

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

CITIZENS FOR RESPONSIBILITY AND  
ETHICS IN WASHINGTON,

Plaintiff,

v.

UNITED STATES CUSTOMS AND  
BORDER PROTECTION,

Defendant.

Case No. 1:22-cv-496-TSC

**ANSWER TO PLAINTIFF’S COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE RELIEF**

Defendant, by and through undersigned counsel, hereby answers the numbered paragraphs of Plaintiff’s Complaint for Declaratory and Injunctive Relief, ECF No. 2, as follows:

1. This paragraph consists of Plaintiff’s characterization of its complaint to which no response is required.

2. This paragraph consists of Plaintiff’s characterization of its complaint to which no response is required.

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

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

5. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

6. Defendant admits that U.S. Customs and Border Protection (“CBP”) is a component of the Department of Homeland Security. The remainder of this paragraph consists of legal conclusions to which no response is required.

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

8. Defendant admits that CBP is the largest law enforcement agency in the United States, with the United States Border Patrol (“USPB”), an office within CBP, employing more than 19,700 agents in fiscal year 2020. The remainder of allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendant respectfully refers the Court to the cited documents for a complete and accurate statement of their contents.

9. Defendant respectfully refers the Court to the cited document for a complete and accurate statement of its contents. To the extent any allegations are inconsistent with the complete and accurate statement of the document’s contents, those allegations are denied.

10. Defendant respectfully refers the Court to the cited document for a complete and accurate statement of its contents. To the extent any allegations are inconsistent with the complete and accurate statement of the document’s contents, those allegations are denied.

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

12. Defendant admits that CREW filed a FOIA request on September 28, 2021, that CBP acknowledged receipt of the same on September 29, 2021, and that CBP has not produced responsive records or further communicated with Plaintiff regarding this request. Defendant respectfully refers the Court to the FOIA request for a complete and accurate statement of its contents.

13. Defendant admits the allegations contained in this paragraph.

14. Defendant admits the allegations contained in this paragraph.

15. Defendant admits the allegations contained in this paragraph.

16. Defendant admits the allegations contained in this paragraph.

17. Defendant admits the allegations contained in this paragraph.

18. Defendant admits that CBP has not produced responsive records or further communicated with Plaintiff regarding this request.

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

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

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

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

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

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

25. Defendant incorporates by reference its response to the foregoing paragraphs as if fully set forth herein.

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

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

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

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

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

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

The remaining subparagraphs, numbered 1–8, constitute a prayer for relief to which no response is required. To the extent a response is deemed necessary, Defendants deny that Plaintiff is entitled to the relief required or to any relief whatsoever.

Defendant hereby denies all allegations in Plaintiff’s Complaint not expressly admitted or denied.

**AFFIRMATIVE DEFENSES**

1. Plaintiff is not entitled to compel production of records exempt from disclosure by one or more exemptions to the Freedom of Information Act, 5 U.S.C. § 552.

Dated: April 07, 2022

Respectfully submitted,

BRIAN BOYNTON  
Principal Deputy Assistant Attorney General

ELIZABETH SHAPIRO  
Deputy Branch Director

/s/ Rachael L. Westmoreland  
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