

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

<b>AMERICAN CIVIL LIBERTIES UNION</b>	)	
<b>OF MICHIGAN</b>	)	
1514 Wealthy St., Ste 260	)	
Grand Rapids, MI 49506	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>U.S. DEPARTMENT OF HOMELAND</b>	)	
<b>SECURITY,</b>	)	
500 12th St., SW	)	
Washington, D.C. 20536	)	
	)	
<b>U.S. IMMIGRATION &amp; CUSTOMS</b>	)	
<b>ENFORCEMENT</b>	)	
500 12th St., SW	)	
Washington, D.C. 20536	)	
	)	
<b>Defendants.</b>	)	

**COMPLAINT**  
**(Freedom of Information Act Case)**

1. Plaintiff, AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN, brings this Freedom of Information Act suit to require Defendants U.S. DEPARTMENT OF HOMELAND SECURITY and U.S. IMMIGRATIONS AND CUSTOMS ENFORCEMENT to produce records pertaining to a detained former Marine Mr. Jilmar Ramos-Gomez; data and policies on wrongfully detained and deported U.S. citizens, lawful permanent residents, and legal immigrants; and policies and procedures related to people with mental health issues or disabilities.

## **JURISDICTION AND VENUE**

2. This case is brought under 5 U.S.C. § 552(a)(4)(B) and presents a federal question conferring jurisdiction on this Court. *See* 28 U.S.C. § 1331.

3. Venue is proper under 5 U.S.C. § 552(a)(4)(B) because this District is always a permissible venue for federal FOIA suits.

## **PARTIES**

4. Plaintiff AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN (“ACLU”) is a non-profit, non-partisan 26 U.S.C. § 501(c)(4) organization dedicated to protecting civil liberties and civil rights in Michigan. The American Civil Liberties Union of Michigan, which has thousands of members and supporters in Michigan, is the state affiliate organization of the national American Civil Liberties Union. The ACLU of Michigan was officially established in 1959.

5. Defendant U.S. DEPARTMENT OF HOMELAND SECURITY (“DHS”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

6. Defendant U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (“ICE”) is a federal agency and component of DHS and is subject to the Freedom of Information Act, 5 U.S.C. § 552.

## **BACKGROUND**

7. Jilmar Ramos-Gomez is a United States citizen, born and raised in Grand Rapids, Michigan, and a veteran of the United States Marine Corps. He served his country in Afghanistan, and because of his combat experience now suffers from Post-Traumatic Stress Disorder.

8. On November 21, 2018, Mr. Ramos-Gomez was arrested by Grand Rapids Police Department officers when, during a mental health episode, he entered the helipad at a local

hospital. Mr. Ramos-Gomez was arrested for allegedly setting a fire and trespassing. Although he was carrying multiple forms of identification, including his United States passport, which proved that he was a U.S. citizen, and his REAL ID compliant Michigan driver's license, which proved that he was lawfully in the United States, ICE put an immigration detainer on Mr. Ramos-Gomez.

9. On December 14, 2018, when Mr. Ramos-Gomez was due for a release after pleading guilty to a misdemeanor trespassing charge, ICE wrongfully took him into custody. After Mr. Ramos-Gomez spent three days in immigration detention, on December 17, 2018, his family was able to secure his release through his attorney. Eli Rosenberg, *A Latino Marine Veteran Was Detained for Deportation. Then ICE Realized He Was a Citizen*, Washington Post (January 16, 2019), <https://www.washingtonpost.com/national-security/2019/01/17/latino-marine-veteran-was-detained-deportation-then-ice-realized-he-was-citizen/?noredirect=on>.

### **MARCH 9, 2019 FOIA REQUEST**

10. On March 9, 2019, ACLU submitted a FOIA request to ICE seeking, *inter alia*, “records related to U.S. Immigration and Customs Enforcement’s (ICE’s) wrongful arrest and detention of Jilmar Ramos-Gomez, a U.S. citizen and decorated Marine combat veteran,” “information related to other United States citizens and lawfully present immigrants who have been arrested, detained or deported by ICE,” and “information related to ICE’s policies and procedures with respect to people with mental health issues or disabilities.” A true and correct copy of the request is attached as Exhibit A.

11. In its request, ACLU included an Affirmation/Declaration form signed by Mr. Ramos Gomez, which authorized ACLU to receive Mr. Gomez’s records. *See* Exhibit A, at 18.

12. ACLU requested expedited processing and a fee waiver regarding this request. *See* Exhibit A.

13. On April 2, 2019, ICE acknowledged receipt of the request and assigned ICE FOIA Case Number 2019-ICFO-32629 to the request. A true and correct copy of the acknowledgment letter is attached as Exhibit B.

14. As the date of this filing, ICE has not issued a determination on the March 9 request and has produced no records responsive to the request.

**CLAIM FOR RELIEF – MARCH 9, 2019 FOIA VIOLATION**

15. The above paragraphs are incorporated herein.

16. Defendants are agencies subject to FOIA.

17. The requested records are not exempt under FOIA.

18. Defendants have refused to produce the requested records in the manner required by law.

**WHEREFORE**, ACLU asks the Court to:

- i. declare that Defendants have violated FOIA;
- ii. order Defendants to conduct a reasonable search for records and to promptly produce the requested records at no charge;
- iii. enjoin Defendants from withholding non-exempt public records under FOIA;
- iv. award Plaintiff attorneys' fees and costs; and
- v. award such other relief the Court considers appropriate.

Dated: November 20, 2019

RESPECTFULLY SUBMITTED,

/s/ Merrick J. Wayne

Matthew Topic (D.C. Bar No. IL0037)  
Joshua Burday (D.C. Bar No. IL0042)  
Merrick Wayne (D.C. Bar No. IL0058)  
LOEVY & LOEVY  
311 North Aberdeen, 3rd Floor  
Chicago, IL 60607  
312-243-5900  
foia@loevy.com

Anand Swaminathan  
Megan Pierce  
Sarah Grady  
LOEVY & LOEVY  
311 North Aberdeen, 3rd Floor  
Chicago, IL 60607  
312-243-5900  
anand@loevy.com  
(L.R. 83.2(c)(1) attorneys)

Miriam J. Aukerman  
American Civil Liberties Union  
Fund of Michigan  
1514 Wealthy, Ste 260  
Grand Rapids, MI 49506  
616-301-0930  
maukerman@aclumich.org  
(L.R. 83.2(c)(1) attorney)

Daniel S. Korobkin  
American Civil Liberties Union  
Fund of Michigan  
2966 Woodward Avenue  
Detroit, MI 48201  
313-578-6824  
dkorobkin@aclumich.org  
(L.R. 83.2(c)(1) attorney)

Arthur B. Spitzer (D.C. Bar No. 235960)  
American Civil Liberties Union  
of the District of Columbia

915 15th Street, NW – 2nd floor  
Washington, DC 20005  
202-601-4266  
[aspitzer@acludc.org](mailto:aspitzer@acludc.org)

Attorneys for Plaintiff