



January 28, 2026

**VIA FOIA.GOV**

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*Re: Freedom of Information Act Request—Communications Regarding the Shooting of Alex Petti on January 24, 2026*

Dear FOIA Officer,

Democracy Defenders Fund (“DDF”) respectfully submits the following request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.* and Department of Homeland Security (“DHS”) regulations, 6 C.F.R. part 5. Specifically, DDF requests the following records from January 24, 2026 through the date that processing is completed on this request:

Any communications, including any email, Teams chat, or instant messages,<sup>1</sup> sent or received by the custodians in List A related to Alex Jeffrey Petti (even if they do not

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<sup>1</sup> SMS text, MMS, RCS, Slack, iMessage, Signal, WhatsApp, Telegram, or direct messages on X.com, Truth Social, or similar social media app.

reference Mr. Pretti by name), including but not limited to, records concerning Mr. Pretti, his death, the agents involved in the shooting, the location of the shooting (“Nicollet Avenue”), references to the Minneapolis Police Department and communications with the Minneapolis Police Department, discussions about the federal court order to preserve evidence, conversations about any recovered firearm or ammunition, conversations with the White House or the agency’s public relations office, and any after-action reports.

*List A: Custodians*

1. Secretary Kristi Noem
2. Todd M. Lyons
3. Charles Wall
4. Jason D. Killmeyer
5. Marcos Charles
6. John A. Condon
7. Jennifer M. Fenton
8. Rodney S. Scott
9. Joseph N. Mazzara
10. Gregory K. Bovino
11. David Easterwood
12. Tricia McLaughlin

**General Search Guidelines**

Please search for responsive records regardless of format, medium, or physical characteristics. We request that searches be made of the primary accounts and mobile devices for these officials and any other email addresses, accounts, or devices that they use for official business. We also request that the search include any personal staff reporting to these officials with responsibility for managing, sending, or receiving official correspondence on their behalf. Do not include any

If it is your position any portion of the requested records is exempt from disclosure, DDF requests that you provide an index of those documents as required under *Vaughn v. Rosen*. If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. Please be advised that DDF intends to pursue all legal remedies to enforce its right under the FOIA to access these documents. Accordingly, because litigation reasonably is foreseeable, the agency should institute an agency-wide preservation hold on documents potentially responsive to this request.

## Background

On January 24, 2026, DHS agents stopped Alex Jeffrey Pretti, a 37-year old ICU nurse who served with the Minneapolis Veterans Affairs Health Care System,<sup>2</sup> pepper-sprayed him, tackled him to the ground and shot him to death.<sup>3</sup> The killing of Mr. Pretti occurred just over two weeks after an Immigration and Customs Enforcement (ICE) officer shot and killed Renee Good.<sup>4</sup>

In the wake of the shooting, witness recordings were widely shared that appear to show Mr. Pretti standing alongside a small group of protesters, holding his phone and directing traffic before being approached by a Border Patrol officer.<sup>5</sup> The Border Patrol officer appears to shove one of the demonstrators<sup>6</sup> and Pretti attempts to help her stand. He is then grabbed and pepper-sprayed by the Border Patrol officer while holding his phone in one hand and raising his other hand in what appears to be an attempt to block the pepper spray.<sup>7</sup> After agents restrained Mr. Pretti, video shows that an officer identifies that Mr. Pretti had a gun.<sup>8</sup> After the officer removed the gun another officer shot Mr. Pretti in the back.<sup>9</sup> That officer and another agent continued to fire at Mr. Pretti, totaling at least 10 shots.<sup>10</sup> First-hand witness declarations filed on January 24, 2026, in *Tincher v. Noem*, 025-cv-04669 (D.C. D. Minn. Jan. 24, 2026) set out facts consistent with the publicly available recordings.<sup>11</sup> A declaration of one witness reported “ICE

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<sup>2</sup> Ivan Pereira & Mark Guarino, *What we know about Alex Pretti, ICU nurse killed by federal agent in Minneapolis*, ABC News (Jan. 24, 2026),

<https://abcnews.go.com/US/alex-pretti-icu-nurse-killed-federal-agent-minneapolis/story?id=129525591>.

<sup>3</sup> Devon Lum & Haley Willis, *Videos Show Moments in Which Agents Killed a Man in Minneapolis*, THE NEW YORK TIMES (Jan. 24, 2026),

<https://www.nytimes.com/2026/01/24/us/minneapolis-shooting-federal-agents-video.html?smid=url-share>.

