

1 Andrew D. Bluth (SBN 232387)
2 Christopher R. Rodriguez (SBN 212274)
3 SINGLETON SCHREIBER, LLP
4 1414 K St Ste 300
5 Sacramento, CA 95814-3966
6 Telephone: 916-775-5894
7 Facsimile: 619-255-1515
8 abluth@singletonschreiber.com

9 Maggy Krell (SBN 226675)
10 3053 Freeport Blvd. #152
11 Sacramento, CA 95818

12 *Attorneys for Plaintiff*

13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF CALIFORNIA**

15 ASSEMBLYWOMAN MAGGY
16 KRELL, an individual,

17 Plaintiff,

18 v.

19 EXECUTIVE OFFICE FOR
20 IMMIGRATION REVIEW,

21 Defendant.

Case No:

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

DEMAND FOR JURY TRIAL

22
23
24 Plaintiff ASSEMBLYWOMAN MAGGY KRELL (“Plaintiff”), brings this
25 action against the EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
26 (“EOIR” or “Defendant”) and alleges as follows:

27 **I. SUMMARY OF THE CASE**

28 1. This action arises under the Freedom of Information Act (FOIA), 5

1 U.S.C. § 552 et seq., and seeks declaratory and injunctive relief compelling
2 Defendant Executive Office for Immigration Review (“EOIR”) to comply with
3 their statutory obligations to disclose agency records. Specifically, Plaintiff seeks
4 records reflecting guidance, policies, instructions, communications, and related
5 documents and security footage concerning the unannounced and illegal closure of
6 public buildings and the arrests of people attending mandated hearings at
7 California immigration courts—an enforcement practice that represented a
8 significant shift in Immigration and Customs Enforcement (ICE) and EOIR
9 operations, and has generated substantial public concern and judicial scrutiny.

10 2. FOIA was enacted to ensure an informed public and to permit
11 meaningful oversight of federal government activity. Defendant’s failure to timely
12 process Plaintiff’s request, grant expedited processing, disclose non-exempt
13 responsive records, and prematurely and unilaterally close requests without
14 adequate meet and confer has unlawfully deprived Plaintiff, and by extension, the
15 public of information necessary to understand the scope, rationale, and
16 implementation of these immigration court arrest practices. The Defendant’s
17 refusal to release records deprives Plaintiff and the public from the transparency
18 that the law requires. Hiding information from the public in the context of cruel
19 and sometimes unlawful immigration arrests amounts to a coverup.

20 3. Plaintiff seeks relief to remedy Defendant’s ongoing violations of
21 FOIA and to ensure prompt disclosure of records that will inform active public
22 debate, pending litigation, and judicial consideration concerning arrests conducted
23 in EOIR-controlled facilities and proceedings.

24 4. After President Trump took office, the EOIR and ICE rescinded
25 policies barring ICE from making civil immigration arrests in or near immigration
26 courts to advance the new administration’s agenda of mass deportations. These
27 changes necessarily required internal guidance, inter-agency coordination, and
28 communications involving EOIR personnel, immigration judges, court

1 administrators, and officials within the DOJ.

2 5. Since around May 20, 2025, ICE has been detaining noncitizens
3 appearing for hearings in removal proceedings in immigration courts nationwide
4 in substantial numbers, including at immigration courts in Sacramento and
5 throughout California.

6 6. Attorneys from ICE’s Office of Principal Legal Advisor (“OPLA”)
7 have also been orally moving to dismiss these removal and/or asylum proceedings
8 to funnel noncitizens into expedited removal, a process with fewer due process
9 protections and no pathway to permanent residence. Moreover, as part of an
10 underhanded effort to enforce the administration’s new policies, Plaintiff is
11 informed and believes that EOIR directed immigration judges to grant ICE’s Office
12 of Principal Legal Advisor (“OPLA”) motions to dismiss immigration proceedings
13 immediately in violation of several agency policies, and to bring these individuals
14 into the immigration courts where ICE was waiting to detain them.

15 7. Federal courts across the country, from Oregon to New York, have
16 expressed serious concerns regarding arrests conducted in connection with
17 immigration court proceedings and the dismissal of those proceedings, including
18 concerns related to due process and procedural fairness. See, e.g., *Lopez Benitez v.*
19 *Francis*, No. 25 Civ. 5937, 2025 WL 2371588, at *15 (S.D.N.Y. Aug. 13, 2025)
20 (“[T]reating attendance in immigration court as a game of detention roulette is not
21 consistent with the constitutional guarantee of due process.”); *Mata Velasquez v.*
22 *Kurzdorfer*, No. 25-cv-493, 2025 WL 1953796, at *13 (W.D.N.Y. July 16, 2025)
23 (chastising DHS for “pull[ing] the rug out from under [petitioner]”); Maxine
24 Bernstein, Federal Judge in Oregon: Homeland Security ‘Tricked’ Asylum Seeker
25 Before Arrest at Immigration Court, *The Oregonian* (July 15, 2025, 10:47 AM),
26 <https://tinyurl.com/mw3w9xdj> (reporting that a federal judge “blasted” the DHS
27 for its “series of procedural errors,” “‘oscillating legal positions’ and clear
28 violation of [a noncitizen]’s due process rights”).

1 8. A court in the Southern District of New York has also preliminarily
2 stayed the EOIR's direction to immigration judges to grant dismissals regarding
3 removal proceedings conducted in Manhattan and the Bronx pending further
4 litigation. Op. & Order at 46, *African Cmty. Together v. Lyons*, 25-cv-6366
5 (S.D.N.Y. A Sept. 12, 2025), ECF No. 51. And similar challenges to the lawfulness
6 of arrests and dismissals in other immigration courts are pending elsewhere. See,
7 e.g., Compl., *A.M. v. U.S. Dep't of Homeland Sec.*, 25-cv-2308 (S.D. Cal. Sept. 4,
8 2025), ECF No. 1 (addressing these arrests and dismissals at the San Diego
9 Immigration Court); Am. Compl., *Pablo Sequen v. Albarran*, No. 25-cv-6487
10 (N.D. Cal. Sept. 18, 2025), ECF No. 32 (same for the Concord, Sacramento, and
11 San Francisco Immigration Courts).

12 9. A court in San Francisco enjoined ICE from making future arrests in
13 northern area courts, finding that the arrests had a chilling effect on immigrants'
14 access to justice and presented them with an untenable Hobsons's choice.¹

15 10. Beyond the courts, outrage at immigration court arrests, dismissals,
16 and their contested legality has prompted public pushback: protestors have
17 demonstrated outside immigration courts in California and around the country
18 against these new enforcement tactics and have attempted to stop ICE from
19 transporting arrested noncitizens to detention centers; clergy, military veterans,
20 political leaders, and other members of the public have accompanied noncitizens
21 to their removal hearings to document, and try to prevent, arrests (and at times are
22 facing arrest themselves for doing so); and editorial boards are calling for
23 Defendants to cease immigration court arrests and dismissals.

