

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

Freedom of the Press Foundation

49 Flatbush Ave., #1017
Brooklyn, NY 11217

Plaintiff,

v.

Case No. 1:25-cv-3385

**United States Department of Homeland
Security**

245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528

United States Department of Justice

950 Pennsylvania Avenue, NW
Washington, DC 20530

Defendants.

Complaint for Declaratory and Injunctive Relief

Plaintiff Freedom of the Press Foundation brings this suit against Defendants United States Department of Homeland Security (“DHS”) and United States Department of Justice (“DOJ”) (together, “Defendants”), stating in support:

Introduction

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for declaratory, injunctive, and other appropriate relief.
2. Through the FOIA, the Freedom of the Press Foundation seeks disclosure of agency records they requested from Defendants relating to the Trump Administration’s publicly asserted threats in July 2025 to investigate and prosecute CNN for its reporting on a matter of public concern.

3. Defendants have improperly denied the Freedom of the Press Foundation access to the requested records by constructively denying the FOIA requests. Defendants have therefore violated the FOIA and have contravened its purpose of ensuring the public remains informed about “what their government is up to.” *See Dep’t of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 773 (1989).

4. The Court should order Defendants to disclose the requested records immediately.

Parties

5. The Freedom of the Press Foundation is a 501(c)(3) non-profit organization dedicated to advocating for press freedom and government transparency.

6. DHS is an agency within the meaning of 5 U.S.C. § 552(f). It has possession and control of the public records that Plaintiffs have requested.

7. DOJ is an agency within the meaning of 5 U.S.C. § 552(f). It has possession and control of the public records that Plaintiffs have requested.

Jurisdiction and Venue

8. This action arises under the FOIA. This Court thus has subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B) and (a)(6)(C)(i). This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331.

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

Background

A. DHS Secretary Kristi Noem characterizes CNN reporting as “illegal” and asserts that the DOJ should prosecute the network.

10. On June 30, 2025, CNN aired and published news reports about an online app called ICEBlock that, as characterized by the company that launched it, is designed to “empower[] communities to stay informed about ICE presence within a 5-mile radius while maintaining their anonymity through real-time updates and automatic deletion of sightings after four hours.”¹

11. The Trump Administration immediately criticized the report. One official told CNN that its report “basically paints a target on federal law enforcement officers’ backs.” Thomas Homan, a White House official known as the administration’s “border czar,” characterized the story as “disgusting” and asserting that “DOJ needs to look at this.”²

12. Similarly, on July 1, 2025, DHS Secretary Kristi Noem responded to a question about CNN’s ICEBlock report by telling reporters: “We’re working with the Department of Justice to see if we can prosecute them for that, because what they’re doing is actively encouraging people to avoid law enforcement activities, operations and we’re going to actually go after them and prosecute them.”³

¹ See, e.g., Clare Duffy, *‘I wanted to do something to fight back’: This iPhone app alerts users to nearby ICE sightings*, CNN.com (June 30, 2025), <http://bit.ly/4pxENOm>; see also <https://www.iceblock.app/>.

² See Dominick Mastrangelo, *Homan: DOJ needs to ‘look’ at CNN’s ICE reporting*, The Hill (July 1, 2025), <http://bit.ly/4nDA1MZ>.

³ See Giselle Ruhyyih Ewing, *Trump administration threatens CNN with prosecution*, Politico (July 1, 2025), <http://bit.ly/47RQKrj>.

B. Freedom of the Press Foundation submits FOIA requests regarding threatened investigation of CNN.

1. Request to DHS

13. On July 2, 2025, the Freedom of the Press Foundation submitted a FOIA request to DHS seeking:

All emails sent or received by Secretary Kristi Noem between June 29, 2025, and the present that contain the terms “CNN” and “ICEBlock”.

See Ex. 1.

14. Despite acknowledging receipt of the request on July 7, 2025, *see* Ex. 2, and despite its duty under the FOIA, DHS has failed to notify the Freedom of the Press Foundation of the scope of documents that it will produce or the scope of documents that it plans to withhold in response to this request.

2. Request to DOJ

15. On July 2, 2025, the Freedom of the Press Foundation also submitted a FOIA request to DOJ seeking “All emails sent or received by Attorney General Pam Bondi between June 29, 2025, and the present that contain the terms ‘CNN’ and ‘ICEBlock’.”

16. Despite acknowledging receipt of the request on July 7, 2025, *see* Ex. 3, and despite its duty under the FOIA, DOJ has failed to notify the Freedom of the Press Foundation of the scope of documents that it will produce or the scope of documents that it plans to withhold in response to this request.

Claim for Relief

**Count I—Declaratory and Injunctive Relief
(Constructive Denial in Violation of FOIA, 5 U.S.C. § 552)**

17. The Freedom of the Press Foundation re-alleges and incorporates by reference all previous paragraphs as if fully set forth herein.

18. The Freedom of the Press Foundation’s FOIA requests were properly made and seek disclosure of agency records within the control of Defendants, each of which is an agency subject to the FOIA.

19. Neither Defendant has made or communicated to the Freedom of the Press Foundation the required “determination” within the meaning of the FOIA in the timeframe required by law. *See* 5 U.S.C. § 552(a)(6)(A).

20. Defendants have failed to disclose all non-exempt public records responsive to the Freedom of the Press Foundation’s FOIA request.

21. There is no lawful basis for Defendants to withhold, in whole or in part, the public records that the Freedom of the Press Foundation has requested.

Prayer for Relief

The Freedom of the Press Foundation asks that the Court:

- A. Provide for expeditious proceedings in this action;
- B. Declare that the documents sought by the Freedom of the Press Foundation, as described in the foregoing paragraphs, are public under 5 U.S.C. § 552 and must be disclosed;
- C. Declare Defendants’ failure to provide the public records unlawful under the FOIA;

D. Enter an injunction, pursuant to 5 U.S.C. § 552(a)(4)(B), directing Defendants to make the requested records available to the Freedom of the Press Foundation, unredacted, and without further delay, and setting a deadline for compliance;

E. Award the Freedom of the Press Foundation its costs and reasonable attorneys' fees incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and

F. Grant the Freedom of the Press Foundation such other and further relief as this Court may deem just and proper.

Date: September 24, 2025

/s/ Matthew S.L. Cate

Matthew S.L. Cate (#1720435)

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