

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

AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Ave. SE #231  
Washington, D.C. 20003

*Plaintiff,*

v.

DEPARTMENT OF EDUCATION  
400 Maryland Ave. SW  
Washington, D.C. 20202

*Defendant.*

Civil Action No.: 24-1224

**COMPLAINT**

1. Plaintiff America First Legal Foundation (hereinafter “AFL”) brings this action against the Department of Education (hereinafter “the Department”) to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this action under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Additionally, it may grant declaratory relief under 28 U.S.C. § 2201, *et seq.*

3. Venue is proper in this District under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

**PARTIES**

4. The Plaintiff, AFL, is a nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, ensure due process and

equal protection for all Americans, and encourage public knowledge and understanding of the law and individual rights guaranteed under the United States Constitution and the laws of the United States. AFL's mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and other media, including social media platforms, all to educate the public.

5. The Defendant, the Department of Education, is an agency under 5 U.S.C. § 552(f) headquartered at 400 Maryland Ave. SW, Washington, D.C. 20202.

6. The Defendant has possession, custody, and control of the requested records.

### **AFL'S FOIA REQUESTS**

#### *Pro-Hamas Activity Request*

7. On November 6, 2023, AFL submitted a FOIA request to the Department seeking communications related to pro-Hamas activity on United States college campuses. Ex. 1.

8. American university presidents have failed to enforce their campus conduct policies against pro-Hamas students, at least some of whom are in the United States on student visas. Ex. 1 at 3.

9. These demonstrators have caused Jewish, pro-Israel, and pro-American students across the United States to suffer unlawful intimidation and violence, often by foreign visa holders. Ex. 1 at 3.

10. The nonenforcement against those violating campus rules is causing Jewish students to endure harassment and to perceive harassment as a threat to their safety. Ex. 1. at 4.

11. This request sought a fee waiver. Ex. 1 at 3.

12. On November 7, 2023, AFL received a letter from the Department acknowledging the request and assigning it tracking number 24-00356-F. Ex. 2.

13. On December 8, 2023, AFL received an update from the Department which stated that the request was “still being processed.” Ex. 3.

14. As of the date of this filing, the Department has provided no documents under this FOIA request.

*Student Visa Holders Request*

15. On January 2, 2024, AFL submitted a FOIA request to the Department seeking communications related to student visa holders who publicly espoused support for terrorist organizations. Ex. 4.

16. This request sought a fee waiver. *Id.*

17. On January 3, 2024, AFL received an email from the Department acknowledging the request and assigning it tracking number 24-00756-F. Ex. 5.

18. On January 16, 2024, the Department sent AFL an email requesting clarification and suggesting narrowing proposals. Ex. 6.

19. That same day, January 16, 2024, AFL responded and agreed to some narrowing proposals. Ex. 7.

20. On January 22, 2024, the Department requested more clarification as to the scope of the request. Ex. 8.

21. That same day, AFL responded and provided the requested clarification. Ex. 9.

22. As of the date of this filing, the Department has provided no documents under this FOIA request.

### **CLAIM FOR RELIEF**

#### **Violation of the FOIA, 5 U.S.C. § 552**

23. AFL repeats paragraphs 1–22.

24. AFL properly requested records within the possession, custody, and control of the Defendants.

25. The Defendants failed to conduct searches for responsive records.

26. Moreover, because the Defendant failed to conduct searches, it has failed to disclose any segregable, non-exempt portions of responsive records. *See* 5 U.S.C. § 552(b).

27. The Defendant failed to respond to AFL’s requests within the statutory time period. *See* 5 U.S.C. § 552(a)(6).

28. Accordingly, AFL has exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(C).

29. The Defendant has violated the FOIA by failing to reasonably search for records responsive to AFL’s FOIA request and release nonexempt records within the prescribed time limit.