24 11. Sacramento (as well as the rest of California) has been no exception
25 to the national trends. Sacramento residents have been deeply affected as members
26 of their families and communities who were lawfully attending their hearings were
27

28 ¹ *Pablo Sequen v. Albarran*, No. 25-CV-06487-PCP, 2025 WL 3724878, at *20 (N.D. Cal. Dec. 24, 2025)

1 arrested without warning. Without knowing the details of the policy change, or the
2 circumstances of the arrests, residents have had to worry whether they, or those
3 they care about, are also at risk.

4 12. Immigration court arrests and dismissals have also generated
5 widespread and exceptional media interest. National, state, and local media outlets
6 have published over two hundred articles about these enforcement tactics since
7 May 20, 2025, dozens of which express doubt about their integrity and legality.
8 This ongoing public attention underscores the urgency of informing the public
9 about the policies and coordination underlying these practices while they are
10 actively being implemented and litigated.

11 13. Amidst this widespread media attention and public outrage, Plaintiff
12 Krell, an elected legislator whose constituents are among those directly impacted
13 by the activities at EOIR immigration courts and beyond, filed a FOIA request with
14 EOIR on June 14, 2025. The narrowly tailored request followed EOIR's closure of
15 the Sacramento Immigration Court, where family members, journalists and
16 lawyers were prohibited from entering the public building while immigration
17 proceedings were pending. Plaintiff Krell sought records related to directives,
18 memorandums or correspondence that would explain the justification for closing
19 the building to the public. A true and correct copy of this June 14, 2025 FOIA
20 request is attached hereto as **Exhibit A**. Plaintiff Krell received a heavily redacted
21 response, including correspondence directly involving the California Immigration
22 Project and its attorneys' exclusion from the courthouse preventing awaiting
23 clients their access to legal aid. Not surprisingly, these heavily redacted documents
24 left more questions than answers.

25 14. On August 11, 2025, plaintiff Krell submitted a subsequent narrowly-
26 tailored FOIA request to EOIR that seeks documents related to agency guidance
27 for courthouse arrests; certain communications with DHS about such arrests and
28 dismissals; security footage of the arrests; communications to and from specific

1 individuals regarding specific topics including courthouse closures; and other
2 relevant documents within a very narrow timeframe. A true and correct copy of
3 this August 11, 2025 FOIA request is attached hereto as **Exhibit B**.

4 15. Assemblymember Krell sought expedited processing of each request
5 to educate the public about the policies, guidance and communications about these
6 immigration court arrests.

7 16. Now, six months later, having received neither expedited processing
8 nor any records responsive to her requests, Plaintiff brings this FOIA action for
9 injunctive and other appropriate relief.

10 17. Plaintiff submitted a valid FOIA request to EOIR on August 11, 2025,
11 seeking agency records reasonably described and directly related to EOIR's
12 operations, guidance, and coordination concerning arrests conducted in or around
13 immigration courts and the dismissal of removal proceedings.

14 18. The requested records are "agency records" within the meaning of
15 FOIA because they were created or pertained to EOIR personnel and are
16 maintained under the agencies' possession or control in the course of official
17 business.

18 19. Defendant was required to make a determination regarding Plaintiff's
19 request within twenty working days, 5U.S.C. § 552(a)(6)(A)(i), and to determine
20 whether to grant expedited processing within ten calendar days, *id.* §
21 552(a)(6)(E)(ii)(I).

22 20. Defendant failed to comply with these statutory deadlines, failed to
23 grant expedited processing, and failed to produce any responsive, non-exempt-
24 records. Defendant also failed to make a timely determination even accounting for
25 any permissible extension under 5 U.S.C. § 552(a)(6)(B).

26 21. Defendant has therefore constructively exhausted Plaintiff's
27 administrative remedies pursuant to 5U.S.C. § 552(a)(6)(C).

28 22. Defendant has failed to conduct a search reasonably calculated to

1 locate all records responsive to Plaintiff's request.

2 23. To the extent Defendant has withheld records or portions of records,
3 they have failed to justify withholdings with the specificity required by FOIA.

4 24. Defendant has closed certain requests without providing sufficient
5 justification, and has even done so over Plaintiff's objections.

6 25. Defendant has also failed to release reasonably segregable, non-
7 exempt portions of responsive records, as required by 5U.S.C. § 552(b).

8 26. Defendant's ongoing failure to comply with FOIA has irreparably
9 harmed Plaintiff and the public by preventing timely access to information
10 concerning actual federal government activity that is the subject of widespread
11 public debate and active judicial review.

12 **II. PARTIES**

13 27. Plaintiff MAGGY KRELL is a California State Assemblywoman for
14 District 6 which includes large portions of Sacramento and the surrounding area.
15 Her district includes the John Moss Federal Building where immigration arrests
16 have been occurring regularly. Ms. Krell has a vested interest in knowing what is
17 happening to her constituents and their family members as well as understanding
18 the impact of federal policy throughout California to inform her state policy
19 making. This is especially true with regard to the arrests taking place at
20 immigration courts within California, and specifically within District 6, where
21 constituents are presenting themselves for federal immigration hearings.

22 28. Defendant EOIR is a subcomponent of the DOJ and an "agency"
23 within the meaning of 5 U.S.C § 552(f)(1), 5 U.S.C. § 552(f), and 5 U.S.C. § 702.
24 EOIR administers the immigration court system, including through "the
25 supervision, direction, and scheduling of the immigration judges in the conduct of
26 the hearings and duties assigned to them." 8 C.F.R. § 1003.9(b). It "issue[s]
27 operational instructions and policy" and otherwise "manage[s] the docket of
28 matters to be decided by the immigration judges." Id. § 1003.9(b)(1), (3). The

1 EOIR has possession, custody, or control of records responsive to Plaintiffs' FOIA
2 requests.

3 **III. JURISDICTION AND VENUE**

4 29. This Court has subject matter jurisdiction over this action pursuant to
5 the Freedom of Information Act, 5 U.S.C. § 552(a)(4)(B), and 28 U.S.C. § 1331.

6 30. This Court has authority to grant declaratory and injunctive relief
7 pursuant to 5U.S.C. § 552(a)(4)(B), and 28 U.S.C. §§ 2201-2202.

8 31. Venue is proper in this Court pursuant to 5U.S.C. § 552(a)(4)(B)
9 because Plaintiff Krell represents this district, and/or because agency records
10 responsive to Plaintiff's request are situated in this district.

11 32. Defendant is an agency of the United States and is subject to suit in
12 this Court under FOIA.

13 **IV. FACTUAL BACKGROUND**

14 **A. ICE ARRESTS & DISMISSALS AT IMMIGRATION COURTS**

15 **i. ICE Arrests in Sacramento and Other Parts of California**

16 33. Starting in May 2025, ICE changed a long-standing policy and began
17 enforcing civil immigration enforcement arrests in and around immigration courts.
18 EOIR judges, at the direction of their superiors, acted in concert with ICE agents
19 to dismiss cases which then allowed ICE to immediately detain individuals and put
20 them into expedited removal.

