

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TEXAS CIVIL RIGHTS PROJECT,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 1:24-cv-00535
	§	
U.S. CUSTOMS AND BORDER	§	COMPLAINT FOR DECLARATORY
PROTECTION,	§	AND INJUNCTIVE RELIEF
Defendant.	§	

COMPLAINT

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, *et seq.* seeking to compel U.S. Customs and Border Protection (“CBP”), a component of the U.S. Department of Homeland Security (“DHS”), to immediately release records requested under FOIA relating to the 2023 death of A.D.R.A.¹

2. A.D.R.A. was an eight-year-old Garifuna child who loved Peppa Pig and aspired to be a doctor. As Garifuna, A.D.R.A. was part of an Afro-Indigenous people in Honduras who have suffered an ongoing history of anti-Black and anti-Indigenous discrimination. A.D.R.A.’s mother, father, and two older siblings fled Honduras and sought temporary refuge in Panama, where A.D.R.A. was born.

3. At an early age, A.D.R.A. was diagnosed with a heart condition, and she successfully underwent open-heart surgery when she was five years old. She managed her surgery well and made a full recovery, but her parents were mindful of special considerations for A.D.R.A., given this history and her sickle cell condition.

¹ Proceeding under pseudonym and redacting dates per FRCP 5.2.

4. A.D.R.A. and her family sought refuge in the United States. On or about May 9, 2023, they presented themselves to Defendant CBP, who took them into custody. The family remained separated in Defendant CBP's custody for the next eight days, where A.D.R.A. contracted an illness.

5. From their initial interaction with Defendant, A.D.R.A. and her family advocated for A.D.R.A. A.D.R.A.'s mother and father implored any official or staff within Defendant CBP facilities that their daughter required special accommodations given her underlying medical conditions. No one listened. When A.D.R.A. fell ill once inside Defendant CBP's facility, the family continued to plead for the care they knew their child needed. No one listened. For days, A.D.R.A.'s mother and father implored officials and staff within the facility to take A.D.R.A. to a hospital. No one listened.

6. On XX/XX/2023, A.D.R.A. lost consciousness immediately after Defendant denied her appropriate medical care while in Defendant's custody. A.D.R.A. was pronounced dead shortly thereafter at a Harlingen hospital located minutes from the facility where Defendant had kept her detained.

7. A.D.R.A.'s death was a "preventable tragedy," and had Defendant CBP heeded the concerns of medical experts, advocates, or even its own internal staff, A.D.R.A. might be alive today.

8. As a result, Plaintiff Texas Civil Rights Project ("TCRP") submitted a Freedom of Information Act ("FOIA") request to Defendant on October 6, 2023. The request, attached hereto as Exhibit 1, sought records concerning A.D.R.A.'s detention and care while in Defendant's custody.

9. Plaintiff sought expedited processing of the October 6 request given the significant media interest in and concerns over Defendant's detention and care of children, as well as to ensure the due process rights relating to A.D.R.A.'s death.

10. Defendant CBP has failed to respond to Plaintiff's request for expedited processing and has explicitly denied Plaintiff's request to produce records related to A.D.R.A.'s death, both in violation of FOIA.

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B), (a)(6)(C)(i), (a)(6)(E)(iii).

12. This Court has jurisdiction to grant declaratory and further necessary or proper relief pursuant to 5 U.S.C. § 552(a)(4)(B), (a)(6)(E)(iii), and 28 U.S.C. § 2201–2202.

13. Venue is proper within this district under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1391(e)(1).

PARTIES

14. Plaintiff Texas Civil Rights Project ("TCRP") is a non-profit and nonpartisan organization committed to ensuring civil rights and the protection of law within Texas. TCRP publishes press releases, opinion pieces, reports, and policy papers. It disseminates information through its website, txcivilrights.org, and social media accounts.

15. Defendant CBP is an agency within the meaning of 5 U.S.C. § 552(1)(f). Defendant has been delegated authority to administer certain provisions of the Immigration and Nationality Act, including those relating to detention, apprehension, and processing of noncitizens who enter the United States at or between ports of entry. Defendant has possession, custody, and control of records responsive to Plaintiff's FOIA request.

FACTS

16. On October 6, 2023, Plaintiff submitted a FOIA request to Defendant CBP via Defendant's SecureRelease Online FOIA portal ("online FOIA portal") seeking production of records related to A.D.R.A.'s death as authorized under 5 U.S.C § 552(a)(3). *See* Exhibit 1.

17. On October 9, 2023, via automated email from an unmonitored account stemming from Defendant CBP's online FOIA portal, Defendant confirmed receipt of Plaintiff's request. The receipt acknowledges a FOIA filing date of October 6, 2023, and assigns it tracking number CBP-FO-2024-003024.

18. Given the October 6 filing date, October 23, 2023 is the ten-business day deadline by which Defendant should have responded to Plaintiff's request for expedited processing. *See* 5 U.S. Code § 552 (a)(6)(E)(ii). As of the filing of this suit, Defendant has yet to respond to Plaintiff's expedited processing request.

19. On October 25, 2023, Defendant sent an email to Plaintiff via an unmonitored email account, advising Plaintiff that Defendant is "still conducting searches for records which may be responsive to your request."