**PRAYER FOR RELIEF**

WHEREFORE, AFL respectfully requests that this Court:

- i. Declare that the records sought by AFL's requests must be disclosed pursuant to 5 U.S.C. § 552;
- ii. Order the Defendant to search immediately, demonstrating search methods reasonably likely to lead to the discovery of responsive records;
- iii. Order the Defendant to produce by a date certain all non-exempt records responsive to AFL's FOIA requests, accompanied by a Vaughn index of any responsive records or portions of responsive records being withheld under a claim of exemption;
- iv. Order the Defendant to grant AFL's requests for fee waivers;
- v. Award AFL attorneys' fees and costs incurred in this action under 5 U.S.C. § 552(a)(4)(E); and
- vi. Grant AFL such other and further relief as this Court deems proper.

Date: April 25, 2024

Respectfully Submitted

/s/ Jacob Meckler

Ian Prior (D.C. Bar No. 9001650)  
Jacob Meckler (D.C. Bar No. 90005210)  
William Scolinos\* (D.C. Bar No. 90023488)  
(972) 861-2132  
Jacob.Meckler@aflegal.org  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Avenue SE #231  
Washington, D.C. 20003

*Counsel for the Plaintiff  
America First Legal Foundation*

*\*Pending Admission to the D.D.C.*



November 6, 2023

**VIA ELECTRONIC MAIL**

U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202  
EDFOIAManager@ed.gov

**Freedom of Information Act Request: Department of Education Response to Pro-Hamas Activity at US Colleges and Universities**

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's Twitter page has over 183,000 followers, and the Twitter page of our Founder and President has over 535,000 followers.

**I. Requested Records**

The timeframe for each of the following items is May 1, 2023, to the date each item is processed.

- A. All records regarding or relating to protests, rallies, and/or demonstrations at American colleges and universities related to the ongoing conflict between Israel and Hamas and/or Palestine.
- B. All communications discussing protests, rallies, and/or demonstrations at American colleges and universities related to the ongoing conflict between Israel and Hamas and/or Palestine.

611 Pennsylvania Ave SE #231  
Washington, DC 20003

320 South Madison Avenue  
Monroe, Georgia 30655

- C. All emails including the terms “Palestine” or “Israel” or “Hammas” or “protests” or “rallies” or “demonstrations.”

## II. Custodians

- A. All political appointees in the Office of the Secretary, including, but not limited to, the following:
  - a. Miguel Cardona
  - b. Lexi Barrett
  - c. James Lane
  - d. Roberto Rodriguez
  - e. Sheila Nix
  - f. Lawanda Toney
  - g. Dietra Trent
  - h. Alexis Holmes
  - i. Melody Gonzales
- B. Deputy Secretary Cindy Marten
- C. Under Secretary James Kvaal
- D. Dr. Nasser Paydar and all political appointees in the Office of Postsecondary Education, including but not limited to, the following:
  - a. Roxanne Garza
  - b. Tiwanda Burse
  - c. Amanda Miller
  - d. Linda Byrd-Johnson
  - e. Gaby Watts
- E. Director of International Affairs Maureen McLaughlin
- F. Lisa Brown and all political appointees in the Office of General Counsel
- G. Shin Inouye and all political appointees in the Office of Communications and Outreach
- H. Gwen Graham and all political appointees in the Office of Legislative and Congressional Affairs, including but not limited to, the following:
  - a. Claire Viall
  - b. Blanche Roberlo
  - c. Allie Aguilera



- d. JoAnn Martinez-Shriver
  - e. Molly Peterson
- I. Catherine Lhamon and all political appointees in the Office of Civil Rights, including, but not limited to, the following:
- a. Sam Ames
  - b. Monique Dixon
  - c. Alejandro Reyes
  - d. Seth Galanter
  - e. Matt Nosanchuk
  - f. Trina Shields
  - g. Randolph Wills
  - h. Hannah Zack
  - i. Taron Henton
  - j. Alejandro Reyes
  - k. Alice Abrokwa
  - l. Jady Hsin
  - m. Adaku Onyeka-Crawford
  - n. Heather Gunnarson
  - o. Anna Kasior

### **III. Fee Waiver**

Per 5 U.S.C. § 552(a)(4)(A)(iii), AFL requests a waiver of all search and duplication fees associated with this request.