<sup>4</sup> Nicholas Bogel-Burroughs, Ann Hinga Klein and Dan Simmons, *Who Was Renee Good, the Woman Killed by an ICE Agent in Minneapolis*, THE NEW YORK TIMES (Jan. 10, 2026),

<https://www.nytimes.com/2026/01/10/us/rennee-good-ice-shooting-minnesota.html>

<sup>5</sup> *Supra* nt. 3.

<sup>6</sup> Devon Lum, et al., *New Video Analysis Reveals Flawed and Fatal Decisions in Shooting of Pretti*, The New York Times (Jan. 26, 2026),

<https://www.nytimes.com/video/us/100000010668660/new-video-analysis-reveals-flawed-and-fatal-decisions-in-shooting-of-pretti.html?smid=url-share&smid=nytcore-ios-share>; Daniel Ruetenik & Paula Cohen, *Visual investigation, witness accounts of deadly Minneapolis shooting at odds with official statements*, CBS News, (Jan. 26, 2026),

<https://www.cbsnews.com/news/videos-minneapolis-shooting-witnesses/>; Jim Mustian & Michael Biesecker, *Videos of the deadly Minneapolis shooting of Alex Pretti contradict government statements*, AP News (Jan. 25, 2026),

<https://apnews.com/article/minneapolis-ice-alex-pretti-videos-861a0d8f3ee182f3b5909b3613900e2e>; Drop Site News (@dropsitenews), X.com, (Jan. 24, 2026), <https://x.com/dropsitenews/status/2015131503622021472?s=46>;

Eoin Higgins (@eoinhiggins.bsky.social), BLUESKY SOCIAL (Jan. 24, 2026),

<https://bsky.app/profile/eoinhiggins.bsky.social/post/3md6uzzyun22e>; Bellingcat (@bellingcat.com), BLUEKSY SOCIAL (Jan. 24, 2026), <https://bsky.app/profile/bellingcat.com/post/3md6vleoxks2t>.

<sup>7</sup> See sources *supra* nt. 6.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Alex Woodward, *How an anti-ICE protester came to be shot dead by federal agents – the second fatal shooting in Minneapolis in weeks*, THE INDEPENDENT (Jan. 24, 2026),

<https://www.independent.co.uk/news/world/americas/us-politics/ice-shooting-minneapolis-alex-pretti-timeline-b2907082.html>.

<sup>11</sup> See, e.g. Declaration of Witness No. 1 in Support of Motion for Temporary Restraining Order, *Tincher v. Noem*, 025-cv-04669 (D.C. D. Minn. Jan. 24, 2026) (ECR 107),

[https://storage.courtlistener.com/recap/gov.uscourts.mnd.229758/gov.uscourts.mnd.229758.107.0\\_1.pdf](https://storage.courtlistener.com/recap/gov.uscourts.mnd.229758/gov.uscourts.mnd.229758.107.0_1.pdf); Declaration

agents surrounding cars and punching windows” before the shooting and that Mr. Pretti was attempting to “help up [a] woman [an] ICE agent shoved to the ground” before the agents “shot him so many times.”<sup>12</sup> Another declaration, of a doctor who witnessed the shooting, recalls that Mr. Pretti yelled at ICE agents but that he did not attack them or “brandish a weapon of any kind.”<sup>13</sup> Rather, the doctor explained that an “ICE agent shoved him to the ground” and that seconds later “four ICE agents point[ed] guns at [Mr. Pretti]” and then shot him “at least six or seven times.”<sup>14</sup> After the doctor was able to persuade ICE agents to check on Mr. Pretti—who was lying on his side against “standard practice when a victim has been shot”—he observed “at least three bullet wounds in his back” and “an additional gunshot wound on the victim’s upper left chest and another possible gunshot wound on his neck.”<sup>15</sup>

The Department of Homeland Security has provided a very different interpretation of the facts. For example, a post on DHS’s X.com account stated that “an individual approached US Border Patrol officers with a 9mm semi-automatic handgun” that “officers attempted to disarm this individual, but the armed suspect violently resisted” and that “this looks like a situation where an individual arrived at the scene to inflict maximum damage and kill law enforcement.”<sup>16</sup> Secretary Noem stated that Mr. Pretti “approached US border patrol officers with a 9mm semi-automatic handgun.”<sup>17</sup> Senior official Greg Bovino said that “agents attempted to disarm the individual, but he violently resisted. Fearing for his life and the lives of and safety of fellow officers, a border patrol agent fired defensive shots.”<sup>18</sup> These statements are in sharp contrast to video evidence, witness testimony, and public reporting.<sup>19</sup>

The shooting of Mr. Pretti has resulted in outrage from the public as well as federal, state, and local authorities. At the federal level, several Members of Congress have raised serious concerns about DHS operations.<sup>20</sup> For example, Senate Minority Leader Chuck Schumer stated that Senate Democrats would not support DHS appropriations given the lack of safeguards needed to “rein in the abuses of ICE.”<sup>21</sup> House Minority Leader Hakeem Jeffries released a statement calling DHS

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of Witness No. 2 in Support of Motion for Temporary Restraining Order, Tincher v. Noem, 025-cv-04669 (D.C. D. Minn. Jan. 24, 2026) (ECR 109),  
<https://storage.courtlistener.com/recap/gov.uscourts.mnd.229758/gov.uscourts.mnd.229758.109.0.pdf>.

