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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 DAVID K. HAUSMAN,

19 Plaintiff,

20 v.

21 U.S. IMMIGRATION AND CUSTOMS
22 ENFORCEMENT,

23 Defendant.

Case No. 3:26-cv-03730-AMO

**PLAINTIFF’S NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY INJUNCTION;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT**

Hearing Date: June 18, 2026

Time: 2:00 p.m.

Courtroom: 10

Judge: Hon. Araceli Martínez-Olguín

Date Action Filed: April 29, 2026

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on June 18, 2026 at 2:00 P.M., or as soon thereafter as may be heard before the Honorable Araceli Martínez-Olguín in Courtroom 10 of the United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, California, Plaintiff David K. Hausman (“Hausman”) will and hereby does move for an order granting preliminary injunctive relief against Defendant U.S. Immigration and Customs Enforcement (“ICE”).

Pursuant to Federal Rule of Civil Procedure 65, Hausman seeks to enjoin ICE from impeding his efforts to expeditiously obtain agency records (the “Spreadsheets”) under the Freedom of Information Act (“FOIA”) and from engaging in its pattern or practice of failing to make determinations on whether to comply with Hausman’s FOIA requests and release non-exempt records promptly. Hausman respectfully asks that this Court issue an order directing ICE to: (1) expedite processing of Hausman’s requests and produce the Spreadsheets within eight working days of the Court’s order; (2) make determinations on Hausman’s future requests for the Spreadsheets within 20 working days and produce the Spreadsheets within eight working days of a determination going forward; and (3) submit quarterly compliance reports to the Court.

This motion is based on this notice of motion; the memorandum of points and authorities in support of this motion; the declarations of David K. Hausman, Joseph Mahr, Samuel B. Dinning, Ian Head, Elizabeth Wu, Ian Austin Rose, and Carl Bergquist, and evidence filed concurrently herewith; the Complaint; all papers and records on file with the Clerk or which may be submitted prior to or at the time of the hearing; and any further evidence which may be offered.

1 Dated: May 6, 2026

Respectfully submitted,

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MEMORANDUM OF POINTS AND AUTHORITIES**I. INTRODUCTION**

Since 2025, over 2,000 news reports have relied on a set of Excel spreadsheets (“the Spreadsheets”) produced under the Freedom of Information Act (“FOIA”) to report on current patterns in U.S. Immigration and Customs Enforcement (“ICE”) arrests, detentions, and deportations, and to compare those patterns to enforcement under past administrations.¹ Similarly, members of Congress, state and local government agencies and officials, federal district courts, and advocacy organizations across the political spectrum have used the Spreadsheets to understand the extent of ICE’s enforcement actions.

The Spreadsheets can only inform ongoing public debates when they are current, but ICE systematically fails to promptly produce the Spreadsheets, as required under FOIA. Even when a requester initiates litigation, obtaining the Spreadsheets takes months. Between updates to the Spreadsheets, the public remains in the dark about ICE’s rapidly changing immigration enforcement practices. And ICE fails to produce the Spreadsheets in compliance with its FOIA obligations even though production is easy and quick; in fact, during recent litigation, ICE provided copies of the Spreadsheets within eight working days.

Plaintiff David K. Hausman (“Hausman”) seeks an order from this Court enjoining the unlawful pattern or practice by Defendant ICE of failing to timely produce the Spreadsheets. A FOIA pattern-or-practice claim is necessary here because a FOIA claim concerning a specific request cannot cure this repeated timeliness violation. By waiting to release the Spreadsheets until confronted with litigation, ICE systematically evades FOIA’s timeliness requirement: not only must a requester wait for the statutory period to run before filing suit (a minimum of 20 working days), but ICE receives another 30 days to answer the complaint. It is often only after this point that the requester and the agency begin to negotiate a schedule for production. The result is that, absent prospective relief requiring timely responses to future requests, there is no reliable way for a requester to obtain updates to the Spreadsheets more than once every few

¹ The Spreadsheets are easy for anyone to look at. The originals from earlier productions are available at <https://deportationdata.org/data/ice.html>.

1 months, at best, even when undertaking the burdensome process of repeatedly filing suit. It
2 should not take repeated litigation and months of ensuing delays to obtain each update.

3 Hausman is a law professor at UC Berkeley and a co-Director of the Deportation Data
4 Project (“DDP”), which provides a centralized repository of immigration enforcement data. That
5 project not only aims to inform the public; it also aims to reduce burdens on the ICE FOIA office
6 by providing a repository where journalists, advocates, and researchers can access ICE data
7 without having to file piecemeal FOIA requests (for example, requests concerning a single city
8 or detention center). To maintain this repository, Hausman seeks regular updates to the
9 Spreadsheets and has filed several requests for the Spreadsheets that remain unanswered. In each
10 of his requests, he has sought expedited processing, highlighting the immense public interest in
11 timely updates to the Spreadsheets. Releases of the Spreadsheets—which DDP’s website makes
12 available to the public at no cost—have formed the basis for virtually all data-based news
13 reporting on ICE enforcement activities since 2025.

14 Hausman and the public, which he aims to serve, will be irreparably harmed if ICE
15 continues to deny timely access to the Spreadsheets: obtaining the data months later cannot cure
16 the absence of accountability in the interim, and only an injunction requiring timely responses to
17 Hausman’s current and future requests for the Spreadsheets can prevent that harm. The public
18 interest served by the timely release of the Spreadsheets far outweighs the minimal burden such
19 an order would place on Defendant.

20 In order to stop Defendant’s systematic, ongoing violations of FOIA, the Court should
21 order ICE to (1) expedite the processing of Hausman’s most recent FOIA request for the
22 Spreadsheets and produce the Spreadsheets within eight working days of the Court’s order; (2)
23 produce records in response to Hausman’s future requests for the Spreadsheets no later than 28
24 working days (20 working days to make a determination, consistent with the statutory timeline,
25 and an additional eight working days to produce the records, consistent with what ICE has
26 demonstrated is feasible); and (3) submit quarterly compliance reports to the Court.

1 **II. FACTUAL AND PROCEDURAL BACKGROUND**

2 **A. There is Substantial Public Interest in the Spreadsheets.**

3 ICE’s past releases of the Spreadsheets in response to litigation have substantially
4 contributed to the public’s understanding of ICE’s enforcement actions through analyses of the
5 Spreadsheets in news articles, uses by policymakers, and citations in judicial decisions.

6 The Spreadsheets contain anonymized records of ICE’s immigration enforcement
7 actions; they contain a row for each encounter, detainer request,² arrest, detention, and removal,
8 respectively. Declaration of David K. Hausman (Hausman Decl.) ¶ 8. The inclusion of
9 anonymized unique identifiers—sequences of letters and numbers that replace a person’s “A-
10 Number”³—allows the public, without knowing any person’s identity, to trace outcomes as each
11 person moves through the enforcement system, from arrest to potential deportation. *Id.* ¶ 9.

12 Since March 2025, Hausman and his colleagues at DDP have sought and published these
13 past releases—original spreadsheets received from ICE, as well as processed versions of them
14 and tools to allow users to filter and download subsets of them—on DDP’s website at no cost to
15 the public. *Id.* ¶¶ 6–8.⁴ Hausman has also published reports analyzing the Spreadsheets and
16 posted materials to allow the public to better understand the data. *Id.* ¶ 7.

17 With each release, anywhere from dozens to hundreds of media organizations have used
18 the data to verify the government’s claims about its immigration enforcement practices and
19 inform the public about new governmental directives regarding arrests, detentions, and removals,
20 as well as to compare them to government practices under past administrations. For example, in
21 June 2025, a New York Times analysis of the Spreadsheets showed that ICE arrests had

22 _____
23 ² A detainer is a request sent by ICE to a federal, state, or local law enforcement agency to detain
24 a person for up to an additional 48 hours beyond the time when he would otherwise be released
25 from criminal custody.

26 ³ A-Numbers are unique identification numbers that the Department of Homeland Security
27 (“DHS”) assigns to noncitizens.