First, AFL is a qualified non-commercial public education and news media requester. AFL is a new organization, but it has already demonstrated its commitment to the public disclosure of documents and the creation of editorial content through regular substantive analyses posted on its website. For example, its officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others. The public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and the release of the information requested is not in AFL's financial interest. This has previously been recognized by the Department of Education, as well as the Departments of Defense, Energy, Interior, State, and Homeland Security, and the Office of the Director of National Intelligence.

Second, a waiver is proper as disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.”<sup>1</sup>

#### **IV. Processing and Production**

Processing should occur in strict compliance with the process guidance of the Attorney General’s Memorandum on the Freedom of Information Act Guidelines.<sup>2</sup> If you have any questions about our request or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, then please contact me at FOIA@aflegal.org. If AFL’s request for a fee waiver is not granted in full, please contact us immediately upon making that determination. To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. Please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231 Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ Ian D. Prior

Ian D. Prior

America First Legal Foundation

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<sup>1</sup> 5 U.S.C. § 552(a)(4)(A)(iii).

<sup>2</sup> U.S. DEP’T JUST. (Mar. 15, 2022), <https://bit.ly/3zvpxb6>.



**United States Department of Education**

Office of the Secretary

FOIA Service Center

November 7, 2023

Gene Hamilton  
America 1st Legal  
611 Pennsylvania Ave SE #231  
Washington, DC 20003

RE: FOIA Request No. 24-00356-F

Fee Waiver Requested: Yes

Expedited Processing Requested: Yes

Dear Gene Hamilton:

This is an acknowledgment of your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated November 6, 2023, and received in the Department of Education's (Department) FOIA Service Center (FSC) on November 6, 2023. You requested the following:

“A. All records regarding or relating to protests, rallies, and/or demonstrations at American colleges and universities related to the ongoing conflict between Israel and Hamas and/or Palestine.

B. All communications discussing protests, rallies, and/or demonstrations at American colleges and universities related to the ongoing conflict between Israel and Hamas and/or Palestine.

C. All emails including the terms “Palestine” or “Israel” or “Hamas” or “protests” or “rallies” or “demonstrations.”

(Date Range for Record Search: From 05/01/2023 To 12/31/2024)”

Please review the Additional Information section below to learn if we need additional clarification and/or documentation in order to continue processing your request. **If no additional information is needed, nothing more is required from you at this time.** If we do require supplemental information, you have ten business days to respond. If you do not respond within this time frame, we will administratively close your case. An administrative closure is not a denial of your request and does not preclude you from making requests in the future.

Please be advised that the current average request processing time is 185 business days. If you have any questions, please contact the FSC at 202-401-8365 or [EDFOIAManager@ed.gov](mailto:EDFOIAManager@ed.gov). You may also check the status of your request at

<https://foiaexpress.pal.ed.gov/app/CheckStatus.aspx>.

### Additional Information

Your request did not reasonably describe the records sought. Requests are reasonably described when an agency employee is able to locate the records with a reasonable amount of effort. Please provide additional details describing the exact records you are seeking. Please specify which office to search for records, you can find the Department's organization chart at <https://www2.ed.gov/about/offices/or/index.html>. Please also clarify the date range you provided.

### Fees and Expedited Processing

There are currently no fees associated with this request. If we determine that a fee assessment is necessary, we will provide you with a fee estimate and the status of your requester category. If you requested a fee waiver and we determine a fee assessment is necessary, we will include our determination along with the fee estimate.

Your request for expedited processing is denied because you do not qualify under one of the two required categories: (1) Circumstances in which the lack of expedited treatment could pose an imminent threat to life or physical safety, or (2) You are a person primarily engaged in disseminating information and there exists an urgency to inform the public concerning actual or alleged Federal Government activity.