20. November 6, 2023, the 20-business day deadline for Defendant to respond to our request, passed without Defendant producing responsive records. *See* 5 USC § 552(a)(6)(A)(i).

21. November 21, 2023, the 10-business day extension of the original 20-business day deadline, also passed without Defendant producing responsive records. *See* 5 USC § 552(a)(6)(B).

22. On December 6, 2023, given Defendant's failure to respond to the request pursuant to FOIA, Plaintiff requested an update from Defendant via Defendant's online FOIA portal.

23. On December 16, 2023, Defendant denied Plaintiff's request for records related to A.D.R.A.'s death. Although Defendant acknowledged responsive records, it denied Plaintiff the

records “in full.” Defendant based its denial on an “OPEN/PENDING investigation” and the need to “withhold personally identifiable information (PII) and sensitive personally identifiable information (SPII) of DHS personnel.”

24. On March 14, 2024, Plaintiff filed an administrative appeal of Defendant’s denial of our Request via Defendant’s online FOIA portal.

25. On April 2, 2024, Defendant communicated receipt of Plaintiff’s appeal of the FOIA request and assigned it tracking number CBP-AP-2024-001101.

26. Also, on April 2, 2024, Defendant attempted to invoke FOIA’s “unusual circumstances” extension due to the “necessity for consultation with multiple offices within CBP.” *See* 5 U.S.C. § 552(a)(6)(B). FOIA allows only for a ten-day extension of an agency’s response deadline when warranted by “unusual circumstances,” and sets additional procedures for extension requests beyond ten days, which Defendant failed to meet. *Id.*

27. On April 12, 2024, Defendant’s 20-day deadline to respond to our appeal passed without communication from Defendant. *See* 5 U.S.C. § 552(a)(6)(A)(ii).

28. On April 26, 2024, Defendant’s deadline to respond to our request, assuming a ten-day extension, also passed without communication from Defendant. *See* 5 U.S.C. § 552(a)(6)(B).

29. Defendant CBP failed to respond to our request in violation of FOIA’s statutory and procedural requirements. *See* 5 U.S.C. § 552(a)(6)(C).

CLAIMS FOR RELIEF

COUNT I: Violation of 5 U.S.C. § 552(a)(6)(A)(i) Failure to Make and Communicate Timely Determination of Request

30. Plaintiffs re-allege and incorporate by reference all allegations in the foregoing paragraphs as if fully set forth herein.

31. FOIA requires agencies to issue determinations and communicate those determinations to requesters within twenty working days of receiving the request. 5 U.S.C. § 552(a)(6)(A)(i).

32. Agencies may extend the deadline an additional ten days in “unusual circumstances.” 5 U.S.C. § 552(a)(6)(B)(i).

33. To properly issue a determination, agencies must, at a minimum, “inform the requester of the scope of the documents it will produce and the exemptions it will claim with respect to any withheld documents.” *Citizens for Resp. & Ethics in Washington v. Fed. Election Comm'n*, 711 F.3d 180, 185 (D.C. Cir. 2013).

34. CBP violated FOIA by failing to make the required determinations and to communicate those determinations to Plaintiffs within the designated timeframe.

**COUNT II: Violation of 5 U.S.C. § 552(a)(6)(A)(ii)
Failure to Make and Communicate Timely Determination of
Administrative Appeal of Request**

35. Plaintiff re-allege and incorporate by reference all allegations in the foregoing paragraphs as if fully set forth herein.

36. FOIA requires agencies to issue determinations and communicate those determinations to requesters within twenty working days of receiving an appeal. 5 U.S.C. § 552(a)(6)(A)(ii).

37. Agencies may extend the deadline an additional ten days in “unusual circumstances.” 5 U.S.C. § 552(a)(6)(B)(i).

38. CBP violated FOIA by failing to make the required determinations and to communicate those determinations to Plaintiffs within the designated timeframe.

COUNT III: Violation of 5 U.S.C. § 552(a)(3)(C)
Failure to Conduct Adequate Search

39. Plaintiffs re-allege and incorporate by reference all allegations in the foregoing paragraphs as if fully set forth herein.

40. Under the FOIA, agencies must respond to a FOIA request by making reasonable efforts to search for the records requested. 5 U.S.C. § 552(a)(3)(C).

41. CBP violated FOIA by failing to conduct a reasonable search for records responsive to Plaintiffs' request.

COUNT IV: Violation of 5 U.S.C. § 552(a)(4)(B)
Unlawful Withholding of Agency Records

42. Plaintiffs re-allege and incorporate by reference all allegations in the foregoing paragraphs as if fully set forth herein.

43. Agencies may withhold records only under the specifically enumerated FOIA exemptions. 5 U.S.C. § 552(a)(4)(B).

44. CBP violated FOIA by unlawfully withholding records responsive to the Plaintiffs' request other than those that FOIA has exempted.

COUNT V: Violation of 5 U.S.C. § 552(a)(3)(A)
Failure to Make Records Promptly Available

45. Plaintiffs re-allege and incorporate by reference all allegations in the foregoing paragraphs as if fully set forth herein.

46. Agencies must promptly produce records responsive to the properly filed FOIA request. 5 U.S.C. § 552(a)(3).

47. Plaintiffs have a legal right to obtain such records, and no legal basis exists for CBP's failure to disclose them.

48. CBP violated FOIA by failing to produce any records responsive to Plaintiffs' FOIA request.

**COUNT VI: Violation of 5 U.S.C. § 552(a)(6)(E)
Failure to Make Expedited Processing Determination**

49. Plaintiffs re-allege and incorporate by reference all allegations in the foregoing paragraphs as if fully set forth herein.

