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16 UNITED STATES DISTRICT COURT  
17 WESTERN DISTRICT OF WASHINGTON  
18 TACOMA DIVISION

19 SULIETO GUICHE DOMINGO,  
20 Plaintiff,

21 vs.

22 U.S. IMMIGRATION AND CUSTOMS  
23 ENFORCEMENT,  
24 Defendant.

Case No. \_\_\_\_\_

**COMPLAINT FOR INJUNCTIVE RELIEF**

25 1. This is an action seeking to compel U.S. Immigration and Customs Enforcement  
26 (“ICE”), a component of the U.S. Department of Homeland Security (“DHS”), to comply with the  
27 Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, *et seq.* Defendant ICE has failed to abide by  
28 FOIA’s statutory deadlines with respect to Plaintiff Suliето Guiche Domingo’s (“Mr. Domingo”) request for records concerning his medical and mental health care, detention records, and related surveillance video footage during his recent detention at the Northwest ICE Processing Center (“Northwest IPC”).

1           2.       Mr. Domingo, who has diagnosed mental health conditions, was originally detained by  
2 ICE in the Otay Mesa Detention Center and had been doing check-ins with ICE over the last three  
3 years.

4           3.       Mr. Domingo was unexpectedly redetained by ICE on or about June 17, 2024, during a  
5 routine check in appointment in California. He was taken to Northwest IPC in Tacoma, Washington.

6           4.       During the course of his detention at Northwest IPC, Mr. Domingo experienced an  
7 exacerbation of his mental health conditions due to his treatment by staff at the facility. Due to a  
8 hunger strike, the facility engaged a lockdown procedure forcing everyone to go into locked cells. Mr.  
9 Domingo, who has been diagnosed with anxiety, began to have a panic attack and tried to explain to  
10 the guard, through this episode, that being in a locked cell would exacerbate his condition and  
11 pleaded to simply remain in the common area where he felt he could breathe better. Ignoring his  
12 ongoing mental health crisis, the guards used force to carry him to the cell, injuring his shoulder and  
13 ribs in the process.

14           5.       Mr. Domingo was then taken to segregated housing—also considered solitary  
15 confinement—which continued to worsen his mental health. He continued to plead with the guards to  
16 get out of the locked cell because he was having ongoing anxiety attacks and was having difficulty  
17 breathing. He repeatedly asked for help and to see the psychologist. Any request he made was ignored  
18 despite Mr. Domingo visibly experiencing an ongoing mental health crisis. After four days, he was  
19 finally taken out of segregation.

20           6.       On or around August 30, 2024, in the process of Mr. Domingo’s deportation, he began  
21 to have another panic attack. He pleaded to be able to see his family before he was deported, because  
22 he had unexpectedly been detained at a routine check in, and did not have a chance to say goodbye. In  
23 the process of his mental health breakdown, he tried to hurt himself, cutting himself on his wrists.  
24 After being on suicide watch for two hours, but never being allowed to speak to a psychologist, he  
25 was deported.

26           7.       The Northwest IPC has faced multiple allegations of medical and mental health  
27 neglect, and consistently overuses solitary confinement in violation of ICE’s own policies. Despite  
28 ongoing concerns, the inhumane conditions and neglect continue to persist.

          8.       Mr. Domingo is not the first person to experience this type of harm at the Northwest  
IPC. As an individual with mental health conditions, Mr. Domingo seeks to understand how and why  
his disability rights—and the rights of others with mental health conditions detained at Northwest

1 IPC—were violated in hopes that getting information about his situation can ultimately help improve  
2 conditions at the facility for others. Mr. Domingo sought the assistance of Disability Law United  
3 (“DLU”) to obtain his medical, mental health, and detention records, as well as video surveillance of  
4 the use of force incident and his time spent in solitary confinement. On Mr. Domingo’s behalf, DLU  
5 submitted a FOIA request on November 26, 2024.

6 9. Despite granting expedited processing because of the due process rights at stake for  
7 Mr. Domingo, ICE has failed to produce any records or provided a response indicating whether it has  
8 begun its search responsive to the FOIA request.

### 9 JURISDICTION AND VENUE

10 10. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 5 U.S.C.  
11 § 552(a)(4)(B), (a)(6)(C)(i), and (a)(6)(E)(iii).

12 11. This Court has jurisdiction to grant injunctive relief and further necessary or proper  
13 relief pursuant to 5 U.S.C. 552(a)(4)(B), (a)(6)(E)(iii), and 28 U.S.C. § 2201-2202.

14 12. Venue is proper within this district under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§  
15 1391(e)(1) as Plaintiff seeks records located in this district, arising from actions that occurred in this  
16 district.

### 17 PARTIES

18 13. Plaintiff Sulieto Guiche Domingo is a noncitizen that was detained at the Northwest  
19 IPC in Tacoma, Washington.

20 14. Defendant ICE is an agency within the meaning of 5 U.S.C. § 552(f)(1). ICE has been  
21 delegated authority to administer certain provisions of the Immigration and Nationality Act. Mr.  
22 Domingo was in the custody of ICE while detained at the Northwest ICE Processing Center. ICE has  
23 possession, custody and control of records responsive to Plaintiff’s FOIA request.

### 24 FACTS

25 15. On November 26, 2024, Disability Law United submitted a FOIA request on behalf of  
26 client, Sulieto Guiche Domingo, to ICE seeking production of the following:

- 27 a. Any and all medical records regarding medical and mental health care that Mr.  
28 Domingo received while detained at the Northwest Detention Center, with the search  
beginning on June 15, 2024, and ending on September 15, 2024. This includes, but is  
not limited to sick call requests, notes taken by the provider, records related to  
medications prescribed to Mr. Domingo, requests or orders to see an outside provider.