21 34. Upon information and belief, at least six detentions occurred at the
22 Sacramento Immigration Court as of June 11, 2025.² According to records
23 obtained by the Sacramento Bee, 39 people were detained after attending routine
24 immigration hearings from May 27 through late September.³ Then in December,
25

26
27 ² <https://www.youtube.com/watch?v=CAMIMaqf3T4>

28 ³ <https://www.sacbee.com/news/local/article314296524.html#storylink=cpy>

1 at least a dozen Afghan refugees were arrested during their check ins.⁴ Around 130
2 total arrests were made in the San Fransico and Concord Immigration Courts by
3 December 26, 2025.⁵ During July 2025, it was not uncommon for there to be daily
4 arrests in Sacramento.⁶ In some instances, the arresting officers have utilized
5 physical force and caused individuals not being detained to be injured.⁷

6 35. These enforcement techniques were unprecedented. In sworn
7 declarations, several witnesses noted that for decades prior to May 2025, ICE only
8 arrested individuals at Immigration Courts in limited circumstances.⁸

9 36. These extreme measures have led to fear and confusion in local
10 communities.⁹ Large numbers of individuals are no longer attending their
11 immigration hearings because they are worried they will be detained if they do.¹⁰

12 **ii. Courthouse Arrest Policies & Practices Before the Second Trump**
13 **Administration**

14 37. For decades, ICE officers largely refrained from civil immigration
15 enforcement actions—including civil immigration arrests—in immigration courts,
16 lest such arrests deter noncitizens from attending removal proceedings, impede the
17 proper functioning of courts, and undermine the fair administration of justice.

18 38. ICE formalized this longstanding practice in an April 2021 memo that
19 prohibited “civil immigration enforcement action ... in or near a courthouse”
20 (including immigration courts) absent a national security threat; imminent risk of
21

22 ⁴ <https://www.sacbee.com/news/local/article313404644.html>

23 ⁵ <https://www.ktvu.com/news/judge-orders-halt-ice-arrests-san-francisco-courthouse>

24 ⁶ <https://www.cpradio.org/articles/2025/07/11/ice-arrests-asylum-seeker-after-sacramento-court-hearing/>

25 ⁷ <https://www.sacbee.com/news/local/article312274458.html>

26 ⁸ *Pablo Sequen v. Albarran*, No. 25-CV-06487-PCP, 2025 WL 3724878, at *2 (N.D. Cal. Dec. 24, 2025)

27 ⁹ <https://www.cpradio.org/articles/2025/07/11/ice-arrests-asylum-seeker-after-sacramento-court-hearing/>

28 ¹⁰ <https://www.sacbee.com/news/local/article312274458.html>

1 death, violence, physical harm to any person, or destruction of evidence material
2 to a criminal case; or hot pursuit of an individual posing a threat to public safety.
3 U.S. Dep't of Homeland Sec., Memorandum re: Civil Immigration Enforcement
4 Actions in or near Courthouses (Apr. 27, 2021), <https://tinyurl.com/yw6ucd49>.

5 39. Approximately two and half years later, the EOIR prohibited the DHS
6 from making civil immigration arrests and taking other civil immigration
7 enforcement actions “in or near an immigration court” except in the limited
8 circumstances described above or where “a safe alternative location for the
9 enforcement action d[id] not exist.” U.S. Dep't of Just., Exec. Off. for Immigr.
10 Review, Off. of the Chief. Immigr. Judge, PM 23-01, Operating Policies &
11 Procedures Memorandum 23-01: Enforcement Actions in or Near OCIJ Space
12 (Dec. 11, 2023), <https://tinyurl.com/ycyr2hsy>.

13 **iii. Trump Administration's Mass Deportations**

14 40. The Trump administration initiated a “light speed” mass deportation
15 campaign designed to significantly increase ICE's enforcement power. To drive
16 immediate results, officials established initial daily quotas of more than 1,000
17 arrests and threatened to hold agency leadership accountable for any shortfalls.

18 41. When ICE struggled to reach these targets through the early months
19 of 2025, the administration responded by removing the acting director and several
20 other top immigration officials. By May, frustration over the pace of enforcement
21 led the administration to “supercharge” the effort, doubling the daily arrest goal to
22 3,000 individuals. This escalation included further leadership changes within the
23 Enforcement and Removal Operations Directorate to ensure strict adherence to the
24 administration's expanded deportation agenda.

25 **iv. Immigration Court Arrests, Dismissals, & Policy Changes**

26 42. Meanwhile the Administration authorized ICE to conduct civil
27 immigration arrests in and around immigration courts to help it meet its daily
28 quota.

1 a. On January 21, 2025, ICE rescinded the April 2021 memo. On an
2 interim basis, it also authorized agency officers or agents to “conduct
3 civil immigration actions in or near courthouses when they have credible
4 information that leads them to believe the targeted [noncitizen(s)] is or
5 will be present at a specific location, and where such action is not
6 precluded by the jurisdiction in which the enforcement action will take
7 place.” U.S. Immigr. & Customs Enf’t, Policy No. 11072.3, Interim
8 Guidance: Civil Immigration Enforcement Actions in or near
9 Courthouses (Jan. 21, 2025).

10 b. Seven days later, the EOIR “rescinded and cancelled” its prohibition of
11 “civil immigration actions by the Department of Homeland Security
12 (DHS) in or near EOIR space.” U.S. Dep’t of Just., PM 25-06,
13 Cancellation of Operating Policies & Procedures memorandum 23-01
14 (Jan. 28, 2025).

15 43. Around May 20, 2025, as the number of arrests and deportations
16 remained below target, ICE began to arrest noncitizens in immigration courts –
17 where they are easy to locate – and seek their removal through expedited removal¹¹
18 – a faster process with fewer due process protections and no pathway to permanent
19 residence.

20 44. ICE also instructed OPLA prosecutors to identify any noncitizen with
21 upcoming immigration court hearings who would be susceptible to expedited
22 removal if their immigration court case were dismissed and move to dismiss these
23 cases. It further directed OPLA prosecutors to tell ERO officers about such a
24 noncitizen at least 48 hours in advance of the upcoming hearing and provide “the
25 exact location of the courtroom at which the . . . hearing is being held and an
26

27 ¹¹ Expedited removal allows immigration officers to remove a noncitizen who has “not been admitted or paroled in
28 the United States” and “not affirmatively shown, to the satisfaction of an immigration officer” continuous physical
presence for at least two years, from the United States “without further hearing or review” unless the noncitizens
“indicates either an intention to apply for asylum . . . or a fear of persecution.” 8 U.S.C. § 1225(b)(1)(A).

1 estimate of the time frame for the hearing.” It also ordered OPLA prosecutors to
2 give the immigration court “a 24-hour warning” of the planned enforcement
3 operation.¹² These directives necessarily required coordination with EOIR
4 personnel and advance notice to immigration courts, generating records maintained
5 by EOIR.

6 45. On May 27, 2025, ICE published its final guidance for courthouse
7 arrests, wherein it authorized agency officers and agents to “conduct civil
8 immigration enforcement actions in or near courthouses when they have credible
9 information that leads them to believe the targeted [noncitizen(s)] is or will be
10 present at a specific location,” even in jurisdictions whose laws preclude
11 courthouse arrests. U.S. Immigr. & Customs Enf’t, Plicy, No. 11072.4, Civil
12 Immigration Enforcement Actions in or near Courthouses (May 27, 2025).

