

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01614-ABJ**

AMERICAN IMMIGRATION COUNCIL v. U.S.
IMMIGRATION AND CUSTOM ENFORCEMENT et al
Assigned to: Judge Amy Berman Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 07/09/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICAN IMMIGRATION
COUNCIL**

represented by **Creighton R. Magid**
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V.

Defendant

**U.S. CUSTOMS AND BORDER
PROTECTION**

represented by **Paul Cirino**
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TERMINATED: 12/18/2018

Defendant

**UNITED STATES IMMIGRATION
 AND CUSTOMS ENFORCEMENT**

represented by **Paul Cirino**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua M. Kolsky
 (See above for address)
TERMINATED: 12/18/2018

Date Filed	#	Docket Text
07/09/2018	<u>1</u>	COMPLAINT <i>For Declaratory and Injunctive Relief</i> against All Defendants (Filing fee \$ 400 receipt number 0090-5576653) filed by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons for Atty General, # <u>3</u> Summons for CBP, # <u>4</u> Summons for ICE, # <u>5</u> Summons for US Atty DC, # <u>6</u> Exhibit A, # <u>7</u> Exhibit B, # <u>8</u> Exhibit C, # <u>9</u> Exhibit D, # <u>10</u> Exhibit E)(Magid, Creighton) (Attachment 1 replaced on 7/9/2018) (zjd). (Entered: 07/09/2018)
07/09/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN IMMIGRATION COUNCIL (Magid, Creighton) (Entered: 07/09/2018)
07/09/2018		Case Assigned to Judge Amy Berman Jackson. (zjd) (Entered: 07/09/2018)
07/09/2018	<u>3</u>	ENTERED IN ERROR.....SUMMONS (4) Issued Electronically as to U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent)(zjd) Modified on 7/10/2018 (zmd). (Entered: 07/09/2018)
07/11/2018		NOTICE OF CORRECTED DOCKET ENTRY: re <u>3</u> Summons Issued Electronically as to U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. Attorney & U.S. Attorney General, was entered in error and counsel was instructed to refile said pleading because FOIA summons were not submitted. (zmd) (Entered: 07/11/2018)
07/16/2018	<u>4</u>	AMENDED COMPLAINT against All Defendants filed by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Magid, Creighton) (Entered: 07/16/2018)
07/20/2018	<u>5</u>	REQUEST FOR SUMMONS TO ISSUE re <u>4</u> Amended Complaint, <u>1</u> Complaint, filed by AMERICAN IMMIGRATION COUNCIL. Related document: <u>4</u> Amended Complaint filed by AMERICAN IMMIGRATION COUNCIL, <u>1</u> Complaint, filed by AMERICAN IMMIGRATION COUNCIL.(Magid, Creighton) (Entered: 07/20/2018)

07/20/2018	<u>6</u>	REQUEST FOR SUMMONS TO ISSUE re <u>4</u> Amended Complaint, <u>1</u> Complaint, filed by AMERICAN IMMIGRATION COUNCIL. Related document: <u>4</u> Amended Complaint filed by AMERICAN IMMIGRATION COUNCIL, <u>1</u> Complaint, filed by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons)(Magid, Creighton) (Entered: 07/20/2018)
07/20/2018	<u>7</u>	REQUEST FOR SUMMONS TO ISSUE <i>ICE and US DC Atty</i> re <u>4</u> Amended Complaint, <u>1</u> Complaint, filed by AMERICAN IMMIGRATION COUNCIL. Related document: <u>4</u> Amended Complaint filed by AMERICAN IMMIGRATION COUNCIL, <u>1</u> Complaint, filed by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Summons)(Magid, Creighton) (Entered: 07/20/2018)
07/25/2018	<u>8</u>	SUMMONS (4) Issued Electronically as to U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. Attorney and U.S. Attorney General. (jf) (Entered: 07/25/2018)
07/25/2018	<u>9</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Trina Realmuto, :Firm– American Immigration Council, :Address– 100 Summer Street, 23rd Floor, Boston, MA 02110. Phone No. – 857–305–3600. Fax No. – 202–507–7516 Filing fee \$ 100, receipt number 0090–5604831. Fee Status: Fee Paid. by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Declaration of Trina Realmuto, # <u>2</u> Text of Proposed Order)(Magid, Creighton) (Entered: 07/25/2018)
08/02/2018		MINUTE ORDER granting <u>9</u> Motion for Leave of Trina Realmuto to Appear Pro Hac Vice only upon condition that the lawyer admitted, or at least one member of the lawyer's firm, undergo CM/ECF training, obtain a CM/ECF username and password, and agree to file papers electronically. No court papers will be mailed to any lawyer. Signed by Judge Amy Berman Jackson on 8/2/18. (DMK) (Entered: 08/02/2018)
08/02/2018	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/26/18. (Magid, Creighton) (Entered: 08/02/2018)
08/02/2018	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorneya. Date of Service Upon United States Attorney 7/26/2018. Answer due for ALL D.C. DEFENDANTS by 8/16/2018. (Magid, Creighton) Modified on 8/3/2018 to edit text to reflect correct party served (zrdj). (Entered: 08/02/2018)
08/02/2018	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. CUSTOMS AND BORDER PROTECTION served on 7/11/2018 (Magid, Creighton) (Entered: 08/02/2018)
08/02/2018	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT served on 7/11/2018 (Magid, Creighton) (Entered: 08/02/2018)
08/08/2018	<u>14</u>	NOTICE of Appearance by Joshua M. Kolsky on behalf of U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT (Kolsky, Joshua) (Entered: 08/08/2018)
08/08/2018	<u>15</u>	Consent MOTION for Extension of Time to File Answer re <u>4</u> Amended Complaint by U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 08/08/2018)
08/09/2018		MINUTE ORDER granting <u>15</u> Consent Motion for Extension of Time. Defendants must respond to plaintiff's amended complaint by August 16, 2018. Signed by Judge Amy Berman Jackson on 08/09/2018. (lcabj3) (Entered: 08/09/2018)
08/16/2018	<u>16</u>	Consent MOTION for Extension of Time to File Answer re <u>4</u> Amended Complaint by U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 08/16/2018)
08/17/2018		MINUTE ORDER granting <u>16</u> Motion for Extension of Time. Defendants shall respond to plaintiff's amended complaint by September 17, 2018. Signed by Judge

