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10 **UNITED STATES DISTRICT COURT**  
 11 **SOUTHERN DISTRICT OF CALIFORNIA**  
 12

13 KAJI DOUSA,

14 Plaintiff,

15 v.

16 U.S. DEPARTMENT OF  
 17 HOMELAND SECURITY, et al.  
 18

19 Defendants.

Case No.: 19-CV-1255 LAB KSC

20 **ANSWER TO PLAINTIFF'S**  
**COMPLAINT**

Honorable Larry A. Burns

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1 The United States Department of Homeland Security, United States Immigration  
2 and Customs Enforcement, United States Customs and Border Protection, Chad Wolf,  
3 in his official capacity as Acting Secretary of the Department of Homeland Security,  
4 Matthew Albence, in his official capacity as Acting Director of ICE, Mark Morgan, in  
5 his official capacity as Acting Commissioner of CBP, and Peter Flores, in his official  
6 capacity as Director of Field Operations of CBP (“Defendants”) answer the Complaint  
7 filed by Kaji Dousa (“Plaintiff”) as follows:

8 **INTRODUCTION**

9 1. Defendants admit that Plaintiff is a Christian minister. The remaining  
10 allegations contained in Paragraph 1 of the Complaint are legal conclusions and/or  
11 arguments to which no response is required. To the extent such allegations contain  
12 alleged facts, Defendants deny said allegations.

13 2. Defendants deny the allegations contained in Paragraph 2 of the  
14 Complaint.

15 3. Defendants admit that Plaintiff is a Senior Pastor and CEO of the Park  
16 Avenue Christian Church in New York. Defendants lack information sufficient to form  
17 a belief as to the truth of the remaining allegations contained in Paragraph 3 of the  
18 Complaint, and on that basis deny them.

19 4. Defendants lack sufficient information to form a belief as to the allegations  
20 regarding Plaintiff’s religious “calling,” and on that basis deny the allegation. The  
21 remaining allegations contained in Paragraph 4 of the Complaint also are arguments to  
22 which no response is required. To the extent the paragraph alleges facts, Defendants  
23 deny said allegations.

24 5. Defendants lack sufficient information to form a belief as to the allegations  
25 regarding Plaintiff’s preaching and warnings to her congregation, and on that basis deny  
26 the allegations. The remaining allegations contained in Paragraph 5 of the Complaint  
27 are arguments to which no response is required. To the extent the paragraph contains  
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1 alleged facts, Defendants deny said allegations.

2 6. Defendants lack information sufficient to form a belief as to the truth of  
3 the allegations contained in Paragraph 6 of the Complaint, and on that basis deny them.

4 7. Defendants admit Plaintiff has traveled to the Southern Border with  
5 Mexico. Defendants lack information sufficient to form a belief as to the truth of the  
6 remaining allegations contained in Paragraph 7 of the Complaint, and on that basis deny  
7 them.

8 8. Defendants lack information sufficient to form a belief as to the truth of  
9 the allegations contained in Paragraph 8 of the Complaint, and on that basis deny them.

10 9. Defendants admit that Plaintiff travelled from the United States to Mexico  
11 and back multiple times within the last two years. The remaining allegations contained  
12 in Paragraph 9 of the Complaint are legal conclusions and/or arguments to which no  
13 response is required. To the extent such allegations contain alleged facts, Defendants  
14 deny said allegations.

15 10. Defendants deny the allegations contained in Paragraph 10 of the  
16 Complaint.

17 11. The allegations in Paragraph 11 constitute argument to which no answer is  
18 required. On this basis, Defendants deny the allegations.

19 12. Defendants admit that in January 2019, Plaintiff was interviewed upon her  
20 return to the United States regarding some of her activities, which delayed her entry for  
21 approximately 43 minutes. Defendants deny the remaining allegations contained in  
22 Paragraph 12 of the Complaint.