- 1 b. Any and all medical records regarding medical or mental health care that Mr.  
2 Domingo received from any local clinic, hospital, etc. outside of Northwest Detention  
3 Center, but while in ICE custody at that facility, with the search beginning on June 15,  
4 2024, and ending on September 15, 2024.
- 5 c. Any and all records related to disciplinary action taken against Mr. Domingo, with the  
6 search beginning on June 15, 2024, and ending on September 15, 2024. This includes,  
7 but is not limited to any Incident Reports, Significant Incident Reports, notices,  
8 records related to disciplinary investigations, charges, proceedings, sanctions, appeals,  
9 and any documents related to findings and determinations of the Unit Disciplinary  
10 Committee and/or Institution Disciplinary Panel.
- 11 d. Any and all records related to Mr. Domingo's placement in segregated housing/special  
12 management unit, with the search beginning on June 15, 2024, and ending on  
13 September 15, 2024. This includes, but is not limited to any Incident Reports,  
14 Significant Incident Reports, records related to determinations of placement in  
15 segregated housing/special management unit, emails related to Mr. Domingo's  
16 placement in segregation.
- 17 e. Any video surveillance data of Mr. Domingo while detained at the Northwest  
18 Detention Center, including any incidents that occurred on or around July 28, 2024, in  
19 the dorm where Mr. Domingo was housed, as well as video surveillance data of Mr.  
20 Domingo during his placement in segregation.

21 16. On November 27, 2024, ICE acknowledged receipt of the request via email, assigned  
22 the request tracking number 2025-ICFO-08067, granted the request for expedited treatment, and  
23 denied the request for a fee waiver.

24 17. On January 10, 2025, Counsel sent a message via the ICE FOIA SecureRelease Portal  
25 to check on the status of the request. To date, Counsel has not received a response, nor has ICE  
26 communicated with Counsel about the status of its search for records responsive to Mr. Domingo's  
27 request.

28 **CLAIMS FOR RELIEF**

**COUNT I: Violation of 5 U.S.C. § 552(a)(6)(A)(i)  
Failure to Make and Communicate Timely Determination**

1 18. Plaintiff re-alleges and incorporates by reference all allegations in the foregoing  
2 paragraphs as if fully set forth herein.

3 19. FOIA requires agencies to issue determinations and communicate those determinations  
4 to requesters within twenty working days of receiving the request. 5 U.S.C. 552(a)(6)(A)(i).

5 20. Agencies may extend the deadline an additional ten days in “unusual circumstances.”  
6 5 U.S.C. § 552(a)(6)(B)(i).

7 21. To properly issue a determination, agencies must at a minimum “inform the requester  
8 of the scope of the documents it will produce and the exemptions it will claim with respect to any  
9 withheld documents.” *Citizens for Resp. & Ethics in Washington v. Fed. Election Comm’n*, 711 F.3d  
10 180, 185 (D.C. Cir. 2013).

11 22. With respect to request 2025-ICFO-08067, ICE violated FOIA by failing to make the  
12 required determinations and to communicate those determinations to Plaintiff within the designated  
13 timeframe.

14 **COUNT II: Violation of 5 U.S.C. § 552(a)(6)(E)**  
15 **Failure to Comply with Expedited Processing Determination**

16 23. Plaintiff re-alleges and incorporates by reference all allegations in the foregoing  
17 paragraphs as if fully set forth herein.

18 24. When a grant of expedited processing has been made, FOIA requires agencies to  
19 produce documents on an expedited processing timeline, which is “as soon as practicable.” 5 U.S.C. §  
20 552(a)(6)(E)(ii).

21 25. ICE has not only failed to comply with the outer limit of the statutory deadline for  
22 normal processing (thirty working days if including the extension), but now the request has been  
23 pending for over 70 days despite granting expedited processing, and ICE has failed to communicate  
24 what timeline constitutes “as soon as practicable” in the instant case for expedited processing.

25 **COUNT III: Violation of 5 U.S.C. § 552(a)(3)(A)**  
26 **Failure to Make Records Promptly Available**

27 26. Plaintiff re-alleges and incorporates by reference all allegations in the foregoing  
28 paragraphs as if fully set forth herein.

29 27. Agencies must “promptly” produce records responsive to the properly filed FOIA  
30 request. 5 U.S.C. § 552(a)(3)(A).

1 28. Plaintiff has a legal right to obtain such records, and no legal basis exists for ICE's  
2 failure to disclose them.

3 29. ICE violated FOIA by failing to produce any records responsive to Plaintiff's FOIA  
4 request.

5 **REQUEST FOR RELIEF**

6 WHEREFORE, Plaintiff respectfully requests that this Court:

- 7 1. Assume jurisdiction over the matter;
- 8 2. Order ICE to issue determinations responsive to Plaintiff's request in accordance with  
9 5 U.S.C. §§ 552(a)(6)(A)(i), (B)(i), (E)(ii);
- 10 3. Order ICE to conduct prompt and adequate searches for all records responsive to  
11 Plaintiff's request in accordance with 5 U.S.C. § 552(a)(3)(C);
- 12 4. Order ICE to produce, within twenty (20) days of the Court's order, or by such other  
13 date as the Court deems appropriate, all non-exempt records or portions or records  
14 responsive to Plaintiff's request, and any agency justifications for withholding any  
15 responsive records;
- 16 5. Award Plaintiff reasonable costs and attorney's fees pursuant to 5 U.S.C. §  
17 552(a)(4)(E);
- 18 6. Award Plaintiff such further relief as the Court deems just, equitable and appropriate.

19 Dated: March 13, 2025

20 Respectfully submitted,

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