Oversight submitted a FOIA request to DHS (internal tracking number MULTI-DHS-25-1586) seeking email communications, text messages, and messages on other platforms regarding DOGE and Steven Davis, and email communications of two DHS officials containing any one of six key terms. A true and correct copy of that request is attached as Exhibit I.

33. On June 18, 2025, DHS acknowledged receipt of the request, assigned the request tracking number 2025-HQFO-04936, and stated that DHS would invoke a 10-day extension for its response to the request.

34. As of the date of this filing, American Oversight has received no further communication from DHS regarding this FOIA request.

South Sudan Request

35. On August 12, 2025, American Oversight submitted a FOIA request to DHS (internal tracking number DHS-25-1996) seeking email communications with key terms, email communications with key terms and with anyone in the White House, and text messages and messages on other platforms with key terms, of nine senior DHS officials, from May 1, 2025, through the date the search was conducted. A true and correct copy of that request is attached as Exhibit J.

36. On August 15, 2025, DHS acknowledged receipt of the request, assigned the

request tracking number 2025-HQFO-05876, and stated that DHS would invoke a 10-day extension for its response to the request.

37. As of the date of this filing, American Oversight has received no further communication from DHS regarding this FOIA request.

Exhaustion of Administrative Remedies

38. As of the date of this Complaint, with respect to the Philip Hegseth Request, Civil Society Agency Communications Request, Los Angeles Deployment Key Terms Request, Military Parade Request, DOGE Request, and South Sudan Request, Defendants have failed to (a) notify American Oversight of final determinations regarding American Oversight's FOIA requests, including the scope of responsive records Defendants intend 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.

39. Through Defendants' failure to respond to the Philip Hegseth Request, Civil Society Agency Communications Request, Los Angeles Deployment Key Terms Request, Military Parade Request, DOGE Request, and South Sudan Request, within the time period required by law, American Oversight has constructively exhausted its administrative remedies and seeks immediate judicial review.

40. As of the date of this Complaint, with respect to the Los Angeles Deployment External Communications Request, American Oversight has exhausted its administrative remedies by filing an administrative appeal more than twenty working days before the date of this Complaint and seeks immediate judicial review.

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

41. American Oversight repeats the allegations in the foregoing paragraphs and

incorporates them as though fully set forth herein.

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

43. Defendants are agencies subject to FOIA, and they must therefore make reasonable efforts to search for requested records.

44. Defendants have failed to promptly review agency records for the purpose of locating those records that are responsive to the American Oversight's FOIA requests.

45. Defendants' failures to conduct adequate searches for responsive records violate FOIA and applicable regulations.

46. Plaintiff American Oversight is therefore entitled to injunctive and declaratory relief requiring Defendants 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

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

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

49. Defendants are agencies subject to FOIA and must therefore release in response to FOIA requests any non-exempt records and provide lawful reasons for withholding any materials.

50. Defendants are wrongfully withholding non-exempt agency records requested by American Oversight by failing to produce non-exempt records responsive to American Oversight's FOIA requests.

51. Defendants' failures to provide all non-exempt responsive records violate FOIA

and applicable regulations.

52. Plaintiff American Oversight is therefore entitled to declaratory and injunctive relief requiring Defendants 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 Defendants to conduct a search or searches reasonably calculated to uncover all records responsive to American Oversight's FOIA requests;
- b) Order Defendants 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 Defendants 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: October 28, 2025

Respectfully submitted,

/s/ Daniel Martinez

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