28 ⁴ See DEPORTATION DATA PROJECT: IMMIGRATION AND CUSTOMS ENFORCEMENT ORIGINAL
DATA, <https://deportationdata.org/data/ice.html>; DEPORTATION DATA PROJECT: IMMIGRATION
AND CUSTOMS ENFORCEMENT PROCESSED DATA,
<https://deportationdata.org/data/processed/ice.html>; DEPORTATION DATA PROJECT: DATA TOOLS,
<https://deportationdata.org/tools.html>.

1 increased sharply in each state since President Trump took office. *Id.* ¶ 37, Ex. T-1. Bloomberg
2 found that in the early weeks of the Trump administration, “the rate of out-of-state transfers by
3 ICE”—meaning the transfer of arrested noncitizens to detention centers out-of-state—“was
4 higher than they’ve ever been in at least 13 years.” *Id.*, Ex. T-2 at 6. Mission Local, a local news
5 outlet, used the Spreadsheets to follow the enforcement outcomes for the 2,123 people arrested
6 by ICE in the first half of 2025 in the Bay Area, finding that arrests drastically increased in this
7 period, that detained individuals were quickly moved to detention centers across the country, and
8 that over half of the individuals arrested during this time had been deported by the end of June
9 2025. *Id.*, Ex. T-3. In total, over 2,000 news reports have relied on DDP’s release of these
10 datasets. *Id.* ¶ 38, Ex. U.⁵

11 Past releases of the Spreadsheets have also played a significant role in refuting the federal
12 government’s claims about its enforcement policies and practices, uncovering enforcement
13 tactics that were not previously publicly known and exposing governmental misconduct and
14 legal violations. For example, journalists have found that the administration has not targeted the
15 so-called “worst of the worst” for enforcement, but instead swept up noncitizens with no
16 criminal records, *id.* ¶ 37, Ex. T-4;⁶ that the federal government’s claims about the criminal
17 histories of the men it deported to the Terrorism Confinement Center (“CECOT”) in El Salvador
18 are not generally true;⁷ that ICE may be operating undisclosed holding facilities or operating
19 them in a manner that violates terms of local permits, *id.*, Exs. T-5, T-6; that there are increased
20 numbers of children held in detention for lengthy periods of time, possibly in violation of a
21 federal court settlement agreement, *id.*, Ex. T-7; and that ICE began reducing the number of
22 people held in a holding facility in anticipation of an inspection visit by lawmakers, *id.*, Ex. T-8.
23 But uses of the data have not been limited to discrediting the federal government’s claims.
24 Recent releases of the data have also been valuable for proponents of ICE’s current policies,

25
26 ⁵ Over 200 selected news articles are available here:
<https://deportationdata.org/news.html#selected-media-coverage>.

27 ⁶ See also Compl. n 15 (citing additional articles).

28 ⁷ 60 Minutes, *Minneapolis, Inside CECOT, Salties | 60 Minutes Full Episodes*, YouTube (Jan. 19, 2026), <https://www.youtube.com/watch?v=oQwSQsufQnM&t=1792s>.

1 including the White House, which issued a press release applauding the increase in ICE arrests
2 “making local news from coast to coast” and linking to various news articles using the
3 Spreadsheets released by DDP. *Id.* ¶ 39, Ex. V.

4 Likewise, state and local governments have used the Spreadsheets to hold federal
5 government officials accountable. For instance, the City of Portland, Oregon, reviewed the
6 Spreadsheets to find “more than a dozen instances of detainees being kept overnight or held [in
7 an ICE facility in Southwest Portland] for more than 12 hours, which is in violation of the
8 facility’s land use conditions of approval with the City.” *Id.* ¶ 40, Ex. W at 2. The Illinois
9 Accountability Commission relied on the Spreadsheets in issuing a detailed report on the conduct
10 of federal agents during ICE’s “Operation Midway Blitz” in Chicago. *Id.* ¶ 41, Ex. X at 4–10.
11 Members of Congress have used the Spreadsheets to conduct oversight over ICE’s enforcement
12 actions. *See id.* ¶ 42, Ex. Y. Courts have also benefitted from facts developed using the
13 Spreadsheets in consequential litigation involving immigration enforcement. For example, this
14 Court relied on the Spreadsheets in issuing a decision staying ICE’s policy of re-arresting and re-
15 detaining noncitizens the government previously released from custody. *See Garro Pinchi v.*
16 *Noem*, 813 F. Supp. 3d 973, 996 n.8 (N.D. Cal. 2025) (citing DDP and three articles using the
17 Spreadsheets).

18 These are just a few examples of the over 2,000 times the Spreadsheets have been used in
19 the last year to report on the administration’s immigration enforcement actions and hold the
20 government accountable. Hausman Decl. ¶ 38. In short, disclosure of the Spreadsheets has
21 substantially contributed to the public’s understanding of ICE’s enforcement actions over the
22 past year, and future releases of the Spreadsheets will continue to shed light on the scope,
23 patterns, and priorities of immigration enforcement, enabling journalists, policymakers, the
24 courts, and the public to hold government officials accountable in ways that may otherwise be
25 impossible.

1 **B. ICE Has a Pattern or Practice of Failing to Timely Produce the Spreadsheets**
2 **Absent Litigation.**

3 The Spreadsheets are frequently requested under FOIA, but ICE consistently violates
4 FOIA’s statutory timelines when responding to requests for the Spreadsheets. The agency
5 routinely waits to respond until a requester initiates litigation. Because of ICE’s own delays and
6 delays inherent in the litigation process, there is no way for a requester such as Hausman, who
7 seeks timely updates to the Spreadsheets, to obtain those updates regularly and consistently—
8 even when undertaking the burdensome process of repeatedly filing suit.

9 Under FOIA, agencies are required to determine whether to comply with a FOIA request
10 within 20 working days of receipt of the request and to provide the requester with non-exempt
11 responsive records promptly thereafter. 5 U.S.C. § 552(a)(6)(A)(i), (a)(3)(A). An agency may
12 extend its time to make a determination by no more than 10 working days in case of “unusual
13 circumstances.” *Id.* § 552(a)(6)(B)(i). If the agency fails to comply with the statutory timeline, a
14 requester can file suit to compel disclosure of withheld records. *Id.* § 552(a)(6)(C)(i), (4)(B).
15 After a requester files litigation, the agency has 30 days after service of the complaint to respond.
16 *Id.* § 552(4)(a)(C). In Hausman’s experience seeking updates to the Spreadsheets or similar data
17 from ICE under FOIA—either directly submitting requests for them or consulting with other
18 individuals and organizations in requesting them—ICE has never timely released updates to the
19 requested records. Hausman Decl. ¶ 12.

20 Besides Hausman’s own requests for the Spreadsheets, dozens of other FOIA requesters
21 have sought the same spreadsheets in the past under FOIA. *Id.* ¶¶ 26–28; Declaration of Joseph
22 Mahr (“Mahr Decl.”) ¶ 3; Declaration of Ian Head (“Head Decl.”) ¶ 3; Declaration of Elizabeth
23 Wu (“Wu Decl.”) ¶ 3; Declaration of Ian Austin Rose (“Rose Decl.”) ¶ 3; Declaration of Carl
24 Bergquist (“Bergquist Decl.”) ¶ 3. Because of the delays between updates of the Spreadsheets
25 and the expressed interest of many parties in assisting in obtaining the records from ICE,
26 Hausman and his colleagues encouraged users of the Spreadsheets to seek them via FOIA.
27 Hausman Decl. ¶ 28. As a result, ICE received at least 24 other requests for these spreadsheets in
28 2025. *Id.* ¶ 29, Ex. Q. But none of those requests resulted in updates of the Spreadsheets because

1 none of the requesters initiated litigation. *Id.* ¶¶ 29, 33. ICE placed many of these requests on
2 “administrative hold” due to pending litigation seeking similar data and, later, issued a “final
3 response” to these requesters pointing them to data that DDP had obtained as a result of that
4 litigation. *Id.* ¶ 30, Ex. R; Head Decl. ¶¶ 4–6; Rose Decl. ¶¶ 4–5; Bergquist Decl. ¶¶ 4–5; *see*
5 *also* Mahr Decl. ¶ 4. One requester with substantial FOIA experience had never received a
6 response from an agency placing his FOIA request on “administrative hold.” Head Decl. ¶ 5. At
7 least one of these 24 requests, to which ICE failed to respond, remains pending, with delays
8 reaching nine months since the submission of that FOIA request. Hausman Decl. ¶ 32.