50. Agencies must issue a determination regarding whether to provide expedited processing within ten days of receiving the request. 5 U.S.C § 552(a)(6)(E)(ii)(I), (iii).

51. CBP violated FOIA by failing to issue a timely determination in response to Plaintiffs' request for expedited processing of request CBP-FO-2024-003024.

**COUNT VII: Violation of 5 U.S.C. § 552(a)(6)(B)
Failure to Meet Requirements for "Unusual Circumstances"**

52. Plaintiffs re-allege and incorporate by reference all allegations in the foregoing paragraphs as if fully set forth herein.

53. FOIA allows agencies like Defendant CBP to have a ten-day extension when certain "unusual circumstances" apply. 5 U.S.C. § 552(a)(6)(B)(i).

54. If Defendant's "unusual circumstances" require more than a ten-day extension, FOIA requires Defendant to fulfill certain requirements in order for a longer extension. 5 U.S.C. § 552(a)(6)(B)(i), (ii).

55. Defendant violated FOIA by failing to issue a timely determination in response to Plaintiffs' request for expedited processing of request CBP-FO-2024-003024.

**COUNT VIII: Violation of 5 U.S.C. § 552(a)(6)(F)
Failure to Make a Reasonable Effort to Estimate the Volume of
Requested Matter and Provide Such Estimate**

56. Plaintiffs re-allege and incorporate by reference all allegations in the foregoing paragraphs as if fully set forth herein.

57. Agencies must provide an estimate of the volume of information denied pursuant to any request. 5 U.S.C § 552(a)(6)(F).

58. Defendant CBP violated FOIA by failing to provide an estimate of information denied pursuant to request CBP-FO-2024-003024.

**COUNT IX: Violation of 5 U.S.C. § 552(a)(8)
Failure to Withhold Only Lawfully Exempted Information and Make Partial Disclosures**

59. Plaintiffs re-allege and incorporate by reference all allegations in the foregoing paragraphs as if fully set forth herein.

60. FOIA allows agencies like CBP to withhold information only pursuant to certain enumerated exemptions. *See* 5 U.S.C. §§ 552(a)(8), (b).

61. If an agency withholds information, FOIA requires the agency to consider partial disclosures of information, segregate and release nonexempt information. 5 U.S.C. § 552(a)(8).

62. CBP violated FOIA by failing to withhold only lawfully exempt information and failing to segregate and release nonexempt information related to request CBP-FO-2024-003024.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

63. Assume jurisdiction over the matter;

64. Order Defendant to issue determinations responsive to Plaintiffs' request in accordance with 5 U.S.C. § 552(a)(6)(A)(i), (B)(i);

65. Order Defendant to conduct prompt and adequate searches for all records responsive to Plaintiffs' request in accordance with 5 U.S.C. § 552(a)(3)(C);

66. Enjoin Defendant from continuing to improperly withhold records responsive to the Plaintiffs' request in accordance with 5 U.S.C. § 552(a)(3)(A);

67. Order Defendant to issue a determination responsive to Plaintiffs' request for expedited processing of request CBP-FO-2024-003024 in accordance with 5 U.S.C. § 552(a)(6)(E)(ii)(I);

68. Order Defendant to produce, within twenty (20) days of the Court's order, or by such other date as the Court deems appropriate, all non-exempt records or portions of records responsive to Plaintiffs' request and any agency justifications for withholding any responsive records;

69. Award Plaintiffs reasonable costs and attorneys' fees pursuant to 5 U.S.C. § 552(a)(4)(E);

70. Award Plaintiffs such further relief as the Court deems just, equitable, and appropriate.

Dated: May 17, 2024.

Respectfully submitted,

By: /s/ Daniel Hatoum

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-and-

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ATTORNEYS FOR PLAINTIFF

**Pro hac vice* application forthcoming

EXHIBIT 1



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FOIA Officer
U.S. Customs and Border Protection
90 K Street, NE
FOIA Division
Washington, DC 20229

Via online SecureRelease portal

October 03, 2023

Re: Freedom of Information Act Request Regarding the Death of A.D.R.A. (A-XXX-XXX-XXX, DOB: XX/XX/2014)

Expedited Processing & Fee Waiver / Limitation Request

Dear Freedom of Information Act Officer:

This letter is a request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, and its relevant implementing regulations 6 C.F.R. § 5 *et. seq.*, by the Texas Civil Rights Project (“TCRP”).¹

TCRP is entitled to a fee waiver. *See* 5 U.S.C. § 552(a)(4)(A)(iii). Even absent the grant of such a fee waiver, “fees shall be limited to reasonable standard charge for document duplication,” and *no search charges may be assessed* for these requests, because TCRP qualifies as a “representative of the news media” under 5 U.S.C. § 552(a)(4)(A)(ii)(II)-(III).

TCRP is also entitled to expedited processing of these requests under 5 U.S.C. § 552(a)(6)(E).

Since September 2018, at least seven children have died after becoming ill in CBP custody, due to the conditions in which they were held.² Advocacy groups and lawmakers have steadfastly

¹ TCRP represents the family of A.D.R.A. in this matter. Form G-28 is also attached to this request.