13 46. Around the same time, the EOIR emailed Assistant Immigration
14 Judges (ACIJ)s¹³ new guidance for ICE motions to dismiss and courthouse arrests.
15 Notwithstanding agency regulations and policy requiring parties to make pre-trial
16 motions “in writing and . . . state, with particularly the grounds therefor,” 8 C.F.R.
17 1003.23(a), the guidance allows “DHS Motions to Dismiss [to] be made orally and
18 decided from the bench” without “additional documentation or briefing.” Am.
19 Immigr. Lawyers Ass’n, AILA Doc. 25061204, Practice Aleret: EOIR Guidance
20 to Immigration Judges on Dismissals and Other Adjudications (June 12, 2025),
21 <https://tinyurl.com/mr22255e> (herinafter, “AILA Doc. 25061204”).

22 47. The guidance also advises that “[t]he motion to dismiss is regulatory”
23 based upon Immigration and Nationality Act (INA) 239.2(a)(6) (Notice to Appear
24 “improvidently issued”) or INA 239.2(a)(7) (“[C]ircumstances have changed to
25 such an extent that continuation is no longer in the best interest of the
26

27 ¹² Hamed Aleaziz et al., How ICE is Seeking to Ramp Up Deportations Through Courthouse Arrests, N.Y. Times
28 (May 30, 2025), <https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>

¹³ ACIJs “oversee the operations of specific immigration courts and adjudication centers.” U.S. Dep’t of Just.,
Exec. Off. for Immigr. Rev., Immigration Court Practice Manual § 1.3(a)(4) (2023).

1 government”), *id.*, misstating the standard for dismissal for changed circumstances.
2 *cf.* 8 C.F.R. 239.2(a)(7), (c) (Circumstances of the case have changed after the
3 notice to appear was issued to such an extent that continuation is no longer in the
4 best interest of the government” (emphasis added).

5 48. The guidance further provides that “[g]enerally, if DHS has met the
6 regulatory burden, the oral motion to dismiss may be granted” without “[a] 10-day
7 response period,” AILA Doc. 25061204, despite agency policy giving noncitizens
8 ten days to respond to such motions, U.S. Dep’t of Just., Exec. Off. for Immigr.
9 Rev., Immigration Court Practice Manual 3.1(b)(1)(A) (2023).

10 49. Finally, the guidance directs ACIJs to ensure the immigration judges
11 and administrative staff under their supervision “are familiar with Policy Memo
12 25-06”—which rescinded past guidance barring ICE arrests at immigration
13 courts—and to reach out to the Regional Deputy Chief Immigration Judge
14 supervising them if they “encounter any unusual circumstances with an
15 enforcement action.” AILA Doc. 25061204.

16 50. Pursuant to this guidance, ACIJs have directed and pressured
17 immigration judges they supervise to grant ICE motions to dismiss unless they are
18 defective.

19 51. ICE has arrested thousands of noncitizens in immigration courts
20 around the country since May.

21 52. ICE also filed 6,221 motions to dismiss noncitizens’ removal
22 proceedings between May 20, 2025, and July 28, 2025, almost 81 percent of which
23 were oral.

24 53. Immigration judges adjudicated 86 percent of these motions on the
25 day filed, granted 86 percent of those motions, and dismissed 4,558 noncitizens’
26 removal proceedings, allowing ICE to put them into expedited removal. These
27 figures underscore the scale and systemic nature of the policy shift, and the
28 resulting public interest in disclosure of the guidance and communications

1 governing these practices.

2 54. ICE is continuing to arrest noncitizens in immigration courts around
3 the country and move to dismiss their removal proceedings.

4 v. **Public Pushback Against Immigration Court Arrests and Dismissals**
5 **and Court Findings of Illegality**

6 55. Immigration court arrests and dismissals have outraged the American
7 public and prompted massive push back.

8 56. Protestors are demonstrating against these arrests and dismissals
9 outside immigration courts across the country, including in Sacramento, San
10 Francisco, Los Angeles, and San Diego, and attempting to prevent ICE from
11 transferring arrested noncitizens to detention centers.

12 57. Clergy, military veterans, political leaders, and other members of the
13 public are accompanying noncitizens to immigration courts to document, and try
14 to stop, courthouse arrests; comfort the families that ICE is separating; and inform
15 immigration attorneys of arrests so they can file habeas petitions before ICE
16 transfers arrested noncitizens out of the jurisdiction.

17 58. U.S. Senators and other members of Congress have written to
18 Defendants to express “grave concern over the disturbing pattern of [agency]
19 operations taking place at immigration court across the country— including recent
20 incidents ... where masked, plainclothes ICE officers detained non-violent, non-
21 criminal immigrants immediately following the dismissal of their existing
22 deportation cases by DHS attorneys.”¹⁴

23 59. Numerous editorials have decried immigration court arrests and
24
25
26

27 ¹⁴ See, e.g., Letter from Members of Congress to Kristi Noem, Sec’y, Dep’t of Homeland Sec., and Todd Lyons,
28 Acting Dir., U.S. Immigr. & Customs Enf’t (June 5, 2025), <https://www.aila.org/86-representatives-urge-dhs-to-end-arrests-at-immigration-courts>; Letter from U.S. Senators to Kristi Noem, Sec’y, U.S. Dep’t of Homeland Sec.,
Todd Lyons, Acting Dir., U.S. Immigr. & Customs Enf’t, and Pam Bondi, Att’y Gen., U.S. Dep’t of Just. (July 11,
2025), <https://tinyurl.com/52yrx4p3>.

1 dismissals as “a set-up,”¹⁵ “a farce,”¹⁶ “shameful,”¹⁷ and “seriously disturbing.”¹⁸

2 60. Lawyers have challenged dozens of immigration court arrests in
3 habeas petitions.

4 61. Courts considering these petitions have found that the arrests are
5 likely unlawful and ordered ICE to release the arrested noncitizens. See, e.g.,
6 *Lopez-Arevelo v. Ripa*, No. EP-25-cv-337, 2025 WL 2691828, at *1, *12 (W.D.
7 Tex. Sept. 21, 2025); *Pablo Sequen v. Kaiser*, No. 25-cv-06487, 2025 WL
8 2691143, at *1-4 (N.D. Cal. Sept. 19, 2025); *Lopez Benitez*, 2025 WL 2371588, at
9 *1-2, *14-15; *Valesquez*, 2025 WL 1953796, at *1, *3, *18.

10 62. Advocates have also sued ICE to stop it from arresting noncitizens at
11 immigration courthouses and the EOIR to prevent it from dismissing noncitizens’
12 removal proceedings without proper process. See, e.g., Compl., *African Cmtys.*
13 *Together v. Lyons*, 25-cv-6366 (S.D.N.Y. Aug. 1, 2025), ECF No. 1; Compl., *A.M.*
14 *v. U.S. Dep’t of Homeland Sec.*, 25-cv-2308 (S.D. Cal. Sept. 4, 2025), ECF No. 1;
15 Am. Compl., *Pablo Sequen v. Albarran*, No. 25-cv-6487 (N.D. Cal. Sept. 18,
16 2025), ECF No. 32.