### Additional Assistance

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department, offers ombuds services, including dispute resolution, to assist FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Please note, OGIS's assistance does not replace the administrative appeal process described below. You may contact the FOIA Public Liaison or OGIS at:

FOIA Public Liaison  
Office of the Secretary  
U.S. Department of Education  
400 Maryland Ave., SW, LBJ 7W104  
Washington, DC 20202-4500  
Email: [robert.wehausen@ed.gov](mailto:robert.wehausen@ed.gov)  
Phone: 202-205-0733  
Fax: 202-401-0920

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road, OGIS  
College Park, MD 20740-6001  
Email: [OGIS@nara.gov](mailto:OGIS@nara.gov)  
Phone: 202-741-5770 or 1-877-684-6448

If expedited processing and/or a fee waiver was requested and denied, you have the right to appeal the Department's decision by submitting an appeal to the address below, no later than 90 calendar days from the date of this letter. Using the FOIA Public Liaison or OGIS services described above does not affect your right or the deadline to file an appeal. Your appeal must be in writing and must include a detailed statement of all legal and factual bases for the appeal. It should be accompanied by this letter, a copy of your initial letter of request, and any documentation that supports the argument you wish the Department to consider in making an administrative determination on your appeal. You may submit your appeal by:

Mail: Appeals Office  
Office of the Secretary  
U.S. Department of Education  
400 Maryland Avenue, SW, LBJ 7W104  
Washington, DC 20202-4536

Online Form: [www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf](http://www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf)

E-mail: [EDFOIAappeals@ed.gov](mailto:EDFOIAappeals@ed.gov)

Fax: 202-401-0920

Sincerely,  
ED FOIA Service Center  
Office of the Secretary



**United States Department of Education**

Office of the Secretary

FOIA Service Center

December 8, 2023

Gene Hamilton  
America 1st Legal  
611 Pennsylvania Ave SE #231  
Washington, DC 20003

RE: FOIA Request No. 24-00356-F

Dear Gene Hamilton

This is a status update regarding your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated November 6, 2023, and received in the U.S. Department of Education's (Department) FOIA Service Center (FSC) on November 8, 2023.

When received, your request was forwarded to the appropriate office(s) within the Department to conduct a search for any responsive records. At this time, your request is still being processed.

We appreciate your patience as we work diligently to process your request. Please be advised that the average request processing time is approximately 185 business days. As this is an average, your request may take more time or may be processed sooner. You can check the status of your request at <https://foiaexpress.pal.ed.gov/app/CheckStatus.aspx>.

Narrowing or reformulating a request can often lead to decreased processing times. If you are interested in reformulating or narrowing your request, or have any other questions, please contact the FSC at 202-401-8365 or [EDFOIAManager@ed.gov](mailto:EDFOIAManager@ed.gov).

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. The FOIA Public Liaison may also assist in reformulating or narrowing your request. OGIS, which is outside the Department, offers ombuds services, including dispute resolution, to assist FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. You may contact the FOIA Public Liaison or OGIS at:

FOIA Public Liaison  
Office of the Secretary  
U.S. Department of Education

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FOIA Request No. 24-00356-F

400 Maryland Ave., SW, LBJ 7W104  
Washington, DC 20202-4500  
Email: [robert.wehausen@ed.gov](mailto:robert.wehausen@ed.gov)  
Phone: 202-205-0733  
Fax: 202-401-0920

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road, OGIS  
College Park, MD 20740-6001  
Email: [OGIS@nara.gov](mailto:OGIS@nara.gov)  
Phone: 202-741-5770 or 1-877-684-6448

Sincerely,

ED FOIA Service Center  
Office of the Secretary



December 21, 2023

**Via FOIA Express Portal**

U.S. Department of Education  
Office of the Executive Secretariat  
FOIA Service Center  
400 Maryland Ave. SW, LBJ 7W106A  
Washington, DC 20202-4536

**Freedom of Information Act Request: Student Visa Holders Espousing Support for Terrorists**

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 187,000 followers, and the X page of our Founder and President has over 553,000 followers.