<sup>12</sup> Declaration of Witness No. 1 in Support of Motion for Temporary Restraining Order, Tincher v. Noem, 025-cv-04669 (D.C. D. Minn. Jan. 24, 2026) (ECR 107),  
[https://storage.courtlistener.com/recap/gov.uscourts.mnd.229758/gov.uscourts.mnd.229758.107.0\\_1.pdf](https://storage.courtlistener.com/recap/gov.uscourts.mnd.229758/gov.uscourts.mnd.229758.107.0_1.pdf).

<sup>13</sup> Declaration of Witness No. 2 in Support of Motion for Temporary Restraining Order, Tincher v. Noem, 025-cv-04669 (D.C. D. Minn. Jan. 24, 2026) (ECR 109),  
<https://storage.courtlistener.com/recap/gov.uscourts.mnd.229758/gov.uscourts.mnd.229758.109.0.pdf>.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Department of Homeland Security (@DHSgov), X.com (Jan. 24, 2026),  
<https://x.com/DHSgov/status/2015115351797780500?s=20>.

<sup>17</sup> Robert Mackey, *Video contradicts Trump’s claim man killed in Minneapolis was a ‘gunman’*, THE GUARDIAN (Jan. 24, 2026), <https://www.theguardian.com/us-news/2026/jan/24/minneapolis-shooting-ice>.

<sup>18</sup> *Id.*

<sup>19</sup> See sources cited *supra* n. 6.

<sup>20</sup> See, e.g. Senator Cortez Masto (@SenCotezMasto), X.com (Jan. 24, 2026),  
<https://x.com/SenCotezMasto/status/2015171786464272788>; Senator Jacky Rosen (@SenJackyRosen), X.com (Jan. 24, 2026), <https://x.com/senjackyrosen/status/2015172486392857019?s=46>.

<sup>21</sup> Senator Chuck Schumer (@SenSchumer), X.com (Jan. 24, 2026),  
<https://x.com/SenSchumer/status/2015211069493350505>.

“completely and totally out of control.”<sup>22</sup> Minnesota officials including Governor Walz, Attorney General Ellison, and Minneapolis Mayor Frey each called out the horrific killing.<sup>23</sup> Governors from Maryland, Illinois, Pennsylvania, and Michigan also had serious concerns with the killing of Mr. Pretti.<sup>24</sup> In addition, officials with the Hennepin County Attorney’s Office and the Bureau of Criminal Apprehension filed a lawsuit against DHS to prevent the destruction of evidence.<sup>25</sup> Following the shooting, the CEOs of more than 60 midwest companies, including Target, UnitedHealth, and Best Buy, issued a letter calling for “an immediate deescalation of tensions.”<sup>26</sup>

## Fee Waiver Request

Pursuant to 5 U.S.C. 552(a)(4)(A) and DHS regulations, DDF requests a waiver of fees associated with processing this request. Department regulations provide for a waiver of fees when it involves the “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 and is not primarily in the commercial interest of the requester.” Courts have found that a fee waiver is appropriate when the disclosure will “(1) shed light on ‘the operations or activities of the government’; (2) be ‘likely to contribute significantly to public understanding’ of those operations or activities; and (3) not be ‘primarily in the commercial interest of the requester.’” DDF’s request meets all elements.

First, the disclosure of these records is necessary to shed light on DHS officer’s activities during and after the killing of Mr. Pretti and how high-level DHS officials have been responding to that killing. The American public is deeply concerned about this killing, and greater information about it is necessary given that this is the second killing of a U.S. citizen by DHS officials in a single month.<sup>27</sup> Unfortunately, the information that the public is receiving from DHS is at odds with what is being provided by first-hand witnesses. DHS’s incompatible statements raise serious questions about the integrity of ongoing immigration activities, the honesty of high officers of this nation’s primary body for protecting its own citizens from terrorist activities, and DHS’s adherence to its statutory responsibility to “ensure that the civil rights and civil liberties of

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<sup>22</sup> Press Release, Democratic Leader Hakeem Jeffries, Leader Jeffries Statement on Another Horrific Killing in Minneapolis by Federal Agents (Jan. 24, 2026), <https://democraticleader.house.gov/media/press-releases/leader-jeffries-statement-another-horrific-killing-minneapolis-federal-agents>.

