

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

TRANSGENDER LAW CENTER,
594 Dean Street
Brooklyn, NY 11238

and

RAPID DEFENSE NETWORK
11 Broadway, Suite 615
New York, NY 10004

Plaintiffs,

v.

**UNITED STATES IMMIGRATION & CUSTOMS
ENFORCEMENT**
500 12th Street, SW
Washington, DC 20536

Defendant.

Case No. 1:21-cv-2153

COMPLAINT

Plaintiffs Transgender Law Center (“TLC”) and Rapid Defense Network (“RDN”) (collectively, “Plaintiffs”), by their undersigned attorneys, allege as follows:

INTRODUCTION

1. This is an action brought pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, *et seq.*, seeking the release of agency records from United States Immigration & Customs Enforcement (“ICE”), a component agency of the United States Department of Homeland Security (“DHS”).

2. Through this action, Plaintiffs seek to compel ICE to release information regarding the treatment of people who identify as transgender in the custody of DHS and ICE. These records will help the public better understand the conditions of detention for immigration detainees who identify as transgender and ICE’s operation and oversight of detention facilities

that house transgender detainees.

3. Plaintiffs requested the records at issue in this action from ICE on April 19, 2021. To date, despite their efforts to elicit the records or any substantive agency response, Plaintiffs have not received any determination regarding any of their three requests. Indeed, Plaintiffs have not received *any* communications from ICE regarding these requests. The agency's failure to provide any timely response is a violation of ICE's duties pursuant to FOIA. Its delay and constructive denial of Plaintiffs' FOIA requests are improper and should not be countenanced. As a matter of law, ICE should be required to fulfill its statutory obligations and release the requested records immediately.

PARTIES

4. Plaintiff Transgender Law Center is a non-profit organization based in California with offices in California, Georgia, and New York. TLC is the largest national trans-led organization advocating for transgender and gender nonconforming people.

5. Plaintiff Rapid Defense Network is a non-profit organization organized under the laws of New York with its principal place of business in New York. RDN is a legal services organization dedicated to providing pro bono legal assistance to non-citizens facing deportation or detention. RDN monitors developments in immigration law that affect the rights of noncitizens who are facing detention and deportation and partners with law firms and law school clinics to bring impact litigation and habeas corpus claims on behalf of noncitizens.

6. Defendant ICE is an agency of the federal government and a component agency of DHS. ICE has possession, custody and/or control of the records that Plaintiffs seek. ICE is located at 500 12th Street, SW, Washington, D.C. 20536.

JURISDICTION AND VENUE

7. This action arises under FOIA. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B).

8. Venue is proper in this judicial district under 5 U.S.C. § 552(a)(4)(B).

FACTUAL ALLEGATIONS

9. The Freedom of Information Act “focuses on the citizens’ right to be informed about ‘what their government is up to’” by fostering the release of “[o]fficial information that sheds light on an agency’s performance of its statutory duties.” *DOJ v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 750, 773 (1989) (citation omitted). “[D]isclosure, not secrecy, is the dominant objective” of FOIA. *Dep’t of Interior v. Klamath Water Users Protective Ass’n*, 532 U.S. 1, 8 (2001) (citation omitted).

10. Through the instant FOIA requests (and through this litigation), Plaintiffs seek to shine a public light on the conditions of detention for immigration detainees who identify as transgender and ICE’s operation and oversight of detention facilities that house transgender detainees.

REQUEST A

11. On April 19, 2021, Lynly Egyes and Sarah Gillman, on behalf of TLC and RDN, sent a FOIA request to ICE (“Request A”) seeking the following records:

- Any policies, procedures, guidelines, instructions, quotas or other materials concerning detention of a transgender or intersex person in existence on or after January 1, 2015;
- Any policies, procedures, guidelines, instructions, quotas or other materials concerning detention of a transgender or intersex person during the COVID-19 pandemic from January 1, 2020 to the present; and
- Any training manuals, guides, memoranda, and other documents used to train ICE

employees, DHS employees, or third-party contractors in the administration, regulation, or provision of medical and mental health care of transgender or intersex people in detention in existence on or after January 1, 2015.

A true and correct copy of Request A is attached hereto as Exhibit 1.

12. Pursuant to FOIA, an agency must make and communicate to the requester its determination regarding a request within 20 working days, or within 30 working days if it can show “unusual circumstances.” *See* 5 U.S.C. § 552(6)(a)(i) & (a)(6)(B)(i). A requester is deemed to have exhausted their administrative remedies and may file suit if the agency misses the deadline to make and communicate its determination. 5 U.S.C. § 552(6)(C)(i).

13. The deadline to communicate a determination regarding Request A expired on May 19, 2021. Still, ICE has not communicated with Plaintiffs regarding this request to date.

14. In an effort to avoid litigation, counsel for Plaintiffs on May 3, 2021, sent an email to a DHS FOIA officer, asking to discuss FOIA Request A. A true and correct copy of that email is attached hereto as Exhibit 2. To date, Plaintiffs’ counsel has not received any response.