**I. Requested Records**

Pursuant to 5 U.S.C. § 552(a), AFL requests the following records for the period October 7, 2023, through the date of final processing for each item.

- A. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words: "visa" or "student visa" AND "FTO," "Hammas," or "foreign terrorist organization."
- B. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of

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Washington, DC 20003

320 South Madison Avenue  
Monroe, Georgia 30655



communications sent to or from the custodians containing any one of the following phrases or words: “MIT,” “UPenn,” “Penn,” “Harvard,” “Columbia,” “Stanford,” “Cooper Union,” “campus,” OR “university” AND any of the terms “protest,” “demonstration,” “Jew,” “Palestine,” “Israel,” “Hamas” OR “safety.”

- C. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words: “MIT,” “UPenn,” “Penn,” “Harvard,” “Columbia,” “Stanford,” “Cooper Union,” “campus,” OR “university” AND the term “visa.”
- D. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words in either the text of the record or as part the address for a sender or receiver: “mit.edu,” “upenn.edu,” “cooper.edu,” “harvard.edu,” “stanford.edu,” and “columbia.edu.”
- E. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words: “Hamas,” “CAIR,” “Students for Justice in Palestine,” “Jewish Voice for Peace,” “J Street,” “By Any Means Necessary,” “Within Our Lifetime,” “Council of Muslim Organizations,” “Democratic Socialists of America,” “Islamic Circle of North America (ICNA),” “ICNA Relief,” “Islamic Relief Worldwide,” “Dar Al-Hijrah mosque,” “Nejwa Ali,” “Palestinian Youth Movement,” “ANSWER,” “Al-Awda,” “Zakat Foundation,” “American Muslims for Palestine,” “Alliance for Global Justice,” “Palestine Legal,” “Tides Foundation,” “National Lawyers Guild,” or “Samidoun.”
- F. All records regarding or of the Department’s response to the letter from Sen. Marco Rubio to Secretary Mayorkas dated October 17, 2023, and referenced at <https://www.rubio.senate.gov/rubio-colleagues-urge-removal-of-hamas-and-terrorist-supporters/>.

## II. Custodians

- A. Maureen McLaughlin
- B. Donna Harris-Aikens
- C. Tracey St. Pierre
- D. Scott Sargrad
- E. Sharon Cooke

F. Shannon Myricks

### III. Fee Waiver

Per 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's fee waiver regulations, AFL requests a waiver of all search and duplication fees. AFL has a demonstrated ability and intention to effectively convey the information broadly to the public; AFL's status as a representative of the news media has been recognized by other agencies; we have been granted fee waivers by the Departments of State, Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security. As a non-profit organization, AFL has no commercial interest in this request, which is made entirely to serve the public interest. Finally, disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and of government operations. *See* 34 CFR 5.33. We are available to provide additional information in writing or offline to support this request. If AFL's request for a fee waiver is not granted in full, please contact us immediately.

Processing should strictly comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines.<sup>1</sup> If you have any questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please get in touch with me at FOIA@aflegal.org.

### IV. Expedited Processing

AFL requests expedited processing of this request. In support thereof, AFL certifies its compelling need for expedited processing.

AFL is "principally engaged in disseminating information in order to inform the public concerning actual or alleged Federal government activity" under 34 CFR 5.21(i)(2). As explained below, this request is "urgent" because it seeks information regarding the conditions that are leading college presidents in the United States to not enforce their campus conduct policies against pro-Hamas students, at least some of whom are in the United States on student visas.

The conduct of these demonstrators has caused Jewish, pro-Israel, and pro-American students across the United States to suffer unlawful intimidation and violence, often by foreign visa holders.<sup>2</sup> Accordingly, AFL is seeking information about the extent to which this enforcement of campus policies is being coordinated with bodies

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<sup>1</sup> U.S. DEPT JUST. (Mar. 15, 2022), <https://bit.ly/3zvpxb6>.

