

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN OVERSIGHT,

*Plaintiff,*

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY, *et al.*,

*Defendants.*

Civil Action No. 25-3812 (TNM)

**ANSWER**

Defendants the United States Department of Homeland Security (the “Department”) and U.S. Citizenship and Immigration Services (“USCIS,” and together with the Department, “Defendants”), by and through undersigned counsel, hereby answer Plaintiff’s Complaint (ECF No. 1) in this case under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. All allegations in the Complaint, including the relief sought, are denied except when specifically admitted. To the extent the Complaint refers to or quotes from external documents, statutes, or other sources, Defendants respectfully refer this Court to those materials for a complete and accurate statement of their contents and deny any allegations inconsistent therewith; such references are not intended to be, and should not be construed as, an admission that the cited materials are (1) correctly cited or quoted by Plaintiff, (2) relevant to this, or any other, action, or (3) admissible in this, or any other, action.

In answer to the Complaint, Defendants admit, deny, or otherwise aver as follows:

1. This paragraph consists of Plaintiff's characterization of publicly available documents, to which no response is required. To the extent a response is required, Defendants admit only that Heather Honey is the Deputy Assistant Secretary for Election Integrity within the Department.

2. To the extent the allegations seek to provide background facts in support of allegations of public interest, Defendants admit there may be some public interest in the records sought but presently lacks knowledge or information sufficient to form a belief as to the existence or extent of any public interest, including as compared to any countervailing interests. To the extent the allegations in this paragraph are alleged for other purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

3. To the extent the allegations seek to provide background facts in support of allegations of public interest, Defendants admit there may be some public interest in the records sought but presently lacks knowledge or information sufficient to form a belief as to the existence or extent of any public interest, including as compared to any countervailing interests. To the extent the allegations in this paragraph are alleged for other purposes, they do not set forth claims of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

4. To the extent the allegations seek to provide background facts in support of allegations of public interest, Defendants admit there may be some public interest in the records sought but presently lacks knowledge or information sufficient to form a belief as to the existence or extent of any public interest, including as compared to any countervailing interests. To the extent the allegations in this paragraph are alleged for other purposes, they do not set forth claims

of relief or aver facts in support of a claim, and thus, the Court should strike them as immaterial and impertinent matters pursuant to Rule 12(f).

5. This paragraph consists of Plaintiff's characterization of this matter and conclusions of law, to which no response is required. To the extent a response is required, Defendants admit only that Plaintiff purports to bring this action pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

6. This paragraph consists of conclusions of law, to which no response is required. Answering further, Defendants aver that Plaintiff's FOIA request was responded to on December 23, 2025.

#### **JURISDICTION AND VENUE<sup>1</sup>**

7. This paragraph consists of conclusions of law to which no response is required. To the extent a response is required, Defendants admit only that this Court has jurisdiction over this matter subject to the terms and limitations of FOIA.

8. This paragraph consists of conclusions of law to which no response is required. To the extent a response is required, Defendants admit that venue is proper in this district.

9. This paragraph consists of conclusions of law to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to the relief requested or to any relief whatsoever.

#### **PARTIES**

10. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

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<sup>1</sup> Defendants include the headings listed in the Complaint solely to assist in reading the pleadings and do not admit the accuracy of these headings.

11. The Department admits the allegations in the first two sentences of this paragraph. The third sentence of this paragraph consists of conclusions of law to which no response is required.

12. USCIS admits only that it is an agency of the federal government subject to the terms and limitations of FOIA. The remainder of this paragraph consists of conclusions of law to which no response is required.

### STATEMENT OF FACTS

13. Defendants admit only that they received multiple FOIA requests seeking records related to—amongst other topics—Deputy Assistant Secretary Heather Honey.

14. The Department admits only that it received a FOIA request dated September 16, 2025, assigning it with tracking number 2025 HQFO 06316 (the “Hiring Materials Request”<sup>2</sup>). The remainder of this paragraph contains Plaintiff’s characterization of the Hiring Materials Request, to which no response is required; to the extent a response is required, the Department respectfully refers the Court to the Hiring Materials Request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent therewith.

15. Admit.

16. Admit.

17. The Department admits only that it received a FOIA request dated September 16, 2025, assigning it with tracking number 2025 HQFO 06317 (the “Communications Request”). The remainder of this paragraph contains Plaintiff’s characterization of the Communications

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<sup>2</sup> As with the headings (*see* Footnote 1, *supra*), Defendants use the designations from Plaintiff’s Complaint solely to assist in reading the pleadings and do not admit the accuracy of these designations.

Request, to which no response is required; to the extent a response is required, the Department respectfully refers the Court to the Communications Request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent therewith.

18. This paragraph contains Plaintiff's characterization of the Communications Request, to which no response is required; to the extent a response is required, the Department respectfully refers the Court to the Communications Request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent therewith.