23 13. Defendants admit that Plaintiff's image appears in a document containing  
24 pictures and information on individuals with potential knowledge of illegal activity.  
25 Defendants also admit that CBP possesses in a database information regarding Plaintiff.  
26 Defendants deny the remaining allegations contained in Paragraph 13 of the Complaint.

27 14. The allegations in Paragraph 14 constitute argument to which no answer is  
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1 required. On this basis, Defendants deny the allegations.

2 15. Defendants deny the allegations contained in Paragraph 15 of the  
3 Complaint.

4 16. The allegations contained in Paragraph 16 of the Complaint are legal  
5 conclusions and/or arguments to which no response is required. To the extent such  
6 allegations contain alleged facts, Defendants deny said allegations.

7 17. The allegations contained in Paragraph 17 of the Complaint are legal  
8 conclusions and/or arguments to which no response is required. To the extent such  
9 allegations contain alleged facts, Defendants deny said allegations.

10 18. The allegations contained in Paragraph 18 of the Complaint are legal  
11 conclusions and/or arguments to which no response is required. To the extent such  
12 allegations contain alleged facts, Defendants deny said allegations.

13 **JURISDICTION AND VENUE**

14 19. Defendants admit the allegations contained in Paragraph 19 of the  
15 Complaint.

16 20. Defendants admit the allegations contained in Paragraph 20 of the  
17 Complaint.

18 21. Defendants deny the allegations contained in Paragraph 21 of the  
19 Complaint.

20 **PARTIES**

21 22. Defendants admit that Plaintiff, a U.S. Citizen, is a Senior Pastor and CEO  
22 of the Park Avenue Christian Church located in New York City. Defendants lack  
23 information sufficient to form a belief as to the truth of the remaining allegations  
24 contained in Paragraph 22 of the Complaint and on that basis deny them.

25 23. Defendants admit the allegations contained in Paragraph 23 of the  
26 Complaint.

27 24. Defendants admit the allegations contained in Paragraph 24 of the  
28

1 Complaint.

2 25. Defendants admit the allegations contained in Paragraph 25 of the  
3 Complaint.

4 26. Defendants deny the allegations contained in Paragraph 26 of the  
5 Complaint.

6 27. Defendants admit the allegations contained in Paragraph 27 of the  
7 Complaint.

8 28. Defendants admit the allegations contained in Paragraph 28 of the  
9 Complaint.

10 29. Defendants admit the allegations contained in Paragraph 29 of the  
11 Complaint.

12 **FACTUAL ALLEGATIONS**

13 30. Defendants lack information sufficient to form a belief as to the truth of  
14 the allegations contained in Paragraph 30 of the Complaint, and on that basis deny them.

15 31. Defendants lack information sufficient to form a belief as to the truth of  
16 the allegations contained in Paragraph 31 of the Complaint, and on that basis deny them.

17 32. Defendants lack information sufficient to form a belief as to the truth of  
18 the allegations contained in Paragraph 32 of the Complaint, and on that basis deny them.

19 33. Defendants lack information sufficient to form a belief as to the truth of  
20 the allegations contained in Paragraph 33 of the Complaint, and on that basis deny them.

21 34. Defendants lack information sufficient to form a belief as to the truth of  
22 the allegations contained in Paragraph 34 of the Complaint, and on that basis deny them.

23 35. The allegations contained in Paragraph 35 of the Complaint are legal  
24 conclusions and/or arguments to which no response is required. To the extent such  
25 allegations contain alleged facts, Defendants deny said allegations.

26 36. The allegations contained in Paragraph 36 of the Complaint are legal  
27 conclusions and/or arguments to which no response is required. To the extent such  
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1 allegations contain alleged facts, Defendants deny said allegations.

2 37. The allegations contained in Paragraph 37 of the Complaint are legal  
3 conclusions and/or arguments to which no response is required. To the extent such  
4 allegations contain alleged facts, Defendants deny said allegations.

5 38. Defendants lack sufficient information to form a belief as to the truth of  
6 the allegations contained in Paragraph 38 of the Complaint, and on that basis deny them.