17 63. The City and State of New York filed amicus briefs in support of
18 enjoining these actions in *African Communities Together v. Lyons*, 25-cv-6366
19 (S.D.N.Y.), due to their concern that immigration court arrests and dismissals are
20 damaging trust in the justice system as a whole and chilling participation in their
21 state and local court proceedings. See Order, *African Cmtys. Together v. Lyons*,
22 25-cv-6366 (S.D.N.Y. Aug. 26, 2025), ECF No. 47; Letter Mot. at 10-11, *African*
23

24 ¹⁵ Masked ICE Arrests Raise Urgent Questions About U.S. Immigration Practices, The Riverdale Press (June 26,
25 2025), <https://www.riverdalepress.com/stories/masked-ice-arrests-raise-urgent-questions-about-us-immigration-practices,187060>.

26 ¹⁶ Brian Strassburger, S.J. & William Critchley-Menor, S.J., What We Saw During An ICE Arrest & Immigration
27 Court Hearing: The Breakdown of Justice in America, America: The Jesuit Review (July 11, 2025),
<https://www.americamagazine.org/politics-society/2025/07/11/ice-immigration-court-deportation-injustice-251119>.

28 ¹⁷ *Id.*

¹⁸ Veronica Cardenas, I Was Once an ICE Prosecutor. What I See Now in Immigration Courts Is Disturbing, The Hill (July 17, 2025, 8:00AM), <https://thehill.com/opinion/immigration/5404863-i-was-once-an-ice-prosecutor-what-i-see-now-in-immigration-courts-is-disturbing/>

1 *Cmtys. Together v. Lyons*, 25-cv-6366 (S.D.N.Y. Aug. 25, 2025), ECF No. 44;
2 Brief for Amicus Curiae City of New York in Supp. of Pls.’ Mot. for a Stay at 9-
3 10, *African Cmtys. Together v. Lyons*, 25-cv-6366 (S.D.N.Y. Aug. 18, 2025), ECF
4 No. 32-1.

5 64. On September 12, 2025, the U.S. District Court for the Southern
6 District of New York preliminarily stayed the EOIR’s dismissal guidance as to
7 removal proceedings conducted in Manhattan and the Bronx pending a full review
8 of its merits. Op. & Order at. 46, *African Cmtys. Together v. Lyons*, 25-cv-6366
9 (S.D.N.Y. Sept. 12, 2025), ECF No. 51.

10 65. These rulings reflect the heightened public and judicial scrutiny
11 surrounding these practices and further underscore the urgency of public access to
12 Defendants’ policies and guidance.

13 **vi. Extensive Media Coverage & Lack of Transparency**

14 66. Immigration court arrests and dismissals and public opposition to this
15 new enforcement tactic are the subject of widespread and exceptional media
16 coverage.

17 67. Since May 20, 2025, national, state, and local media outlets have
18 published hundreds of articles about arrests and dismissals, many of which have
19 expressed doubts about this new enforcement tactic’s legality.

20 68. Media coverage has discussed Defendants changing policies and
21 guidance to facilitate this enforcement tactic.¹⁹

22 69. Media coverage has also suggested that immigration judges and
23 OPLA prosecutors no longer retain the discretion to dismiss cases on a case-by-
24 case basis.²⁰

25 70. Media coverage has also alluded to the EOIR collaborating and
26

27 ¹⁹ See, e.g., Aleaziz et al, supra n.8.

28 ²⁰ See, e.g., Jose Pagliery, Ex-Immigration Judge Reveals Tactics Used to Arrest Migrants Who Show Up for Court, NOTUS (Aug. 14, 2025, 5:18 AM), <https://www.notus.org/courts/former-immigration-judge-court-hearings-ice-arrest>; Aleaziz et al, supra n.8.

1 coordinating with ICE to further immigration court arrests and dismissals.²¹

2 71. Media coverage has also referenced OPLA collaborating and
3 coordinating with ERO to facilitate immigration court arrests.²²

4 72. Defendants have not disclosed their new policies and guidance for
5 immigration court arrests and dismissals, notwithstanding a statutory duty to do so.
6 See 5 U.S.C. 552(a)(2)(B) (obligating Defendants to make their “statements of
7 policy” available for public inspection).

8 73. Nor have Defendants clarified the extent that OPLA prosecutors
9 retrain discretion to consider dismissal on case-by-case basis or the extent that the
10 EOIR and ICE and OPLA and ERO are coordinating arrests of noncitizens in
11 immigration courts. The withheld guidance constitutes ‘statements of policy’ and
12 ‘interpretations’ of general applicability that FOIA require agencies to
13 affirmatively disclose, independent of any request.

14 **B. EOIR FOIA Requests**

15 74. Amidst the significant, public controversy over immigration court
16 arrests and dismissals, including those in the local communities represented by
17 Plaintiff, Plaintiff filed FOIA requests with the EOIR on August 11, 2025,
18 requesting documents related to its guidance for immigration court arrests,
19

20
21 ²¹ See, e.g., Pagliery, *supra* n.10; Natalie Yahr, Wisconsin Asylum Seeker Miguel Robles Detained in
Unprecedented Wave of Courthouse Arrests, *Racine County Eye* (June 30, 2025),
<https://racinecountyeye.com/2025/06/30/miguel-robles-immigration-asylum/>; Audrey Conklin & Bill Melugin,
Trump’s ICE Launches Bold Courthouse Migrant Arrest Strategy to Fast-Track Deportations Biden Avoided, *Fox*
22 *News* (June 9, 2025, 4:00 AM), [https://www.foxnews.com/us/trumps-ice-launches-bold-courthouse-migrant-arrest-](https://www.foxnews.com/us/trumps-ice-launches-bold-courthouse-migrant-arrest-strategy-fast-track-deportations-biden-avoided)
23 [strategy-fast-track-deportations-biden-avoided](https://www.foxnews.com/us/trumps-ice-launches-bold-courthouse-migrant-arrest-strategy-fast-track-deportations-biden-avoided); Angélica Franganillo Díaz & Priscilla Alvarez, ICE Targets
Migrants for Arrest at Courthouses as Trump Administration Intensifies Deportation Push, *CNN* (June 2, 2025 5:00
24 AM), <https://www.cnn.com/2025/06/02/politics/ice-arrests-migrants-courthouse/>; Aleaziz et al, *supra* n.8

25 ²² See, e.g., Luis Ferré-Sadurní, Immigrants File Class-Action Lawsuit to Stop ICE Courthouse Arrests, *NY Times*
(July 16, 2025), <https://www.nytimes.com/2025/07/16/nyregion/trump-ice-arrests-lawsuit-immigrants.html>; Nisa
26 Khan, When ICE Is Waiting at Immigration Court What Can Advocates Do?, *KQED* (July 7, 2025),
[https://www.kqed.org/news/12047018/how-legal-experts-advocates-are-responding-to-the-detention-of-asylum-](https://www.kqed.org/news/12047018/how-legal-experts-advocates-are-responding-to-the-detention-of-asylum-seekers)
27 [seekers](https://www.kqed.org/news/12047018/how-legal-experts-advocates-are-responding-to-the-detention-of-asylum-seekers); Hamed Aleaziz, Under Pressure From the White House, ICE Seeks New Ways to Ramp Up Arrests, *NY*
Times (June 11, 2025), <https://www.nytimes.com/2025/06/11/us/politics/ice-la-protest-arrests.html>; Melissa
28 Gomez & Rachel Uranga, Father Ripped From Family As Agents Target Immigration Courts, Arresting People
After Cases Dismissed, *Los Angeles Times* (May 24, 2025, 3:00 AM),
[https://www.latimes.com/california/story/2025-05-24/ice-agents-swarm-immigration-courts-arresting-people-after-](https://www.latimes.com/california/story/2025-05-24/ice-agents-swarm-immigration-courts-arresting-people-after-cases-dismissed)
[cases-dismissed](https://www.latimes.com/california/story/2025-05-24/ice-agents-swarm-immigration-courts-arresting-people-after-cases-dismissed).