15. Plaintiffs therefore have exhausted their administrative remedies regarding Request A pursuant to 5 U.S.C. § 552(6)(C)(i).

REQUEST B

16. Also on April 19, 2021, Lynly Egyes and Sarah Gillman, on behalf of TLC and RDN, sent a FOIA request to ICE (“Request B”) seeking the following records:

- Any records regarding detention facilities’ oversight and management of and responses to grievances or complaints by transgender and/or intersex people;
- Any policies, procedures, guidelines, instructions, quotas or other materials concerning detention facilities’ oversight and management of and responses to grievances or complaints by transgender and/or intersex people;
- Any training manuals, guides, memoranda, and other documents used to train ICE officers, DHS employees, or third-party contractors in the administration, and

regulation concerning ICE related facility oversight data and management of any grievances or complaints by transgender and/or intersex people;

- Records regarding the number of grievances or complaints filed by transgender and/or intersex detainees regarding medical treatment or access; and
- Records regarding the number of grievances or complaints filed by transgender and/or intersex detainees regarding detention facility staff.

A true and correct copy of Request B is attached hereto as Exhibit 3.

17. Pursuant to 5 U.S.C. § 552(6)(A)(i), the deadline to communicate a determination regarding Request B was May 19, 2021. ICE has not communicated with Plaintiffs about this request. Plaintiffs therefore have exhausted their administrative remedies regarding Request B pursuant to 5 U.S.C. § 552(6)(C)(i).

18. In an effort to avoid litigation, counsel for Plaintiffs on May 3, 2021, sent an email to a DHS FOIA officer, asking to discuss FOIA Request B. A true and correct copy of that email is attached hereto as Exhibit 4. To date, Plaintiffs' counsel has not received any response.

REQUEST C

19. Also on April 19, 2021, Lynly Egyes and Sarah Gillman, on behalf of TLC and RDN, sent a FOIA request to ICE ("Request C") seeking the following records:

- Copies of each weekly transgender care update, from January 1, 2015 to the present. This is a record reflecting information that may include, but is not limited to, the number of transgender and/or intersex people in custody; the number in solitary confinement, protective custody, administrative segregation, or medical isolation; their detention facility location; any medical problems or mental health needs;
- Records showing the number of transgender and/or intersex people in ICE custody by year from January 1, 2015 to the present; and
- Records, including meeting agendas and memoranda, relating to or created in connection with quarterly working group meetings as required by Section 7(b) of the June 19, 2015 memorandum, "Further Guidance Regarding the Care of Transgender Detainees," which is available at <https://www.ice.gov/sites/default/files/documents/Document/2015/TransgenderCareMemorandum.pdf>.

A true and correct copy of Request C is attached hereto as Exhibit 5.

20. Pursuant to 5 U.S.C. § 552(6)(A)(i), the deadline to communicate a determination regarding Request C was May 19, 2021. ICE has not communicated with Plaintiffs about this request. Plaintiffs therefore have exhausted their administrative remedies regarding Request C pursuant to 5 U.S.C. § 552(6)(C)(i).

21. In an effort to avoid litigation, counsel for Plaintiffs on May 3, 2021, sent an email to a DHS FOIA officer, asking to discuss FOIA Request C. A true and correct copy of that email is attached hereto as Exhibit 6. To date, Plaintiffs' counsel has not received any response.

REQUEST D

22. Also on April 19, 2021, Lynly Egyes and Sarah Gillman, on behalf of TLC and RDN, sent a FOIA request to ICE ("Request D") seeking the following records:

- All correspondence, including emails, letters and internal memoranda, containing the terms "transgender" and/or "intersex" for which Lana Khoury of DHS/ICE/ERO/Custody Programs was an author or recipient from January 1, 2015 to the present;
- All correspondence, including emails, letters and internal memoranda, containing the terms "transgender" and/or "intersex" for which Andrew R. Lorenzen-Strait of DHS/ICE/ERO/Custody Programs was an author or recipient from January 1, 2015 to the present; and
- All correspondence, including emails, letters and internal memoranda, containing the terms "transgender" and/or "intersex" for which Capt. Edith Lederman, M.D., M.P.H. of the ICE Health Service Corps was an author or recipient from January 1, 2015 to the present.

A true and correct copy of Request D is attached hereto as Exhibit 7.

23. Pursuant to 5 U.S.C. § 552(6)(A)(i), the deadline to communicate a determination regarding Request D was May 19, 2021. ICE has not communicated with Plaintiffs about this request. Plaintiffs therefore have exhausted their administrative remedies regarding Request D pursuant to 5 U.S.C. § 552(6)(C)(i).

24. In an effort to avoid litigation, counsel for Plaintiffs on May 3, 2021, sent an email to a DHS FOIA officer, asking to discuss FOIA Request D. A true and correct copy of that email is attached hereto as Exhibit 8. To date, Plaintiffs' counsel has not received any response.