² Nicole Acevedo, *Why are Migrant Children Dying in U.S. Custody*, NBC News (May 29, 2019), <https://www.nbcnews.com/news/latino/why-are-migrant-children-dying-u-s-custody-n1010316>; Molly Hennessy-Fiske, *Six Migrant Children Have Died in U.S. Custody. Here's What We Know About Them*, L.A. Times (May 24, 2019); Tina Burnside and Zoe Sottile, *8-year-old migrant girl who died in US Border Patrol custody was treated for flu several days before her death, authorities say*, CNN (May 22, 2023), <https://www.cnn.com/2023/05/21/us/migrant-child-us-border-death/index.html>.



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called for investigations into children’s deaths and an end to detention, but despite these efforts, yet another child has died in the custody of the United States government – A.D.R.A.³

On XX/XX/2023, A.D.R.A. (A-XXX-XXX-XXX, DOB: XX/XX/2014) died in United States Department of Homeland Security (“DHS”) Customs and Border Protection (“CBP”) detention in Harlingen, Texas. On or about XX/XX/2023, A.D.R.A. and her family were taken into CBP custody southeast of the Gateway International Port of Entry in Brownsville, Texas. On or about XX/XX/2023, CBP transferred A.D.R.A. and her family to the Donna Processing Facility (“DPF”) in Donna, Texas. Upon apprehension, and continually thereafter, the family reported a medical history for A.D.R.A. that included sickle cell anemia and a heart condition. [Redacted] days later on or about XX/XX/2023, A.D.R.A. was diagnosed with the flu and she and her family were transferred to the Harlingen Border Patrol Station in Harlingen, Texas – a facility designated for cases requiring medical isolation. [Redacted] days later, on XX/XX/2023, A.D.R.A. passed away in her mother’s arms while in that facility.

Requestor requests the following categories of information related to A.D.R.A. (A-XXX-XXX-XXX, Date of Birth: XX/XX/2014), held by CBP and its contractors, as further detailed in Part I:⁴

1. Records related to the detention of and care received by A.D.R.A.;
2. Records relating to CBP’s policies, practices, training materials, communications, and informal understanding regarding the treatment of ill children in CBP custody, specifically those with medical vulnerabilities and compromised immune systems; and
3. Numerical data and statistics about the number of children who have died while in or immediately following CBP custody.

I. Specific Requested Records⁵

Requestor makes this request for records related to the death of A.D.R.A. (A-XXX-XXX-XXX), who died on XX/XX/2023.

³ See e.g., Valerie Gonzalez, *Mother of 8-year-old who died in Border Patrol custody says pleas for hospital care were denied*, AP News (June 20, 2023), <https://apnews.com/article/border-patrol-custody-death-harlingen-8da5429f39cb7ac0ff4c9184a42d8ba2>; Chantal Da Silva and Daniella Silva, *The 8-year-old who died in Border Patrol custody had a 104.9-degree temperature and still was not sent to the hospital*, NBC News (June 2, 2023), <https://www.nbcnews.com/news/latino/border-patrol-staff-documents-refuse-ambulance-8-year-old-died-custody-rcna87383>.

⁴ See 8 U.S.C. 236.6 (information held by a contracted party “shall be under the control of the Service and shall be subject to public disclosure”)

⁵ The term “records” as used in this request includes, but is not limited to: emails, images, video, voicemail messages, minutes or notes of meetings and phone calls, text communications between phones or electronic devices, video, audio records, and social media posts. The term “records” also includes instructions, directives, guidance documents, formal and informal presentations, training documents, bulletins, alerts, reports, contractors or agreements, memoranda of understanding, and legal and policy memoranda.



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Requestors seek:

1. Any and all records and communication held by CBP and/or its contractors related to the decision to transfer and detain A.D.R.A. to US Border Patrol Donna Processing Facility (“DPF”), in Donna, Texas;
2. Any and all records and communications held by CBP and/or its contractors related to the decision to transfer and detain A.D.R.A. to the Harlingen Border Patrol Station at 3902 S Expressway 83, Harlingen, Texas 78552;
3. Any and all records and communications held by CBP and/or its contractors related to the decision to transfer and detain A.D.R.A. at any other Border Patrol station or facility not explicitly named;
4. Any and all records and communications held by CBP and/or its contractors related to the decision to contact, or not contact, emergency medical services for A.D.R.A. between [redacted] and [redacted], 2023;
5. Any and all records and communications held by CBP and/or its contractors related to the decision to transfer A.D.R.A. to Valley Baptist Medical Center at 2101 Pease St., Harlingen, Texas 78550;
6. Any and all emails or messages that name, discuss or in any way refer to A.D.R.A., including emails about her health conditions and deterioration, as well as continued detention – whether held CBP or its contractors;
7. Any video recordings, images, or audio recording held by CBP and/or its contractors of A.D.R.A. on [redacted] through [redacted], including but not limited to the video referred to in *Update: Death in Custody of 8-Year-Old in Harlingen, Texas*,⁶ released on May 21, 2023;
8. Any and all records held by CBP and/or its contractors related to any medical diagnosis of A.D.R.A. while in CBP custody, including but not limited to the medical intake forms and assessment completed upon her apprehension on or about [redacted] and [redacted], 2023;
9. Any and all records held by CBP and/or its contractors related to any medical diagnosis of A.D.R.A. while in CBP custody, including but not limited to the medical intake forms and assessment completed upon her arrival to the Donna Processing Facility on or about [redacted], 2023;
10. Any and all records held by CBP and/or its contractors related to any medical diagnosis of A.D.R.A. while in CBP custody, including but not limited to the medical intake forms and assessment completed upon her arrival at the Harlingen Border Patrol Station on or about [redacted], 2023;
11. Any and all records held by CBP and/or its contractors related to any medical diagnosis of A.D.R.A. while in CBP custody, including but not limited to the medical intake forms and assessment completed upon her arrival at any other CBP station or facility;
12. Any and all records held by CBP and/or its contractors related to any medical treatment that A.D.R.A. received while in CBP custody at the Donna Processing Facility – including but not limited to A.D.R.A.’s medical visit to the DPF medical unit on May 14, 2023,