7 39. Defendants lack sufficient information to form a belief as to the truth of  
8 the allegations contained in Paragraph 39 of the Complaint, and on that basis deny them.

9 40. Defendants lack sufficient information to form a belief as to the truth of  
10 the allegations contained in Paragraph 40 of the Complaint, and on that basis deny them.

11 41. Defendants lack sufficient information to form a belief as to the truth of  
12 the allegations contained in Paragraph 41 of the Complaint, and on that basis deny them.

13 42. Defendants lack sufficient information to form a belief as to the truth of  
14 the allegations contained in Paragraph 42 of the Complaint, and on that basis deny them.

15 43. Defendants lack sufficient information to form a belief as to the truth of  
16 the allegations contained in Paragraph 43 of the Complaint, and on that basis deny them.

17 44. Defendants lack sufficient information to form a belief as to the truth of  
18 the allegations contained in Paragraph 44 of the Complaint, and on that basis deny them.

19 45. Defendants admit that Plaintiff travelled from the United States to Mexico  
20 multiple times within the last two years. Defendants lack information sufficient to form  
21 a belief as to the truth of the remaining allegations contained in Paragraph 45 of the  
22 Complaint, and on that basis deny them.

23 46. Defendants admit that a group of migrants attempted to illegally cross the  
24 border between Mexico and the United States on January 1, 2019, leading in some  
25 instances to confrontations with federal law enforcement agents. Defendants lack  
26 information sufficient to form a belief as to the truth of the remaining allegations  
27 contained in Paragraph 46 of the Complaint, and on that basis deny them.

28

1 47. Defendants admit that Plaintiff travelled to Mexico on January 2, 2019.  
2 Defendants lack information sufficient to form a belief as to the truth of the remaining  
3 allegations contained in Paragraph 47 of the Complaint, and on that basis deny them.

4 48. Defendants admit that on January 2, 2019, Plaintiff was interviewed upon  
5 her return to the United States, which delayed her entry for approximately 43 minutes.  
6 The interview was conducted in the secondary inspection area. Defendants further admit  
7 that Plaintiff has a valid Global Entry card and had not been sent to secondary during  
8 recent prior crossings. The remaining allegations constitute argument or legal  
9 conclusions to which no answer is required. To the extent an answer is required,  
10 Defendants deny the allegations.

11 49. Defendants lack information sufficient to form a belief as to the truth of  
12 the allegations contained in Paragraph 49 and on that basis deny them.

13 50. Defendants admit that Plaintiff was allowed to use a government phone  
14 while waiting to be interviewed. Defendants deny Plaintiff remained in the waiting area  
15 for several hours. Defendants lack sufficient information to form a belief as to the truth  
16 of the remaining allegations contained in Paragraph 50 of the Complaint, and on that  
17 basis deny them.

18 51. Defendants admit that Plaintiff was asked identifying questions and  
19 interviewed regarding her contact with migrants, including allegations that she  
20 participated in fraudulent marriages. Defendants lack sufficient information to form a  
21 belief as to the truth of the remaining allegations contained in Paragraph 51 of the  
22 Complaint, and on that basis deny them.

23 52. Defendants admit that Plaintiff was asked identifying questions and  
24 interviewed regarding her contact with migrants, including allegations that she  
25 participated in fraudulent marriages. Defendants lack sufficient information to form a  
26 belief as to the truth of the remaining allegations contained in Paragraph 52 of the  
27 Complaint, and on that basis deny them.

1           53. Defendants admit that Plaintiff was asked about her activities in Tijuana.  
2 Defendants lack sufficient information to form a belief as to the truth of the remaining  
3 allegations contained in Paragraph 53 of the Complaint, and on that basis deny them.

4           54. Defendants admit that the officers conducting Plaintiff's interview  
5 identified themselves and returned Plaintiff's Global Entry card at the conclusion of the  
6 interview. Defendants lack sufficient information to form a belief as to the truth of the  
7 remaining allegations contained in Paragraph 54 of the Complaint, and on that basis  
8 deny them.