19. This paragraph contains Plaintiff's characterization of the Communications Request, to which no response is required; to the extent a response is required, the Department respectfully refers the Court to the Communications Request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent therewith.

20. Admit.

21. Admit.

22. The Department admits only that it received a FOIA request dated September 16, 2025, assigning it with tracking number 2025 HQFO 06318 (the "Calendar Request"). The remainder of this paragraph contains Plaintiff's characterization of the Calendar Request, to which no response is required; to the extent a response is required, the Department respectfully refers the Court to the Calendar Request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent therewith.

23. This paragraph contains Plaintiff's characterization of the Calendar Request, to which no response is required; to the extent a response is required, the Department respectfully refers the Court to the Calendar Request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent therewith.

24. Admit.

25. Admit.

26. The Department admits only that it received a FOIA request dated September 16, 2025, assigning it with tracking number 2025 HQFO 06320 (the “Second Communications Request”). The remainder of this paragraph contains Plaintiff’s characterization of the Second Communications Request, to which no response is required; to the extent a response is required, the Department respectfully refers the Court to the Second Communications Request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent therewith.

27. This paragraph contains Plaintiff’s characterization of the Second Communications Request, to which no response is required; to the extent a response is required, the Department respectfully refers the Court to the Second Communications Request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent therewith.

28. Admit.

29. Admit.

30. USCIS admits only that it received a FOIA request dated September 16, 2025, assigning it with tracking number COW2025004726 (the “USCIS Request”). The remainder of this paragraph contains Plaintiff’s characterization of the USCIS Request, to which no response is required; to the extent a response is required, USCIS respectfully refers the Court to the USCIS Request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent therewith.

31. This paragraph contains Plaintiff’s characterization of the USCIS Request, to which no response is required; to the extent a response is required, USCIS respectfully refers the Court

to the USCIS Request for a complete and accurate statement of its contents and denies any allegations in this paragraph inconsistent therewith.

32. Admit.

33. Denied. Answering further, USCIS avers that it responded to the USCIS Request on or about December 23, 2025.

34. This paragraph consists of conclusions of law to which no response is required.

35. This paragraph consists of conclusions of law to which no response is required.

### **COUNT I**

36. Defendants incorporate their responses to Paragraphs 1-35 above as if fully set forth herein.

37. This paragraph consists of conclusions of law to which no response is required.

38. This paragraph consists of conclusions of law to which no response is required.

39. This paragraph consists of conclusions of law to which no response is required.

40. This paragraph consists of conclusions of law to which no response is required.

41. This paragraph consists of conclusions of law to which no response is required.

### **COUNT II**

42. Defendants incorporate their responses to Paragraphs 1-41 above as if fully set forth herein.

43. This paragraph consists of conclusions of law to which no response is required.

44. This paragraph consists of conclusions of law to which no response is required.

45. This paragraph consists of conclusions of law to which no response is required.

46. This paragraph consists of conclusions of law to which no response is required.

47. This paragraph consists of conclusions of law to which no response is required.

The remaining unnumbered paragraph, including lettered subparts, consists of Plaintiff's prayer for relief, to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to the relief requested, or to any relief whatsoever.

### **DEFENSES**

In further response to the Complaint, Defendants raise the following defenses. Defendants respectfully request and reserve the right to amend, alter, and supplement the defenses in this Answer as the facts and circumstances giving rise to the Complaint become known to Defendants throughout the course of this litigation.

#### **First Defense**

Plaintiff is not entitled to the further production of records protected from disclosure by one or more applicable FOIA exemptions, the release of which would foreseeably harm an interest that the exemption protects, or records protected from disclosure by one or more applicable FOIA exclusions.

#### **Second Defense**

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

#### **Third Defense**

Plaintiff is not entitled to enjoin Defendants from withholding any and all non-exempt records responsive to Plaintiff's FOIA requests.

#### **Fourth Defense**

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

#### **Fifth Defense**

Plaintiff is not entitled to declaratory relief. 5 U.S.C. § 552(a)(4)(B).

**Sixth Defense**

At all times alleged in the Complaint and relevant to this matter, Defendants acted in good faith, with justification, and pursuant to authority.

**Seventh Defense**

This Court lacks subject matter jurisdiction over any of Plaintiff's requests for relief that exceed the relief authorized by FOIA.

**Eighth Defense**

Some or all of Plaintiff's FOIA requests fail to adequately describe the records sought, and other portions are overbroad and unduly burdensome, requiring extensive, non-targeted searches and disproportionate diversion of agency resources in contravention of FOIA and beyond Defendants' obligations under FOIA.

**Ninth Defense**

To the extent the Complaint alleges background facts unnecessary to the consideration of Defendant's response to the FOIA request 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 5, 2026  
Washington, DC

Respectfully submitted,

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