9 In addition to the dozens of journalists, legal clinics, or advocacy organizations who have
10 requested updates to the Spreadsheets in the last year, the City of Boston sought similar data
11 under FOIA related to ICE enforcement actions in Boston in accordance with an Executive Order
12 signed by Boston Mayor Michelle Wu. Declaration of Samuel B. Dinning (“Dinning Decl.”) ¶¶
13 4–6. ICE continuously delayed and frustrated the City of Boston’s efforts to obtain the data. *Id.*
14 ¶¶ 8–13. Ultimately, Boston was unable to obtain the requested records through the FOIA
15 administrative process. *Id.* ¶ 14.

16 DDP has posted the Spreadsheets six times since 2025, but those updates occurred only
17 in spite of ICE’s pattern or practice of noncompliance. The six updates were the result of two
18 lawsuits from different requesters, and three of the updates occurred during a two-month period
19 in the summer of 2025 in which ICE repeatedly had to produce revised sets of the data because
20 of errors in one of the Spreadsheets. *Id.* ¶ 26. Hausman worked with both requesters to make
21 these records publicly available. *Id.* ¶¶ 26–27.

22 In late 2024, the Center for Immigration Law and Policy (“CILP”) sued ICE under FOIA
23 seeking, *inter alia*, all five categories of data now requested by Hausman (arrests, detentions,
24 removals, encounters, and detainees). *See Compl., Ctr. for Immigr. Law & Pol’y v. ICE*, No.
25 2:24-cv-10444, Dkt. 1 ¶ 3 (C.D. Cal. Dec. 4, 2024). In the *CILP* litigation, ICE produced data
26 substantially similar to the Spreadsheets five times in the eight months between March 2025 and
27 November 2025. Hausman Decl. ¶ 26. Three of these updates occurred after CILP identified
28

1 issues with the data and ICE agreed to provide a revised production to address those issues. *Id.*⁸
2 A fourth update occurred “as part of a settlement agreement between the parties to resolve the
3 remaining issues in [the] lawsuit, including [CILP’s] claim for attorney’s fees.” Joint Status
4 Report, *Ctr. for Immigr. Law & Pol’y*, No. 2:24-cv-10444, Dkt. 37 (Jan. 2, 2026); *see* Stipulation
5 of Dismissal, *id.*, Dkt. 39 (Feb. 2, 2026) (stipulating to dismissal with “each party bearing its
6 own attorney’s fees and costs.”). Absent the agency’s errors and the plaintiff’s willingness to
7 give up fees, the suit would have produced only a single update of the Spreadsheets—and the
8 delays between updates would have been correspondingly longer, since the requester would have
9 needed to file a new request, wait for the statutory period to run, file litigation, and wait at least
10 another 30 days for ICE to respond. Such delays would not reflect any necessary production
11 time: two of the releases in the *CILP* case came within eight working days of each other. *See*
12 Joint Status Report, *id.*, Dkt. 24 (Jul. 9, 2025) (reporting that ICE produced the requested
13 spreadsheets on June 20, 2025 and again on July 2, 2025). That ICE was able to produce the
14 spreadsheets, review them for redactions, and provide them to a FOIA requester within eight
15 working days shows that ICE is able to produce the Spreadsheets in short order.

16 In late 2025, after CILP had reached a tentative agreement with ICE to settle its case,⁹
17 Hausman’s colleague at DDP, Elora Mukherjee, filed suit against ICE in the Southern District of
18 New York requesting similar categories of data. *See Mukherjee v. ICE*, No. 1:25-cv-08072
19 (S.D.N.Y. filed Sept. 29, 2025). That litigation resulted in ICE producing the Spreadsheets in late
20 March 2026. *See* Stipulation and Order of Dismissal, *id.*, Dkt. 23 (Apr. 17, 2026). The result was
21 a nearly five-month gap between the last release in the *CILP* case, covering dates through
22

23 ⁸ *See* Joint Report, *Ctr. for Immigr. Law & Pol’y*, No. 2:24-cv-10444, Dkt. 18 at 3 (C.D. Cal.
24 May 12, 2025) (noting the issues with ICE’s production); Joint Status Report, *id.*, Dkt. 24 (July
25 9, 2025) (explaining that after the parties reached agreement on the scope of ICE’s response, ICE
26 produced a set of records on June 20, and again on July 2, after the plaintiff identified further
27 issues with the removals data); Joint Status Report, *id.*, Dkt. 26 (Aug. 8, 2025) (noting that ICE
28 produced a revised set of data after “there continued to be issues with the removals data”).

⁹ *See* Joint Status Report, *Ctr. for Immigr. Law & Pol’y*, No. 2:24-cv-10444, Dkt. 31 (Oct. 8,
2025). The *CILP* litigation was ultimately dismissed only in early 2026 because the government
shutdown in the fall of 2025 delayed the production required by CILP’s agreement with ICE. *See*
id.

1 October 15, 2025, and the most recent release in the *Mukherjee* case, covering dates through
2 March 10, 2026. Hausman Decl. ¶¶ 35–36.

3 During this time, several news organizations published stories about the lack of data
4 available to assess patterns in ICE enforcement. *Id.* ¶ 37, Exs. T-9, T-10. During several months
5 of Operation Midway Blitz in Chicago, ICE failed to release the data regularly, leaving a Pulitzer
6 prize-winning journalist “unable to analyze ICE data to offer the public a more timely accounting
7 of figures of those detained and their backgrounds in what had become a highly controversial
8 operation in Chicago.” Mahr Decl. ¶¶ 1, 6–9. Moreover, there was no timely data available on
9 DHS’s Operation Metro Surge in Minnesota for months, leaving local reporters to rely on only
10 incomplete, crowdsourced data to understand the scope of the operation. Hausman Decl. ¶ 37,
11 Ex. T-11 at 3 (highlighting “the absence of robust, publicly available data on arrests and other
12 immigration enforcement activity”). Hausman and his colleagues at DDP received dozens of
13 inquiries from journalists, advocates, researchers, and members of the public asking when DDP
14 would obtain and publish updated versions of the Spreadsheets. *Id.* ¶ 36.

15 **C. The Spreadsheets Are Easily Producing.**

16 Unlike requests for documents, which often require searches of many custodians and
17 information systems as well as time-consuming manual review for the applicability of
18 exemptions, producing the Spreadsheets entails a single export from the same data system each
19 time. Although the Spreadsheets together contain millions of rows, the number of records does
20 not significantly increase the burden, just as copying and saving a large file does not take
21 significantly longer than copying and saving a small one. That export routine does not
22 substantially change between releases. And redaction (primarily to remove identifying
23 information) is straightforward, too: the production only requires redacting the same few
24 columns in their entirety. *See id.* ¶¶ 10–11.

25 **D. ICE Has Failed to Respond to Hausman’s Requests for the Spreadsheets.**

26 To obtain and post timely updates, Hausman and his colleagues at DDP have, in each
27 month since September 2025, submitted FOIA requests to ICE seeking updated copies of the
28

1 Spreadsheets.¹⁰ Hausman Decl. ¶ 13, Exs. A–G. Each of Hausman’s FOIA requests sought
 2 expedited processing. *See id.* Hausman attached to his requests a table including a list of 125
 3 media articles relying on Spreadsheets made public by DDP. *Id.*, Exs. A–G at 4, 14–22. On
 4 March 19, 2026, Hausman and his colleagues at DDP submitted to ICE a renewed request for
 5 expedited processing of their pending requests for the Spreadsheets. Hausman Decl. ¶ 14, Ex. H.
 6 Hausman attached to the renewed request a list of an additional 150 articles and reports citing
 7 DDP’s previous releases of the Spreadsheets. *Id.* at 19–28.