<sup>2</sup> Jack Stripling, *Colleges Braced for Antisemitism and Violence. It's Happening.*, WASH. POST (Oct. 31, 2023), <https://wapo.st/4882Ppm>; Ivana Saric, *73% of Jewish College Students Report Antisemitism on Campus This School Year: ADL*, AXIOS (Nov. 29, 2023), <https://bit.ly/3uST4gs>.

responsible for keeping students safe in America and enforcing regulations on the terms of student visas. The nonenforcement against those violating campus rules is causing Jewish students to endure harassment and to perceive harassment as a threat to their safety. 34 CFR 5.21(i)(2)(i)(A).

Prompt disclosure of this information will inform the citizens about the operation of the government, and provide Congress, the media, and voters with critical insight into the dangerous and Antisemitic climate permeating American college campuses.

## **V. Conclusion**

To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. Please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native or PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ Will Scolinos

America First Legal Foundation



AFL FOIA &lt;foia@aflegal.org&gt;

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## Request Acknowledgement by Department of Education

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**edfoiamanager@ed.gov** <edfoiamanager@ed.gov>  
To: foia@aflegal.org

Wed, Jan 3, 2024 at 7:53 AM

Dear Gene Hamilton,

Your request has been received by the Department of Education and forwarded to the primary responsible office(s) for action. The request has been assigned tracking #24-00756-F, please log into your account and review your submission.

The application address is <https://foiexpress.pal.ed.gov/>.

Please refer to the tracking number to check the status of your FOIA request at the link provided below:

<https://foiexpress.pal.ed.gov/app/CheckStatus.aspx>

For any future correspondence, status updates or questions regarding your request, please contact the FOIA Public Liaison via email to [EDFOIAManager@ed.gov](mailto:EDFOIAManager@ed.gov)

Thank you,

Department of Education



## FOIA Request 24-00756-F

daniel.mccusker@ed.gov <daniel.mccusker@ed.gov>  
To: foia@aflegal.org

Tue, Jan 16, 2024 at 1:00 PM

January 16, 2024

RE: FOIA Request No. 24-00756-F:

Dear Gene Hamilton:

This letter is in response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated January 2, 2024 and received in this office on January 3, 2024.

You requested the following: Pursuant to 5 U.S.C. § 552(a), AFL requests the following records for the period October 7, 2023, through the date of final processing for each item. A. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words: "visa" or "student visa" AND "FTO," "Hammas," or "foreign terrorist organization." B. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words: "MIT," "UPenn," "Penn," "Harvard," "Columbia," "Stanford," "Cooper Union," "campus," OR "university" AND any of the terms "protest," "demonstration," "Jew," "Palestine," "Israel," "Hammas" OR "safety." C. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words: "MIT," "UPenn," "Penn," "Harvard," "Columbia," "Stanford," "Cooper Union," "campus," OR "university" AND the term "visa." D. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words in either the text of the record or as part the address for a sender or receiver: "mit.edu," "upenn.edu," "cooper.edu," "harvard.edu," "stanford.edu," and "columbia.edu." E. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words: "Hammas," "CAIR," "Students for Justice in Palestine," Jewish Voice for Peace," "J Street," "By Any Means Necessary," "Within Our Lifetime," "Council of Muslim Organizations," "Democratic Socialists of America," "Islamic Circle of North America (ICNA)," "ICNA Relief," "Islamic Relief Worldwide," "Dar Al-Hijrah mosque," "Nejwa Ali," "Palestinian Youth Movement," "ANSWER," "Al-Awda," "Zakat Foundation," "American Muslims for Palestine," "Alliance for Global Justice," "Palestine Legal," "Tides Foundation," "National Lawyers Guild," or "Samidoun." F. All records regarding or of the Department's response to the letter from Sen. Marco Rubio to Secretary Mayorkas dated October 17, 2023, and referenced at <https://www.rubio.senate.gov/rubio-colleagues-urge-removal-of-hamas-and-terrorist-supporters/>. II. Custodians A. Maureen McLaughlin B. Donna Harris-Aikens C. Tracey St. Pierre D. Scott Sargrad E. Sharon Cooke F. Shannon Myricks.