⁶ *Update: Death in Custody of 8-Year-Old in Harlingen, Texas*, U.S. CUSTOMS AND BORDER PROTECTION (May 21, 2023), <https://www.cbp.gov/newsroom/speeches-and-statements/update-death-custody-8-year-old-harlingen-texas>.

during which she was diagnosed with Influenza A, as indicated in *Update: Death in Custody of 8-Year-Old in Harlingen, Texas*,⁷ released on May 21, 2023;

13. Any and all records held by CBP and/or its contractors related to any medical treatment that A.D.R.A. received while in CBP custody at the Harlingen Border Patrol Station – including but not limited to: A.D.R.A.’s medical assessment on May 14, 2023, her three known documented visits to the Harlingen medical unit on May 17, 2023, and her nine visits to the Harlingen medical unit, as indicated in *Update: Death in Custody of 8-Year-Old in Harlingen, Texas*⁸ released on May 17, 2023, and *Statement from CBP Acting Commissioner Troy Miller on the Investigation of the in-custody death of a child*,⁹ released on June 1, 2023;
14. Any and all records held by CBP and/or its contractors related to any medical treatment that A.D.R.A. received while in CBP custody at any CBP station or facility not explicitly named;
15. Any and all records held by CBP and/or its contractors related to the emergency medical treatment that A.D.R.A. received from South Texas Emergency Care on or about May 17, 2023, as indicated in *Statement from CBP Acting Commissioner Troy Miller on the Investigation of the in-custody death of a child*,¹⁰ released on June 1, 2023;
16. Any and all records held by CBP and/or its contractors related to any vaccinations given to A.D.R.A. while in CBP custody;
17. Any and all records held by CBP and/or its contractors related to accommodations made by CBP or its contractors related to A.D.R.A.’s known previous medical conditions or her flu diagnosis on or about [redacted], 2023;
18. Any and all records, notes, or communications related to any medical consultations or appointments that A.D.R.A. had while in Border Patrol custody – whether held by CBP or contractors;
19. Any and all records held by CBP and/or its contractors identifying medical providers contracted to provide services to detainees at the Donna Processing Facility and at the Harlingen Border Patrol Station, as well as any other CBP facility that may have provided medical services to A.D.R.A.;
20. Any and all records held by CBP and/or its contractors of required medical follow-ups and medical provider notes for A.D.R.A.;
21. Any logs or records held by CBP and/or its contractors of welfare checks conducted on or including A.D.R.A. at the Donna Processing Facility;
22. Any logs or records held by CBP and/or its contractors of welfare checks conducted on or including A.D.R.A. at the Harlingen Border Patrol Station;
23. Any logs or records held by CBP and/or its contractors of welfare checks conducted on or including A.D.R.A. at any other CBP facility not explicitly named, if any;
24. Any internal complaints or reports held by CBP and/or its contractors filed about or relating

⁷ *Id.*

⁸ *Id.*

⁹ *Statement from CBP Acting Commissioner Troy Miller on the Investigation of the in-custody death of a child*, U.S. CUSTOMS AND BORDER PROTECTION (June 1, 2023), <https://www.cbp.gov/newsroom/speeches-and-statements/statement-cbp-acting-commissioner-troy-miller-investigation>.

¹⁰ *Id.*



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to A.D.R.A.;

25. Any records held by CBP and/or its contractors containing guidance, policies, internal rules, or internal memoranda pertaining to medical care for children in CBP custody that were in effect from May 1, 2023 through the date of receipt of this FOIA;
26. Any records held by CBP and/or its contractors evidencing complaints made by the A.D.R.A. or the family of A.D.R.A. concerning medical care or conditions at the Donna Processing Center;
27. Any records held by CBP and/or its contractors evidencing complaints made by the A.D.R.A. or the family of A.D.R.A. concerning medical care or conditions at the Harlingen Border Patrol Station; and
28. Any records held by CBP and/or its contractors evidencing complaints made by the A.D.R.A. or the family of A.D.R.A. concerning medical care or conditions at any CBP facility not explicitly named, if any.