		Amy Berman Jackson on 08/17/2018. (lcabj3) (Entered: 08/17/2018)
09/17/2018	<u>17</u>	ANSWER to <u>4</u> Amended Complaint by U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.(Kolsky, Joshua) (Entered: 09/17/2018)
09/18/2018		MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendants shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of their production of documents to plaintiff, on or before October 16, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 09/18/2018. (lcabj3) (Entered: 09/18/2018)
10/16/2018	<u>18</u>	STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Kolsky, Joshua) (Entered: 10/16/2018)
10/17/2018		MINUTE ORDER. The parties must submit a joint status report by November 15, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/17/2018. (lcabj3) (Entered: 10/17/2018)
11/15/2018	<u>19</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Kolsky, Joshua) (Entered: 11/15/2018)
11/16/2018		MINUTE ORDER. The parties must submit an updated joint status report by December 6, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 11/16/2018. (lcabj3) (Entered: 11/16/2018)
12/06/2018	<u>20</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Kolsky, Joshua) (Entered: 12/06/2018)
12/10/2018		MINUTE ORDER. The parties must submit an updated joint status report by January 7, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 12/10/2018. (lcabj3) (Entered: 12/10/2018)
12/18/2018	<u>21</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Paul Cirino on behalf of All Defendants Substituting for attorney Joshua M. Kolsky (Cirino, Paul) (Entered: 12/18/2018)
12/21/2018	<u>22</u>	NOTICE of Change of Address by Trina Ann Realmuto (Realmuto, Trina) (Entered: 12/21/2018)
01/04/2019	<u>23</u>	MOTION to Stay <i>in Light of Lapse in Appropriations</i> by U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT (Cirino, Paul) (Entered: 01/04/2019)
01/07/2019		MINUTE ORDER granting <u>23</u> Motion to Stay. Defendants must notify the Court within two business days of the resumption of government operations and propose a revised schedule for filing the joint status report due on January 7, 2019 at that time. Signed by Judge Amy Berman Jackson on 1/7/19. (DMK) (Entered: 01/07/2019)
01/29/2019	<u>24</u>	NOTICE of Restored Government Funding and Proposed Schedule by U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT (Cirino, Paul) (Entered: 01/29/2019)
01/30/2019		MINUTE ORDER. In light of the government's notice <u>24</u> , the stay in this case is lifted and the parties must submit a joint status report by February 11, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 01/30/2019. (lcabj3) (Entered: 01/30/2019)
01/31/2019	<u>25</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Michelle S. Grant, :Firm– Dorsey & Whitney LLP, :Address– 50 South Sixth Street, Suite 1500, Minneapolis, MN 55402. Phone No. – 612–340–5671. Fax No. – 612–240–2868 Filing fee \$ 100, receipt number 0090–5919354. Fee Status: Fee Paid. by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Declaration of Michelle S. Grant, # <u>2</u> Text of Proposed Order)(Magid, Creighton) (Entered: 01/31/2019)