We are unable to process your request at this time, because your request does not reasonably describe the records that you have sought under the FOIA 5 U.S.C. § 552(a)(3)(A).

In order to process your request, we need clarification of the information that you requested. The information needed is as follows:

Would you be willing to exclude all electronic messages sent to the Secretary's public facing mailbox? Doing so would exclude any messages sent from the general public that contain your search terms and could potentially reduce the processing time of your request. We can provide the final document or a link to the document that is on our public facing website.

Additionally, in item B, the search terms "campus OR university AND protest," "demonstration, safety" are too broad. Do you have a suggestion for how to narrow this part of the search, or could you provide more specific terms?

Lastly, in item E, one of the organizations is "ANSWER." Unfortunately, our searches are not case sensitive. Could we search for "ANSWER Coalition" and "International Answer" instead?

Once we receive the information, we will assign your request to the appropriate office(s) to search for documents responsive to your

request. If you haven't responded to this letter by January 30, 2024, your request will be administratively closed.

If you have any questions, please contact the FOIA Service Center (FSC) at 202-401-8365 or [EDFOIAManager@ed.gov](mailto:EDFOIAManager@ed.gov).

Sincerely,

Daniel McCusker

Government Information Specialist

FOIA Service Center

Office of the Secretary

U.S. Department of Education

(202) 401-8365 FOIA Hotline



AFL FOIA &lt;foia@aflegal.org&gt;

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**FOIA Request 24-00756-F**

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**AFL FOIA** <foia@aflegal.org>  
To: daniel.mccusker@ed.gov

Tue, Jan 16, 2024 at 1:54 PM

Thank you for your email. We disagree with ED's claim that we have not sufficiently described the records requested. Concerning your questions:

1. Q: "Would you be willing to exclude all electronic messages sent to the Secretary's public facing mailbox?"

A: Yes.

2. Q: "Additionally, in item B, the search terms "campus OR university AND protest," "demonstration, safety" are too broad. Do you have a suggestion for how to narrow this part of the search, or could you provide more specific terms?"

A: Feel free to delete these terms entirely.

3. Q: Lastly, in item E, one of the organizations is "ANSWER." Unfortunately, our searches are not case sensitive. Could we search for "ANSWER Coalition" and "International Answer" instead?

A: Yes, thank you.

Much appreciated!

America First Legal Foundation

[Quoted text hidden]



AFL FOIA &lt;foia@aflegal.org&gt;

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**FOIA Request 24-00756-F**

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**McCusker, Daniel** <daniel.mccusker@ed.gov>  
To: AFL FOIA <foia@aflegal.org>

Mon, Jan 22, 2024 at 1:56 PM

Good afternoon,

Thank you for your response. Following up to my previous email, would you be willing to exclude internal clearance emails? For any documents this applies to, we could provide the final documents or link to the final documents on our public facing website.

Daniel McCusker | Government Information Specialist  
FOIA Service Center | Office of the Secretary  
U.S. Department of Education  
400 Maryland Ave. SW  
Washington, DC 20202-4510  
FOIA Hotline (202) 401-8365

-----Original Message-----

From: AFL FOIA <foia@aflegal.org>  
Sent: Tuesday, January 16, 2024 1:55 PM  
To: McCusker, Daniel <daniel.mccusker@ed.gov>  
Subject: Re: FOIA Request 24-00756-F

[You don't often get email from [foia@aflegal.org](mailto:foia@aflegal.org). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]





AFL FOIA <foia@aflegal.org>

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## FOIA Request 24-00756-F

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AFL FOIA <foia@aflegal.org>

Mon, Jan 22, 2024 at 3:21 PM

To: "McCusker, Daniel" <daniel.mccusker@ed.gov>

Good afternoon. We would like to keep internal clearance emails as part of the search and include the corresponding documents, even if they are publicly available.

