

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

_____	)	
AMERICAN OVERSIGHT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:25-cv-03699 (TJK)
	)	
U.S. DEPARTMENT OF HOMELAND	)	
SECURITY, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**JOINT STATUS REPORT**

This lawsuit concerns seven Freedom of Information Act (“FOIA”) requests that Plaintiff submitted to the U.S. Department of Homeland Security (“DHS”) which, in whole or in part, seek text messages and messages from third-party messaging platforms (including Signal) of senior DHS officials during the spring and summer of 2025. DHS initially responded to some of those requests stating that text messages generated after April 9, 2025 were no longer maintained, which prompted Plaintiff to file this action and a motion for preliminary injunctive relief against DHS; Kristi Noem, in her official capacity as Secretary of Department of Homeland Security; Marco Rubio, in his official capacity as Acting Archivist of the United States; and National Archives and Records Administration (“NARA”), alleging, *inter alia*, failures to preserve, maintain and/or search for records as required by the FOIA and/or the Federal Records Act, 44 U.S.C. §§ 3101 *et seq.* (“FRA”).

Following submission of declarations from DHS that the response to Plaintiff’s FOIA requests was erroneous, that searches for records responsive to Plaintiff’s requests were initiated in August and September and, as of early November 2025, had resulted in hundreds of pages of

potentially responsive records, Plaintiff withdrew its motion for preliminary relief. By order dated January 12, 2026, the Court ordered the parties to file a joint status report by March 6, 2026 informing the Court how they wish to proceed.

1. At present, Counts I, IV, and V of Plaintiff's Complaint remain. Count I pertains to the adequacy of DHS's recordkeeping policy. The parties have had discussions about a potential resolution of Count I. Defendants anticipate providing information to Plaintiff within seven (7) days pertinent to these discussions.
2. Counts IV and V pertain to DHS's FOIA obligations. Regarding these counts, and in terms of Defendants' processing of Plaintiff's FOIA requests, DHS made an initial production of responsive, non-exempt materials to Plaintiff on February 13, 2026. While undersigned counsel is working because the Department of Justice is funded, DHS is currently experiencing a lapse in appropriations which began February 14, 2026. DHS FOIA employees that support undersigned counsel are furloughed and have not been excepted to work on FOIA litigation. This staff is needed to review and process productions related to FOIA requests subject to this litigation. For these reasons, DHS is unable to review, process, and release any additional responsive records. The lapse in appropriations has significantly interfered with the operations of DHS, necessitating additional time. Furthermore, once appropriations are restored, the agencies will need some time to reorganize and then will resume work on this matter. The agency's orderly return from the shutdown takes time as furloughed staff work through backlogs of emails, voicemails, and tasks, receive direction from management on projects, and triage tasks. Defendants will have more to report once their lapse in appropriations ends and they have time to coordinate their work after

FOIA staff return from furlough.

3. The parties propose to file another joint status report by April 7, 2026 apprising the Court of how they wish to proceed.

Dated: March 6, 2026

Respectfully submitted,

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ELIZABETH J. SHAPIRO  
Deputy Director  
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/s/ Lee Reeves

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