Requesters also request records concerning CBP detention:

29. Any records, including internal memoranda, containing guidance, policies, procedures, or internal rules about how to treat ill children exhibiting signs of illness or injury in CBP custody that were in effect from May 1, 2023 through the date of receipt of this FOIA – whether held by CBP and/or its contractors;
30. Any records, including internal memoranda, containing guidance, policies, procedures, or internal rules about how to respond to the death of children in CBP custody that were in effect from May 1, 2023 through the date of receipt of this FOIA – whether held by CBP and/or its contractors;
31. Any and all records, including internal memoranda, containing guidance, policies, procedures, or internal rules about how to treat medically vulnerable children in CBP custody – specifically children whose immune systems are compromised – in effect from May 1, 2023 through the date of receipt of this FOIA – whether held by CBP and/or its contractors;
32. Complaints, reports, and/or records sufficient to show the number of people diagnosed with influenza from January 2022 - May 2023 while in the following facilities:
 - a. Donna Processing Facility;
 - b. Harlingen Border Patrol Station;
 - c. Any other CBP station or facility where CBP may have detained A.D.R.A.
33. Complaints, reports, and/or records sufficient to show the number of people diagnosed with pneumonia infections from January 2022 - May 2023 while in the following facilities:
 - a. Donna Processing Facility;
 - b. Harlingen Border Patrol Station; and/or
 - c. Any other CBP station or facility where CBP may have detained A.D.R.A.
34. Records related to any investigation conducted by CBP or to which CBP or its contractors complied regarding the death of A.D.R.A. – including but not limited to CBP’s Office of Professional Responsibility investigation;
35. Records sufficient to show the number of children who died in CBP custody from May



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2018 - May 2023 at the Donna Processing Facility; the Harlingen Border Patrol Station; and any other CBP station or facility where CBP may have detained A.D.R.A.

36. Any records, including internal memoranda, containing guidance, policies, procedures, or internal rules setting forth practices or protocols for CBP and/or its contractors at Donna Processing Facility, Harlingen Border Patrol Station, and any other CBP station or facility where CBP may have detained A.D.R.A. that were in effect during May 2023 regarding:
 - a. Sepsis;
 - b. Flu;
 - c. Sickle cell anemia;
 - d. Heart conditions;
 - e. Other serious medical conditions;
 - f. Past surgical history;
 - g. Health monitoring;
 - h. Contagion prevention;
 - i. Taking of vital signs; and/or
 - j. Level of care in quarantine
37. Records discussing or describing the number of medical staff and medical contractors available throughout May 2023 at the Donna Processing Facility, the Harlingen Border Patrol Station, and any other CBP station or facility where CBP may have detained A.D.R.A.;
38. Records detailing the number of individuals detained throughout May 2023 at the Donna Processing Facility, the Harlingen Border Patrol Station, and any other CBP station or facility where CBP may have detained A.D.R.A.;
39. All records created, sent, received, referenced, and/or used in fulfilling and/or responding to this request.

Please conduct a reasonable search¹¹ of all records regarding agency business.¹²

II. The Requestor

TCRP is a 501(c)(3) legal advocacy organization with offices across Texas. TCRP is dedicated to defending the rights and dignity of all those in Texas in and out of the courtroom, in partnership with our communities, and with meaningful policy changes.

¹¹ In conducting a “reasonable search,” you must employ the most up-to-date technologies and tools available. Recent technology may have made CBP’s prior FOIA practices unreasonable. In light of the government requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches. *See* Presidential Memorandum-Managing Government Records, 76 Fed. Reg. 75, 423 (Nov. 28, 2011); Office of Mgmt. & Budget, Exec. Office of the President, *Memorandum for the Heads of Executive Departments & Independent Agencies*, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012).

¹² It is not reasonable to exclude searches of files or emails in the personal custody of your officials, such as personal email accounts. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA. *See Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149-50 (D.C. Cir. 2016); *cf. Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955-56 (D.C. Cir. 2016).



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TCRP plans to publish opinion and policy pieces about the death of children in CBP custody. Every year, TCRP publishes press releases, opinion pieces, reports, and policy papers about current civil rights issues, turning raw qualitative and quantitative data into a distinct work and distributing that work to legislators and the public through hearings, presentations, mailings, and listservs.¹³ TCRP experts are often quoted in national publications.¹⁴ Additionally, TCRP disseminates information through its website, texascivilrightsproject.org and online magazine news.txcivilrights.org.

Accordingly, TCRP is a “representative of the news media” within the meaning of the statute and applicable regulations. *See* 5 U.S.C. § 552(a)(4)(A)(iii) (defining a representative of the news media as an entity that “gathers information of potential interest to a segment of the public” and “uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience”). *See also National Sec. Archive v. Dep’t of Def.*, 880 F.2d 1381, 1397 (D.C. Cir. 1989) (same); *Electronic Privacy Information Center v. Dep’t of Def.*, 241 F. Supp. 2d 5 (D.D.C. 2003) (nonprofit organizations that gather information and published it in newsletters and otherwise for general distribution qualified as representative of news media for purpose of limiting fees).¹⁵

Courts have reaffirmed that nonprofit requestors who are not traditional news media outlets can qualify as representatives of the news media for the purposes of the FOIA, including after the 2007 amendments to FOIA. *See Cause of Action v. FTC*, 799 F.3d 1108, 1124 (D.C. Cir. 2015) (holding that a public interest advocacy organization can qualify based on a record of publications, plans to publish, or methods of distribution through multiple outlets); *ACLU of Washington v. Dep’t of Justice*, No. C09-0642RSL, 2011 WI887731, at *10 (D. Wash. Mar. 10, 2011) (finding that the ACLU qualifies as a “representative of the news media”).

