

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

SUSAN B. LONG, *et al.*,

Plaintiffs,

V.

IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Defendant.

Civil Action No. 22-2655 (APM)

**REPLY IN SUPPORT OF PLAINTIFFS’
CROSS-MOTION FOR SUMMARY JUDGMENT**

TABLE OF CONTENTS

INTRODUCTION	1
ARGUMENT	1
I. ICE has not conducted an adequate search because Matrix does not contain all the responsive records that are in the EID and IIDS.....	2
II. ICE’s search of Matrix overlooked multiple categories of responsive records.	5
III. ICE improperly redacted field format and field width information.....	7
IV. ICE’s contradictory descriptions of its search for code lookup tables are insufficient to show that its search was adequate.	8
CONCLUSION.....	9

TABLE OF AUTHORITIES

Cases

<i>Long v. ICE</i> , 149 F. Supp. 3d 39 (D.D.C. 2015)	3
<i>Long v. ICE</i> , 464 F. Supp. 3d 409 (D.D.C. 2020)	4
<i>Montgomery v. IRS</i> , 40 F.4th 702 (D.C. Cir. 2022)	2
<i>Oglesby v. Department of Army</i> , 920 F.2d 57 (D.C. Cir. 1990)	1
<i>Reporters Committee for Freedom of the Press v. FBI</i> , 877 F.3d 399 (D.C. Cir. 2017)	2, 6
<i>Shapiro v. DOJ</i> , 40 F.4th 609 (D.C. Cir. 2022)	2, 6
<i>Valencia-Lucena v. Coast Guard</i> , 180 F.3d 321 (D.C. Cir. 1999)	2, 9

INTRODUCTION

The Freedom of Information Act (FOIA) requests at issue seek records comprehensively identifying and describing the tables, fields, and codes in the Enforcement Integrated Database (EID) and ICE Integrated Decision Support database (IIDS). Defendant Immigration and Customs Enforcement (ICE) admits that responsive records are contained within the EID and IIDS and can be extracted in full by directly querying the databases themselves. *See* Def. Resp. to Pls. Stmt. of Facts, ECF No. 42-1, ¶¶ 26–29. ICE also admits that it did not directly query the EID and IIDS to extract a complete set of the requested records. Instead, ICE produced incomplete data dictionaries from an online data dictionary repository known as Matrix. ICE then used the incomplete data dictionaries from Matrix to identify the code lookup tables that it extracted from the EID and IIDS. *Id.*, ¶¶ 31, 50.

ICE’s search process was inadequate and does not satisfy its obligations under FOIA. Matrix does not contain all the requested records, and ICE’s search did not even return all the responsive records that are in Matrix. By limiting its search to an incomplete record system and unreasonably restricting the scope of its search within that incomplete system, ICE performed a search that was not reasonably calculated to produce the requested information. Accordingly, the Court should deny ICE’s motion for summary judgment, grant Plaintiffs’ cross-motion for summary judgment, and order ICE to search for a complete set of responsive records by directly querying the sources where such records are stored.

ARGUMENT

To satisfy its search obligations under FOIA, ICE must show that it conducted a search “reasonably calculated to uncover all relevant documents,” *Oglesby v. Department of Army*, 920 F.2d 57, 68 (D.C. Cir. 1990), that it did not “limit its search to only one record system if there are

others that are likely to turn up the information requested,” *Montgomery v. IRS*, 40 F.4th 702, 714 (D.C. Cir. 2022) (citation and internal quotation marks omitted), and that “all files likely to contain responsive materials were searched,” *Valencia-Lucena v. Coast Guard*, 180 F.3d 321, 326 (D.C. Cir. 1999) (cleaned up). ICE cannot sustain its burden here, because “a review of the record raises substantial doubt as to the search’s adequacy, particularly in view of well-defined requests and positive indications of overlooked materials.” *Shapiro v. DOJ*, 40 F.4th 609, 613 (D.C. Cir. 2022) (quoting *Reporters Committee for Freedom of the Press v. FBI*, 877 F.3d 399, 402 (D.C. Cir. 2017) (cleaned up)).

I. ICE has not conducted an adequate search because Matrix does not contain all the responsive records that are in the EID and IIDS.

In their opening memorandum, Plaintiffs noted multiple discrepancies suggesting that the data ICE produced from Matrix is not a complete response to Plaintiffs’ FOIA requests. ICE’s response confirms that Matrix does not include all responsive records that are in the EID and IIDS and, therefore, that Matrix was an inadequate source.