<sup>23</sup> Governor Tim Walz (@GovTimWalz), X.com (Jan. 24, 2026), <https://x.com/GovTimWalz/status/2015093164999119352>; Attorney General Keith Ellison (@AGEllison), X.com (Jan. 24, 2026), <https://x.com/AGEllison/status/2015173107548303702>; Mayor Jacob Frey (@MayorFrey), X.com (Jan. 24, 2026), <https://x.com/MayorFrey/status/2015134754039910853>.

<sup>24</sup> Governor Gretchen Whitmer (@GovWhitmer), X.com (Jan. 24, 2026) <https://x.com/GovWhitmer/status/2015150221194317936?s=20>; Governor JB Pritzker (@GovPritzker), X.com (Jan. 24, 2026), <https://x.com/GovPritzker/status/2015103679301407092>; Governor Wes Moore (@GovWesMoore), X.com (Jan. 24, 2026), <https://x.com/GovWesMoore/status/2015138844090221030?s=20>; Governor Josh Shapiro (@GovernorShapiro), X.com (Jan. 24, 2026), <https://x.com/GovernorShapiro/status/2015117787711041876?s=20>.

<sup>25</sup> Jeff Wald, *Minneapolis shooting: Lawsuit demands DHS preserve evidence in Alex Pretti’s death*, FOX 9 MINNEAPOLIS-ST. PAUL (Jan. 24, 2026), <https://www.fox9.com/news/minnesota-lawsuit-demands-dhs-preserve-shooting-evidence>.

<sup>26</sup> Nathaniel Meyersohn, *Why Minnesota’s CEOs finally broke their silence*, CNN (Jan. 26, 2026), <https://www.cnn.com/2026/01/26/business/minnesota-companies-ceos-target>.

<sup>27</sup> Rylee Kirk, *What We Know About a Second Fatal ICE Shooting in Minneapolis*, THE NEW YORK TIMES (Jan. 24, 2026), <https://www.nytimes.com/2026/01/24/us/politics/second-ice-shooting-minneapolis.html>.

persons are not diminished by efforts, activities, and programs aimed at securing the homeland.”<sup>28</sup> Given DHS’s ongoing immigration campaign in Minnesota (known as Operation Metro Surge),<sup>29</sup> additional violence against peaceful protesters is a legitimate risk. The public must know why Mr. Pretti was killed and why DHS has responded as it has. Furthermore, while an investigation of the killing is necessary, it appears that no independent evaluation will be completed and rather DHS will review the matter itself.<sup>30</sup> This is troubling. An investigation of any killing is imperative to determine whether it is consistent with existing use of force policies<sup>31</sup> or whether there was a violation of law. Yet it appears that DHS officials have already decided that the killing was reasonable. This raises serious questions about how decisions were made about what type of investigation will be conducted and who will conduct it. Disclosure of these records is imperative to protect the public trust, to give insight into the integrity of government operations, and to ensure that the public (including members of Congress) are able to effectively hold DHS and its agents accountable.

Second, the purpose of the disclosures is not “primarily in the commercial interest of” DDF. DDF is a nonprofit organization established under section 501(c)(3) of the Internal Revenue Code. DDF’s core mission is to defend the rule of law, fight corruption, and protect elections using a variety of tools including publication of information concerning ongoing activities of the government. DDF regularly speaks on issues related to government activities through traditional broadcast media, podcasts, and issuance of op-eds. DDF maintains a dedicated website where it provides information related to its activities which can be accessed by the public. The purpose of the disclosure is to inform the public about the activities of the government.

In addition, DDF requests waiver of fees related to processing this request as a “representative of the news media” pursuant to 5 U.S.C. 552(a)(4)(A)(ii)(II) and DHS regulations. DDF routinely collects information of “potential interest to a segment of the public” and “uses its editorial skills to turn the raw materials into a distinct work and distributes that work to an audience.” DDF maintains a dedicated webpage for informing the public about activities related to government activity through a variety of media including press releases, public reports, and op-eds. DDF experts routinely engage with the public and with other members of the news media to publicize important information, including information related to government activities and information related to information sought under the FOIA. Pursuant to existing case law, DDF clearly meets the criteria for a fee waiver under section 552(a)(4)(A)(ii)(II).