III. Request for Expedited Processing

TCRP requests Track 1 expedited treatment for this FOIA request, pursuant to 5 U.S.C. § 552(a)(6)(E), because TCRP has a “compelling need” for the requested information, TCRP is “primarily engaged in disseminating information,” and there is an “urgency to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II).

¹³ TCRP publishes multiple reports, opinion pieces, and policy pieces each year. For example, in 2019, TCRP published multiple reports. *See, e.g.,* Meagan Harding, *Torture By Another Name: Solitary Confinement in Texas*, TEXAS CIVIL RIGHTS PROJECT (Oct. 2019); James Slattery, *High School Voter Registration in Texas: Grassroots Activism Pushes Progress*, TEXAS CIVIL RIGHTS PROJECT (July 2019); Laura Peña, *The Real National Emergency: Zero Tolerance & the Continuing Horrors of Family Separation at the Border*, TEXAS CIVIL RIGHTS PROJECT (Feb. 2019).

¹⁴ *See, e.g.,* Manny Fernandez & Mitchell Ferman, *Under Construction in Texas: The First New Section of Border Wall*, N.Y. TIMES (Nov. 08, 2019) (quoting attorney Ricky Garza); Jasmine Aguilera, *‘They’re Screaming for Help’: See Drawing from Children Stuck in Mexico as They Seek U.S. Asylum*, TIME (Oct. 31, 2019) (quoting TCRP attorney Erin Thorn Vela); Lula Garcia-Navarro, *Immigration Lawyer on Family Separation at the Border*, NPR (June 30, 2019) (interviewing former TCRP attorney Efrén Olivares).

¹⁵ *See also* DOJ Guide to the Freedom of Information Act: Fees and Fee Waivers 5 (July 23, 2014), <https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/fees-feewaivers.pdf>



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Since September 2018, at least seven children have died after becoming ill in CBP custody, due to the conditions in which they were held.¹⁶ Advocacy groups and lawmakers have steadfastly called for investigations into children’s deaths and an end to detention, but despite these efforts, yet another child has died in the custody of the United States government – A.D.R.A.¹⁷

A.D.R.A.’s death and the death of the other migrant children have been a matter of widespread and exceptional media interest where there exist possible questions about the government’s integrity which affect public confidence. 6 C.F.R. § 5.5(e)(1)(iv). Lawmakers, national media, and doctors have long called for investigations into the children’s deaths at the border facilities to prevent future tragedies.¹⁸ 6 C.F. R. § 5.5(e)(1)(ii).

Expedited processing is also warranted in this case to ensure the due process rights of A.D.R.A.’s estate, as well as her family. A delay in processing this request may result in the loss of “substantial due process rights.” 6 C.F.R. § 5.5(e)(1).

IV. Request for Fee Waiver

TCRP requests a waiver of search, review, and duplication fees pursuant to 5 U.S.C. §§ 552(a)(4)(A)(ii)(II) and its implementing regulation 6 C.F.R. § 5.11. As a member of the news media for FOIA purposes, TCRP is entitled to a waiver of search fees. *Cf. National Security Archive v. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). TCRP obtains information about governmental activity and uses such information to create, publish, and distribute unique newsletters and reports discussing the implications of new policies and aggregate data on behalf of the interest of the public. TCRP’s intention upon receiving the information asked

¹⁶ Nicole Acevedo, *Why are Migrant Children Dying in U.S. Custody*, NBC News (May 29, 2019), <https://www.nbcnews.com/news/latino/why-are-migrant-children-dying-u-s-custody-n1010316>; Molly Hennessy-Fiske, *Six Migrant Children Have Died in U.S. Custody. Here’s What We Know About Them*, L.A. Times (May 24, 2019); Tina Burnside and Zoe Sottile, *8-year-old migrant girl who died in US Border Patrol custody was treated for flu several days before her death, authorities say*, CNN (May 22, 2023), <https://www.cnn.com/2023/05/21/us/migrant-child-us-border-death/index.html>.

¹⁷ See e.g., Valerie Gonzalez, *Mother of 8-year-old who died in Border Patrol custody says pleas for hospital care were denied*, AP News (June 20, 2023), <https://apnews.com/article/border-patrol-custody-death-harlingen-8da5429f39cb7ac0ff4c9184a42d8ba2>; Chantal Da Silva and Daniella Silva, *The 8-year-old who died in Border Patrol custody had a 104.9-degree temperature and still was not sent to the hospital*, NBC News (June 2, 2023), <https://www.nbcnews.com/news/latino/border-patrol-staff-documents-refuse-ambulance-8-year-old-died-custody-rcna87383>.