Please let us know if you have further questions. Thank you.

America First Legal Foundation

[Quoted text hidden]

CIVIL COVER SHEET

JS-44 (Rev. 11/2020 DC)

<b>I. (a) PLAINTIFFS</b> America First Legal Foundation  <b>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF 11001</b> (EXCEPT IN U.S. PLAINTIFF CASES)	<b>DEFENDANTS</b> Department of Education  COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT 11001 (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small>
<b>(c) ATTORNEYS (FIRMNAME, ADDRESS, AND TELEPHONE NUMBER)</b> Jacob Meckler AMERICA FIRST LEGAL FOUNDATION 611 Pennsylvania Avenue SE #231 Washington, D.C. 20003	<b>ATTORNEYS (IF KNOWN)</b> N/A

**II. BASIS OF JURISDICTION**  
(PLACE AN x IN ONE BOX ONLY)

1 U.S. Government Plaintiff       3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant       4 Diversity (Indicate Citizenship of Parties in item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!

	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

**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"/> <b>A. Antitrust</b>  <input type="checkbox"/> 410 Antitrust	<input type="radio"/> <b>B. Personal Injury/Malpractice</b>  <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"/> <b>C. Administrative Agency Review</b>  <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"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b>  Any nature of suit from any category may be selected for this category of case assignment.  *(If Antitrust, then A governs)*
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**E. General Civil (Other)**      **OR**       **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 28 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)
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<input type="radio"/> <b>G. Habeas Corpus/ 2255</b>  <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"/> <b>H. Employment Discrimination</b>  <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 checked="" type="radio"/> <b>I. FOIA/Privacy Act</b>  <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"/> <b>J. Student Loan</b>  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  <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"/> <b>L. Other Civil Rights (non-employment)</b>  <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"/> <b>M. Contract</b>  <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"/> <b>N. Three-Judge Court</b>  <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.)**  
 Action to enforce the FOIA (5 U.S.C. 552).

<b>VII. REQUESTED IN COMPLAINT</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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<b>VIII. RELATED CASE(S) IF ANY</b>	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form
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DATE: April 25, 2024	SIGNATURE OF ATTORNEY OF RECORD: /s/ Jacob Meckler
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**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.

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

**CLEAR FORM**

America First Legal Foundation

*Plaintiff*

v.

Department of Education

*Defendant*

Civil Action No. **24-1224**

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* Merrick B. Garland  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

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:

Jacob Meckler  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Avenue SE #231  
Washington, D.C. 20003

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. 24-1224

**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 \_\_\_\_\_.

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:

Print

Save As...

Reset

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

**CLEAR FORM**

America First Legal Foundation

\_\_\_\_\_  
*Plaintiff*

v.

Department of Education

\_\_\_\_\_  
*Defendant*

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Civil Action No. **24-1224**

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* General Counsel  
Department of Education  
400 Maryland Avenue SW.,  
Washington, DC 20202

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:

Jacob Meckler  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Avenue SE #231  
Washington, D.C. 20003

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. 24-1224

**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 \_\_\_\_\_.

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:

**Print**

**Save As...**

**Reset**

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

**CLEAR FORM**

America First Legal Foundation

\_\_\_\_\_  
*Plaintiff*

v.

Department of Education

\_\_\_\_\_  
*Defendant*

)  
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Civil Action No. **24-1224**

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* Civil Process Clerk  
U.S. Attorney's Office for D.C.  
601 D Street, NW  
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:

Jacob Meckler  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Avenue SE #231  
Washington, D.C. 20003

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. 24-1224

**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 \_\_\_\_\_.

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:

**Print**

**Save As...**

**Reset**