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<sup>28</sup> 6 U.S.C. § 111(b)(1)(G).

<sup>29</sup> On the same day that Mr. Pretti was killed, Attorney General Pamela Bondi wrote a letter to Minnesota Governor Walz in which she made clear that there was no foreseeable end to Operation Metro Surge unless and until the Governor turned over Minnesota voting rolls, among other things. Kyler Alvord, *Pam Bondi Tells Tim Walz That Handing Over Minnesota’s Voter Rolls Can Help Prevent Another ‘National Tragedy’: Read Her Full Letter*, PEOPLE.COM (Jan. 25, 2026), <https://people.com/pam-bondi-full-letter-tim-walz-after-alex-pretti-shooting-11892085>.

<sup>30</sup> Nicole Sganga, et al., ICE’s Homeland Security Investigations branch leading probe into fatal shooting of Alex Pretti, CBS News (Jan. 25, 2026), <https://www.cbsnews.com/news/alex-pretti-shooting-homeland-security-investigations/>.

<sup>31</sup> Julia Gegenheimer, *What a Proper Investigation of Alex Pretti’s Killing Would Look Like*, JUST SECURITY (Jan 24, 2026), <https://www.justsecurity.org/129654/investigation-alex-prettis-killing/>.

In the event that fees are not waived, we agree to pay reasonable duplication fees in an amount not to exceed \$100, but we request to be notified before processing incurs expenses in excess of that amount.

## Expedited Processing

DDF is entitled to expedited processing of this request pursuant to 5 U.S.C. § 552 and 6 C.F.R. § 5.5 because (1) there exists “[a]n urgency to inform the public about an actual or alleged Federal Government activity” and DDF is “primarily engaged in disseminating information” and (2) this is a “[a] matter of widespread and exceptional media interest involving questions about the Government’s integrity which affect public confidence.” 6 C.F.R. § 5.5(e)(1)(ii), (iv).

### **1. The request involves a matter on which there is an urgency to inform the public about an actual or alleged federal government activity, and DDF is primarily engaged in disseminating information concerning that activity.**

As the Supreme Court explained in *NLRB v. Robbins Tire & Rubber Co.*, “[t]he basic purpose of [the] FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.” Department regulations provide for expedited processing of any request involving an “urgency to inform the public about an actual or alleged Federal government activity, if made by a person who primarily engaged in disseminating information.” 6 C.F.R. § 5.5(e)(ii). This is a case in which there is a compelling need for the disclosure of these documents and the *utmost* urgency to inform the public of information surrounding DHS officials shooting of Alex Petti and DHS’s response. In assessing whether there is an established urgency courts look to three factors: “(1) whether the request concerns a matter of current exigency to the American public; (2) whether the consequences of delaying a response would compromise a significant recognized interest; and (3) whether the request concerns federal government activity.”<sup>32</sup>

The actions here clearly involve government activity. They also involve a matter of current exigency to the American public. Following the shooting of Alex Petti, protests have erupted in Minneapolis<sup>33</sup> and throughout the country.<sup>34</sup> Governor Tim Walz activated the Minnesota National Guard.<sup>35</sup> The American public is deeply concerned about the actions of ICE and Border Patrol officers, the reaction of DHS officials and Administration leadership, and the oversight that the federal government will exercise over the agents’ actions. This is the quintessential case in which “the subject matter of the request [i]s central to a pressing issue of

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<sup>32</sup> *Al-Fayed v. C.I.A.*, 254 F.3d 300, 310 (D.C. Cir. 2001) (citing H.R. Rep. No. 104-795, at 26 (1996)).

<sup>33</sup> Adeola Adeosun, *In photos: Protesters clash with police after fatal Minneapolis shooting*, NEWSWEEK (Jan. 24, 2026),

<https://www.newsweek.com/in-photos-protesters-clash-with-police-after-fatal-minneapolis-shooting-11412540>.

<sup>34</sup> Nate Schweber, *Over a Thousand Protesters in NYC Denounce ICE After Latest Killing*, THE NEW YORK TIMES (Jan. 24, 2026), <https://www.nytimes.com/2026/01/24/us/nyc-ice-protest-alex-pretti.html>; Jenna Amatulli & Charlotte Simmonds, *Large protests spread across US after Alex Petti fatally shot by federal agents*, THE GUARDIAN (Jan. 24, 2026), <https://www.theguardian.com/us-news/2026/jan/24/protests-alex-pretti-killing-federal-agents-ice>.