1 communications with ICE and other agencies about immigration court arrests and
2 dismissals, its decision to lock out the public from immigration courts while these
3 arrests were taking place, as well as security footage of the actual arrests
4 (hereinafter “EOIR Requests”).

5 75. Plaintiff sought expedited processing of each EOIR Request so she
6 can educate the public about agency guidance for arrests and any coordination
7 between the EOIR and ICE before debate about the legality of these arrests and
8 dismissals ends and courts address the matter. There is an urgent public interest in
9 timely disclosure of these records because the policies at issue continue to be
10 pushed; the enforcement actions directly affect noncitizens in immigration courts
11 in Sacramento, the rest of California, and throughout the country; and courts are
12 actively adjudicating challenges to these practices.

13 76. Ms. Krell’s role as a California Assemblywoman puts her in a position
14 of representing her local constituents as well as engaging in policy debates and
15 conversations for the entire state of California and its residents. She needs to know
16 what is happening so she can be informed, and so she can inform the public.

17 77. Among the organizations directly impacted by the activity at the
18 immigration courts is Acacia Center for Justice, a non-profit, non-governmental
19 organization that supports and partners with a national network of human rights
20 defenders who provide free-of-charge legal assistance and defense to immigrants
21 at risk of detention or deportation. ACJ promotes access to legal counsel for all
22 immigrants at risk of detention or deportation. ACJ is deeply invested in ensuring
23 that immigrants and their families are able to safely and securely pursue their legal
24 cases, while promoting access to *pro bono* and nonprofit counsel for people who
25 would otherwise be forced to navigate immigration court proceedings without legal
26 support. One strategy ACJ employs to promote volunteer attorney engagement and
27 access to justice for *pro se* individuals in legal proceedings is to observe Master
28 Calendar Hearings and document practices that will better prepare volunteer

1 attorneys to take on immigration representation. An ACJ advocate was among
2 those locked out of the courthouse on June 13, 2025, and the individuals ACJ
3 advocates for are among those who have hearings in the affected courthouses.
4 Critically, court access was denied to an ACJ attorney advocate despite ACJ staff
5 calling the preceding day to notify the court of the visit and confirm the docket
6 schedule with the court clerk. No court closure or public access restrictions were
7 flagged during this call. Plaintiff Krell's FOIA requests sought information
8 directly related to this activity.

9 78. Likewise, advocates from the California Immigration Project were
10 directly impacted by EOIR's court closures. California Immigration Project
11 ("CIP") is a 501(c)(3) nonprofit legal services organization providing pro bono
12 community outreach and education, public policy advocacy, and legal assistance
13 and representation for immigrant communities in California. CIP's mission is to
14 empower immigrant communities by providing free, high-quality legal services,
15 education, and community advocacy across California. CIP engages in extensive
16 community education throughout Sacramento and the state to equip underserved
17 communities with information about their rights and recent developments in
18 immigration law and policy. CIP's advocates were among those locked out of the
19 affected courthouses. The individuals that CIP represents are among those who
20 have hearings in the affected courthouses. Plaintiff Krell's FOIA requests sought
21 information directly related to this activity, especially after redacted documents
22 showing a CIP attorney's attempt to access the shuttered Sacramento building were
23 produced by EOIR following Krell's June FOIA request.

24 79. Plaintiff made requests in six discreet areas via twenty-four specific
25 and narrowly-tailored requests. Many of these requests were limited to either
26 Sacramento, San Francisco, or San Diego Immigration Courts. Others related to
27 specific employees of EOIR and/or DHS. They also listed specific date ranges to
28 be searched.

1 80. To date, not a single document has been produced.

2 81. On August 18, 2025, Attorney Advisor Jennifer Perez Santiago sent
3 an email stating that Plaintiff's request needed to be narrowed because it would be
4 unreasonably burdensome to conduct the search.

5 82. A response was sent to EOIR's FOIA request department (including
6 Ms. Perez Santiago) on August 22, 2025 which, in part, requested EOIR to specific
7 which specific requests EOIR believed were overbroad.

8 83. Matthew Broussard, on behalf of EOIR, responded on September 9,
9 2025, stating that Plaintiff should identify the specific arrest(s) they want footage
10 of, and that to request a communication or directive, a subject matter had to be
11 specified. Of course, the information regarding specific requests is solely within
12 the control of the EOIR and government agencies, rendering this request
13 unreasonable.

14 84. After Plaintiff followed up, Mr. Broussard sent a chart on September
15 19, 2025 listing purported reasons why certain requests could not be responded to,
16 and proposed amendments to many of the remaining requests.

17 85. Plaintiff replied to each of EOIR's suggestions on October 5, 2025,
18 agreeing to narrow certain requests and further refine others, in an effort to meet
19 and confer with EOIR to expedite production. However, Plaintiff did not hear from
20 EOIR again until December 2, 2025 despite following up with them on the same
21 email chain on October 27; November 18; and December 1, 2025.

22 86. When Mr. Broussard did finally respond on December 2, 2025 it was
23 to say that the request had been reassigned and that he was copying the new point
24 of contact.

25 87. Plaintiff responded to the new point of contact, Anupriya Krishna,
26 that same day and noted that given agreement had already been reached on a
27 number of requests, Plaintiff would agree to a rolling production while the
28 remainder of the requests were discussed.

1 88. Plaintiff followed up again on December 8, 2025. A response was
2 received on December 10, 2025 from Justine Fuga, SCOP Associate General
3 Counsel for EOIR, to whom the request had been reassigned yet again.

4 89. On December 11, 2025 Ms. Fuga provided further responses,
5 including having unilaterally “closed” several of Plaintiff’s requests. Plaintiff
6 responded requesting Ms. Fuga’s availability for a meet and confer to discuss a
7 timeline for production regarding the agreed upon requests, and specifically stating
8 that Plaintiff did not agree to the unilateral closures and wanted to discuss them as
9 well.

10 90. After another follow-up email from Plaintiff on December 17, 2025
11 Ms. Fuga’s responded on December 29, 2025 (more than four months after the
12 August FOIA request) stating that EOIR was conducting a search and a timeline
13 would be shared with Plaintiff once the search was complete. Ms. Fuga ignored
14 Plaintiff’s request to meet and confer, and further ignored a follow up email on
15 January 14 asking for a response related to the meet and confer and production.