8 ICE failed to make timely determinations and produce records promptly in response to
 9 each of Hausman’s requests:

- 10 ● In response to Hausman’s request submitted on September 15, 2025 (“September FOIA
 11 Request”), ICE sent a “Clarification Request” via email on September 19, 2025,
 12 requesting that Hausman narrow the request. Hausman Decl. ¶ 15, Ex. I. After Hausman
 13 responded via email, *see id.* ¶ 16, Ex. J, ICE acknowledged receipt of the September
 14 FOIA request and denied Hausman’s request for expedited treatment. *Id.* ¶ 17, Ex. K.
- 15 ● In response to Hausman’s request submitted on December 15, 2025 (“December FOIA
 16 Request”), ICE sent a similar “Clarification Request” via email on January 6, 2026. *Id.* ¶
 17 20, Ex. N. This email seemed to ignore Hausman’s response to the prior clarification
 18 request.
- 19 ● In response to Hausman’s requests submitted on October 15, 2025 (“October FOIA
 20 Request”), November 15, 2025 (“November FOIA Request”), and January 15, 2026
 21 (“January FOIA Request”), ICE acknowledged receipt of those requests and denied
 22 Hausman’s request for expedited processing. *See id.* ¶¶ 18–21, Ex. L, Ex. M, Ex. O.
- 23 ● In response to Hausman’s requests submitted on February 16, 2026 (“February FOIA
 24 Request”) and March 17, 2026 (“March FOIA Request”), Hausman has received no
 25 response or communication from ICE. *Id.* ¶ 23.
- 26 ● In response to Hausman’s renewed request for expedited processing submitted on March
 27 19, 2026, ICE did not respond substantively to the request for expedited processing, but
 28 rather simply noted the status of his pending requests. *Id.* ¶ 22, Ex. P.

29 Hausman has received no further response or communication from ICE regarding his
 30 FOIA requests, nor has ICE produced any records to him in response to these requests. *Id.* ¶ 24.

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1 **E. Hausman Will Continue Submitting Requests for the Spreadsheets.**

2 Timely release of updates to the Spreadsheets is critical to Hausman’s work in informing
3 the public about ICE enforcement through DDP. ICE’s repeated failures to respond to
4 Hausman’s FOIA Requests have deprived the public of its statutory right to timely information
5 about the federal government’s immigration enforcement actions. Because of the enormous value
6 the Spreadsheets hold for public awareness and the importance of timely updates, Hausman
7 intends to submit requests under FOIA to ICE on a regular basis seeking updates to the
8 Spreadsheets. *Id.* ¶ 25.

9 **III. ARGUMENT**

10 Hausman seeks a preliminary injunction requiring ICE to produce the Spreadsheets and
11 respond to future requests for the Spreadsheets within the statutory deadlines. Only such relief
12 can prevent the repeated irreparable harm imposed by ICE’s pattern or practice of delay.

13 A preliminary injunction is appropriate when a plaintiff demonstrates “that he is likely to
14 succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary
15 relief, that the balance of equities tips in his favor, and that an injunction is in the public
16 interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Courts within the Ninth
17 Circuit consider these factors on a sliding scale, such “that a stronger showing of one element
18 may offset a weaker showing of another.” *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d
19 1127, 1131 (9th Cir. 2011). Therefore, a court may issue a preliminary injunction where there are
20 “serious questions going to the merits and a balance of hardships that tips sharply towards the
21 plaintiff . . . , so long as the plaintiff also shows that there is a likelihood of irreparable injury and
22 that the injunction is in the public interest.” *Id.* at 1135 (internal quotation marks omitted).

23 FOIA expressly grants jurisdiction in the district courts to enjoin an agency from
24 improperly withholding agency records. 5 U.S.C. § 552(a)(4)(B). “FOIA imposes no limits on
25 courts’ equitable powers in enforcing its terms.” *Payne Enters., Inc. v. United States*, 837 F.2d
26 486, 494 (D.C. Cir. 1988). The Ninth Circuit has made clear that “unreasonable delays in
27 disclosing non-exempt documents violate the intent and purpose of the FOIA, and the courts
28 have a duty to prevent [such] abuses.” *Long v. U.S. I.R.S.*, 693 F.2d 907, 910 (9th Cir. 1982).

1 Accordingly, courts “may consider injunctive relief . . . to bar future violations that are likely to
2 occur.” *Id.* at 909. This Court and others have exercised their statutory authority to grant motions
3 for a preliminary injunction in FOIA cases where the facts support such relief. *See Elec. Frontier*
4 *Found. v. Office of the Dir. of Nat’l Intelligence*, No. C 07-5278 SI, 2007 WL 4208311, at *8
5 (N.D. Cal. Nov. 27, 2007) (“*EFF P*”); *Elec. Frontier Found. v. Off. of the Dir. of Nat. Intel.*, 542
6 F. Supp. 2d 1181, 1187 (N.D. Cal. 2008) (“*EFF IP*”); *Elec. Priv. Info. Ctr. v. Dep’t of Just.*, 416
7 F. Supp. 2d 30, 35 (D.D.C. 2006) (citing cases); *ACLU v. Dep’t of Defense*, 339 F. Supp. 2d 501,
8 503 (S.D.N.Y. 2004); *see also Gerstein v. C.I.A.*, No. C 06-4643 MMC, 2006 WL 3462659, at
9 *4 (N.D. Cal. Nov. 29, 2006) (analyzing motion to compel as request for a preliminary
10 injunction).

11 Hausman moves for preliminary relief under Claims I (wrongful withholding of agency
12 records), II (failure to grant expedited processing), and III (unlawful pattern or practice) in his
13 Complaint. Compl. ¶¶ 87–99. Hausman is entitled to a preliminary injunction because he is
14 likely to succeed on his claims that ICE has violated FOIA, there is a compelling need to prevent
15 the irreparable harm that will follow if the records are not expeditiously processed and released,
16 and the balance of equities and public interest favor the requested relief.

17 **A. Hausman is Likely to Prevail on the Merits of His Claims.**

18 Hausman’s claims are likely to succeed on the merits because (1) ICE has failed to meet
19 the statutory deadline to determine whether to comply with Hausman’s requests; (2) ICE has
20 improperly denied or failed to grant Hausman’s requests for expedited processing; and (3) ICE
21 has engaged in a pattern or practice of violating FOIA in response to Hausman’s requests.

22 **1. ICE Has Failed to Process Hausman’s Requests Within FOIA’s Deadlines.**

23 ICE has failed to make a determination for any one of Hausman’s monthly FOIA requests
24 for the Spreadsheets filed between September 2025 and March 2026. *See Hausman Decl.* ¶¶ 12–
25 24.

26 Agencies must provide a “determination” on a FOIA request within 20 working days by
27 “at least: (i) gather[ing] and review[ing] the documents; (ii) determin[ing] and communicat[ing]
28 the scope of the documents it intends to produce and withhold, and the reasons for withholding

1 any documents; and (iii) inform[ing] the requester that it can appeal whatever portion of the
 2 ‘determination’ is adverse.” *Citizens for Responsibility & Ethics in Wash. v. Fed. Election*
 3 *Comm’n*, 711 F.3d 180, 188 (D.C. Cir. 2013). In “unusual circumstances,” an agency is entitled
 4 to a 10-working-day extension of this deadline only if the agency notifies the requester of the
 5 “unusual circumstances” in writing and provides a date on which the agency expects to issue its
 6 determination. 5 U.S.C. § 552(a)(6)(B). Upon determining the scope of any production, an
 7 agency must “make the records ‘promptly available,’ which depending on the circumstances
 8 typically would mean within days or a few weeks of a ‘determination,’ not months or years.”
 9 *Citizens for Responsibility & Ethics in Wash.*, 711 F.3d at 188 (quoting 5 U.S.C. §§
 10 552(a)(3)(A), (a)(6)(C)(i)).