For example, Plaintiffs identified thirteen tables that exist in the EID and are responsive to Plaintiffs’ request. ICE admits that it did not produce them, even though they were present in the EID, because they were not in Matrix at the time of ICE’s initial and supplemental searches. *See* Def. Resp. to Pls. Stmt. of Facts ¶ 38; Second Lewis Decl., ECF No. 42-2, ¶ 9. ICE also admits that the table named “NRTV_TYP_CD” exists in the EID but was not produced because it did not meet ICE’s criteria for inclusion in Matrix.¹ *See* Def. Resp. to Pls. Stmt. of Facts ¶ 39; Second

¹ That NRTV_TYP_CD is used only by a Customs and Border Protection system is irrelevant because Plaintiffs requested records comprehensively identifying and describing the tables, fields, and codes in the EID and IIDS, and did not limit their request to tables used by ICE. Multiple Department of Homeland Security (DHS) components store data in the EID, which is owned and operated by ICE. *See* Def. Opp. & Reply Mem., ECF No. 42, at 4.

Lewis Decl. ¶ 10. And ICE admits that the EID contains fields denoting whether “null” entries are allowed, but ICE did not produce such fields because they are not in Matrix. *See* Def. Resp. to Pls. Stmt. of Facts ¶ 40; Second Lewis Decl. ¶ 11. Thus, there is no dispute that records responsive to Plaintiffs’ FOIA requests exist in the EID and would have been produced had ICE searched the EID as Plaintiffs requested. ICE’s decision to rely instead on a concededly incomplete source fails to satisfy its search obligation under FOIA.

ICE argues that it need not search the EID and IIDS because “this Court has already endorsed” its decision to limit its search to an incomplete repository even though it knows where a complete set of the responsive records resides. Def. Opp. & Reply Mem. at 3. In making this argument, ICE points to a 2015 decision in a case related to this one, in which the Court found adequate ICE’s July 2014 search of a Matrix predecessor called the System Lifecycle Management (SLM) repository. *Id.* (citing *Long v. ICE*, 149 F. Supp. 3d 39, 60 (D.D.C. 2015)). The history of that case (and this one), however, belies ICE’s contention that this Court has endorsed its decision to search Matrix alone for the records Plaintiffs seek.

To start, ICE ignores that the Court’s 2015 decision on the adequacy of the search did not extend to the type of information at issue here. In that case, ICE claimed that such material could be withheld in full under FOIA Exemption 7(E). *See Long v. ICE*, 149 F. Supp. 3d at 60. In that context, this Court held that ICE had conducted an adequate search even though it had not searched the EID and IIDS databases themselves because there was no “reason to believe that responsive records—*other than* the database schema and codes themselves, which [ICE is] not required to produce at this juncture—would be found within the databases.” *Id.* (emphasis added).

Five years later, the Court held that, although some information of the type at issue here is subject to withholding under Exemption 7(E), “ICE may have withheld codes, code translations,

field names, and table names that can reasonably be segregated from otherwise properly exempt materials.” *Long v. ICE*, 464 F. Supp. 3d 409, 412 (D.D.C. 2020). ICE was unable to produce a full set of the nonexempt data, however, because ICE had not searched the EID and IIDS, and its search of the SLM repository had not produced a complete set of the responsive records. *See* Transcript of Status Conference, *Long v. ICE*, No. 14-109 (D.D.C. June 14, 2021), ECF No. 76, at 7. Because ICE had not preserved the EID and IIDS as they existed at the time of its initial search, ICE could not query the databases to produce a comprehensive set of the requested records as they existed at that time. Plaintiffs suggested that the Court require ICE to compile the *current* versions of the requested records by directly querying the then-current EID and IIDS. *See* Plaintiffs’ Initial Brief, *Long v. ICE*, No. 14-109 (D.D.C. Sept. 9, 2020), ECF No. 71, at 4; Transcript of Status Conference, *Long v. ICE*, No. 14-109 (D.D.C. May 7, 2021), ECF No. 75, at 13–21. The Court observed that the issue of whether ICE was required to query the current versions of the databases could be avoided if Plaintiffs submitted a new FOIA request for the same material and then filed a related case. Transcript of Status Conference, *Long v. ICE*, No. 14-109 (D.D.C. June 14, 2021), ECF No. 76, at 14–17; *see* Transcript of Status Conference, *Long v. ICE*, No. 14-109 (D.D.C. July 29, 2021), ECF No. 80, at 5–6; Joint Status Report, *Long v. ICE*, No. 14-109 (D.D.C. Aug. 26, 2022), ECF No. 96, at 2–3. This is that related case.