<sup>35</sup> Curtis Yee, et al., *National Guard activated in Minneapolis after Border Patrol agent kills man*, AP NEWS (Jan. 24, 2026), <https://apnews.com/live/minneapolis-ice-shooting-updates-1-24-2026>.

the day.”<sup>36</sup> Given widespread protests, serious questions about DHS’s response to the shooting, and what appear to be misrepresentations of the facts by DHS, these records are of “immediate public interest in view of [an] ongoing debate” concerning the shooting.<sup>37</sup> Moreover, there would be “significant adverse consequence if the records” release is delayed.<sup>38</sup> This is not a question merely about the “general decline in the documents value over time” but rather involves immediate exigency in which the “information’s value drops off altogether.”<sup>39</sup> Members of Congress are currently considering legislation that would fund DHS appropriations, and many Members have already raised serious concerns with DHS’s activities suggesting that they will not fund ICE after the shooting.<sup>40</sup> Access to the requested documents would help ensure that they have the information needed to make informed decisions. DHS has referred to protesters in Minnesota as a “violent rioters.”<sup>41</sup> And President Trump stated that Minnesota politicians are “inciting insurrection” in the wake of the shooting<sup>42</sup> and has previously suggested that he might invoke the Insurrection Act in Minnesota.<sup>43</sup> The public must have a full accounting of all information related to Alex Patti’s death now to ensure that congressional and executive decisions are not made on incomplete, obscured, or fake information—or if they are, the public can hold these authorities to account.

DDF is also “primarily engaged in disseminating information” to the public.<sup>44</sup> DDF’s communications infrastructure is robust and designed to maximize reach and engagements. With a significant presence across social media platforms, and targeted outreach initiatives, DDF has built a network capable of rapidly disseminating accurate and detailed information regarding government activities. DDF’s public dissemination and media outreach are extensive, allowing it to connect with a vast and diverse audience across various platforms, making it uniquely positioned to effectively inform the public about the findings of this request.<sup>45</sup> DDF management

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<sup>36</sup> *Wadelton v. Dep’t of State*, 941 F. Supp. 2d 120, 123 (D.D.C. 2013).

<sup>37</sup> *Am. Civ. Liberties Union v. U.S. Dep’t of Just.*, 321 F. Supp. 2d 24, 29 (D.D.C. 2004),

<sup>38</sup> *Al-Fayed*, 254 F.3d 300 at 311.

<sup>39</sup> *Heritage Found. v. U.S. Env’t Prot. Agency*, 2023 WL 2954418, at \*4 (D.D.C. Apr. 14, 2023), *appeal dismissed sub nom. Heritage Found. v. Env’t Prot. Agency*, 2023 WL 8116008 (D.C. Cir. Nov. 17, 2023); *Long v. Dep’t of Homeland Sec.*, 436 F. Supp. 2d 38, 43 (D.D.C. 2006).

<sup>40</sup> Catie Edmondson & Carl Hulse, *Democrats Vow Not to Fund ICE After Shooting, Imperiling Spending Deal*, THE NEW YORK TIMES (Jan. 24, 2026), <https://www.nytimes.com/2026/01/24/us/democrats-congress-reaction.html>; Igor Bobic, *Democrats Consider Partial Government Shutdown To Curb ICE After Minneapolis Shooting*, HUFFPOST (Jan. 24, 2026), [https://www.huffpost.com/entry/minneapolis-shooting-ice-funding\\_n\\_697538abe4b031f3fa6878e8?origin=home-latest-news-unit](https://www.huffpost.com/entry/minneapolis-shooting-ice-funding_n_697538abe4b031f3fa6878e8?origin=home-latest-news-unit).

<sup>41</sup> Secretary Kristi Noem (@Sec\_Noem), X.com (Jan. 24, 2026), [https://x.com/Sec\\_Noem/status/2015202988923711951](https://x.com/Sec_Noem/status/2015202988923711951).

<sup>42</sup> Kathianne Boniello, Trump blasts Minnesota pols for ‘inciting insurrection’ in wake of shooting: ‘Where are the local police?’, THE NEW YORK POST (Jan. 24, 2026), <https://nypost.com/2026/01/24/us-news/trump-blasts-minnesota-pols-for-inciting-insurrection-in-wake-of-shooting-where-are-the-local-police/>.

<sup>43</sup> Alexander Hutzler & John Parkinson, *Tensions escalate as Trump threatens Insurrection Act, Blanche accuses Minnesota governor of ‘terrorism’*, ABC News (Jan. 15, 2026), <https://abcnews.go.com/Politics/tensions-escalate-trump-threatens-insurrection-act-blanche-accuses/story?id=129237716>.

<sup>44</sup> See, e.g. *Protect Democracy Project, Inc. v. United States Dep’t of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020).