16 91. As a result of EOIR’s failure to comply with its statutory duties, and
17 following a detailed record of meet and confer to narrow some of the requests,
18 Plaintiff prepared this instant complaint. On the eve of filing, on February 6, 2026,
19 Ms. Krell received a further communication from Ms. Fuga. That correspondence
20 rejects Ms. Krell’s request for a telephonic meet and confer to discuss the requests,
21 and provides no timeline for EOIR’s production, other than to say certain
22 documents are under review and “should” be produced “soon.” The
23 communication further ignores the concerns Ms. Krell raised in previous
24 communications concerning EOIR’s unilateral “closing” of certain requests.

25 92. Thus, despite repeated efforts to narrow and clarify their requests,
26 Plaintiff has received no records, no expedited-processing determination, and no
27 substantive response within FOIA’s statutory deadlines. Defendant has made it
28 clear that its strategy is to delay, deny, and reassign.

1 **V. CLAIMS FOR RELIEF**

2 **FIRST CAUSE OF ACTION**

3 **VIOLATION OF THE FREEDOM OF INFORMATION ACT (5 U.S.C. §**
4 **552)**

5 93. Plaintiff incorporates the above paragraphs as if fully set forth herein.

6 94. Defendant's first violation of the Freedom of Information Act is their
7 failure to conduct a reasonable search.

8 95. Plaintiff has a legal right under FOIA for Defendants to "make
9 reasonable efforts to search for the records" for records responsive to the EOIR
10 Requests. 5 U.S.C. § 552(a)(3)(C).

11 96. Despite repeated efforts by Plaintiff to clarify and narrow their
12 requests, and despite specifying particular documents, dates, and personnel,
13 Defendant EOIR has not conducted reasonable searches for the requested records.

14 97. Defendant has also prematurely and unilaterally closed requests even
15 over Plaintiff's objection.

16 98. Defendant has also repeatedly reassigned the requests, provided no
17 rolling production, and failed to respond substantively to Plaintiff's follow-up
18 inquiries, further demonstrating the unreasonableness of their search efforts.

19 99. The failures have prevented Plaintiff and the public from timely
20 access to records of substantial public interest and violate FOIA's statutory
21 requirement that agencies conduct reasonable searches for records in their
22 possession, custody, or control See 5 U.S.C. § 552(a)(3).

23 100. Defendant has also violated the Freedom of Information Act by its
24 failure to make responsive records promptly available.

25 101. Plaintiff has a legal right under FOIA to obtain prompt production of
26 all reasonably segregable non-exempt portions of all records sought in the EOIR
27 Requests. Id. § 552(a)(3)(A).
28

1 102. Despite repeated efforts to clarify and narrow the requests, and despite
2 specifying particular documents, dates, and personnel, Defendant has yet to make
3 any responsive records available to Plaintiff.

4 103. Defendant has also failed to release even partial or rolling productions
5 of non-exempt material, and has not provided any justification for withholding
6 records, further violating FOIA's prompt-production requirement.

7 104. These ongoing failures prevent Plaintiff and the public from timely
8 access to records of substantial public interest, impede informed participation in
9 ongoing public debate, contravene FOIA's statutory purpose of ensuring
10 transparency in federal agency activity, and prevent Plaintiff from providing
11 crucial information to the individuals they represent and their communities.

12 105. By failing to make records available promptly, Defendant has violated
13 FOIA and its implementing regulations.

14 **VI. PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff requests the following relief:

- 16 A. Assume jurisdiction over the matter;
- 17 B. Expedite consideration of this case pursuant to 28 U.S.C. § 1657(a);
- 18 C. Order Defendants to grant Plaintiff's expedited processing of the
19 EOIR Requests and review any prior denials of such expedited
20 processing;
- 21 D. Order Defendant to process the EOIR Requests immediately and
22 without further delay;
- 23 E. Order Defendant to conduct reasonable searches for all records
24 responsive to the EOIR Requests in accordance with 5 U.S.C. §
25 552(a)(3);
- 26 F. Order Defendant to disclose promptly responsive non-exempt records
27 in their entirety and all reasonably segregable, non-exempt parts of
28 other responsive records;

- 1 G. Review any and all of Defendant's decisions to redact or withhold
2 information in responsive records as exempt from disclosure;
- 3 H. Award Plaintiff costs and reasonable attorneys' fees in this action as
4 provided by 5 U.S.C. § 552(a)(4)(E);
- 5 I. Declare the Defendants' failure to comply with FOIA, its
6 implementing regulations, and their statutory obligations violated
7 Plaintiff's rights; and
- 8 J. Grant such other and further relief as the Court may deem just and
9 proper.

10 **VII. JURY DEMAND**

11 Plaintiff demands trial by jury of all issues so triable as of right.

13 DATED: February 11, 2026

SINGLETON SCHREIBER, LLP

15 /s/ Andrew D. Bluth
16 Andrew Bluth (SBN 232387)
17 1414 K St Ste 470
18 Sacramento, CA 95814-3966
19 Telephone: 916-775-5894
20 abluth@singletonschreiber.com

21 Maggy Krell (SBN 226675)
22 3053 Freeport Blvd. #152
23 Sacramento, CA 95818

24 *Attorneys for Plaintiff*

EXHIBIT A

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0006
(916) 319-2006
FAX (916) 319-2106



June 14, 2025

FOIA Officer

Executive Office for Immigration Review
U.S. Department of Justice
Office of General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
EOIR.FOIARequests@usdoj.gov

RE: FOIA Request Concerning Closure of Public Access and Detentions at Sacramento Immigration Court on or about June 12-13, 2025

Dear FOIA Officer,

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I submit this request for records related to the restriction of public access and apparent detentions at the Sacramento Immigration Court, located in the John E. Moss Federal Building, June 9–14, 2025.

As reported by *The Sacramento Bee* (“Guards bar volunteers, reporters from Sacramento immigration court hearings,” June 14, 2025), legal observers, members of the press, and those there to support immigrants were barred from entering the building. According to the article, witnesses described a lockdown of the court building and the detention of individuals—including possible asylum seekers—by Immigration and Customs Enforcement (ICE) personnel who were on-site.

As a California State Assemblymember representing Sacramento, I am deeply concerned by this breach of public access, transparency, and due process, and I request all records that explain how and why this occurred.

I specifically request the following records:

1. Any orders, directives, or internal communications from DHS, ICE, EOIR, or any related agency that resulted in limiting or denying access to the Sacramento Immigration Court for:

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P.O. BOX 942849
SACRAMENTO, CA 94249-0006
(916) 319-2006
FAX (916) 319-2106



- Members of the press
 - Volunteers, legal observers, and immigrant rights advocates
 - Family members or community members not directly involved in the day's cases
 - Attorneys
2. All communications (emails, memos, text messages, or meeting summaries) between DHS/ICE and EOIR officials, court security, building management, or federal protective services regarding:
- The decision to restrict public access
 - The deployment or presence of ICE agents within or around the courtroom
3. Incident reports, risk assessments, after-action reports, or legal reviews related to:
- Any security or public safety concern that triggered the closure or lockdown
 - The detention of individuals by ICE within the courthouse or immediately outside
4. Records identifying the individuals or agencies who authorized or implemented these access restrictions, including legal justification or procedural guidance issued prior to or during the week of June 9–14.
5. Any communications with media, elected officials, or members of the public notifying, explaining or responding to the closure.