9           55. Defendants lack sufficient information to form a belief as to the truth of  
10 the allegations contained in Paragraph 55 of the Complaint, and on that basis deny them.

11           56. Defendants admit that in March 2019, the media published certain  
12 documents created by CBP as part of its law enforcement mission. The remainder of  
13 the allegations constitute argument to which no answer is required, and on that basis  
14 deny the allegations.

15           57. The allegations in Paragraph 57 constitute argument to which no answer is  
16 required, and on that basis Defendants deny the allegations. Defendants also lack  
17 sufficient information to form a belief as to all of the unspecified documents referenced  
18 in the allegations, and on that basis deny the allegations.

19           58. Defendants admit that the documents published in March 2019 contain  
20 information regarding both citizens and non-citizens of the United States with potential  
21 knowledge of illegal activity. Defendants further admit that some information related  
22 to those individuals is maintained in a computer system. Defendants deny the remaining  
23 allegations contained in Paragraph 58 of the Complaint.

24           59. Defendants admit that the documents published in March 2019 contain  
25 information and photographs pulled from various sources regarding 59 individuals, both  
26 citizens and non-citizens of the United States, with potential knowledge of illegal  
27 activity. Defendants deny the remaining allegations contained in Paragraph 59 of the  
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1 Complaint.

2 60. Defendants admit that the documents published in March 2019 contain  
3 some photographs with a color-coded “X” that purports to have an alleged significance.  
4 Defendants deny the remaining allegations contained in Paragraph 60 of the Complaint.

5 61. Defendants deny the allegations contained in Paragraph 61 of the  
6 Complaint.

7 62. Defendants lack sufficient information to form a belief as to the truth of  
8 the allegations contained in Paragraph 62 of the Complaint, and on that basis deny them.

9 63. Defendants lack sufficient information to form a belief as to the truth of  
10 the allegations contained in Paragraph 63 of the Complaint, and on that basis deny them.

11 64. Defendants admit the allegations contained in Paragraph 64 of the  
12 Complaint.

13 65. Defendants admit that Plaintiff has a valid Global Entry pass and that she  
14 has used that pass on several occasions to reenter the United States from Mexico without  
15 incident. Defendants deny the remaining allegations contained in Paragraph 65 of the  
16 Complaint.

17 66. Defendants deny the allegations contained in Paragraph 66 of the  
18 Complaint.

19 67. Defendants lack sufficient information to form a belief as to the truth of  
20 the allegations contained in Paragraph 67 of the Complaint, and on that basis deny them.

21 68. Defendants lack sufficient information to form a belief as to the truth of  
22 the allegations contained in Paragraph 68 of the Complaint, and on that basis deny them.

23 69. Defendants deny that Plaintiff was illegally surveilled. Defendants lack  
24 sufficient information to form a belief as to the truth of the allegations contained in  
25 Paragraph 69 of the Complaint, and on that basis deny them.

26 70. Defendants deny that Plaintiff was illegally surveilled. Defendants lack  
27 sufficient information to form a belief as to the truth of the allegations contained in  
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1 Paragraph 70 of the Complaint, and on that basis deny them.

2 71. Defendants deny that Plaintiff was illegally surveilled. Defendants lack  
3 sufficient information to form a belief as to the truth of the allegations contained in  
4 Paragraph 71 of the Complaint, and on that basis deny them.

5 72. Defendants admit that CBP utilizes various sources of information to  
6 identify people involved in potential illegal activity and may occasionally  
7 inconvenience law-abiding persons in its efforts to detect, deter, and mitigate threats.  
8 Defendants lack sufficient information to form a belief as to the truth of the remaining  
9 allegations contained in Paragraph 72 of the Complaint, and on that basis deny them.

10 73. Defendants lack sufficient information to form a belief as to the truth of  
11 the allegations contained in Paragraph 73 of the Complaint, and on that basis deny them.

12 74. Defendants lack sufficient information to form a belief as to the truth of  
13 the allegations contained in Paragraph 74 of the Complaint, and on that basis deny them.

