

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

HUMAN RIGHTS DEFENSE CENTER,

1028 N. Federal Highway
Lake Worth Beach, FL 33460

Plaintiff,

v.

**U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT,**

500 12th Street SW
Washington, DC 20536

Defendant.

Civil Action No.

COMPLAINT

1. This lawsuit is an action under the Freedom of Information Act, 5 U.S.C. §552, *et seq.*, seeking production of records responsive to requests submitted by the Human Rights Defense Center to the United States Immigration and Customs Enforcement.

Jurisdiction and Venue

2. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the defendants under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201(a), and 2202.
3. Venue is appropriate in this Court under 5 U.S.C. §(a)(4)(B) and 28 U.S.C. §1391.

Parties

4. Plaintiff Human Rights Defense Center (HRDC) is a nonprofit charitable organization incorporated in the state of Washington, with a principal office in Lake Worth Beach, Florida.
5. Defendant United States Immigration and Customs Enforcement (ICE) is an agency of the United States Department of Homeland Security and an agency under 5 U.S.C. § 552(f)(1) and 5 U.S.C. § 701. Defendant ICE has possession, custody, and control of the records sought by HRDC.

Facts

Human Rights Defense Center's Background and Mission

6. HRDC (previously named Prison Legal News) has spent the last thirty years dedicated to public education, prisoner education, advocacy, and outreach to support the rights of prisoners and to further basic human rights.
7. To accomplish its mission, HRDC gathers information from governmental entities around the country and publishes the information in its journals and on its websites.
8. HRDC publishes and distributes books, magazines, and other information containing news and analysis about prisons, jails, and other detention facilities, prisoners' rights, court rulings, management of prison facilities, prison conditions, and other matters about the rights and interests of incarcerated individuals.
9. HRDC publishes two magazines: *Prison Legal News (PLN)* and *Criminal Legal News (CLN)*.

10. *PLN* is a legal journal that reports news and litigation about carceral facilities. *PLN* has published monthly since 1990 and has thousands of subscribers in all 50 states. Based on reader survey results, the estimated actual readership is about ten times that number. *PLN* also maintains a website that receives around 300,000 visitors per month.
11. *CLN* is a legal journal launched in 2017. *CLN* reports on criminal law decisions from the state and federal systems, focusing on legal developments affecting the fact and duration of confinement. *CLN* also covers civil rights litigation against police, prosecutors, and court systems.
12. Through its publishing arm, HRDC also publishes books about the criminal justice system and legal issues affected prisoners.

FOIA Request at Issue

13. On August 10, 2020, HRDC sent ICE a FOIA request. The request sought contracts active at any time from January 1, 2010 between ICE and eleven companies which owned, operated, or managed detention facilities:
 - a. Ahtna;
 - b. Akal Security;
 - c. Akima Global Services;
 - d. Asset Protection & Security Services;
 - e. CoreCivic;
 - f. Donyon, Limited;
 - g. GEO Group;

- h. Global Precision Systems;
- i. Management & Training Corporation;
- j. LaSalle Corrections; and
- k. Paladin Eastside Psychological Services.

14. To assist in the processing of the request, HRDC also included contract numbers that its research revealed corresponded to each company.
15. As a member of the news media, HRDC also requested a fee waiver.
16. ICE assigned reference number 2020-ICE-75818 and granted HRDC's fee waiver on August 14, 2020.
17. The Department of Homeland Security's portal for checking the status of FOIA requests returns an estimated delivery date of September 13, 2020; although it also notes that even as the date of filing this complaint, the information is only current through December 17, 2020.
18. Having heard nothing from ICE, HRDC followed up with an emailed request for a status update on June 1, 2021.
19. Receiving no response, HRDC again emailed a request for a status update on July 2, 2021.
20. HRDC made one final attempt to elicit a response from ICE with an email on August 6, 2021.
21. Despite these efforts, HRDC has not received any communication from ICE since August 14, 2020.
22. ICE has not produced any documents in response to HRDC's August 10, 2020 FOIA request.

HRDC's Claim for Relief

23. HRDC incorporates paragraphs 1 – 22 by reference.
24. ICE wrongly withheld documents responsive to HRDC's properly submitted FOIA request.
25. HRDC has a statutory right to the records it seeks, and there is no basis for ICE to withhold them.
26. As a result, by failing to release the records specifically requested by HRDC, ICE has violated FOIA.

Requested Relief

HRDC therefore respectfully requests that this Court:

1. Declare that the records sought by HRDC are subject to FOIA,
2. Order ICE to disclose the requested records,
3. Award costs and attorneys' fees under 5 U.S.C. § 552 (a)(4)(E), and
4. Grant any other relief that the Court considers just and proper.

Respectfully submitted,

/s/ Deborah M. Golden
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Dated: August 30, 2021