

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

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MUSLIM ADVOCATES,)	
)	
	Plaintiff,)	
)	
	v.)	No. 1:17-cv-00813-TSC
)	
DEPARTMENT OF HOMELAND SECURITY,)	
)	
	Defendant.)	
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ANSWER

Defendant Department of Homeland Security responds as follows to the numbered paragraphs of the complaint, ECF No. 1:

1. This paragraph is plaintiff Muslim Advocates' characterization of this action, to which no response is required.

2. Admit that plaintiff submitted a request to defendant under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, by letter dated March 7, 2017, ECF No. 1-1. Defendant respectfully refers the Court to ECF No. 1-1 for a full and accurate statement of its contents. The allegations contained in Sentence 2 do not set forth a claim for relief or allege facts in support of a claim to which a response is required.

3. The allegations contained in Sentence 1 consist of legal conclusions to which no response is required. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Sentence 2.

4-5. These paragraphs consist of legal conclusions to which no response is required.

6. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Sentence 1. Sentence 2 consists of legal conclusions to which no response is required.

7. Admits Sentence 1. Sentence 2 consists of legal conclusions to which no response is required.

8-11. The allegations contained in these paragraphs do not set forth a claim for relief or allege facts in support of a claim to which a response is required.

12-13. Admit that plaintiff submitted a FOIA request to defendant by letter dated March 7, 2017, ECF No. 1-1. Defendant respectfully refers the Court to ECF No. 1-1 for a full and accurate statement of its contents.

14-15. Admit that defendant acknowledged receipt of plaintiff's FOIA request by letter dated March 13, 2017, ECF No. 1-2. Defendant respectfully refers the Court to ECF No. 1-2 for a full and accurate statement of its contents.

16. This paragraph consists of legal conclusions to which no response is required.

17. Admits.

18. This paragraph consists of legal conclusions to which no response is required.

19. Repeats and re-alleges the responses to ¶¶ 1-18.

20-21. These paragraphs consist of legal conclusions to which no response is required.

22. Repeats and re-alleges the responses to ¶¶ 1-21.

23-24. These paragraphs consist of legal conclusions to which no response is required.

No response to the prayer is required. To the extent a response is required, denies that plaintiff is entitled to the requested relief or to any relief whatsoever.

Every allegation of the complaint not otherwise responded to is hereby denied.

FIRST AFFIRMATIVE DEFENSE

Some or all of the requested records are exempt from production in whole or in part under 5 U.S.C. § 552(b).

SECOND AFFIRMATIVE DEFENSE

Plaintiff's FOIA request fails in certain respects to describe reasonably the records sought and fails in those respects to comply with FOIA or to trigger a search or production obligation.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's FOIA request is not enforceable to the extent it does not permit a reasonable search to be undertaken to identify and locate responsive records.

Wherefore, this action should be dismissed, plaintiff should take nothing, and defendant should be awarded its costs and such other relief as may be appropriate.

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

CHANNING D. PHILIPS
United States Attorney

ELIZABETH J. SHAPIRO
Deputy Director

s/ David M. Glass

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Attorneys for Defendant

Dated: July 13, 2017

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2017, I served the within answer all counsel of record by filing it with the Court by means of its ECF system.

s/ David M. Glass