Fee Waiver and Expedited Processing

I respectfully request a waiver of all fees, as this request is submitted in my official capacity as a public official, and the information sought is in the public interest.

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P.O. BOX 942849
SACRAMENTO, CA 94249-0006
(916) 319-2006
FAX (916) 319-2106



Additionally, I request expedited processing pursuant to 28 C.F.R. § 16.5(e), given the urgency of informing the public about actions that may have undermined access to immigration court proceedings for my constituents.

If clarification or narrowing of this request would facilitate faster processing, I am available to confer. I will accept records in electronic format.

Thank you for your prompt attention. I look forward to your response.

Respectfully,

Maggy Krell

Maggy Krell
Assemblymember, 6 District

EXHIBIT B

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0006
(916) 319-2006
FAX (916) 319-2106



August 11, 2025

FOIA Officer

Executive Office for Immigration Review
U.S. Department of Justice
Office of General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041

RE: FOIA Request Concerning Immigration Courts

Dear FOIA Officer,

I appreciate your prompt attention to FOIA request 2025-71675 concerning the public closure and immigration detentions at the John E. Moss Federal Building in Sacramento in June of 2025. Based on the information your office provided and other publicly available information, I am requesting additional records as set forth below.

Pursuant to the Freedom of Information Act, 5 U.S.C. §552, I submit this request for records related to activity at or concerning California Immigration Courts impacting access to justice and the due process rights of immigrants. I specifically request the following records:

Sacramento Building; 650 Capitol Mall, Sacramento CA 95814 (“Sacramento Immigration Court”):

1. All Communications from March 1, 2025 to present within the Department of Homeland Security (DHS) about the transfer of recently apprehended individuals from Sacramento to Stockton for processing.
2. All security footage from June 1, 2025 to present of any arrests or other immigration enforcement activity taking place in the public hallways or other public areas of the Sacramento Immigration Court.
3. All memoranda, directives, or communications to or from Judge Jonathan Hitesman concerning arrests made at the Sacramento Immigration Court since June 1, 2025.

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SACRAMENTO, CA 94249-0006
(916) 319-2006
FAX (916) 319-2106



4. All memoranda, directives, or communications to or from Judge Jonathan Hitesman concerning any closure of the Sacramento Immigration Court to the public since June 1, 2025.
5. All memoranda, directives, or communications to or from Kevin Riley concerning arrests made in the public hallways or other public areas at the Sacramento Immigration Court since June 1, 2025.
6. All memoranda, directives, or communications to or from Kevin Riley concerning any closure of the Sacramento Immigration Court to the public since June 1, 2025.
7. All memoranda, directives, or communications to or from Leslie Ungerman concerning arrests made in the public hallways or other public areas at the Sacramento Immigration Court since June 1, 2025.
8. All memoranda, directives, or communications to or from Leslie Ungerman concerning any closure of the Sacramento Immigration Court to the public since June 1, 2025.
9. Any communication between the Office of Chief Counsel at ICE and any Assistant Chief Immigration Judge regarding any closure to the public of the Sacramento Immigration Court.

**San Francisco Immigration Courts; 100 Montgomery Street
San Francisco, CA 94104 and 630 Sansome Street, San Francisco, CA 94111
("San Francisco Immigration Courts"):**

1. All memoranda or communications from Judge Loi McCleskey to other Immigration Judges in June or July 2025.
2. All memoranda from Judge Loi McCleskey to other San Francisco Immigration Judges from March 1, 2025 to present concerning immigration enforcement activity by ICE or other agencies in the public hallways or other public areas within the San Francisco Immigration Courts.

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(916) 319-2006
FAX (916) 319-2106



3. All Communications within or between ICE, EOIR, and the Federal Protective Service from March 1, 2025 to present concerning arrests made in the public hallways or other public areas of any San Francisco Immigration Courts.
4. All Communications within or between ICE, EOIR, and FPS from March 1, 2025 to present concerning the closure to the public of any San Francisco Immigration Courts.
5. All security footage from June 1, 2025 to present of any arrests or other immigration enforcement activity taking place in the public hallways or other public areas of any San Francisco Immigration Courts.

San Diego Immigration Court; 880 Front Street, San Diego, CA 92101 (“San Diego Immigration Court”)

1. All security footage from June 1, 2025 to present of any arrests or other immigration enforcement activity taking place in the public hallways or other public areas of the San Diego Immigration Court.

Acting Director Sirce Owen Memoranda and Directives to Immigration Judges and Assistant Chief Immigration Judges:

1. All memoranda, communications, or directives issued from Sirce Owen to any Assistant Chief Immigration Judge or other Immigration Judge from January 2025 to present.
2. The specific memoranda issued by email from Sirce Owen to Immigration Judges in June or July 2025 concerning rulings on motions to dismiss.
3. All memoranda or communications from Sirce Owen from January 2025 to present to any EOIR employee, official, contractor, or individual on detail from another agency concerning rulings or actions by any Assistant Chief Immigration Judge or other Immigration Judge.
4. All memoranda or communications from Sirce Owen from January 2025 to present concerning arrests or other immigration enforcement activity in public hallways or other public areas at Immigration Courts.
5. All memoranda or communications to or from Sirce Owen from January 2025 to present concerning the termination of any Immigration Judge.



Directives Related to Immigrants Seeking Asylum

1. All communications and directives to, from, or within DHS from June 1, 2025 to present regarding the policy for the apprehension of individuals with pending affirmative asylum applications with USCIS.
2. All communications and directives to, from, or within DHS from June 1, 2025 to present regarding any decisions to apprehend individuals with pending affirmative asylum applications with USCIS.
3. All communications and directives to, from, or within DHS from June 1, 2025 to present regarding any specific apprehension of any individual with pending affirmative asylum applications with USCIS.

Other Communications Impacting Access and Security

1. All directives, memoranda, or communications from the Department of Homeland Security to any EOIR employee, official, contractor, or individual on detail from another agency from March 1, 2025 to present regarding arrests or other immigration enforcement activity in the public areas of any Immigration Court.
2. Any communication between the Office of Chief Counsel at ICE and any Assistant Chief Immigration Judge regarding any closure to the public of any Immigration Court.

Fee Waiver and Expedited Processing

I respectfully request a waiver of all fees, as this request is submitted in my official capacity as a public official, and the information sought is in the public interest. Additionally, I request expedited processing pursuant to 28 C.F.R. § 16.5(e), given the urgency of informing the public about actions that may have undermined access to immigration court proceedings, access to counsel or substantive due process rights for my constituents and their family members.

If clarification or narrowing of this request would facilitate faster processing, I am available to confer. I will accept records in electronic format on a rolling basis as they become available.

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Thank you for your prompt attention. I look forward to your response.

Respectfully,

Maggy Krell

Maggy Krell
Assemblymember, 6 District