Given this history, ICE’s assertion that the Court’s 2015 decision allows it to limit its search to Matrix even though responsive records can be extracted directly from the EID and IIDS is disingenuous. ICE understood that the FOIA requests at issue in this case seek a complete set of records concerning the EID and IIDS, current as of the date of ICE’s search, because the records ICE located in its 2014 search are incomplete as a result of ICE searching the SLM repository rather than directly querying the EID and IIDS. Indeed, in nine joint status reports filed from

September 2023 to September 2024, ICE told the Court and Plaintiffs that “it searched for the four sets of responsive records (the EID data dictionary, IIDS data dictionary, EID code tables, and IIDS code lookup tables) *by directly querying the databases, as plaintiffs had requested.*” ECF No. 22, ¶ 3 (emphasis added); *see* ECF Nos. 23–24, 26–31. When it filed its motion for summary judgment in December 2024, ICE reversed course and admitted for the first time that the data dictionaries it produced and used to find the code tables were extracted from Matrix rather than the EID and IIDS themselves. *See* First Lewis Decl., ECF No. 34-4, ¶ 7; Def. Resp. to Pls. Stmt. of Facts ¶ 31 (admitting that “ICE did not directly query the EID and IIDS to extract complete data dictionaries”). ICE attempts to smooth over this discrepancy by asserting that the data dictionaries in Matrix are the result of a process that begins with a query of the EID and IIDS “to obtain the responsive table and column names as a first step in compiling the Matrix data dictionaries.” Second Lewis Decl. ¶ 5. Be that as it may, it is undisputed that the EID and IIDS contain responsive records that are not in Matrix but could be extracted from the EID and IIDS, and ICE has not produced those records.

II. ICE’s search of Matrix overlooked multiple categories of responsive records.

Even within Matrix, ICE’s search was inadequate. The EID contains data from multiple DHS components and applications, and Plaintiffs’ FOIA requests seek records comprehensively identifying and describing *all* the tables, fields, and codes in the EID, no matter which DHS component or application uses the data. In other words, there are no tables, fields, or codes in the EID that are outside the scope of Plaintiffs’ requests. ICE, however, misinterpreted Plaintiffs’ requests as limited to the subset of tables that have “EID” in the “Schema” field, rather than all tables in the EID, and it limited the scope of its search accordingly. *See* First Lewis Decl. ¶ 11.b.i;

Def. Resp. to Pls. Stmt. of Facts ¶ 45. ICE’s interpretation was unreasonable, and it resulted in an inadequate search.

Following ICE’s original search in the fall of 2023, Plaintiffs noted the omission of tables from the EARM schema, and ICE provided those tables following a supplemental search in the summer of 2024. *See* Def. Resp. to Pls. Stmt. of Facts ¶ 46. The supplemental search targeting specific omissions that Plaintiffs were able to identify did not cure the problem, however, because ICE has not produced the field from the EID that ICE now refers to as “Schema” and that was previously labelled “Owner.” *See id.* ¶¶ 42, 49. Without it, Plaintiffs are unable to list all of the missing categories.

It is, however, beyond dispute that ICE has not searched for all the responsive information. First, ICE admits that within the EID there are tables whose Schema subset is called “ENFORCE,” and “ICE has not produced the ‘ENFORCE’ table subset included within the complete EID database.” *Id.* ¶ 48. Although Plaintiffs explained this deficiency in their opening memorandum, ICE does not even mention it in its response. Second, ICE’s response identifies a Schema subset in the EID called “E3PROSDBA.” *See* Second Lewis Decl. ¶ 10. None of the tables from the E3PROSDBA schema have been produced. ICE’s failure to produce tables from the Schema subsets called ENFORCE and E3PROSDBA provides “positive indications of overlooked materials” that raise “substantial doubt as to the search’s adequacy.” *Shapiro*, 40 F.4th at 613 (quoting *Reporters Committee*, 877 F.3d at 402). Irrespective, then, of whether it was reasonable to only search Matrix rather than directly querying the EID—and it was not—ICE has offered no justification for withholding the responsive records that have a “Schema” field other than EID.

ICE further admits that it “has not produced fields that provide plain-English translations of database field names.” Def. Resp. to Pls. Stmt. of Facts ¶ 41. The omission of such fields is yet

another indication that, even within Matrix, ICE's search was inadequate. After all, ICE admits that such fields exist. The process that produces the data dictionaries that are stored in the Matrix repository creates "plain-English names and business definitions that explain the meaning of each column or table." Second Lewis Decl. ¶ 6. In their opening memorandum, Plaintiffs explained that "the data dictionaries ICE produced from Matrix do not include fields that provide plain-English translations of database field names," and noted that "such fields were present in the data dictionaries produced in the 2014 case." Pls. Mem., ECF No. 38, at 8–9. ICE's only response is that "exact mapping of ICE data dictionaries and lookup tables between 2014 versus the searches conducted in 2023 and 2024 for this case cannot be performed because the EID and IIDS constantly change in response to changes in ICE[']s operational needs." Second Lewis Decl. ¶ 13; *see* Def. Opp. & Reply Mem. at 5–6. ICE misses the point. Even if the plain-English translations of the database field names have changed with the passage of time, such fields still exist, are responsive, and should have been produced.