11 An agency’s failure to issue a determination by the statutory deadline is a violation of
 12 FOIA. *See Our Children’s Earth Found. v. Nat’l Marine Fisheries Serv.*, No. 14-1130 SC, 2015
 13 WL 4452136, at *7 (N.D. Cal. July 20, 2015) (“an agency’s failure to comply with the FOIA’s
 14 time limits is, by itself, a violation of the FOIA.” (quoting *Gilmore v. Dep’t of Energy*, 33
 15 F.Supp.2d 1184, 1187 (N.D. Cal. 1998)); *Am. Oversight v. U.S. Dep’t of State*, 414 F. Supp. 3d
 16 182, 186 (D.D.C. 2019) (“Where, as here, the agency has not yet issued a determination and the
 17 statutory deadline has passed, it has violated FOIA.”); *see also Nightingale v. U.S. Citizenship &*
 18 *Immigr. Servs.*, 333 F.R.D. 449, 461 (N.D. Cal. 2019) (“multiple courts, including in this
 19 District, have found that violation of FOIA’s statutory 20-day deadline constitutes a harm.”).

20 Here, ICE has violated its statutory obligations to make timely determinations and release
 21 records promptly thereafter for each of Hausman’s requests:

Date of Submission of FOIA Request	Determination Deadline	Number of Working Days Since Request Submission
September 15, 2025	October 14, 2025	157 days
October 15, 2025	November 13, 2025	136 days
November 15, 2025	December 16, 2025	114 days
December 15, 2025	January 16, 2026	96 days
January 15, 2026	February 13, 2026	77 days
February 16, 2026	March 16, 2026	56 days
March 17, 2026	April 14, 2026	36 days

1 None of ICE’s interim communications with Hausman constitute a determination.¹¹ *See*
 2 *Citizens for Responsibility & Ethics in Wash.*, 711 F.3d at 188. Because ICE has also failed to
 3 produce any responsive records, it has additionally failed to make records “promptly available”
 4 following a timely determination. 5 U.S.C. § 552(a)(3); *see Long*, 693 F.2d at 910. Importantly, a
 5 single production of up-to-date data will provide relief with respect to all of Hausman’s pending
 6 requests for the Spreadsheets (though it will not address ICE’s pattern or practice of violations).

7 **2. Hausman’s Requests are Entitled to Expedited Processing.**

8 ICE’s delays clearly violate FOIA regardless of whether Hausman is entitled to expedited
 9 processing. But Hausman’s entitlement to expedited processing of his requests is clear.

10 Agency denials of requests for expedited processing are “reviewable *de novo* by a district
 11 court.” *Am. C.L. Union of N. California v. U.S. Dep’t of Def.*, No. C 06-01698 WHA, 2006 WL
 12 1469418, at *5 (N.D. Cal. May 25, 2006). Further, where an agency’s denial of expedited
 13 processing does “nothing more than parrot its own regulatory language, and offer[s] no reasoning
 14 or analysis, its decision. . . is entitled to little deference.” *Citizens for Responsibility and Ethics*
 15 *in Wash. v. U.S. Dep’t of Just.*, 436 F. Supp. 3d 354, 361 (D.D.C. 2020).

16 Here, Hausman’s FOIA requests asserted two independent grounds for entitlement to
 17 expedited processing. *First*, the requests concern “[a] matter of widespread and exceptional
 18 media interest . . .” 6 C.F.R. § 5.5(e)(1)(iv). *Second*, Hausman’s requests involve “[a]n urgency
 19 to inform the public about an actual or alleged federal government activity. . .” 5 U.S.C. §
 20 552(a)(6)(E)(v)(I)-(II); 6 C.F.R. § 5.5(e)(1)(ii). ICE failed entirely to respond to Hausman’s
 21 requests for expedited processing for the December FOIA Request, the February FOIA Request,
 22 and the March FOIA Request, as well as his renewed request for expedited processing, *see*
 23 Hausman Decl. ¶¶ 20, 23, which served as constructive denials of those requests. *See* 5 U.S.C. §
 24 552(a)(6)(E)(iii) (agency’s failure to respond within 10 calendar days to a request for expedited
 25

26 ¹¹ Although ICE has claimed “unusual circumstances” for some of Hausman’s requests, it has
 27 not met the statutory requirements necessary to secure a ten-day extension under FOIA. *See* 5
 28 U.S.C. § 552(a)(6)(B)(i) (requiring written notice “setting forth the unusual circumstances for
 such extension and the date on which a determination is expected to be dispatched”); *id.* §
 552(a)(6)(B)(iii) (specifying what may constitute unusual circumstances).

1 processing is subject to judicial review). With respect to the September FOIA Request, October
2 FOIA Request, November FOIA Request, and January FOIA Request, ICE provided a summary
3 denial without reason or analysis. Hausman Decl. ¶¶ 17–19, 21, Exs. K, L, M, O.

4 *i. Hausman is entitled to expedited processing under 6 C.F.R. § 5.5(e)(1)(iv).*

5 The requests for the Spreadsheets qualify for expedited treatment because they involve
6 “[a] matter of widespread and exceptional media interest in which there exist possible questions
7 about the government’s integrity which affect public confidence.” 6 C.F.R. § 5.5(e)(1)(iv).

8 In considering whether a request concerns a matter of widespread and exceptional media
9 interest, courts may consider: “(1) the number of articles cited in the expedited processing
10 request, (2) the dates those articles were published, (3) whether those articles were published in a
11 variety of publications, and (4) whether those articles indicate that there is widespread national
12 attention on the issue.” *Democracy Forward Found. v. Dep’t of Just.*, 813 F. Supp. 3d 1, 10–11
13 (D.D.C. 2025). Hausman presented hundreds of recent media articles “published in a variety of
14 publications, [which] repeatedly reference the ongoing national discussion” around ICE
15 enforcement actions. *Am. C.L. Union v. U.S. Dep’t of Just.*, 321 F. Supp. 2d 24, 32 (D.D.C.
16 2004). Although courts only require that media attention be directed towards the specific issue
17 that the records concern, Hausman’s requests included hundreds of articles *which specifically*
18 *cited* the Spreadsheets of which he sought updated versions. *See* Hausman Decl. ¶ 13, Exs. A–G
19 at 4, 14–22; *id.* ¶ 14, Ex. H at 19–28.

20 The articles Hausman cited “also illustrate that the information [he has] requested
21 implicates government integrity.” *Am. C.L. Union*, 321 F. Supp. 2d at 32. Many of the reports
22 cited by Hausman focused on the unprecedented nature of the federal government’s immigration
23 enforcement practices in recent months and raised questions about the veracity of the federal
24 government’s public claims and the legality of its actions. *See also supra* Sec. II.A. These
25 articles, “which need not suggest any dishonesty or intentional wrongdoing on Defendants’ part,”
26 undoubtedly raise questions about the government’s integrity. *Brennan Ctr. for Just. at NYU Sch.*
27 *of L. v. Dep’t of Com.*, 498 F. Supp. 3d 87, 97 (D.D.C. 2020); *see also Citizens for Resp. &*
28 *Ethics in Washington v. U.S. Dep’t of Just.*, No. CV 25-4426 (CKK), 2026 WL 472589, at *11

1 (D.D.C. Feb. 19, 2026) (granting preliminary injunction where the national coverage cited by
2 requester “has called into question whether [the agency’s] actions are consistent with [law].”).

3 *ii. Hausman is entitled to expedited processing under 6 C.F.R. § 5.5(e)(1)(ii).*

4 Hausman’s FOIA requests are separately entitled to expedited processing because they
5 were “made by a person primarily engaged in disseminating information,” and involve an
6 “urgency to inform the public about actual or alleged Federal Government activity.” 5 U.S.C. §
7 552(a)(6)(E)(v)(II); *see also* 6 C.F.R. § 5.5(e)(1)(ii).

8 Hausman is “primarily engaged in disseminating information” within the meaning of
9 FOIA. Hausman co-directs DDP, which collects, analyzes, and posts public, anonymized U.S.
10 government immigration enforcement datasets. Hausman Decl. ¶ 6. DDP’s primary goal is to
11 disseminate datasets such as the ones at issue in this litigation. *Id.* DDP’s website, which allows
12 downloads of the government data at issue here, is available to the public at no cost. *Id.* ¶¶ 6–7.
13 Moreover, Hausman also conducts analysis of the data he posts and makes those analyses
14 available to the public at no cost. *See id.*; *Protect Democracy Project, Inc. v. United States Dep’t*
15 *of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020) (finding that the plaintiff organization is
16 primarily engaged in disseminating information in part due to its intention to share information
17 and analysis about the request on its website, social media, and on email lists).