CLAIM FOR RELIEF

COUNT I

(Declaratory and Injunctive Relief:

Violation of the Freedom of Information Act, 5 U.S.C. § 552)

25. Plaintiffs reallege and incorporate by reference all previous paragraphs as if fully set forth herein.

26. ICE is an agency subject to FOIA, 5 U.S.C. § 552(f), and therefore must disclose in response to a FOIA request all responsive records in its possession at the time of the request that are not specifically exempt from disclosure under FOIA, and must provide a lawful reason for withholding any records (or portions thereof) as to which they are claiming an exemption.

27. The records requested in Requests A through D, described herein and attached hereto (Exhibits 1, 3, 5, and 7), are subject to release pursuant to FOIA.

28. ICE's failure to comply with its statutory duties and timely disclose the records sought by Requests A through D is a constructive denial of these requests and violates FOIA, 5 U.S.C. § 552(a)(3)(A).

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Expedite consideration of this Complaint pursuant to 28 U.S.C. § 1657;
- B. Declare that the records sought by Requests A through D, as more particularly described above, are public records pursuant to FOIA and must be disclosed;
- C. Order DHS to provide the requested records to Plaintiffs, including electronic

copies of records stored in electronic format, within 10 business days of the Court's order;

D. Award Plaintiffs the costs of this proceeding, including their reasonable attorneys' fees pursuant to 5 U.S.C. § 552(a)(4)(E); and

E. Grant Plaintiffs such other and further relief as this Court deems just and proper.

Dated: August 12, 2021

Respectfully submitted,

BALLARD SPAHR LLP

/s/ Matthew E. Kelley

Matthew E. Kelley (Bar No. 1018126)

Leslie E. John

Elizabeth Weissert

Alex Levy

BALLARD SPAHR LLP

1909 K Street, NW, 12th Floor

Washington, DC 20006

Tel: (202) 508-1112

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Sarah T. Gillman

(D.D.C. Bar # NY0316)

RAPID DEFENSE NETWORK

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New York, NY 10004-1490

sarah@defensenetwork.org

Lynly S. Egyes

Transgender Law Center PO Box 70976

Oakland, CA 94612

Tel: 973-454-6325

Counsel for RDN and TLC

Exhibit 1



Transgender Law Center



**RAPID DEFENSE
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Lynly Egyes
Transgender Law Center
PO Box 70976
Oakland, CA 94612
Telephone: 510-587-9696
Email: lynly@transgenderlawcenter.org

Sarah Gillman
Rapid Defense Network
11 Broadway, Suite 615
New York, NY 10004
Telephone: 212-843-0910
Email: sarah@defensenetwork.org

April 19, 2021

Freedom of Information Act Office
United States Immigration & Customs Enforcement
500 12th Street, SW, Stop 5009
Washington, DC 20536
Email: ice-foia@dhs.gov

Re: Freedom of Information Act Request

To the FOIA Officer:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, submitted by the Transgender Law Center (“TLC”) and Rapid Defense Network (“RDN”). We respectfully request copies of the following records:

- Any policies, procedures, guidelines, instructions, quotas or other materials concerning detention of a transgender or intersex person in existence on or after January 1, 2015;
- Any policies, procedures, guidelines, instructions, quotas or other materials concerning detention of a transgender or intersex person during the COVID-19 pandemic from January 1, 2020 to the present; and
- Any training manuals, guides, memoranda, and other documents used to train ICE employees, DHS employees, or third-party contractors in the administration, regulation, or provision of medical and mental health care of transgender or intersex people in detention in existence on or after January 1, 2015.

For hard-copy documents and documents stored electronically, we request that you produce them to us in .pdf format. For audio or video files, please produce them to us in .mp3 or .mp4 format.



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Release of these records is in the public interest because these records will help inform the public regarding the treatment of people who identify as transgender in the custody of the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”). These records are likely to contribute significantly to the public’s understanding of the conditions of detention for immigration detainees who identify as transgender and ICE’s operation and oversight of detention facilities that house transgender detainees. This information is not in the commercial interest of TLC and RDN, which are nonprofit organizations. Both TLC and RDN intend to make these records and/or reports using information from these records available to the general public via their websites, transgenderlawcenter.org and defensesnetwork.org. Therefore, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), we are entitled to a fee waiver for this request. If you deny this request, however, and the fees will exceed \$250, please notify us of the charges before you fulfill our request so that we may decide whether to pay the fees or appeal your denial of our request for a waiver.

As you know, FOIA provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. Therefore, please send us all non-exempt portions of the records we have requested and justify any deletions by reference to specific exemptions of the FOIA. We reserve the right to appeal your decision to withhold any materials.

We are seeking information about the treatment of people who identify as transgender who are in the custody of ICE, a federal agency. We therefore request expedited processing for this request, which meets the Department of Homeland Security’s established criteria for processing requests on an expedited basis: a lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. Internal and independent investigations have documented serious, ongoing and unaddressed problems at facilities housing transgender detainees, including inadequate medical care, punitive use of solitary confinement, and unsanitary and dangerous living conditions.¹ Two transgender migrants have died after suffering medical neglect in ICE custody in recent years.² TLC and RDN intend to use the records obtained via this FOIA request in their efforts to end the detention of transgender people in such dangerous and deadly conditions.