14 75. Defendants deny the allegations contained in Paragraph 75 of the  
15 Complaint.

16 76. Defendants deny that they have burdened or will continue to burden  
17 Plaintiff's exercise of her rights. Defendants lack information sufficient to form a belief  
18 as to the remaining allegations contained in Paragraph 76 of the Complaint, and on that  
19 basis deny them.

20 77. Defendants deny that they have burdened or will continue to burden  
21 Plaintiff's exercise of her rights. Defendants lack information sufficient to form a belief  
22 as to the remaining allegations contained in Paragraph 77 of the Complaint, and on that  
23 basis deny them.

24 78. Defendants deny that they have burdened or will continue to burden  
25 Plaintiff's exercise of her rights. Defendants lack information sufficient to form a belief  
26 as to the remaining allegations contained in Paragraph 78 of the Complaint.

27 79. Defendants deny that they have burdened or will continue to burden  
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1 Plaintiff's exercise of her rights. Defendants lack information sufficient to form a belief  
2 as to the remaining allegations contained in Paragraph 79 of the Complaint, and on that  
3 basis deny them.

4 80. Defendants deny that they have burdened or will continue to burden  
5 Plaintiff's exercise of her rights. Defendants lack information sufficient to form a belief  
6 as to the remaining allegations contained in Paragraph 80 of the Complaint, and on that  
7 basis deny them.

8 81. Defendants deny that they have burdened or will continue to burden  
9 Plaintiff's exercise of her rights. Defendants lack information sufficient to form a belief  
10 as to the remaining allegations contained in Paragraph 81 of the Complaint, and on that  
11 basis deny them.

12 82. Defendants deny the allegations contained in Paragraph 82 of the  
13 Complaint.

14 83. Defendants deny that they have burdened or will continue to burden  
15 Plaintiff's exercise of her rights. Defendants lack information sufficient to form a belief  
16 as to the remaining allegations contained in Paragraph 83 of the Complaint, and on that  
17 basis deny them.

18 84. Defendants deny that they have burdened or will continue to burden  
19 Plaintiff's exercise of her rights. Defendants lack information sufficient to form a belief  
20 as to the remaining allegations contained in Paragraph 84 of the Complaint, and on that  
21 basis deny them.

22 85. Defendants assert that the allegations contained in Paragraph 85 constitute  
23 argument to which no response is required. To the extent a response is required, the  
24 allegations are denied.

25 86. Defendants deny that they have burdened or will continue to burden  
26 Plaintiff's exercise of her rights. Defendants lack information sufficient to form a belief  
27 as to the remaining allegations contained in Paragraph 86 of the Complaint, and on that  
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1 basis deny them.

2 87. Defendants deny that they have burdened or will continue to burden  
3 Plaintiff's exercise of her rights. Defendants lack information sufficient to form a belief  
4 as to the remaining allegations contained in Paragraph 87 of the Complaint, and on that  
5 basis deny them.

6 88. Defendants deny the allegations contained in Paragraph 88 of the  
7 Complaint.

8 89. Defendants deny the allegations contained in Paragraph 89 of the  
9 Complaint.

10 90. Defendants deny the allegations contained in Paragraph 90 of the  
11 Complaint.

12 91. Defendants deny the allegations contained in Paragraph 91 of the  
13 Complaint.

14 92. Defendants deny the allegations contained in Paragraph 92 of the  
15 Complaint.

16 93. Defendants admit that Jean Montrevil was deported in 2018. Defendants  
17 deny the remaining allegations contained in Paragraph 93 of the Complaint.

18 94. Defendants admit that a meeting occurred on January 5, 2018. Defendants  
19 deny the remaining allegations contained in Paragraph 94 of the Complaint.

20 95. Defendants admit that a meeting occurred on January 5, 2018. Defendants  
21 deny the remaining allegations contained in Paragraph 95 of the Complaint.

22 96. Defendants deny the allegations contained in Paragraph 96 of the  
23 Complaint.