01/31/2019		MINUTE ORDER granting <u>25</u> Motion for Leave of Michelle S. Grant to Appear Pro Hac Vice only upon condition that the lawyer admitted, or at least one member of the lawyer's firm, undergo CM/ECF training, obtain a CM/ECF username and password, and agree to file papers electronically. No court papers will be mailed to any lawyer. Signed by Judge Amy Berman Jackson on 1/31/19. (DMK) (Entered: 01/31/2019)
02/11/2019	<u>26</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Cirino, Paul) (Entered: 02/11/2019)
02/12/2019		MINUTE ORDER. The Court will adopt the following briefing schedule proposed by the parties <u>26</u> : Defendants shall file their motion for summary judgment by March 29, 2019. Plaintiff's opposition and cross-motion, supported by the same memorandum of points and authorities, will be due April 26, 2019. Defendants' reply, combined with their cross-opposition, will be due May 17, 2019. Plaintiff's cross-reply, will be due May 31, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 02/12/2019. (lcabj3,) (Entered: 02/12/2019)
03/29/2019	<u>27</u>	MOTION for Summary Judgment by U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Patricia J. de Castro, # <u>3</u> Declaration of Fernando Pineiro, # <u>4</u> Declaration of Patrick Howard, # <u>5</u> ICE Vaughn Index, # <u>6</u> CPB Vaughn Index, # <u>7</u> Statement of Facts, # <u>8</u> Text of Proposed Order)(Cirino, Paul) (Entered: 03/29/2019)
04/26/2019	<u>28</u>	Cross MOTION for Summary Judgment by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Guillermo Cantor, # <u>4</u> Exhibit 1, # <u>5</u> Exhibit 2, # <u>6</u> Declaration of Emily Ryo, # <u>7</u> Declaration of Michelle S. Grant, # <u>8</u> Exhibit A, # <u>9</u> Text of Proposed Order)(Grant, Michelle) (Entered: 04/26/2019)
04/26/2019	<u>29</u>	Memorandum in opposition to re <u>27</u> MOTION for Summary Judgment filed by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Plaintiff's Response to Statement of Undisputed Material Facts, # <u>2</u> Declaration of Guillermo Cantor, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Declaration of Emily Ryo, # <u>6</u> Declaration of Michelle S. Grant, # <u>7</u> Exhibit A, # <u>8</u> Text of Proposed Order)(Grant, Michelle) (Entered: 04/26/2019)
05/07/2019	<u>30</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>27</u> MOTION for Summary Judgment , <u>28</u> Cross MOTION for Summary Judgment by U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) (Entered: 05/07/2019)
05/13/2019		MINUTE ORDER granting <u>30</u> Motion for Extension of Time. Defendants' reply, combined with their cross-opposition, will be due May 31, 2019. Plaintiff's cross-reply, will be due June 28, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 05/13/2019. (lcabj3) (Entered: 05/13/2019)
05/31/2019	<u>31</u>	Memorandum in opposition to re <u>28</u> Cross MOTION for Summary Judgment filed by U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Declaration (Supplemental) of Patricia J. de Castro, # <u>2</u> Declaration (Supplemental) of Patrick Howard, # <u>3</u> Declaration of Robert M. Lewandowski, # <u>4</u> Response to Plaintiff's Statement of Undisputed Facts, # <u>5</u> Text of Proposed Order)(Cirino, Paul) (Entered: 05/31/2019)
05/31/2019	<u>32</u>	REPLY to opposition to motion re <u>27</u> MOTION for Summary Judgment filed by U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Declaration (Supplemental) of Patricia J. de Castro, # <u>2</u> Declaration (Supplemental) of Patrick Howard, # <u>3</u> Declaration of Robert M. Lewandowski, # <u>4</u> Response to Plaintiff's Statement of Undisputed Facts)(Cirino, Paul) (Entered: 05/31/2019)
06/28/2019	<u>33</u>	REPLY to opposition to motion re <u>28</u> Cross MOTION for Summary Judgment filed by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Declaration of Guillermo Cantor)(Grant, Michelle) (Entered: 06/28/2019)

04/26/2020	<u>34</u>	NOTICE of Appearance by Emily Creighton on behalf of AMERICAN IMMIGRATION COUNCIL (Creighton, Emily) (Entered: 04/26/2020)
05/27/2020	<u>35</u>	ORDER. Pursuant to Federal Rules of Civil Procedure 56 and 58, and for the reasons set for in the accompanying memorandum opinion, defendants' <u>27</u> motion for summary judgment is GRANTED in PART and DENIED in PART, and plaintiff's <u>28</u> cross-motion for summary judgment is GRANTED in PART and DENIED in PART. See Order for full details. In addition, it is ORDERED that the parties must submit a joint status report by June 30, 2020. SO ORDERED. Signed by Judge Amy Berman Jackson on 5/27/2020. (lcabj3) (Main Document 35 replaced on 5/27/2020) (zjth). (Entered: 05/27/2020)
05/27/2020	<u>36</u>	MEMORANDUM OPINION. Signed by Judge Amy Berman Jackson on 5/27/2020. (lcabj3) (Entered: 05/27/2020)