<sup>45</sup> See e.g., Trump’s Power & The Rule of Law: Norman Eisen, PBS FRONTLINE (Mar. 24, 2025), <https://www.pbs.org/wgbh/frontline/interview/norman-eisen/>; Virginia Canter, et al., *Why we ‘Democracy Defenders’ are demanding information about DOGE*,

and staff frequently publish reports, op-ed, and articles in traditional and new media, including in the *Contrarian* which is owned by DDF's sister organization, Democracy Defenders Action.<sup>46</sup> By utilizing a variety of news media sources, DDF is able to make its investigative findings relatable and understandable. As a result, DDF not only informs but empowers the public to participate meaningfully in conversations about governance and accountability. The necessity of expediting the production of responsive records is underscored by DDF's proven capacity to reach a wide audience and spark meaningful public dialogue.

**2. The request involves a matter of widespread and exceptional media interest involving questions about the integrity of ICE, DHS, and the Trump Administration which profoundly affect public confidence.**

DDF requests expedited processing as well under 6 C.F.R. § 5.5(e)(iv) which provides that the Department will process requests on an expedited basis if it involves “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence.”

As evidenced by voluminous sources quoted throughout this request, dozens of news and media outlets, including the Minnesota Star Tribune, the Washington Post, BBC News, CBS News, Forbes, NBC, PBC, FOX, Politico, the New York Times, and USA Today (many of whom ran “by the minute” live updates on the day of the killing) have covered the shooting of Alex Pretti and the propriety of DHS’s response in the wake of Alex Pretti’s death.<sup>47</sup> The requested

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MS Now (Dec. 27, 2024),  
<https://www.msnbc.com/opinion/msnbc-opinion/group-launched-inquiry-musk-ramaswamys-doge-rcna185248>; see also David A. Fahrenthold, *Two Watchdogs Were Rebuffed From Joining Trump's Cost-Cutting Effort*, THE NEW YORK TIMES (Jan. 16, 2025), <https://www.nytimes.com/2025/01/16/us/doge-trump-watchdogs.html>; Stephen M. Lepore, *DOGE'S brutal response to former Obama and Clinton aides attempting to join Elon Musk's cost cutting machine*, DAILY MAIL (Jan. 17, 2025), <https://www.dailymail.co.uk/news/article-14295275/DOGE-brutal-response-former-Obama-Clinton-aides-Elon-Musk.html>; Travis Gettys, 'Too many to enumerate': Watchdogs open probe into Musk's alleged 'conflicts of interest', RAWSTORY (Dec. 27, 2024), <https://www.rawstory.com/musk-doge-ethics/>.

<sup>46</sup> Norman Eisen, et al., *The Coming Legal and Congressional Action to Fight 'The Donroe Doctrine'*, THE CONTRARIAN (Jan. 7, 2026), <https://contrarian.substack.com/p/the-coming-legal-and-congressional>; Christopher Swartz & Virginia Canter, *Congress is abandoning centuries-old ethics lessons in its crypto push*, THE HILL (Oct. 9, 2025), <https://thehill.com/opinion/finance/5545644-crypto-regulation-conflict-interest/>; Gabe Lezra, et al., *15 Ways You Can Fight for Democracy*, THE CONTRARIAN (Mar. 18, 2025), <https://contrarian.substack.com/p/15-ways-you-can-fight-for-democracy>; Jennifer Rubin & Craig Becker, *Craig Becker on the power of unions & Trump's attacks against civil institutions at large*, THE CONTRARIAN (Aug. 29, 2025) <https://contrarian.substack.com/p/craig-becker-on-the-power-of-unions>; Jennifer Rubin & Virginia Canter, *Musk Turned a Government Role into a Profit Machine: Ginny Canter on Musk's Conflicts of Interest*, THE CONTRARIAN (Jun. 6, 2025), <https://contrarian.substack.com/p/musk-turned-a-government-role-into>.

<sup>47</sup> See, e.g., Live Updates, MINNESOTA STAR TRIBUE (Jan. 26, 2026), <https://www.startribune.com/ice-raids-minnesota/601546426>; Live updates, WASH. POST (Jan. 24, 2026), <https://www.washingtonpost.com/nation/2026/01/24/minneapolis-shooting/>; Live updates, BBC News (Jan. 24, 2026), <https://www.bbc.com/news/live/cjd0v11d9vrt>; Live updates, CBS News (Jan. 24, 2026); Mike Stunson & Forbes Staff, *Trump Responds After U.S. Citizen Killed By Federal Authorities In Minneapolis (Live Updates)*, Forbes (Jan. 24, 2026), <https://www.forbes.com/sites/mikestunson/2026/01/24/trump-blasts-minnesota-democrats-as-inciting-insurrection-after-man-killed-by-border-patrol-live-updates/?streamIndex=0>; *Minneapolis shooting live updates: Man shot and killed by federal officers, officials say*, NBC News (Jan. 24, 2026),