24 97. Defendants admit that Ravidath Ragbir was detained on January 11, 2018  
25 and subsequently processed in accordance with applicable ICE procedures. Defendants  
26 deny the remaining allegations contained in Paragraph 97 of the Complaint.

27 98. Defendants admit the allegations contained in Paragraph 98 of the  
28

1 Complaint.

2 99. Defendants admit that Ragbir filed an action to block his deportation and  
3 that the Second Circuit vacated a district court order denying Ravidath Ragbir's motion  
4 for a preliminary injunction and dismissing certain claims. Defendants deny the  
5 remaining allegations contained in Paragraph 99 of the Complaint.

6 100. Defendants deny the allegations contained in Paragraph 100 of the  
7 Complaint.

8 101. Defendants deny the allegations contained in Paragraph 101 of the  
9 Complaint.

10 102. Defendants deny the allegations contained in Paragraph 102 of the  
11 Complaint.

12 103. Defendants admit that CBP utilizes various sources of information to  
13 identify people involved in potential illegal activity and may occasionally  
14 inconvenience law-abiding persons in its efforts to detect, deter, and mitigate threats.  
15 Defendants have insufficient information to form a belief as to the truth of the  
16 allegations concerning the claims of journalists and those individuals mentioned, and  
17 on that basis deny the allegations. Defendants deny the remaining allegations contained  
18 in Paragraph 103 of the Complaint.

19 104. Defendants deny the allegations contained in Paragraph 104 of the  
20 Complaint.

21 105. Defendants deny the allegations contained in Paragraph 105 of the  
22 Complaint.

23 106. Defendants deny the allegations contained in Paragraph 106 of the  
24 Complaint.

25 107. Defendants admit that Nicole Ramos is a United States citizen and that  
26 Plaintiff is her pastor. Defendants deny the remaining allegations contained in  
27 Paragraph 107 of the Complaint.

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1 108. Defendants admit that some asylum seekers have been required to wait in  
2 Mexico. Defendants deny the allegations contained in Paragraph 108 of the Complaint.

3 109. Defendants admit that Pueblo Sin Fronteras holds itself out as an  
4 immigration rights group that advocates for open borders and the abolition of ICE.  
5 Defendants deny the remaining allegations contained in Paragraph 109 of the  
6 Complaint.

7 110. Defendants admit that Alex Mensing is a United States citizen who holds  
8 himself out as a member of Pueblo Sin Fronteras. Defendants deny the remaining  
9 allegations contained in Paragraph 110 of the Complaint.

10 111. Defendants admit that Jeff Valenzuela holds himself out as a member of  
11 Pueblo Sin Fronteras. Defendants deny the remaining allegations contained in  
12 Paragraph 111 of the Complaint.

13 112. Defendants lack sufficient information to form a belief as to the truth of  
14 the allegations contained in Paragraph 112, and on that basis deny the allegations.

15 113. Defendants lack sufficient information to form a belief as to the truth of  
16 the allegations contained in Paragraph 113, and on that basis deny the allegations.

17 114. Defendants admit that Ariana Drehsler is a U.S. citizen who holds herself  
18 out as a photojournalist. Defendants deny the allegations contained in Paragraph 114  
19 of the Complaint.

20 115. Defendants admit that CBP utilizes various sources of information to  
21 identify people involved in potential illegal activity and may occasionally  
22 inconvenience law-abiding persons in its efforts to detect, deter, and mitigate threats.  
23 Defendants lack sufficient information to form a belief as to the remaining allegations  
24 of Paragraph 115, and on that basis deny the allegations.

25 116. Defendants admit the Kitra Cahana hold herself out as a photojournalist.  
26 Defendants have insufficient information to form a belief as to the truth of the remaining  
27 allegations in Paragraph 116 and on that basis deny them.

1 117. Defendants lack sufficient information to form a belief as to the truth of  
2 the allegations contained in Paragraph 117 of the Complaint, and on that basis deny  
3 them.

4 118. Defendants lack sufficient information to form a belief as to the truth of  
5 the allegations contained in Paragraph 118 of the Complaint.