18 Hausman’s requests also involve an urgency to inform the public about actual or alleged
19 federal government activity. The D.C. Circuit has held that there is a compelling need warranting
20 expedited processing when the FOIA request concerns (1) “a matter of current exigency to the
21 American public,” (2) “the consequences of delaying a response would compromise a significant
22 recognized interest,” and (3) the request involves “federal government activity.” *Al-Fayed v.*
23 *C.I.A.*, 254 F.3d 300, 310 (D.C. Cir. 2001) (citing 5 U.S.C. § 552(a)(6)(E)); *see also Gerstein v.*
24 *C.I.A.*, No. C-06-4643 MMC, 2006 WL 3462658, at *6 (N.D. Cal. Nov. 29, 2006) (applying the
25 factors in *Al-Fayed* in determining that expedited processing of FOIA request was warranted).
26 Each of these factors is satisfied here.

27 First, the Spreadsheets are directly relevant to a matter of tremendous importance and
28 have been the focus of significant media attention. In his requests, Hausman cited hundreds of

1 articles that used the Spreadsheets to analyze trends in immigration enforcement. Hausman Decl.
2 ¶ 13, Exs. A–G at 4, 14–22; *id.* ¶ 14, Ex. H at 19–28; *see also* 6 C.F.R. § 5.5(e)(3) (“The
3 existence of numerous articles published on a given subject can be helpful to establishing the
4 requirement that there be an ‘urgency to inform’ the public on the topic.”). The requests
5 explained that ICE’s release of the Spreadsheets has played an important role in informing the
6 public about ICE’s activities in the past and that updated data would similarly address an urgent
7 need for journalists and researchers to understand frequently changing immigration enforcement
8 practices. Hausman Decl. ¶ 13, Exs. A–G at 4–5. In these respects, Hausman’s requests resemble
9 others for which courts have found expedited processing to be appropriate. *See, e.g., Am.*
10 *Immigr. Council v. U.S. Dep’t of Homeland Sec.*, 470 F. Supp. 3d 32, 37 (D.D.C. 2020) (granting
11 expedited processing of records related to ICE’s response to the COVID-19 pandemic); *Am. C.L.*
12 *Union of N. California*, 2006 WL 1469418, at *6 (same where the records requested related to a
13 “breaking news story” about surveillance of protests).

14 Second, further delay compromises the significant interests in disseminating breaking
15 news stories to the public and enhancing public debate on legislative action. *See id.*, at *8
16 (“another recognized interest would be harmed by delay: the media’s interest in quickly
17 disseminating breaking, general-interest news.”). And further delay here will harm the public.
18 Between the last two releases of the Spreadsheets, media organizations published articles
19 discussing the lack of immigration data from the administration, which had “left researchers,
20 advocates, lawyers and journalists without important statistics to hold the Republican
21 administration to account.” Hausman Decl. ¶ 37, Ex. T-9 at 2.

22 Third, there can be no dispute that Hausman’s requests concern activities of the federal
23 government, specifically its immigration enforcement practices.

24 Hausman is therefore entitled to expedited processing of his requests.

25 **3. ICE Has a Pattern or Practice of Failing to Comply with FOIA When**
26 **Responding to Hausman’s Requests for the Spreadsheets.**

27 Preliminary relief is particularly appropriate here because Hausman is likely to succeed
28 on his claim that ICE has a pattern or practice of failing to make timely determinations on his

1 requests and releasing records promptly thereafter. Only a prospective order requiring timely
2 responses to Hausman’s future requests for the Spreadsheets can end this pattern or practice.

3 The Ninth Circuit has “recognized a pattern or practice claim for unreasonable delay in
4 responding to FOIA requests.” *Hajro v. U.S. Citizenship & Immigr. Servs.*, 811 F.3d 1086, 1103
5 (9th Cir. 2016); *see also Long*, 693 F.2d at 910 (explaining that “unreasonable delays in
6 disclosing non-exempt documents violate the intent and purpose of the FOIA, and the courts
7 have a duty to prevent these abuses”). Such claims, which “allege[] that ‘an agency policy or
8 practice will impair the party’s lawful access to information in the future’” are distinct from
9 “‘specific request’ claim[s]” which “seek[] production of a particular record that has allegedly
10 been improperly withheld.” *Animal Legal Def. Fund v. United States Dep’t of Agric.*, 933 F.3d
11 1088, 1092 (9th Cir. 2019) (citations omitted).

12 In assessing a FOIA pattern or practice claim for unreasonable delays, courts consider the
13 agency delays in responding to requests by the plaintiff and whether those violations were
14 common across multiple requesters seeking similar information. *See Nightingale v. U.S.*
15 *Citizenship & Immigr. Servs.*, 507 F. Supp. 3d 1193, 1202–04 (N.D. Cal. 2020) (considering the
16 testimony of the plaintiffs and other requesters who had experienced delays in obtaining
17 responses within the statutory timeline); *Our Children’s Earth Found. v. Nat’l Marine Fisheries*
18 *Serv.*, No. 14-1130 SC, 2015 WL 6331268, at *8 (N.D. Cal. Oct. 21, 2015) (similar); *Hajro v.*
19 *U.S. Citizenship & Immigr. Servs.*, 832 F. Supp. 2d 1095, 1107–08 (N.D. Cal. 2012) (considering
20 plaintiffs’ and other attorneys’ testimony in “encountering the same delays in the same context”
21 as the plaintiffs), *rev’d on other grounds*, 811 F.3d 1086 (9th Cir. 2016). In *Nightingale*, this
22 Court, in holding that ICE and another immigration agency had a pattern or practice of
23 unreasonable delay, explained that “[e]ven if there is no ‘egregious’ policy to violate FOIA’s
24 statutory deadlines, ‘informal agency conduct resulting in long delays in making requested non-
25 exempt records available may serve as the basis for a policy or practice claim.’” 507 F. Supp. 3d
26 at 1207. The violation is similar here.

27 Here, ICE’s disposition of FOIA requests for the Spreadsheets is routinely prolonged and
28 these delays for similar data are persistent, having affected many other requesters over the years.

1 This is evident from the consistent delay Hausman has experienced, as well as ICE’s pattern of
2 refusing to provide responses to similar requests unless litigation is initiated.

3 First, ICE’s delays in processing Hausman’s FOIA requests for the Spreadsheets
4 demonstrate ICE’s routine violation of the statute’s deadlines. Seven requests for the
5 Spreadsheets are at issue in this litigation, each of which remains pending with the agency
6 beyond the statutory deadline. Hausman Decl. ¶¶ 13–24. ICE failed to comply with FOIA’s
7 timing requirements for each of Hausman’s requests. The length of ICE’s delays is comparable
8 to those held by courts as sufficient to demonstrate an agency pattern or practice of delay. *See*
9 *Our Children’s Earth Found.*, 2015 WL 6331268, at *8 (finding pattern or practice of delay
10 based on “a history of late responses, ranging but not limited to 4 days, 18 days, 51 days, 9
11 months, 10 months, and ongoing”); *Hajro*, 832 F. Supp. 2d at 1107–08 (explaining that “[a]
12 reasonable jury could only conclude that Plaintiffs have met their burden as to a pattern or
13 practice of timing violations” based upon a three-month delay in processing the plaintiffs’
14 requests).