Indeed, ICE admits that plain-English translations exist and are split between Matrix and the EID and IIDS. The plain-English data dictionary fields in Matrix result from "the manual data dictionary process [and are] stored only in the Matrix repository," Second Lewis Decl. ¶ 6, and "[t]he EID and IIDS databases [also] contain some metadata in the comments section that can be used in the manual data dictionary creation process," *id.* Thus, the plain-English information is not confined to a single database and *all* of it is responsive. The fact that ICE has produced *none* of it demonstrates the inadequacy of ICE's search.

III. ICE improperly redacted field format and field width information.

In their opening memorandum, Plaintiffs asserted that ICE's failure to produce field format and field width information, which ICE produced in the 2014 case, suggests that the Matrix data

dictionaries are incomplete. ICE disagrees on the basis that “Plaintiffs received the data dictionary with a column for ‘Technical Data type’ which contains the length, type, and format.” Second Lewis Decl. ¶ 11; *see* Def. Resp. to Pls. Stmt. of Facts ¶ 40. If ICE is correct, the lack of field format and width information may not reflect limitations of the Matrix data dictionaries. But ICE’s response raises a different issue, because ICE has redacted in full the information listed in the column titled “Technical Data type,” even though much of that information was produced in the 2014 case. *See, e.g.,* Notice of Filing, *Long v. ICE*, No. 14-109 (D.D.C. Aug. 18, 2021), ECF No. 83 (attaching as Exhibits A and B, ECF Nos. 83-1 and 83-2, the first 200 rows of the EID and IIDS data dictionaries with much of the field format and width information in the “Logical Data Type” and “Datatype” columns unredacted).

Here, Plaintiffs agreed to challenge only the sufficiency of ICE’s search, and not its withholdings, in reliance on ICE’s representation that “the redactions are based on the exemptions at issue in *Long v. ICE*, No. 14-109, and not on any additional grounds.” Joint Status Report, ECF No. 31, ¶ 3. Because ICE does not claim in the 2014 case that field format and width information are uniformly exempt from disclosure, that issue has not been presented in the motion that is currently pending in the 2014 case, and Plaintiffs have not been told the basis for ICE’s change in position. Accordingly, the Court should either order ICE to produce the withheld field format and width information other than that which comports with ICE’s exemption claims in the 2014 case, or order ICE to explain the basis for its exemption claim so that Plaintiffs may challenge it if appropriate.

IV. ICE’s contradictory descriptions of its search for code lookup tables are insufficient to show that its search was adequate.

In their opening memorandum, Plaintiffs explained that if ICE used the incomplete data dictionaries from Matrix as a starting point to identify the code lookup tables that it extracted from

the EID and IIDS, its search for code lookup tables was necessarily inadequate. ICE admits that it did exactly that: “ICE used the data dictionaries it pulled from Matrix to identify the code lookup tables in each database and then extracted the code lookup tables by directly querying the IIDS and EID.” Def. Resp. to Pls. Stmt. of Facts ¶ 50. ICE’s admission that its search for the code lookup tables was based on the incomplete Matrix data dictionaries should be the end of the matter.

In its memorandum, however, ICE contradicts its admission and argues that it did not base its search for the code lookup tables on the Matrix data dictionaries. *See* Def. Opp. & Reply Mem. at 8 (citing Second Lewis Decl. ¶ 14). ICE cannot have it both ways, and its reliance on inconsistent statements shows that it has failed to “demonstrate beyond material doubt that its search was reasonably calculated to uncover all relevant documents.” *Valencia-Lucena*, 180 F.3d at 325 (cleaned up). This Court should therefore order ICE to conduct a new search for the code lookup tables, using complete “technical” data dictionaries drawn directly from the EID and IIDS, rather than incomplete “business” data dictionaries pulled from Matrix.

CONCLUSION

ICE has failed to establish that its efforts to compile the requested records were reasonably calculated to produce the requested information. The Court should deny ICE’s motion for summary judgment, grant Plaintiffs’ cross-motion for summary judgment, and order ICE to search for a complete set of responsive records by directly querying the sources where such records are found.

June 4, 2025

Respectfully submitted,

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