documents are essential for ensuring the public remains informed about ICE and Border Patrol's use of force against lawful, peacefully protesting American citizens and DHS's subsequent decisions in the hours immediately following the killing of Alex Petti. As noted, DDF has a proven ability to reach broad and diverse audiences, which positions this organization as a key disseminator of this missing information. Moreover, DDF has extensive knowledge of the rules and regulations that protect against government corruption and malfeasance and is uniquely situated to understand and convey information received through this FOIA concerning potential corruption to the public.

Immediate compliance with this FOIA request is necessary not only to uphold legal obligations under FOIA but also to address the growing demand for transparency on an issue of national importance that has captured significant national attention. The government's credibility depends on its willingness to timely meet this demand and to allow the public to scrutinize its actions through the lens of complete and accurate information.

If you have any questions about this clarification or foresee any problems in fully releasing the requested records, please contact us at [REDACTED]@democracydefenders.org. Please send the requested records to [REDACTED]@democracydefenders.org or Democracy Defenders Fund, 600 Pennsylvania Ave., S.E., Washington, D.C. 20003. Thank you for your assistance in this matter.

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<https://www.nbcnews.com/news/us-news/live-blog/minneapolis-immigration-shooting-rcna255737>; Jack Brook, *Police chief calls for calm after federal officers shot and killed a man during Minneapolis immigration crackdown*, PBS News (Jan. 24, 2026), <https://www.pbs.org/newshour/nation/police-chief-calls-for-calm-after-federal-officers-shot-and-killed-a-man-during-minneapolis-immigration-crackdown>; Natalie Neysa Alund, et al. *National Guard deployed after Minneapolis man killed by Border Patrol*, USA TODAY (Jan. 24, 2026), <https://www.usatoday.com/story/news/nation/2026/01/24/hooting-minneapolis-minnesota-federal-agents/88336260007/>; Kilat Fitzgerald, et al., *Minneapolis Shooting: Border Patrol fatally shoots Alex Petti; witness video conflicts* DHS, Fox 2 KTVU (Jan. 24, 2026), <https://www.ktvu.com/news/ice-mn-third-federal-agents-shooting-minneapolis>; Gregory Svirnovskiy, et al., *Shooting renews urgent legal effort to restrict ICE's Minnesota operation*, POLITICO (Jan. 24, 2026), <https://www.politico.com/news/2026/01/24/minnesota-tim-walz-shooting-minneapolis-00745570>; Rylee Kirk, *What We Know About a Second Fatal ICE Shooting in Minneapolis*, THE NEW YORK TIMES (Jan. 24, 2026), <https://www.nytimes.com/2026/01/24/us/politics/second-ice-shooting-minneapolis.html>; Eduardo Cuevas, *Videos of Minneapolis shooting show Alex Petti encounter with agents*, USA TODAY (Jan. 24, 2026), <https://www.usatoday.com/story/news/nation/2026/01/24/videos-minneapolis-shooting-alex-petti/88340207007/>; Graig Graziosi, *Alex Petti: Supporters raise over \$1 million for family of ICU nurse killed by federal agents*, THE INDEPENDENT (Jan. 26, 2026), <https://www.independent.co.uk/news/world/americas/us-politics/alex-pretti-go-fund-me-icu-nurse-b2907561.html>; Anna Young, *Chilling new video reveals new angle of fed shooting armed anti-ICE protester in Minneapolis*, THE NEW YORK POST (Jan. 24, 2026), <https://nypost.com/2026/01/24/us-news/chilling-new-video-reveals-new-angle-of-fed-shooting-armed-anti-ice-protester-in-minneapolis/>.

The undersigned hereby certify that these statements submitted supporting DDF's request for expedited processing are true and correct to the best of our knowledge and belief.

Sincerely,

/s/

Virginia Canter  
Ethics and Anticorruption Chief Counsel and Director  
Democracy Defenders Fund

/s/

Christopher Swartz  
Senior Ethics Counsel  
Democracy Defenders Fund

### **Guidance Regarding the Search and Processing of Requested Records:**

- In connection with its request for records, DDF provides the following guidance regarding the scope of records sought and the search and processing of records:
- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.<sup>48</sup> It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; DDF has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.<sup>49</sup>
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.
- If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

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<sup>48</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

<sup>49</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).