¹ E.g., Dep’t of Homeland Security Office of Inspector General, *Violations of Detention Standards amid COVID-19 Outbreak at La Palma Correctional Center in Eloy, AZ*, (Mar. 30, 2021), <https://www.oig.dhs.gov/sites/default/files/assets/2021-04/OIG-21-30-Mar21.pdf> (documenting health hazards and mistreatment of detainees at facility where some transgender detainees had been held); Physicians for Human Rights, *Praying for Hand Soap and Masks: Health and Human Rights Violations in U.S. Immigration Detention during the COVID-19 Pandemic*, (January 2021), <https://phr.org/wp-content/uploads/2021/01/PHR-Praying-for-Hand-Soap-and-Masks.pdf> (detainee at Otay Mesa Detention Center reported transgender detainee was placed in solitary confinement in retaliation for helping publicize unhealthy conditions).

² See Tim Fitzsimons, *Democratic lawmakers call on ICE to release transgender migrants*, NBC News (Jan. 16, 2020), <https://www.nbcnews.com/feature/nbc-out/democratic-lawmakers-call-ice-release-transgender-migrants-n1116621>.



Transgender Law Center



**RAPID DEFENSE
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Please contact us via telephone or email, rather than by U.S. mail, in reference to this request. You may communicate with Lynly Egyes, Legal Director at Transgender Law Center, who can be reached at 510-587-9696 or lynly@transgenderlawcenter.org, or Sarah Gillman, Legal Director at Rapid Defense Network, who can be reached at 212-843-0910 or sarah@defensenetwork.org.

We look forward to receiving your response within 20 working days, as required by law.

Sincerely,

Lynly Egyes, Legal Director
Transgender Law Center

Sarah Gillman, Legal Director
Rapid Defense Network

Exhibit 2

From: Sarah Gillman <sarah@defensenetwork.org>
Sent: Monday, May 3, 2021 4:38 PM
To: ice-foia@dhs.gov <ice-foia@dhs.gov>
Cc: Lynly Egyes <lynly@transgenderlawcenter.org>
Subject: Fw: Freedom of Information Act Request from Transgender Law Center (TLC) and Rapid Defense Network (RDN)

Dear FOIA Officer:

I am writing to follow-up on this request that was submitted on April 19, 2021.

Please contact us via telephone or email, rather than by U.S. mail, in reference to this request. You may communicate with Lynly Egyes, Legal Director at Transgender Law Center, who can be reached at 510-587-9696 or lynly@transgenderlawcenter.org, or can reach me at 212-843-0910 or sarah@defensenetwork.org.

Thank you.

Sarah.

Sarah T. Gillman
Legal Director
Rapid Defense Network*
11 Broadway, Suite 615,
New York, NY 10004
Tel (212) 843-0910 · Fax
(212) 257-7033
www.defensenetwork.org
*formerly NSC Community
Legal Defense

From: Sarah Gillman
Sent: Monday, April 19, 2021 1:48 PM
To: ice-foia@dhs.gov <ice-foia@dhs.gov>
Cc: lynly@transgenderlawcenter.org <lynly@transgenderlawcenter.org>
Subject: Freedom of Information Act Request from Transgender Law Center (TLC) and Rapid Defense Network (RDN)

Dear FOIA Officer:

The attached request is being submitted under the Freedom of Information Act, 5 U.S.C. § 552, submitted by the Transgender Law Center ("TLC") and Rapid Defense Network ("RDN").

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who can be reached at 510-587-9696 or lynly@transgenderlawcenter.org, or can reach me at 212-843-0910 or sarah@defensenetwork.org.

We look forward to receiving your response within 20 working days, as required by law.

Thank you.

Sarah Gillman

Sarah T. Gillman

Legal Director

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Exhibit 3



Transgender Law Center



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- Any training manuals, guides, memoranda, and other documents used to train ICE officers, DHS employees, or third-party contractors in the administration, and regulation concerning ICE related facility oversight data and management of any grievances or complaints by transgender and/or intersex people;
- Records regarding the number of grievances or complaints filed by transgender and/or intersex detainees regarding medical treatment or access; and



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- Records regarding the number of grievances or complaints filed by transgender and/or intersex detainees regarding detention facility staff.

For hard-copy documents and documents stored electronically, we request that you produce them to us in .pdf format. For audio or video files, please produce them to us in .mp3 or .mp4 format.

Release of these records is in the public interest because these records will help inform the public regarding the treatment of people who identify as transgender in the custody of the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”). These records are likely to contribute significantly to the public’s understanding of the conditions of detention for immigration detainees who identify as transgender and ICE’s operation and oversight of detention facilities that house transgender detainees. This information is not in the commercial interest of TLC and RDN, which are nonprofit organizations. Both TLC and RDN intend to make these records and/or reports using information from these records available to the general public via their websites, transgenderlawcenter.org and defensesnetwork.org. Therefore, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), we are entitled to a fee waiver for this request. If you deny this request, however, and the fees will exceed \$250, please notify us of the charges before you fulfill our request so that we may decide whether to pay the fees or appeal your denial of our request for a waiver.