15 Second, while ICE has previously released the Spreadsheets under FOIA, it has only
16 done so following litigation over ICE’s failure to respond within the statutory deadline. Hausman
17 Decl. ¶¶ 12, 26, 29, 33. ICE has repeatedly faced litigation over requests for similar data, where
18 requestors alleged a failure to comply with statutory deadlines under FOIA. *See, e.g., Mukherjee*
19 *v. ICE*, No. 1:25-cv-08072 (S.D.N.Y. filed Sept. 29, 2025); *Ctr. for Immigr. Law & Pol’y v. ICE*,
20 No. 2:24-cv-10444 (C.D. Cal. filed Dec. 4, 2024); *N.Y. Times v. ICE*, No. 1:25-cv-04356
21 (S.D.N.Y. filed May 23, 2025); *Am. C.L. Union Immigrants’ Rts. Project v. ICE*, No. 1:19-cv-
22 07058 (S.D.N.Y. filed Jul. 29, 2019).¹²

23
24 ¹² FOIA requesters have also frequently sued ICE under FOIA seeking subsets of the
25 Spreadsheets. *See, e.g., Immigrant Legal Def. v. ICE*, No. 3:24-cv-09326-LB (N.D. Cal. filed
26 Dec. 23, 2024) (seeking detentions data for individuals granted withholding of removal or
27 deferral of removal); *Harbor Inst. for Immigrant and Econ. Just. v. ICE*, No. 8:24-cv-02738-
28 DOC-DFM (C.D. Cal. filed Dec. 19, 2024) (seeking arrests data); *Sherman-Stokes v. ICE*, No.
1:24-cv-12533 (D. Mass. filed Oct. 3, 2024) (seeking detentions data); *Am. Immigration Council*
v. DHS, No. 1:22-cv-02250-ABJ (D.D.C. filed Aug. 1, 2022) (seeking detentions data at a
particular detention facility).

1 In addition, many others have sought the Spreadsheets in the past under FOIA. Indeed,
 2 Hausman encouraged other users of the data to seek the records directly, recognizing that ICE’s
 3 pattern or practice of violations would likely prevent DDP from obtaining timely updates
 4 through its own requests and litigation. Hausman Decl. ¶ 28. The result was that at least 24 other
 5 requesters across the country submitted similar requests for the Spreadsheets in 2025. *Id.* ¶ 29;
 6 *see* Mahr Decl. ¶ 3; Head Decl. ¶ 3; Wu Decl. ¶ 3; Rose Decl. ¶ 3; Bergquist Decl. ¶ 3. In
 7 response to many of these requests, ICE initially placed the requests on an “administrative hold”
 8 due to the CILP litigation. Hausman Decl. ¶ 30; Head Decl. ¶¶ 4–5; Rose Decl. ¶ 4; Bergquist
 9 Decl. ¶ 4.¹³ ICE ultimately issued a “final response” to several requesters stating that the
 10 documents requested had been posted in the ICE FOIA Library. Hausman Decl. ¶ 31; Head Decl.
 11 ¶ 6; Mahr Decl. ¶ 4; Wu Decl. ¶ 4; Rose Decl. ¶ 5; Bergquist Decl. ¶ 5. These documents were
 12 simply the same records that ICE had produced in response to the *CILP* litigation. Hausman
 13 Decl. ¶ 31. At least one of these requests, to which ICE failed to respond, remains pending, with
 14 delays reaching nine months since the submission of that request. *Id.* ¶ 32. In response to the
 15 FOIA request from the City of Boston, ICE failed to produce any records entirely based on an
 16 “unfounded assertion” that Boston had failed to provide enough detail for the FOIA office to
 17 comply with the request. Dinning Decl. ¶¶ 8–14. In Hausman’s experience seeking updates to
 18 the Spreadsheets or similar data from ICE under FOIA, ICE has never timely released updated
 19 records. Hausman Decl. ¶ 12.

20 Therefore, Hausman is likely to succeed on the merits of his pattern or practice claim.

21 **B. Hausman Is Likely to Suffer Irreparable Harm Absent Preliminary Relief.**

22 Without receiving the Spreadsheets expeditiously and consistently, Hausman—and, more
 23 important, the public he seeks to serve—will be irreparably harmed.

24 Here, if the Spreadsheets are not released expeditiously and consistently by ICE, the
 25 public debate regarding rapidly changing immigration enforcement policy will be stymied: “stale

26 _____
 27 ¹³ The term “administrative hold” appears nowhere in the FOIA statute or agency regulations,
 28 and there is no authority that allows agencies to delay responses to FOIA requests because other
 requesters may be seeking similar information in litigation. *See generally* 5 U.S.C. § 552; 6
 C.F.R. §§ 5.1–5.13.

1 information is of little value.” *Payne Enters., Inc.*, 837 F.2d at 494; *see Am. Immigr. Council*,
2 470 F. Supp. 3d at 38 (“where an obligation to disclose exists, a plaintiff may suffer irreparable
3 harm if denied access to information that is highly relevant to an ongoing public debate.”); *see*
4 *also* Wu Decl. ¶ 6 (explaining the time- and resource-consuming process of litigating FOIAs to
5 obtain information, “only to receive data that is stale by the time it is produced”). The harm of
6 delay is particularly acute here because, since January 2025, ICE has not updated the statistics
7 page on its website, making it much harder to track arrests, detentions, and removals.¹⁴

8 Indeed, the Spreadsheets have contributed significantly and swiftly to the public debate,
9 as hundreds of media organizations used them to report on immigration enforcement nationally
10 and locally. These reports played an important role in countering false information and
11 misleading statistics advanced by the administration. *See supra* Sec. II.A. When DDP was unable
12 to obtain updated versions of the Spreadsheets from ICE between October 2025 and March 2026,
13 there were large information gaps about the administration’s recent enforcement practices,
14 particularly large-scale enforcement operations in Illinois, Maine, Minnesota, and North
15 Carolina. Mahr Decl. ¶¶ 5–9; Hausman Decl. ¶ 37, Ex. T-11 at 3 (highlighting “the absence of
16 robust, publicly available data on arrests and other immigration enforcement activity” to assess
17 local enforcement operations); *id.*, Ex. T-9 at 2 (noting that the administration’s refusal to
18 publish data “left researchers, advocates, lawyers and journalists without important statistics to
19 hold the Republican administration to account.”). It was not until ICE’s most recent release of
20 the Spreadsheets, which occurred in March 2026 as a result of litigation, that the public became
21 aware of the full scope of those operations and their impacts. *Id.*, Ex. T-12 at 3 (noting that the
22 Spreadsheets released in March offer “the most detailed look at the effect of the three-month
23 enforcement surge that brought thousands of protesters into the streets and left two U.S. citizens
24 dead”); *id.*, Ex. T-13 at 3 (stating that the Spreadsheets “represent[] the most official and detailed
25 accounting of who agents arrested during the raid” in Maine). The harm caused by that delay was
26 irreparable: by the time the Spreadsheets covering this period were released, it was too late for

27 _____
28 ¹⁴ *See* ICE: ICE Enforcement and Removal Operations Statistics, <https://www.ice.gov/statistics>
(noting that the dashboards present information updated as of December 31, 2024).

1 them to play a contemporaneous role in the public debate over those enforcement operations. *See*
2 Mahr Decl. ¶¶ 7–9.

3 Moreover, past releases of the Spreadsheets have revealed potential violations of law and
4 misconduct by government officials, which would likely continue absent consistent and timely
5 release of the Spreadsheets. Such a “current and ongoing debate surrounding the legality of the
6 Administration’s” actions is a well-established issue of national importance in the FOIA context.
7 *Elec. Priv. Info. Ctr.*, 416 F. Supp. 2d at 41. For example, the Spreadsheets have been used to
8 show ICE’s violations of its own rules governing the use of holding facilities for only short-term
9 detention—leading courts and local governments to take action against unlawful uses of such
10 facilities. *See, e.g.*, Hausman Decl. ¶ 40, Ex. W at 2 (citing the Spreadsheets released by DDP);
11 *D.N.N. v. Liggins*, No. 1:25-CV-01613-JRR, 2026 WL 632371, at *6 (D. Md. Mar. 6, 2026)
12 (citing expert report from one of the co-Directors of DDP, who analyzed the Spreadsheets to
13 report on overcrowding at a holding facility in Maryland). And this Court also relied on the
14 Spreadsheets in finding that DHS had unlawfully re-detained hundreds of noncitizens in recent
15 months. *See Garro Pinchi*, 813 F. Supp. 3d at 996 n.8. Just last month, a local news outlet
16 analyzed the Spreadsheets to find that ICE had begun decreasing the numbers of people held in a
17 holding facility shortly after lawmakers provided advance notice to ICE that they would be
18 visiting the facility for an inspection. Hausman Decl. ¶ 37, Ex. T-8. Following that reporting,
19 those lawmakers made an unannounced visit finding conditions that were “shameful” and
20 “shocking.” *Id.*, Ex. T-14 at 2–3.