6 119. Defendants lack sufficient information to form a belief as to the truth of  
7 the allegations contained in Paragraph 119 of the Complaint.

8 **FIRST CLAIM FOR RELIEF**

9 **(Retaliation in Violation of the First Amendment)**

10 120. Defendants incorporate each of their prior responses.

11 121. Defendants are not required to respond to the legal conclusions contained  
12 in Paragraph 121 of the Complaint, and on that basis deny them.

13 122. Defendants lack sufficient information to form a belief as to the truth of  
14 the allegations contained in Paragraph 122 of the Complaint, and on that basis deny  
15 them.

16 123. Defendants deny the allegations contained in Paragraph 123 of the  
17 Complaint.

18 124. Defendants deny the allegations contained in Paragraph 124 of the  
19 Complaint.

20 125. Defendants deny the allegations contained in Paragraph 125 of the  
21 Complaint.

22 **SECOND CLAIM FOR RELIEF**

23 **(Violation of the First Amendment’s Free Exercise Clause)**

24 126. Defendants incorporate each of their prior responses.

25 127. Defendants are not required to respond to the legal conclusions contained  
26 in Paragraph 127 of the Complaint, and on that basis deny them.

27 128. Defendants deny the allegations contained in Paragraph 128 of the  
28

1 Complaint.

2 129. Defendants deny the allegations contained in Paragraph 129 of the  
3 Complaint.

4 **THIRD CLAIM FOR RELIEF**

5 **(Hybrid First Amendment Rights Claim)**

6 130. Defendants are not required to respond because this claim has been  
7 dismissed with prejudice.

8 131. Defendants are not required to respond because this claim has been  
9 dismissed with prejudice.

10 132. Defendants are not required to respond because this claim has been  
11 dismissed with prejudice.

12 133. Defendants are not required to respond because this claim has been  
13 dismissed with prejudice.

14 134. Defendants are not required to respond because this claim has been  
15 dismissed with prejudice.

16 **FOURTH CLAIM FOR RELIEF**

17 **(Violation of the Religious Freedom Restoration Act)**

18 135. Defendants incorporate each of their prior responses.

19 136. Defendants deny the allegations contained in Paragraph 136 of the  
20 Complaint.

21 137. Defendants are not required to respond to the legal conclusions contained  
22 in Paragraph 137 of the Complaint.

23 138. Defendants deny the allegations contained in Paragraph 138 of the  
24 Complaint.

25 139. Defendants deny the allegations contained in Paragraph 139 of the  
26 Complaint.

27 140. Defendants deny the allegations contained in Paragraph 140 of the  
28

1 Complaint.

2 141. Defendants assert they have a compelling interest in border security.  
3 Defendants deny the remaining allegations contained in Paragraph 141 of the  
4 Complaint.

5 142. Defendants deny the allegations contained in Paragraph 142 of the  
6 Complaint.

7 **AFFIRMATIVE DEFENSES**

8 Defendants assert the following affirmative defenses:

- 9 1. Plaintiff has failed to state a claim upon which relief may be granted.
- 10 2. Plaintiff’s claims are not justiciable.
- 11 3. Plaintiff has suffered no legally cognizable harm.
- 12 4. Plaintiff’s requested relief is impermissibly vague and/or unenforceable.
- 13 5. Plaintiff’s claims are barred by the doctrine of unclean hands.
- 14 6. Defendants’ actions were lawful and/or in furtherance of a compelling  
15 government interest.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Defendants prays that (1) Plaintiff takes nothing on her  
18 Complaint; (2) judgment be rendered in favor of Defendants in this action; (3)  
19 Defendants be awarded costs of suit; and (4) for such other relief as the Court may deem  
20 proper.

21  
22 DATED: February 11, 2020

Respectfully submitted,

23 ROBERT S. BREWER, JR.  
24 United States Attorney

25 *s/ Ernest Cordero, Jr.*  
26 ERNEST CORDERO, JR.  
MICHAEL A. GARABED

27 Assistant United States Attorneys