As you know, FOIA provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. Therefore, please send us all non-exempt portions of the records we have requested and justify any deletions by reference to specific exemptions of the FOIA. We reserve the right to appeal your decision to withhold any materials.

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Transgender Law Center



**RAPID DEFENSE
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suffering medical neglect in ICE custody in recent years.² TLC and RDN intend to use the records obtained via this FOIA request in their efforts to end the detention of transgender people in such dangerous and deadly conditions.

Please contact us via telephone or email, rather than by U.S. mail, in reference to this request. You may communicate with Lynly Egyes, Legal Director at Transgender Law Center, who can be reached at 510-587-9696 or lynly@transgenderlawcenter.org, or Sarah Gillman, Legal Director at Rapid Defense Network, who can be reached at 212-843-0910 or sarah@defensenetwork.org.

We look forward to receiving your response within 20 working days, as required by law.

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Lynly Egyes, Legal Director
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Sarah Gillman, Legal Director
Rapid Defense Network

² See Tim Fitzsimons, *Democratic lawmakers call on ICE to release transgender migrants*, NBC News (Jan. 16, 2020), <https://www.nbcnews.com/feature/nbc-out/democratic-lawmakers-call-ice-release-transgender-migrants-n1116621>.

Exhibit 4

From: Sarah Gillman <sarah@defensenetwork.org>
Sent: Monday, May 3, 2021 4:36 PM
To: ice-foia@dhs.gov <ice-foia@dhs.gov>
Cc: Lynly Egyes <lynly@transgenderlawcenter.org>
Subject: Fw: Freedom of Information Act Request from Transgender Law Center (TLC) and Rapid Defense Network (RDN)

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Sent: Monday, April 19, 2021 1:52 PM
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Exhibit 5



Transgender Law Center



**RAPID DEFENSE
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<https://www.ice.gov/sites/default/files/documents/Document/2015/TransgenderCareMemorandum.pdf>.

For hard-copy documents and documents stored electronically, we request that you produce them to us in .pdf format. For audio or video files, please produce them to us in .mp3 or .mp4 format.

Release of these records is in the public interest because these records will help inform the public regarding the treatment of people who identify as transgender in the custody of the Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"). These records are likely to contribute significantly to the public's understanding of the conditions of detention for immigration detainees who identify as transgender and ICE's operation and oversight of detention facilities that house transgender detainees. This information is not in the commercial interest of TLC and RDN, which are nonprofit organizations. Both TLC and RDN intend to make these records and/or reports using information from these records available to the general public via their websites, transgenderlawcenter.org and defensenetwork.org. Therefore, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), we are entitled to a fee waiver for this request. If you deny this request, however, and the fees will exceed \$250, please notify us of the charges before you fulfill our request so that we may decide whether to pay the fees or appeal your denial of our request for a waiver.

As you know, FOIA provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. Therefore, please send us all non-exempt portions of the records we have requested and justify any deletions by reference to specific exemptions of the FOIA. We reserve the right to appeal your decision to withhold any materials.

We are seeking information about the treatment of people who identify as transgender who are in the custody of ICE, a federal agency. We therefore request expedited processing for this request, which meets the Department of Homeland Security's established criteria for processing requests on an expedited basis: a lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. Internal and independent investigations have documented serious, ongoing and unaddressed problems at facilities housing transgender detainees, including inadequate medical care, punitive use of solitary confinement, and unsanitary and dangerous living conditions.¹ Two transgender migrants have died after

¹ E.g., Dep't of Homeland Security Office of Inspector General, *Violations of Detention Standards amid COVID-19 Outbreak at La Palma Correctional Center in Eloy, AZ*, (Mar. 30, 2021), <https://www.oig.dhs.gov/sites/default/files/assets/2021-04/OIG-21-30-Mar21.pdf> (documenting health hazards and mistreatment of detainees at facility where some transgender detainees had been held); Physicians for Human Rights, *Praying for Hand Soap and Masks: Health and Human Rights Violations in U.S. Immigration Detention during the COVID-19 Pandemic*, (January 2021), <https://phr.org/wp-content/uploads/2021/01/PHR-Praying-for-Hand-Soap-and-Masks.pdf> (detainee at Otay Mesa Detention Center reported transgender detainee was placed in solitary confinement in retaliation for helping publicize unhealthy conditions).



Transgender Law Center



**RAPID DEFENSE
NETWORK**

suffering medical neglect in ICE custody in recent years.² TLC and RDN intend to use the records obtained via this FOIA request in their efforts to end the detention of transgender people in such dangerous and deadly conditions.

Please contact us via telephone or email, rather than by U.S. mail, in reference to this request. You may communicate with Lynly Egyes, Legal Director at Transgender Law Center, who can be reached at 510-587-9696 or lynly@transgenderlawcenter.org, or Sarah Gillman, Legal Director at Rapid Defense Network, who can be reached at 212-843-0910 or sarah@defensenetwork.org.