21 If Hausman were forced to wait months or years for this litigation to resolve before he is
22 able to obtain the Spreadsheets consistently and expeditiously, such violations of law and
23 government misconduct would evade scrutiny, causing irreparable harm. That harm would be
24 most severe for those directly affected by enforcement, such as immigration detainees, who
25 would be unable to obtain information needed to challenge such misconduct. *See Arevalo v.*
26 *Hennessy*, 882 F.3d 763, 767 (9th Cir. 2018) (“Deprivation of physical liberty by detention
27 constitutes irreparable harm.”); *see also* Wu Decl. ¶ 5 (noting the importance of timely and
28

1 consistent updates to the Spreadsheets for legal and advocacy work); Rose Decl. ¶ 6 (noting the
2 use of enforcement data in federal court litigation and habeas petitions).

3 Therefore, Hausman and the public are likely to suffer irreparable harm in the absence of
4 preliminary relief.

5 **C. The Balance of the Equities and the Public Interest Favor Relief.**

6 ICE is not burdened by complying with the law. *See EFF II*, 542 F. Supp. 2d at 1187
7 (finding the balance of equities favored plaintiff where the defendant agencies would “only be
8 ordered to process the documents according to their preexisting obligations under the FOIA”);
9 *EFF I*, 2007 WL 4208311, at *7 (“any complaints about the burdens of complying with the law
10 are best addressed to Congress, not the courts”). Indeed, one goal of DDP is to *reduce* the burden
11 on the ICE FOIA office by making it easy for users to download parts of the Spreadsheets
12 without filing a FOIA request. DDP has created tools that allow users to create subsets of the
13 Spreadsheets—for example, for arrests in a given state—and that therefore make piecemeal
14 requests unnecessary.¹⁵

15 Likewise, the public interest weighs in favor of granting the injunction because “there is
16 an overriding public interest . . . in the general importance of an agency’s faithful adherence to
17 its statutory mandate.” *Jacksonville Port Authr. v. Adams*, 556 F.2d 52, 59 (D.C. Cir. 1977);
18 *Elec. Priv. Info. Ctr.*, 416 F. Supp. 2d at 42. Expedited and consistent release of the Spreadsheets
19 will further the FOIA’s core purpose of “shed[ding] light on an agency’s performance of its
20 statutory duties.” *Dep’t of Just. v. Reporters Committee for Freedom of the Press*, 489 U.S. 749,
21 773 (1989).

22 And “[t]his case presents an archetypal FOIA case” because “[t]he requested information
23 has the potential to inform citizens about an issue of the highest national concern”—*i.e.*, the
24 government’s immigration enforcement practices. *Ctr. for Pub. Integrity v. United States Dep’t*
25 *of Def.*, 411 F. Supp. 3d 5, 15 (D.D.C. 2019). “In a functioning democracy, an informed
26 electorate always inures to the public benefit.” *Id.* Given the “significant media attention and
27 public debate” over immigration enforcement, “the public interest is particularly well-served by

28 ¹⁵ *See* DEPORTATION DATA PROJECT: DATA TOOLS, <https://deportationdata.org/tools.html>

1 the timely release of the requested documents.” *Protect Democracy Project*, 498 F. Supp. 3d at
2 144.

3 **D. Injunctive Relief is Necessary and Proper to Correct ICE’s Prolonged,**
4 **Persistent, and Pervasive FOIA Delays.**

5 Hausman seeks an order directing ICE to: (1) expedite processing of Hausman’s requests
6 and produce the Spreadsheets within eight working days of the Court’s order; (2) make
7 determinations on Hausman’s future requests within 20 working days, consistent with the
8 statutory timeline, and produce the Spreadsheets within eight working days of a timely
9 determination, consistent with what ICE has demonstrated is feasible; and (3) submit quarterly
10 compliance reports. Such relief is necessary and appropriate.

11 Hausman is entitled to an injunction to address ICE’s pattern or practice of violating
12 FOIA because there exists a “reasonable basis” to believe ICE’s FOIA “infractions will be
13 ongoing.” *Nightingale*, 507 F. Supp. 3d at 1201 (citing *Our Children’s Earth Found.*, 2015 WL
14 6331268, at *8). In such cases, ordering agencies to adhere to FOIA’s timing requirements and
15 provide compliance reports are ordinarily granted. *See Nightingale*, 507 F. Supp. 3d at 1211;
16 *Hajro*, 832 F. Supp. 2d at 1120 (ordering agency to clear backlogged files and submit quarterly
17 reports thereafter); *Ray v. DOJ*, 770 F. Supp. 1544, 1552 (S.D. Fla. 1990) (ordering agency to
18 “comply with [FOIA] time requirements”). In *Nightingale*, for example, the Court issued an
19 injunction requiring the agency to: (i) adhere to the statutory deadline for FOIA responses going
20 forward; (ii) eliminate the entire backlog of immigration file FOIA requests within sixty days;
21 (iii) and provide quarterly compliance reports to the Court. 507 F. Supp. 3d at 1213–14. Because
22 ICE’s flouting of FOIA’s deadlines is almost certain to continue absent this Court’s intervention,
23 similar injunctive relief—that is much more limited in scope than in *Nightingale*—is necessary
24 and appropriate here. *See Long*, 693 F.2d at 910 (finding injunctive relief is appropriate to
25 prevent prolonged delays and repeated litigation over non-disclosure).

26 Here, Hausman has explained that he intends to submit regular FOIA requests to ICE for
27 the Spreadsheets in the future. Hausman Decl. ¶ 25. Given ICE’s repeat FOIA violations when
28 responding to requests for the Spreadsheets and years-long problems with timely responses to

1 FOIA requests for similar data, there exists a reasonable basis to conclude that ICE will continue
2 to violate FOIA in responding to Hausman’s requests.

3 Because Hausman’s pending requests are entitled to expedited processing, ICE must,
4 after each request, produce the Spreadsheets “as soon as practicable.” 5 U.S.C. §
5 552(a)(6)(E)(iii). As a matter of statutory interpretation, production “as soon as practicable”
6 under expedited processing must require a determination and prompt production by the time of
7 the 20-working day statutory deadline for non-expedited requests. *Elec. Priv. Info. Ctr.*, 416 F.
8 Supp. 2d at 39. “[C]ourts have the authority to impose concrete deadlines on agencies that delay
9 the processing of requests meriting expedition,” and courts regularly do so. *See EFF II*, 542 F.
10 Supp. 2d at 1187 (ordering production of documents and affidavit setting forth basis for
11 withholding any responsive documents within 17 days); *EFF I*, 2007 WL 4208311, at *8
12 (ordering initial release of documents within 3 days and final release of documents and affidavit
13 setting forth basis for withholding any responsive documents within 13 days); *Gerstein*, 2006
14 WL 3462659, at *5 (ordering production of all responsive records within 30 days); *Elec. Priv.*
15 *Info. Ctr.*, 416 F. Supp. 2d at 43 (ordering production of responsive records within 20 days and
16 *Vaughn* index within 30 days). Because ICE has been able to produce the Spreadsheets within
17 eight working days in the past, it is eminently reasonable for the Court to order ICE to produce
18 the Spreadsheets to Hausman within eight working days of the Court’s order and within eight
19 working days of timely determinations in the future. Production of the Spreadsheets is far easier
20 and more “practicable” than in other instances in which courts have ordered similarly prompt
21 productions. *See id.* at 34, 39 (20 days for four agency components to produce records, including
22 communications, concerning domestic surveillance activities); *Am. Oversight*, 414 F. Supp. 3d at
23 188 (20 working days to produce communications related to Ukraine and impeachment inquiry).

24 Therefore, this Court should grant the requested injunctive relief.

25 **IV. CONCLUSION**

26 For the foregoing reasons, the Court should grant Hausman’s motion for a preliminary
27 injunction.

1 Dated: May 6, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this date, I uploaded the foregoing, along with all attachments thereto, to this Court’s CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all counsel of record.

On this date, I also mailed the foregoing, along with all attachments thereto, to Defendant and counsel at the following addresses:

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On this date, I also emailed the foregoing, along with all attachments thereto, to the Chief of the Civil Division for the U.S. Attorney’s Office for the Northern District of California:

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