

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

PUBLIC CITIZEN,
1600 20th Street NW
Washington, DC 20009,

Plaintiff,

v.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT,
500 12th Street SW
Washington, DC 20536,

Defendant.

Civil Action No. 26-cv-2892

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Plaintiff Public Citizen brings this action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to compel Defendant U.S. Immigration and Customs Enforcement (ICE) to produce records responsive to a FOIA request submitted by Public Citizen seeking records about Operation ICE Wall.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).
3. Venue is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

4. Plaintiff Public Citizen is a nonprofit organization based in Washington, DC. Public Citizen submitted the FOIA request at issue in this action.
5. Defendant ICE is an agency of the United States. ICE has possession of and control over the records that Plaintiff seeks.

STATEMENT OF FACTS

6. On July 16, 2026, Public Citizen submitted a FOIA request to ICE. The request sought: “(1) [a]ll final memoranda, policy documents, guidance materials, and training materials about Operation ICE Wall”; (2) “[a]ll training materials about Operation ICE Wall shared between U.S. Immigration and Customs Enforcement and any local or state government agency”; and (3) “[a]ll correspondence about Operation ICE Wall and the 287(g) program between a U.S. Immigration and Customs Enforcement official and any local or state government official.”

7. In its FOIA request, Public Citizen sought a full waiver of fees because disclosure of the requested records would be in the public interest and not for commercial use.

8. By email on July 28, 2026, ICE stated that it had received the request and assigned it reference number 2026-ICFO-33778. The email stated that request “was in the process of being reviewed for initial determination of compliance with the FOIA and DHS regulations” and that the agency was “working through a large backlog of requests.”

9. By email on August 13, 2026, Public Citizen emailed ICE to inquire about the status of its request. Later that day, ICE responded by email stating that the request was “still in the process of being reviewed for initial determination of compliance with the FOIA and DHS regulations.” The agency reiterated that it was “working through a large backlog of requests.”

10. By email on August 13, 2026, Public Citizen requested that ICE provide an estimated date of completion. ICE responded by stating that “[a]t this stage, [it] cannot offer an estimated date for completion.”

11. More than 20 business days have passed since Public Citizen submitted its request, and ICE has not made a final determination or production of records in response to the request.

CLAIM FOR RELIEF

12. Public Citizen has a right under FOIA, 5 U.S.C. § 552, to the records responsive to its FOIA request and to a fee waiver.

13. There is no legal basis for ICE's failure to produce the responsive records.

PRAYER FOR RELIEF

WHEREFORE, Public Citizen requests that this Court:

A. Declare that ICE's failure to provide the records responsive to Public Citizen's FOIA request is unlawful;

B. Order ICE to make the requested records available to Public Citizen at no cost and without delay;

C. Award Public Citizen its costs and reasonable attorneys' fees under 5 U.S.C. § 552(a)(4)(E); and

D. Grant such other relief as this Court may deem just and proper.

Dated: August 17, 2026

Respectfully submitted,

/s/ Wendy Liu

Wendy Liu (DC Bar No. 1600942)
Becca Steinberg (DC Bar No. 1736190)
(admission to DDC pending)
Public Citizen Litigation Group
1600 20th Street NW
Washington, DC 20009
(202) 588-1000

Counsel for Plaintiff