We look forward to receiving your response within 20 working days, as required by law.

Sincerely,

Lynly Egyes, Legal Director
Transgender Law Center

Sarah Gillman, Legal Director
Rapid Defense Network

² See Tim Fitzsimons, *Democratic lawmakers call on ICE to release transgender migrants*, NBC News (Jan. 16, 2020), <https://www.nbcnews.com/feature/nbc-out/democratic-lawmakers-call-ice-release-transgender-migrants-n1116621>.

Exhibit 6

From: Sarah Gillman <sarah@defensenetwork.org>
Sent: Monday, May 3, 2021 4:41 PM
To: ice-foia@dhs.gov <ice-foia@dhs.gov>
Cc: Lynly Egyes <lynly@transgenderlawcenter.org>
Subject: Fw: Freedom of Information Act Request from Transgender Law Center (TLC) and Rapid Defense Network (RDN)

Dear FOIA Officer:

I am writing to follow-up on this request that was submitted on April 19, 2021.

Please contact us via telephone or email, rather than by U.S. mail, in reference to this request. You may communicate with Lynly Egyes, Legal Director at Transgender Law Center, who can be reached at 510-587-9696 or lynly@transgenderlawcenter.org, or can reach me at 212-843-0910 or sarah@defensenetwork.org.

Thank you.

Sarah.

Sarah T. Gillman
Legal Director
Rapid Defense Network*
11 Broadway, Suite 615,
New York, NY 10004
Tel (212) 843-0910 · Fax
(212) 257-7033
www.defensenetwork.org
*formerly NSC Community
Legal Defense

From: Sarah Gillman
Sent: Monday, April 19, 2021 1:32 PM
To: ice-foia@dhs.gov <ice-foia@dhs.gov>
Cc: lynly@transgenderlawcenter.org <lynly@transgenderlawcenter.org>
Subject: Freedom of Information Act Request from Transgender Law Center (TLC) and Rapid Defense Network (RDN)

Dear FOIA Officer:

The attached request is being submitted under the Freedom of Information Act, 5 U.S.C. § 552, submitted by the Transgender Law Center ("TLC") and Rapid Defense Network ("RDN").

Please contact us via telephone or email, rather than by U.S. mail, in reference to this request. You may communicate with Lynly Egyes, Legal Director at Transgender Law Center,

who can be reached at 510-587-9696 or lynly@transgenderlawcenter.org, or can reach me at 212-843-0910 or sarah@defensenetwork.org.

We look forward to receiving your response within 20 working days, as required by law.

We look forward to receiving your response within 20 working days, as required by law.

Thank you.

Sarah Gillman

Sarah T. Gillman

Legal Director

Rapid Defense Network*

11 Broadway, Suite 615,

New York, NY 10004

Tel (212) 843-0910 · Fax

(212) 257-7033

www.defensenetwork.org

*formerly NSC Community

Legal Defense

Exhibit 7



Transgender Law Center



**RAPID DEFENSE
NETWORK**

Lynly Egyes
Transgender Law Center
PO Box 70976
Oakland, CA 94612
Telephone: 510-587-9696
Email: lynly@transgenderlawcenter.org

Sarah Gillman
Rapid Defense Network
11 Broadway, Suite 615
New York, NY 10004
Telephone: 212-843-0910
Email: sarah@defensenetwork.org

April 19, 2021

Freedom of Information Act Office
United States Immigration & Customs Enforcement
500 12th Street, SW, Stop 5009
Washington, DC 20536
Email: ice-foia@dhs.gov

Re: Freedom of Information Act Request

To the FOIA Officer:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, submitted by the Transgender Law Center (“TLC”) and Rapid Defense Network (“RDN”). We respectfully request copies of the following records:

- All correspondence, including emails, letters and internal memoranda, containing the terms “transgender” and/or “intersex” for which Lana Khoury of DHS/ICE/ERO/Custody Programs was an author or recipient from January 1, 2015 to the present;
- All correspondence, including emails, letters and internal memoranda, containing the terms “transgender” and/or “intersex” for which Andrew R. Lorenzen-Strait of DHS/ICE/ERO/Custody Programs was an author or recipient from January 1, 2015 to the present; and
- All correspondence, including emails, letters and internal memoranda, containing the terms “transgender” and/or “intersex” for which Capt. Edith Lederman, M.D., M.P.H. of the ICE Health Service Corps was an author or recipient from January 1, 2015 to the present.

For hard-copy documents and documents stored electronically, we request that you produce them to us in .pdf format. For audio or video files, please produce them to us in .mp3 or .mp4 format.