¹⁸ See, e.g., U.S. House of Representatives’ Committee of Homeland Security, *Assessing the Adequacy of DHS Efforts to Prevent Child Deaths in Custody* (Jan. 14, 2020) (noting that information about deaths in child custody is extremely limited despite information requests by Congress); Graham Kites, *Doctors Call for Investigation after 3 Migrant Children in Custody Die of Flu*, CBS NEWS (Aug. 01, 2019), <https://www.cbsnews.com/news/doctors-call-for-investigation-after-3-migrant-children-in-custody-die-of-flu/>; Cynthia Pompa, *Immigrant Kids Keep Dying in CBP Detention Centers, and DHS Won’t Take Accountability*, ACLU (June 24, 2019), <https://www.aclu.org/blog/immigrants-rights/immigrants-rights-and-detention/immigrant-kids-keep-dying-cbp-detention>. Congressional Hispanic Caucus, *Congressional Hispanic Caucus Condemns Pattern of Migrant Children Deaths in DHS Custody, Calls for Investigation & Oversight* (May 21, 2019), <https://congressionalhispaniccaucus-castro.house.gov/media-center/press-releases/congressional-hispanic-caucus-condemns-pattern-of-migrant-children>.



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for in this request is to do the same with that information, to the extent possible while protecting its clients' confidential information.

TCRP is also entitled to a complete waiver of search, review, and duplication fees pursuant to 5 U.S.C. §§ 552(a)(4)(A)(iii) and its implementing regulations 6 C.F.R. § 5.11. The request concerns an identifiable government operation and activity: the investigations into the death of a child in government custody. The disclosure would meaningfully inform the public about the way that the government responded to the death of a child. As noted above, there is widespread public interest in understanding more about the deaths of children in CBP custody. TCRP has the expertise to discuss the legal ramifications and disseminate information in a way that the general public can understand the government's response to the sudden deaths in government custody at CBP facilities. The disclosure of this information will be a significant contribution to public understanding because so little information is available publicly about the cause and investigation into the children's deaths in CBP custody. TCRP has no commercial interest in the disclosure. For the reasons described above, the information requested is "likely to contribute significantly to public understanding of the operations of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. §§ 552(a)(4)(A)(iii).¹⁹

In the event that TCRP is denied for a waiver of search and/or duplication fees, please contact us before any such costs are incurred, in order to prioritize search and duplication efforts.

* * *

We request that all documents be produced electronically.²⁰ In the event that such production would cause delay, we request to be contacted to help facilitate record production within the statutory time limit.

If this request is denied in whole or in part, we ask that the government justify all redactions by reference to specific FOIA exemptions.²¹ If it is your position that any responsive record or

¹⁹ See also DOJ FOIA Update: New Fee Waiver Policy Guidance, Vol. VIII, No. 1 (Jan. 01, 1987), <https://www.justice.gov/oip/blog/foia-update-new-fee-waiver-policy-guidance>.

²⁰ We request that responsive electronic records be provided electronically in their native file format, if possible, except that aggregated data be provided in searchable Microsoft Excel spreadsheets, if possible. See 5 U.S.C. § 552(a)(3)(B). Alternatively, we request that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession, and that records be provided in separate, Bates-stamped files.

²¹ All agencies should adopt a presumption in favor of disclosure in order to renew their commitment to the principles embodied in FOIA . . . The presumption of disclosure should be applied to all decisions involving FOIA. Freedom of Information Act, Pres. Mem. of January 21, 2009, 74 Fed. Reg 4683.



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portion thereof is exempt from disclosure,²² we request that you please provide an index of those documents. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1972).²³

We look forward to your response to our request for expedited processing within 10 business days, as required under 5 U.S.C. § 552(a)(6)(E)(ii)(I). Notwithstanding our request for expedited processing, we alternatively look forward to your reply to this request within 20 business days, as required under 5 U.S.C. § 552(a)(6)(A)(I).

* * *

Thank you for your timely consideration of this request. We request that all documents be produced to the undersigned at:

Karla Marisol Vargas
Senior Attorney
P.O. Box 219
Alamo, TX 78516

In the event that such production would cause delay, we request to be contacted to help facilitate record production within the statutory time limit.

If you have any questions about this request, please immediately contact Karla Marisol Vargas at KVargas@texascivilrightsproject.org.

I certify that the information provided supporting the request for expedited processing is true and correct to the best of our knowledge and belief. In addition, we have attached a G-28 and DHS privacy waiver from the family to this request.

Sincerely,

/s/ Karla Marisol Vargas

Karla Marisol Vargas

²² Any reasonably segregable portion of a responsive record must be provided, after redaction of any allegedly exempt material. 5 U.S.C. § 552(b); *Schiller v. Nat'l Labor Relations Bd.*, 969 F.2d 1205, 1209 (D.C. Cir. 1992).

²³ A *Vaughn* index should describe each document claimed as exempt with sufficient specificity "to permit a reasoned judgment as to whether the material is actually exempt under FOIA." *Founding Church of Scientology v. Bell*, 603 F.2d 945, 959 (D.C. Cir. 1979). The *Vaughn* index needs to "describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of supplying the sought-after information." *King v. U.S. Dep't of Justice*, 830 F.2d 210, 223-24 (D.C. Cir. 1987).



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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Texas Civil Rights Project

(b) County of Residence of First Listed Plaintiff Travis
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Daniel Hatoum, Texas Civil Rights Project, PO Box 219 /
1017 W. Hackberry Ave, Alamo, TX 78516; (956)
787-8171 ext. 208

DEFENDANTS

U.S. Customs and Border Protection

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

5 U.S.C. § 552

Brief description of cause:

Plaintiff seeks release of records by Defendant under FOIA

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

May 17, 2024

SIGNATURE OF ATTORNEY OF RECORD

/s/ Daniel Hatoum

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____