**RAPID DEFENSE
NETWORK**

Release of these records is in the public interest because these records will help inform the public regarding the treatment of people who identify as transgender in the custody of the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”). These records are likely to contribute significantly to the public’s understanding of the conditions of detention for immigration detainees who identify as transgender and ICE’s operation and oversight of detention facilities that house transgender detainees. This information is not in the commercial interest of TLC and RDN, which are nonprofit organizations. Both TLC and RDN intend to make these records and/or reports using information from these records available to the general public via their websites, transgenderlawcenter.org and defensesnetwork.org. Therefore, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), we are entitled to a fee waiver for this request. If you deny this request, however, and the fees will exceed \$250, please notify us of the charges before you fulfill our request so that we may decide whether to pay the fees or appeal your denial of our request for a waiver.

As you know, FOIA provides that if portions of a document are exempt from release, the remainder must be segregated and disclosed. Therefore, please send us all non-exempt portions of the records we have requested and justify any deletions by reference to specific exemptions of the FOIA. We reserve the right to appeal your decision to withhold any materials.

We are seeking information about the treatment of people who identify as transgender who are in the custody of ICE, a federal agency. We therefore request expedited processing for this request, which meets the Department of Homeland Security’s established criteria for processing requests on an expedited basis: a lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. Internal and independent investigations have documented serious, ongoing and unaddressed problems at facilities housing transgender detainees, including inadequate medical care, punitive use of solitary confinement, and unsanitary and dangerous living conditions.¹ Two transgender migrants have died after suffering medical neglect in ICE custody in recent years.² TLC and RDN intend to use the records obtained via this FOIA request in their efforts to end the detention of transgender people in such dangerous and deadly conditions.

¹ E.g., Dep’t of Homeland Security Office of Inspector General, *Violations of Detention Standards amid COVID-19 Outbreak at La Palma Correctional Center in Eloy, AZ*, (Mar. 30, 2021), <https://www.oig.dhs.gov/sites/default/files/assets/2021-04/OIG-21-30-Mar21.pdf> (documenting health hazards and mistreatment of detainees at facility where some transgender detainees had been held); Physicians for Human Rights, *Praying for Hand Soap and Masks: Health and Human Rights Violations in U.S. Immigration Detention during the COVID-19 Pandemic*, (January 2021), <https://phr.org/wp-content/uploads/2021/01/PHR-Praying-for-Hand-Soap-and-Masks.pdf> (detainee at Otay Mesa Detention Center reported transgender detainee was placed in solitary confinement in retaliation for helping publicize unhealthy conditions).

² See Tim Fitzsimons, *Democratic lawmakers call on ICE to release transgender migrants*, NBC News (Jan. 16, 2020), <https://www.nbcnews.com/feature/nbc-out/democratic-lawmakers-call-ice-release-transgender-migrants-n1116621>.



Transgender Law Center



**RAPID DEFENSE
NETWORK**

Please contact us via telephone or email, rather than by U.S. mail, in reference to this request. You may communicate with Lynly Egyes, Legal Director at Transgender Law Center, who can be reached at 510-587-9696 or lynly@transgenderlawcenter.org, or Sarah Gillman, Legal Director at Rapid Defense Network, who can be reached at 212-843-0910 or sarah@defensenetwork.org.

We look forward to receiving your response within 20 working days, as required by law.

Sincerely,

Lynly Egyes, Legal Director
Transgender Law Center

Sarah Gillman, Legal Director
Rapid Defense Network

Exhibit 8

From: Sarah Gillman <sarah@defensenetwork.org>
Sent: Monday, May 3, 2021 4:35 PM
To: ice-foia@dhs.gov <ice-foia@dhs.gov>
Cc: Lynly Egyes <lynly@transgenderlawcenter.org>
Subject: Fw: Freedom of Information Act Request from Transgender Law Center (TLC) and Rapid Defense Network (RDN)

Dear FOIA Officer:

I am writing to follow-up on this request that was submitted on April 19, 2021.

Please contact us via telephone or email, rather than by U.S. mail, in reference to this request. You may communicate with Lynly Egyes, Legal Director at Transgender Law Center, who can be reached at 510-587-9696 or lynly@transgenderlawcenter.org, or can reach me at 212-843-0910 or sarah@defensenetwork.org.

Thank you.

Sarah.

Sarah T. Gillman
Legal Director
Rapid Defense Network*
11 Broadway, Suite 615,
New York, NY 10004
Tel (212) 843-0910 · Fax
(212) 257-7033
www.defensenetwork.org
*formerly NSC Community
Legal Defense

From: Sarah Gillman
Sent: Monday, April 19, 2021 2:02 PM
To: ice-foia@dhs.gov <ice-foia@dhs.gov>
Cc: lynly@transgenderlawcenter.org <lynly@transgenderlawcenter.org>
Subject: Freedom of Information Act Request from Transgender Law Center (TLC) and Rapid Defense Network (RDN)

Dear FOIA Officer:

The attached request is being submitted under the Freedom of Information Act, 5 U.S.C. § 552, submitted by the Transgender Law Center ("TLC") and Rapid Defense Network ("RDN").

Please contact us via telephone or email, rather than by U.S. mail, in reference to this request. You may communicate with Lynly Egyes, Legal Director at Transgender Law Center,

who can be reached at 510-587-9696 or lynly@transgenderlawcenter.org, or can reach me at 212-843-0910 or sarah@defensenetwork.org.

We look forward to receiving your response within 20 working days, as required by law.

Thank you.

Sarah Gillman

Sarah T. Gillman

Legal Director

Rapid Defense Network*

11 Broadway, Suite 615,

New York, NY 10004

Tel (212) 843-0910 · Fax

(212) 257-7033

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*formerly NSC Community

Legal Defense

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

Transgender Law Center, Rapid Defense Network

Plaintiff

v.

United States Immigration & Customs Enforcement

Defendant

)
)
)
)
)
)
)

Civil Action No. 1:21-cv-2153

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* United States Department of Justice
Justice Management Division
950 Pennsylvania Avenue, NW
Room 1111
Washington, DC 20530

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Matthew E. Kelley
Ballard Spahr LLP
1909 K Street, NW
12th Floor
Washington, DC 20006

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

Transgender Law Center, Rapid Defense Network

Plaintiff

v.

United States Immigration & Customs Enforcement

Defendant

)
)
)
)
)
)
)

Civil Action No. 1:21-cv-2153

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Civil Division Docket Clerk
United States Attorney's Office for the District of Columbia
501 Third Street, NW
Third Floor
Washington, DC 20530

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Matthew E. Kelley
Ballard Spahr LLP
1909 K Street, NW
12th Floor
Washington, DC 20006

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

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 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

CIVIL COVER SHEET

JS-44 (Rev. 11/2020 DC)

I. (a) PLAINTIFFS Transgender Law Center and Rapid Defense Network (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>Kings (N.Y.)</u> (EXCEPT IN U.S. PLAINTIFF CASES)	DEFENDANTS United States Immigration & Customs Enforcement COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small>																								
(c) ATTORNEYS (FIRMNAME, ADDRESS, AND TELEPHONE NUMBER) Matthew E. Kelley Ballard Spahr LLP 1909 K Street, NW, 12th Floor Washington, DC 20006 (202) 508-1112	ATTORNEYS (IF KNOWN)																								
II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY) <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="radio"/> 1 U.S. Government Plaintiff </div> <div style="width: 48%;"> <input type="radio"/> 3 Federal Question (U.S. Government Not a Party) </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="radio"/> 2 U.S. Government Defendant </div> <div style="width: 48%;"> <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III) </div> </div>	III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY! <table style="width: 100%; border: none;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
	PTF	DFT		PTF	DFT																				
Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4																				
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<input type="radio"/> A. Antitrust <input type="checkbox"/> 410 Antitrust	<input type="radio"/> B. Personal Injury/Malpractice <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="radio"/> C. Administrative Agency Review <input type="checkbox"/> 151 Medicare Act <u>Social Security</u> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)*
<input type="radio"/> E. General Civil (Other) OR <input type="radio"/> F. Pro Se General Civil			
<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent – Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)	<u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 <u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 465 Other Immigration Actions <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA) <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)

<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify)
 ☐ 6 Multi-district Litigation
 ☐ 7 Appeal to District Judge from Mag. Judge
 ☐ 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 Failure to provide public records pursuant to the Freedom of Information Act, 5 U.S.C. Section 552.

VII. REQUESTED IN COMPLAINT	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ JURY DEMAND:	Check YES only if demanded in complaint YES <input type="checkbox"/> NO <input type="checkbox"/>
------------------------------------	--	---	---

VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form
-------------------------------------	-------------------	---	---

DATE: 08/11/2021	SIGNATURE OF ATTORNEY OF RECORD /s/ Matthew E. Kelley
------------------	---

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil coversheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

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

TRANSGENDER LAW CENTER,
594 Dean Street
Brooklyn, NY 11238

and

RAPID DEFENSE NETWORK
11 Broadway, Suite 615
New York, NY 10004

Plaintiffs,

v.

**UNITED STATES IMMIGRATION & CUSTOMS
ENFORCEMENT**
500 12th Street, SW
Washington, DC 20536

Defendant.

Case No. 1:21-cv-2153

PLAINTIFFS' CORPORATE DISCLOSURE STATEMENTS

Pursuant to Federal Rule of Civil Procedure 7.1 and Local Civil Rule 26.1, the undersigned counsel hereby certifies that Plaintiffs Transgender Law Center and Rapid Defense Network are non-profit corporate parties, neither of which has a parent company nor issues any stock. These representations are made in order that judges of this Court may determine the need for recusal.

Dated: August 12, 2021

Respectfully submitted,

BALLARD SPAHR LLP

/s/ Matthew E. Kelley

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Counsel for RDN and TLC

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

Transgender Law Center, Rapid Defense Network

Plaintiff

v.

United States Immigration & Customs Enforcement

Defendant

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Civil Action No. 1:21-cv-2153

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* United States Immigration & Customs Enforcement
500 12th Street, SW
Washington, DC 20536

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Matthew E. Kelley
Ballard Spahr LLP
1909 K Street, NW
12th Floor
Washington, DC 20006

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: