UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Bluesky Poster 1*,
c/o American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004

Bluesky Poster 2*,
c/o American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004

Instagram Poster,*
c/o American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004

X Poster*,
c/o American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004

on behalf of themselves and others similarly situated,

Plaintiffs,

v.

JEANINE PIRRO, *in her official capacity as United States Attorney for the District of Columbia,*
601 D Street, NW
Washington, DC 20579

TODD BLANCHE, *in his official capacity as Attorney General of the United States*,
950 Pennsylvania Ave NW
Washington, D.C. 20530

MARKWAYNE MULLIN, *in his official capacity as Secretary of the U.S. Department of Homeland Security*,
245 Murray Lane SW
Washington, D.C. 20528

Defendants.

~~**FILED UNDER SEAL PURSUANT TO LCrR 6.1**~~

No. 26-cv- 04054 (JEB)

*A motion for all Plaintiffs to proceed under pseudonyms has been concurrently filed with this complaint.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
(Infringement of First and Fourth Amendment Rights, Bad-Faith Grand Jury Investigation)

INTRODUCTION

1. Much of today's political discourse, debate, and expression happens online. People use social media to express their views and beliefs, react to the news, and discuss matters of public concern. Such speech is at the core of the First Amendment's protection. But, as public opposition to the current Administration's immigration enforcement efforts grows—and people turn to social media to express their disagreement, frustration, and outrage with the policies and actions of the Department of Homeland Security (DHS) and its subcomponent U.S. Immigration and Customs Enforcement (ICE)—the Administration has sought to intimidate, chill, and retaliate against critics, and to gather intrusive intelligence on individuals who express dissenting views.

2. Many people post on social media under usernames or "handles" that do not reveal their actual name or other identifying information. One reason for engaging in anonymous speech online is to protect against retaliation and harassment.

3. Last winter, technology companies including Meta, Google, and Reddit received hundreds of administrative subpoenas from DHS seeking information about anonymous users posting under pseudonymous handles who criticized ICE or shared the locations of ICE agents who were carrying out operations in the course of their duties.[1] After some users filed motions to quash on First Amendment and statutory grounds, and some companies began declining to provide the requested information when the requests appeared unjustified, the Administration shifted its

[1] Sheera Frenkel & Mike Isaac, *Homeland Security Wants Social Media Sites to Expose Anti-ICE Accounts*, N.Y. Times (Feb. 13, 2026), https://perma.cc/VT2F-MY8N.

strategy further away from public view and judicial scrutiny by issuing grand jury subpoenas to accomplish the same ends.[2]

4. The Administration has exploited the grand jury's subpoena authority to obtain the personal information of individuals who anonymously speak out against the Administration's immigration enforcement practices—without regard to whether their speech is protected under the First Amendment.

5. While the grand jury's investigative authority is broad, it is not boundless, and this Court is not powerless to intervene when the government institutes a sweeping grand jury investigation in bad faith and for improper purposes. That is what happened here.

6. Substantial evidence indicates that Defendants initiated and are using an investigation referred to as USAO #[redacted]18 (hereinafter "Investigation 18"), in connection with a grand jury empaneled by the U.S. District Court for the District of Columbia, as a means to quickly and easily unmask individuals who criticize the Administration's immigration enforcement practices online, regardless of whether Defendants have any good-faith basis to investigate these critics for criminal activity. Under the cover of Investigation 18, Defendants have issued—and continue to issue—grand jury subpoenas not to investigate crime, but to retaliate against those who speak out against the Administration.

7. This action arises out of Defendants' bad-faith grand jury investigation and use of grand jury subpoenas to retaliate against and gather intrusive intelligence on its critics.

8. Bluesky Poster 1 is a parent who works for their home state and often expresses political views on the social media platform Bluesky.

[2] *See* Jimmy Jenkins & Zoe Tillman, *The DOJ Wants to Know Who on Reddit and X Is Criticizing ICE's Tactics*, Bloomberg (May 28, 2026), https://perma.cc/PF52-8J2P.

9. Bluesky Poster 2 is a retired prosecutor who often expresses political views on Bluesky.

10. Instagram Poster is a retired person who sometimes expresses political views on the social media platform Instagram, owned by Meta.

11. X Poster is a college student who typically does not post about their political views online, but has occasionally posted political messages concerning ICE, DHS, and President Trump.

12. Bluesky Poster 1, Bluesky Poster 2, Instagram Poster, and X Poster all recently learned that grand jury subpoenas had issued to unmask their identities. All were confused, shocked, and scared, considering they had not posted anything criminal or deserving of investigation.

13. Bluesky Poster 1, Bluesky Poster 2, Instagram Poster, and X Poster bring this action to obtain declaratory and injunctive relief on behalf of themselves and all others whose identity or subscriber information has been or will be demanded from an electronic communication service provider via a grand jury subpoena issued as part of Investigation 18. Gathering intrusive intelligence on people who have criticized the federal government's immigration enforcement practices online and retaliating against them are improper purposes for a grand jury investigation. And absent relief from this Court, Defendants will continue to use Investigation 18 as cover to unmask anonymous speakers in retaliation for their protected speech and without a good-faith basis to investigate.

14. Plaintiffs and class members seek a declaration that (1) Investigation 18 is a bad-faith investigation meant to gather intrusive intelligence about people who criticize the federal government's immigration enforcement practices and facilitate retaliatory subpoenas; and (2)

grand jury subpoenas that issue as part of Investigation 18 violate Plaintiffs' and class members' First and Fourth Amendment rights.

15. Plaintiffs and class members also seek to enjoin Defendants from (1) taking any action to further Investigation 18, including issuing or compelling compliance with grand jury subpoenas that cite the investigation number USAO #[redacted]18; (2) instituting or pursuing a bad-faith investigation with the same contours as Investigation 18 to unmask Plaintiffs or class members; (3) requesting or demanding, as part of any investigation, that electronic communication service providers, including social media companies, furnish to any Defendant the identity or subscriber information of any Plaintiff or class member without first making a prima facie showing to a judge that the Plaintiff or class member committed a crime; and (4) seeking the identity information of Plaintiffs or class members in retaliation for their criticism of the Administration or its immigration enforcement practices, including by issuing or compelling compliance with grand jury subpoenas or administrative subpoenas. In the alternative, Plaintiffs seek to enjoin Defendants from permitting their agents to (1) disclose information about any Plaintiff or class member that they learned by using a grand jury subpoena to any government official except those agents directly investigating the Plaintiff's or class member's posts, and (2) input information about any Plaintiff or class member that they learned by using a grand jury subpoena into any electronic system accessible by federal employees for purposes other than grand jury investigations, unless and until an indictment is returned.[3]

[3] While the Federal Rules of Criminal Procedure prohibit an attorney for the government from disclosing a matter occurring before the grand jury, Fed. R. Crim. P. 6(e)(2)(B)(vi), there is an exception to that rule allowing disclosure to "an attorney for the government for use in performing that attorney's duty," Fed. R. Crim. P. 6(e)(3)(A)(i). Given that Investigation 18 is being conducted in bad faith, permitting disclosure of information obtained through it for use in other non-grand-jury matters is inconsistent with the purpose of the grand jury and would compound the harms caused by the retaliatory subpoenas issued as part of Investigation 18.

16. Plaintiffs and class members also seek an order that Defendants (and their respective officers, agents, servants, employees, attorneys, successors in office, and anyone acting in concert with them) must expunge all records collected and maintained about Plaintiffs and class members as part of Investigation 18.

JURISDICTION AND VENUE

17. This Court has subject matter jurisdiction over this action under 28 U.S.C. § 1331 because the case raises federal questions and arises under the United States Constitution.

18. An actual controversy exists between the parties within the meaning of 28 U.S.C. § 2201(a), and this Court may grant declaratory, injunctive, and other relief pursuant to 28 U.S.C. §§ 2201-2202, and the Court's inherent equitable powers.

19. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1), 28 U.S.C. § 1391(b)(2), and 28 U.S.C. § 1391(e)(1), because Defendants reside in this district, and a substantial part of the acts complained of occurred in this District.

PARTIES

20. Bluesky Poster 1 is a parent who works for their home state and often expresses their political views, including views critical of ICE, on the social media platform Bluesky.

21. Bluesky Poster 2 is a resident of Arizona. Bluesky Poster 2 is a retired prosecutor and engaged citizen who is highly critical of the current Administration and routinely expresses their political views on Bluesky.

22. Instagram Poster is a U.S. citizen and a current resident of Europe. Instagram Poster is a retired person who sometimes expresses political views on the social media platform Instagram, owned by Meta.

23. X Poster is a resident of California. X Poster is a college student who maintains an X account dedicated to following both national and international soccer teams. X Poster typically posts about soccer, but occasionally posts about politics.

24. Defendant Jeanine Pirro is the United States Attorney for the District of Columbia. She exercises authority over the United States Attorney's Office and its investigations. She is sued in her official capacity.

25. Defendant Todd Blanche is the Attorney General of the United States. He is responsible for management of the U.S. Department of Justice (DOJ), including implementing and fulfilling DOJ's duties under the U.S. Constitution. As such, Attorney General Blanche supervises and directs the Administration and operation of the United States Attorneys' Offices. He is sued in his official capacity.

26. Defendant Markwayne Mullin is the Secretary of DHS. He exercises authority over DHS and its component agencies, including ICE. He is sued in his official capacity.

FACTUAL BACKGROUND

Defendants issue subpoenas to retaliate against and gather intrusive intelligence on their critics

27. ICE has recently scoured social media websites to find speech critical of its operations and mission.[4] In the past year, ICE's Office of Professional Responsibility has dramatically expanded its ability to monitor online critics, including by hiring teams of contractors to find online commentary that the agency views as dangerous.[5] When it finds such speech, it often attempts to gather intelligence on the speaker.

[4] Hannah Critchfield & Shane Shifflett, *How ICE Is Weaponizing Social Media Against Its Critics*, Wall Street J. (Aug. 3, 2026), https://perma.cc/3W9H-5ETL.
[5] *Id.*

28. In January of 2026, Border Czar [redacted] announced on Fox News that he intended to create a database of people arrested for interfering, impeding, and assaulting ICE officers, to "make them famous," and "let their employers, in their neighborhoods, in their schools, know who these people are."[6] Shortly afterwards, an ICE agent who was taking pictures of a legal observer's car said he was doing so "because we have a nice little database, and now you're considered a domestic terrorist."[7] An internal January memo to DHS agents in Minneapolis directed them to "capture all images, license plates, identifications, and general information on hotels, agitators, protestors, etc., so we can capture it all in one consolidated form."[8] The agents were instructed to fill out a form titled "intel collection non-arrests" with protesters' personal information.[9]

29. Records produced in response to a Freedom of Information Act request by USA Today reveal that ICE has, indeed, been keeping track of protesters in a secret database called the "Agitator Log."[10]

30. Sometimes ICE agents try to track down their online critics at their homes or workplaces. For example, after David Streever emailed ICE's Acting Director to express his outrage over the deaths of Minnesotans shot by ICE officers, ICE agents traveled to his home to

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[6] Ingraham Angle, [redacted] *Pushes to Create 'Database' to Make Those Who Impede ICE 'Famous'* (Fox News, Jan. 15, 2026, at 03:50-04:29), https://www.foxnews.com/video/6387789141112.

[7] Autumn Billings, *Is the DHS Tracking ICE Critics? The Public Deserves Answers*, Reason (May 21, 2026), https://perma.cc/R2XD-H6R4; @kenklippenstein, X (Jan. 23, 2026), https://x.com/kenklippenstein/status/2014752856843161969?; C.J. Ciaramella, *ICE Tells Legal Observer, 'We Have a Nice Little Database, and Now You're Considered a Domestic Terrorist,'* Reason (Jan. 23, 2026), https://perma.cc/U2K4-PY2A.

[8] Jeff Winter & Priscilla Alvarez, *Alex Pretti Broke Rib in Confrontation with Federal Agents a Week Before Death, Sources Say*, CNN (Jan. 27, 2026), https://perma.cc/F2L4-SUHW.

[9] *Id.*

[10] Nick Penzenstadler, *'They Were Tracking Us.' ICE Tracks Protesters in Secret Database*, USA Today (Oct. 8, 2026), https://perma.cc/7BN4-P249.

speak with him.[11] Mr. Streever was not home, so the agents spoke with his wife and gave her a "WARNING NOTICE" that stated, "YOU MAY BE IN VIOLATION OF FEDERAL LAW."[12] The notice said that ICE's Office of Professional Responsibility had "identified an email sent to Acting ICE Director [redacted], which it has reason to believe may constitute a violation of Title 18 of the U.S. Code. Accordingly, OPR is requesting that you promptly remove and/or discontinue the aforementioned behavior."[13] The agents went on to look for Mr. Streever at a hotel where he was staying after a trip to Europe.[14]

31. Similarly, Paigelynne Gonyea, who had posted on Instagram about violence committed by federal immigration agents in Minneapolis, received a call from a Homeland Security special agent saying "[w]e were just by your apartment," and wanted to call "in reference to a post that we believe you made on Instagram where you doxxed an ICE agent back in January."[15] After Ms. Gonyea said she was working at a polling site that day, ICE agents showed up at the polling site to give her a Warning Notice which, like Mr. Streever's, stated "YOU MAY BE IN VIOLATION OF FEDERAL LAW." [16] The notice identified Ms. Gonyea's Instagram handle and said, "OPR is requesting that you promptly remove and/or discontinue the aforementioned behavior."[17]

32. In late 2025 and early 2026, DHS issued hundreds of administrative subpoenas to social media companies in order to obtain personal information about anonymous users who had

[11] *Streever v. Mullin*, No. CV 26-2356 (RC), 2026 WL 2720475, at *2 (D.D.C. Sept. 15, 2026).
[12] *Id.*
[13] *Id.*
[14] *Id.* at *3.
[15] Jude Joffe-Block, *She Posted About ICE. Five Months Later, DHS Agents Told Her to Take Her Post Down*, NPR (Jun. 26, 2026), https://perma.cc/7G7X-C3FP.
[16] *Id.*
[17] *Id.*; @turndapaigeofficial, Instagram (June 23, 2026), https://perma.cc/7KMH-ZW25.

posted criticism of ICE.[18] Social media companies sometimes informed users of the administrative subpoenas, and users sometimes moved to quash them. Typically in such cases, DHS withdrew the administrative subpoenas rather than defend them in court.

33. For example, on September 11, 2025, DHS issued administrative subpoenas to Meta to unmask users associated with accounts that aim to spread awareness of immigration enforcement activity in Pennsylvania. The subpoenas cited a federal customs statute, 19 U.S.C. § 1509, as their authority, despite no indication that the investigation was related to imports, exports, or anything within the statute's reach. Users moved to quash the subpoenas, arguing that they exceeded DHS's statutory authority and violated the First Amendment. A federal court held an oral argument at which it expressed skepticism about DHS's subpoenas.[19] Shortly thereafter, DHS withdrew the subpoenas.[20]

34. Similarly, on September 4, 2025, DHS sent an administrative subpoena to Meta seeking information about six accounts that documented immigration law enforcement activity in California. The subpoena cited 8 U.S.C. § 1225(d) as its authority, but that statute does not permit the use of subpoenas to reveal the identities of unknown third parties.[21] Nor does it permit the issuance of administrative subpoenas to investigate alleged officer safety concerns or doxing—the

[18] Frenkel & Isaac, *supra* note 1.
[19] *See* Tr. 13:3-15:9, 41:14-43:15, *Doe v. DHS*, 3:25-mc-80325 (N.D. Cal. Jan. 22, 2026), ECF 35; *see also* Joseph Menn, *ICE and Activists Clash Over Doxing and Privacy, in Court and Streets*, Wash. Post (Jan 15, 2026), https://perma.cc/W7NC-4TAS.
[20] *See* Notice of Withdrawal of Summons, *Doe v. DHS*, 3:25-mc-80325 (N.D. Cal. Jan. 21, 2026), ECF 34.
[21] *See* Mot. to Quash at 16–17, *Doe v. DHS*, 3:25-mc-80286, (N.D. Cal. Sept. 18, 2025), ECF 1.

two purposes referenced in the subpoena.[22] Users challenged the subpoena on statutory and First Amendment grounds.[23] Rather than defend the subpoena in court, DHS withdrew it.[24]

35. Again, on October 30, 2025, DHS sent Google an administrative subpoena under the purported authority of 8 U.S.C. § 1225(d) seeking information about a retiree who sent an email via Gmail to a DHS prosecutor criticizing his handling of an asylum case. The prosecutor had been named in a Washington Post article about his conduct litigating the asylum case. In the email, the user merely urged the prosecutor not to "play Russian roulette with [the asylum-seeker's] life. Err on the side of caution. . . . Apply principles of common sense and decency." The user challenged the subpoena on statutory and First Amendment grounds, and DHS withdrew the subpoena rather than defending it in court.[25]

36. Prior to filing the motion to quash, the retiree answered a knock on his door to find two DHS agents and a uniformed local police officer on his porch. The DHS agents questioned the retiree about the email he had sent to the DHS prosecutor, requiring him to offer justification for his decision to send the email. Being visited by federal agents for nothing more than exercising his First Amendment rights with an innocuous and polite email left the retiree shocked and frightened.

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[22] *See id.* at 17–18

[23] *See Doe v. DHS*, 3:25-mc-80286 (N.D. Cal. Dec. 9, 2025); *In the Matter of the Subpoena Number FY25-ELC-0105*, 3:25-mc-80284 (N.D. Cal. Dec. 9, 2025); *LBRRN v. DHS*, 3:25-mc-80288 (N.D. Cal. Sept. 19, 2025).

[24] *See* Order at 2, *Doe v. DHS*, 3:25-mc-80286 (N.D. Cal. Dec. 9, 2025), ECF 21.

[25] *See* Notice of Voluntary Dismissal Pursuant to Rule 41(a)(1)(A)(i), *Doe v. DHS*, 5:26-mc-80026 (N.D. Cal. Feb 10, 2026), ECF 8-1; *see also* John Woodrow Cox, *Homeland Security is Targeting Americans With this Secretive Legal Weapon*, Wash. Post (Feb. 3, 2026), https://perma.cc/SRZ3-84SX.

37. In late 2025, after DHS sent Reddit administrative subpoenas seeking information about "11 Reddit accounts that posted content critical of ICE actions," and Reddit objected on First Amendment grounds, DHS withdrew the subpoenas.[26]

38. In some cases, after DHS's administrative subpoenas were challenged in court, and DHS withdrew the subpoenas, grand jury subpoenas issued targeting similar information.

39. Grand jury secrecy rules, sealing practices, and nondisclosure orders make it difficult to know the full extent of the government's use of grand jury subpoenas to chill the exercise of First Amendment rights, but some examples have been publicly reported.

40. For example, on February 19, 2026, DHS issued an administrative subpoena, citing 19 U.S.C. § 1509, to Reddit, seeking information about the user account "Tired_Thumb." Tired_Thumb had posted three comments mentioning ICE.[27] Two comments included "ACAB," which is typically used to mean "All Cops Are Bastards," and the third was in a thread about a news article identifying [redacted] as the agent who shot Renée Good two days earlier.[28] After a different user posted, "I guess he'll have to move to Florida or Texas now where he'll be hailed as a hero," Tired_Thumb "mentioned various states and a city where [redacted] had lived, information that has been reported by news outlets," and posted "Hopefully he moves up to Stillwater State Penitentiary."[29] After the user challenged the subpoena on statutory and First Amendment

[26] *See* Reddit, *Transparency Report: July to December 2025*, https://perma.cc/2XRS-9WZP. In one case in early 2025, DHS reportedly withdrew an administrative subpoena asking for "information for a Reddit account" after Reddit simply followed up for more information. *See* Reddit, *Transparency Report: January to June 2025*, https://perma.cc/W76V-BBUT.
[27] Notice of Mot. and Mem. of Law in Supp. of Mot. to Quash Administrative Summons, *Doe v.* DHS, 3:23-mc-80074 (N.D. Cal. Mar. 12, 2026), ECF No. 1; Critchfield & Shifflett, *supra* note 4.
[28] *Id.*
[29] *Id.*

grounds, DHS withdrew it.[30] But days later, DOJ issued a grand jury subpoena to Reddit seeking similar information about the same account.[31]

41. Similarly, on February 27, 2026, DHS issued an administrative subpoena, also citing 19 U.S.C. § 1509, to X seeking information about an account by the name of "podslurp," which made a sarcastic post about donating to the ICE officer who reportedly shot Renée Good in Minneapolis and posted address information that was circulating widely on social media at the time.[32] In May 2026, DHS withdrew the administrative subpoena.[33] DOJ then issued a grand jury subpoena to X seeking similar information about the same account.[34]

42. Between January and June 2026, Reddit reported pushing back on "four federal grand jury subpoenas involving content related to ICE actions because the users appeared to be engaged in protected activity under the First Amendment."[35] According to Reddit, "[t]hese pushbacks resulted in law enforcement either subsequently withdrawing their request or not pursuing disclosure."[36]

43. Defendants have increasingly deployed grand jury subpoenas—in addition to or instead of administrative subpoenas—to uncover the identities of people who criticize ICE online.

Defendants instituted Investigation 18 in bad faith for the purpose of gathering intrusive intelligence on dissenters and retaliating against them.

44. Federal grand jury subpoenas include an investigation number, known as the USAO Number.

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[30] See Doe v. DHS, 26-mc-80074 (N.D. Cal. Mar. 30, 2026), ECF 9.
[31] *See* Critchfield & Shifflett, *supra* note 4.
[32] *See* Doe/Podslurp's Mot. to Quash Summons, *Podslurp v. DHS*, 1:26-mc-00861 (W.D. Texas Apr. 7, 2026), ECF 1.
[33] *See* Jenkins, *supra* note 2.
[34] *Id.*
[35] Reddit, *Transparency Report: January to June 2026*, https://perma.cc/7H5F-CAPW.
[36] *Id.*

45. At least 35 different grand jury subpoenas have issued under Investigation 18, which Defendants refer to as USAO # [redacted] 18, to unmask anonymous online speakers. This appears to be only a fraction of the unmasking subpoenas issued under Investigation 18. Each subpoena demands that a social media company produce identity and subscriber information about a social media user who posted under a pseudonym. The targeted users have no apparent relation to each other except that they are perceived as critics of the Administration's immigration enforcement practices.

46. Investigation 18 was instituted in bad faith for the purpose of unmasking and retaliating against individuals who have criticized online the Administration's immigration enforcement practices.

47. Defendants use Investigation 18 as cover to issue retaliatory grand jury subpoenas seeking to unmask individuals who criticize the federal government's immigration enforcement activities.

48. Social media companies have complied with some of the subpoenas that issued as part of Investigation 18, and disclosed anonymous speakers' identity and subscriber information to Defendants.

49. Grand jury subpoenas that issued as part of Investigation 18 issued for the improper purpose of gathering intrusive intelligence on critics of the federal government and retaliating against them.

50. A substantial number of subpoenas that issue as part of Investigation 18 are based on speech that could not plausibly be the basis for a good-faith grand jury investigation.

51. Investigation 18 is ongoing. Defendants continue to issue retaliatory grand jury subpoenas as part of this bad-faith investigation.

52. Grand jury subpoenas are not generally issued by order of the grand jurors who comprise the grand jury. Rather, "prosecutors often issue grand jury subpoenas with little or no involvement of the grand jurors themselves."[37] Grand jury subpoenas are simply "instrumentalities of the United States Attorney's office although issued under the district court's name and for the grand jury."[38]

53. Many (if not all) of the grand jury subpoenas issued under Investigation 18 are requested by Special Assistant U.S. Attorneys (SAUSA). One SAUSA who has requested numerous grand jury subpoenas under Investigation 18 is seconded to the U.S. Attorney's Office from the DHS Office of General Counsel.

54. The grand jury subpoenas issued under Investigation 18 often direct the social media company recipient to deliver the records to an ICE office, rather than to the U.S. Attorney's Office or to the grand jury.

55. Absent relief from this court, the personal information of Bluesky Poster 1, Bluesky Poster 2, Instagram Poster, X Poster, and other similarly situated individuals will be turned over to Defendants.

56. Bluesky Poster 1, Bluesky Poster 2, Instagram Poster, X Poster, and other similarly situated individuals have been self-censoring on social media out of fear that any criticism of the Administration that they post will be used as reason to unmask their identities.

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[37] *In re Grand Jury Subpoenas to Off. of N.Y. State Att'y Gen.*, 814 F. Supp. 3d 284, 298–99 (N.D.N.Y. 2026); *see also Doe v. DiGenova*, 779 F.2d 74, 80, 84 (D.C. Cir. 1985) ("[G]rand jury subpoenas are issued at the request, and in the discretion of the prosecuting attorney involved in the case . . . without prior approval by the head of the agency, the grand jury, or any judge.").
[38] *In re Grand Jury Subpoena: Subpoena Duces Tecum*, 829 F.2d 1291, 1296–97 (4th Cir. 1987).

57. The longer Defendants' investigation goes unrestrained, the longer Bluesky Poster 1, Bluesky Poster 2, Instagram Poster, X Poster, and class members suffer a loss of First Amendment freedoms.

Defendants issued grand jury subpoena GJ20261020148046 *to unmask Bluesky Poster 1*

58. Bluesky Poster 1 uses a pseudonym on Bluesky that does not reveal their true name or identifying information so that they can express their views without having to worry about retaliation or harassment.

59. On October 27, 2026, Bluesky Poster 1 got an email from Bluesky saying that law enforcement had requested information about their Bluesky account. Upon receiving this notice, Bluesky Poster 1 first thought it was a scam and could not possibly be legitimate, because Bluesky Poster 1 had not posted anything that would give law enforcement reason to investigate their account. Bluesky Poster 1 emailed Bluesky asking if the request was legitimate.

60. On November 3, 2026, Bluesky Poster 1 got another email from Bluesky with additional information. That email said that the type of request Bluesky had received was a federal grand jury subpoena, with the subpoena number GJ20261020148046 and the investigation number [redacted]18.

61. Bluesky informed Bluesky Poster 1 that the requesting agency was Homeland Security Investigations, and that the issuing office contact was [redacted], Special Assistant U.S. Attorney, United States Attorney's Office for the District of Columbia. Mr. [redacted]'s regular position when not seconded to the Department of Justice as a SAUSA is Senior Attorney in the DHS Office of General Counsel.

62. Bluesky informed Bluesky Poster 1 that the "[c]ase category, as entered by the requesting agency," was "Violence."

63. Bluesky also informed Bluesky Poster 1 that the subpoena issued on October 20, 2026, that Bluesky must respond to the subpoena by December 11, 2026, and that the subpoena requested information about Bluesky Poster 1's account as of October 8, 2026.

64. The subpoena commands Bluesky to produce "[a]ll customer or subscriber account information for any and all accounts" associated with Bluesky Poster 1's account on October 8, 2026.

65. The subpoena also specifically requested the following information for Bluesky Poster 1's account:

a. Names (including subscriber names, user names, and screen names);

b. Addresses (including mailing addresses, residential addresses, business addresses, and email addresses);

c. Length of service (including start date) and types of service utilized;

d. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), MSISDN, International Mobile Subscriber Identifiers ("IMSI"), or International Mobile Station Equipment Identities ("IMEI"));

e. Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses);

f. Means and source of payment for the service (including any credit card or bank account number) and billing records; and

g. History of account suspensions or violations of terms due to threatening or harassing language.

66. The subpoena directs Bluesky to deliver records to [redacted], Special Agent at DHS HSI.

67. On October 8—the date of interest in the subpoena—Bluesky Poster 1's posts were as follows:

a. Another user shared an article from The Intercept titled "ICE Agent on Scene of NYC Shooting Was Posing as Construction Worker, Eyewitness Says," and said "Abolish the entire putrid institution and prosecute every single one of those goose-stepping motherfuckers." Bluesky Poster 1 replied, "Burn ICE to the ground. Burn DHS to the ground. Salt the earth."

b. Another user posted a satirical article from the Onion headlined "DOJ to Bring Back Firing Squad As a Means of Entertainment," and said, "Okay so we have a number now: the Onion is officially 6 months ahead of reality." Bluesky Poster 1 replied, "We've crossed the Event Horizon"

c. Another user posted a clip from the Georgia state senate debate in which Jon Ossoff made the case that voters should choose him over Mike Collins, to which Bluesky Poster 1 replied, "Every Dem should be talking like this"

d. Also in response to a clip of that debate, and another user's reply saying, "I didn't realize the live streamed execution was tonight," Bluesky Poster 1 posted this meme, referencing U.S. officials' 2003 announcement that Saddam Hussein had been captured:



e. Another user posted an article from The Guardian entitled "DoJ seeks to charge ex-Trump aide who gave key testimony on January 6 attack" and said, "Trumpers could not bring a more stupid case. If the case proceeds, it will effectively put Trump and his cronies on trial." Bluesky Poster 1 replied, "These guys love strapping dynamite to their feet and shooting at it"

f. Another user posted a newsclip and said "Markwayne Mullin on the Twin Cities: 'They're gonna have to ask President Trump for help, and if they do, we can come up and we can clean that city up in no time, but they're gonna have to admit they were wrong first.'" Bluesky Poster 1 replied, "Fuck you, McMuffin."

g. Another user posted, "I think people should listen to what the Administration trying to bring back spectacle lynchings, race riots, and middle passage-esque deportation voyages are trying to tell you about themselves." Bluesky Poster 1 replied, "I can't wait until 'The Running Man' starts"

h. Another user posted a screenshot of a social media post by President Trump discussing Minnesota being "taken over by Somali Immigrants" and said, "WHAT

THE FUCK DONALD TRUMP?" Bluesky Poster 1 replied, "The racism is all he has left"

i. Another user posted about federal agencies instructing employees to update all internal and external materials to say "super intelligence" instead of "artificial intelligence." Bluesky Poster 1 replied, "We should all pronounce it as 'sí'"

j. Another user posted a newsclip of Vice President Vance saying, "When people say Americans won't work on farms or in dirty jobs, what they're saying is Americans won't work those jobs for poverty wages, nor should they. When they say we have to bring in accountants, what they're saying is there aren't enough ppl who can do math in the US, which is absurd." Bluesky Poster 1 replied, "*raises hand* but won't that raise the price of food?"

k. Another user posted about Vice President Vance thinking that socialism in the American context means "you want to replace American workers with foreigners, and you want boys to play in girls' sports." Bluesky Poster 1 replied, "That's not socialism, fuckstick"

l. Another user posted, "Good time to remind folks that Rubio is not secretly good. He sold his soul a long time ago and he's all in now. If he runs for president in the future, it'll be as the ghoul you know now." Bluesky Poster 1 replied, "Marco don't have the juice"

m. Another user posted about Robert F. Kennedy Jr. giving $1.6 million in Center of Disease Control funds "to experiment on African babies in unethical trial." Bluesky Poster 1 replied, "As long as rich, white babies don't die, he doesn't care"

68. Bluesky Poster 1 also made three posts about video games, and one post about appreciating art, on October 8, 2026.

69. Whether the grand jury subpoena was issued because of any one of Bluesky Poster 1's October 8 posts or all of them collectively, the speech that prompted the issuance of the grand jury subpoena for Bluesky Poster 1's information is classic political speech, within the core of what the First Amendment protects.

70. The speech that prompted the issuance of the grand jury subpoena for Bluesky Poster 1's information could not serve as the basis for a good-faith investigation into criminal activity.

71. The subpoena for Bluesky Poster 1's information identifies no statute or potential crime under investigation.

72. None of Bluesky Poster 1's posts suggest that they have engaged or will engage in criminal activity.

73. When Bluesky Poster 1 learned that a grand jury subpoena had issued targeting their personal information, they were shocked and scared. Since learning about the subpoena, Bluesky Poster 1 has been self-censoring to make sure they are not saying anything that could be perceived as inflammatory. They do not want to be silenced, but they are afraid when they post—especially when they post about politics.

74. Bluesky Poster 1 fears that, if they post their true views about ICE on Bluesky, ICE will show up at their house—or worse.

75. Absent a court order enjoining Defendants from compelling compliance with the subpoena, Bluesky will produce Bluesky Poster 1's information to the government on December 11, 2026.

Defendants issued grand jury subpoena #GJ20261016147860 to unmask Bluesky Poster 2

76. On October 21, 2026, Bluesky Poster 2 received an email from Bluesky notifying them that law enforcement had requested information about Bluesky Poster 2's account.

77. On November 3, 2026, Bluesky Poster 2 received another email from Bluesky with "[c]orrection[s] and additional details" about the request.

78. Bluesky Poster 2 regularly monitors their email account and responded to Bluesky the same day they received notice, requesting additional information about the request.

79. On October 23, 2026, after retaining counsel, Bluesky Poster 2 was able to get a copy of the subpoena.

80. The subpoena is dated October 19, 2026, and numbered #GJ20261016147860.

81. The subpoena lists Investigation 18 as the investigation number.

82. The subpoena commands Bluesky to produce "[a]ll customer or subscriber account information for any and all accounts" associated with Bluesky Poster 2's account on October 6, 2026.

83. The subpoena also specifically directs Bluesky to produce the following subscriber information for Bluesky Poster 2:

a. Names (including subscriber names, usernames, and screen names);

b. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);

c. Length of service (including start date) and types of service utilized;

d. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity

Modules ("SIM"), MSISDN, International Mobile Subscriber Identifiers ("IMSI"), or International Mobile Station Equipment Identities ("IMEI"));

e. Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses);

f. Means and source of payment for such service (including any credit card or bank account number) and billing records; and

g. History of Account Suspensions or Violations of Terms due to Threatening or Harassing Language.

84. The subpoena for Bluesky Poster 2's information directs Bluesky to produce the requested records by 9:00 AM on November 5, 2026.

85. The subpoena for Bluesky Poster 2's information directs Bluesky to deliver the records to [redacted], Special Agent at DHS HSI.

86. The attorney who requested the subpoena is the same attorney who requested the subpoena for Bluesky Poster 1's identity and subscriber information: [redacted], Special Assistant United States Attorney.

87. Bluesky Poster 2 was confused by the grand jury subpoena, because they are not involved in any criminal activity and do not advocate for or condone violence. Indeed, Bluesky Poster 2 blocks other Bluesky accounts when Bluesky Poster 2 sees that they advocate for violence.

88. Bluesky Poster 2 often posts about politics online and has been extremely critical of the current Administration. Bluesky Poster 2 uses Bluesky to connect with others who share their views, and build a sense of community among people who disagree with many of the current Administration's practices.

89. Bluesky Poster 2 posts to Bluesky under a username that does not reveal their true name or identifying information. They post anonymously because they like to be able to speak

freely and openly without fear of retaliation. When Bluesky Poster 2 practiced as a prosecutor, they experienced threats of violence and intimidation from people who disagreed with their decisions. They avoid sharing personal information about themself when possible in order to avoid harassment or retaliation.

90. On October 6, 2026—the date identified in the subpoena—Bluesky Poster 2 had watched a video of law enforcement violently dragging a grandmother across rough ground. The video is 92 seconds long and depicts officers dragging an elderly woman across the ground by a handcuff, as depicted in the screenshots below:



91. The woman's arm is visibly bleeding, as a bystander points out, while also informing the officers "she's sick, leave her alone."

92. The video then shows the woman lying on the ground, still, at the officer's feet. The video pans to a man being handcuffed by officers as he grunts in pain, and then shows two officers pinning the man to the ground.

93. The user who posted the video captioned it: "Police violently drag Hispanic grandmother across rough ground- injuring both arms. Witnesses yell she has a serious heart condition & was just released from hospital. Cops kneel on her chest anyway. 'They dragged her like a doll,' brother said. Incident occurred in Batesville, Texas."

94. The post garnered many replies, including: "Another family destroyed. Another American dream turned into a nightmare. Fk this shithole country. People should not be treated this way," "This is sick behavior," "Is this how we want humans to be treated in our country?!!," "This is barbaric! We're being attacked by deranged animals!," "I am so sick to my stomach I can't even imagine what they are going through," "Humans do not do this to each other," "This is the most disgusting thing I've seen since the Nazis took the Jews to the concentration camps! ICE/DHS is the Gestapo," "Have seen many ICE abuses also, but not old folks like this," "SHAME on these pendejos. Pinche abusadores. I hope that abuela heals completely and sues them for everything they own," "How fucking dead inside do you have to be to do these things," "What I see here is men brutalizing, an old woman. We've got to make this stop," "Wtf is wrong with this men?? Society has broken down when you see an old lady being drugged across ground, fighting for HER LIFE!! #NOKINGS," "These so called 'humans' are just evil ghouls," and "They're treating people as if they were a clumsy package or something. Not like they're human beings. So disgraceful. It's torture."

95. Bluesky Poster 2 replied to the video, "Fact: more than once in my childhood I wanted to 'kill' my brother and sister for annoying me (Mom, he's touching me). Now, as a senior

citizen who pays attention, I want to kill ICE, the whole damn lot of them because of how they 'touch' humans, as seen in this video."

96. On October 6, 2026, Bluesky Poster 2 also made several other posts:

a. Bluesky Poster 2 posted a picture of a shirt that said "I'M SICK OF TRUMP PASSING EVERYTHING EXCEPT AWAY!!!" with the caption "Best shirt ever [laughing emoji] [clapping emoji]" In response to someone else's comment on the post saying, "This is a great shirt but talk about a target on your back," Bluesky Poster 2 replied, "Sadly, we sane people all have targets on our back."

b. Bluesky Poster 2 posted "OMFG" with an image depicting quotes from various republican congressmen about rape.

c. Bluesky allows users to create "Starter Packs"—curated lists of accounts that post similar content. Another user included Bluesky Poster 2 in their Starter Pack of users who think for themselves, vote, laugh, encourage others to vote, and defend our republic. After the user who created the Starter Pack said it was their "pleasure and honor" to include Bluesky Poster 2, wished Bluesky Poster 2 a great evening, and reported seeing a squirrel, Bluesky Poster 2 replied with three laughing emojis.

d. In response to another user's post of a picture showing President Trump dressed in a pink dress aboard a boat labeled "S.S. Titanic 14," Bluesky Poster 2 replied, "Now I question whether the Titanic hit an iceberg or if it sunk under the fat orange blimp."

e. After someone else posted an image stating, "You know something is fishy when a President's 20 year old son, who is an unemployed college student, makes $150

million in less than a year," Bluesky Poster 2 replied, "That assumes that Barron is actually Trump's son."

f. Another user posted a news article reporting that Cornell University had tapped Sally Yates to lead an independent review into how the school prevents and responds to sexual harassment, sexual assault, and related misconduct on campus. Bluesky Poster 2 replied, "Excellent!"

g. After another user posted about "Music game fun!" inviting others to "Subtly Downgrade A Band…," Bluesky Poster 2 replied with: "Judas Altar Boy"

h. After another user posted "Good Dog" with a short video of a U.S. military officer sleeping next to an alert dog, Bluesky Poster 2 replied, "That is redundant."

i. After another user posted "I think we are counting on it" with a picture of President Trump standing up with his eyes closed and the caption "White House lawyers warn midterm stress could seriously put Trump's health at risk," Bluesky Poster 2 replied, "He's resting his eyes. Not quite the deep sleep I hoped for."

j. After another user's post about breaking news that "The British Banker Who Exposed Commerce Secretary Howard Lutnick's Ties to Epstein Has Been Found Dead" with the caption "People tied to Epstein are dropping like flies," Bluesky Poster 2 replied, "The problem is their flies dropped on Epstein's island, ranch and New York properties."

k. In response to a post about hundreds of people joining a protest at Cornell University to call for fraternity members to be expelled after rape allegations, Bluesky Poster 2 posted "Expulsion? Ok, but how about INCARCERATION?"

l. In response to a video of a cat playing with an electronic tablet, Bluesky Poster 2 posted, "It is why a laptop comes with a mouse!"

m. After another user posted a quote from Jennifer Welch to Erika Kirk that states "YOU ARE THE RACIST FASCIST ABOUT WHOM I'M TALKING TO. THE WORK YOUR HUSBAND'S COMPANY, AND YOU, ARE DOING TO AMERICA'S YOUTH—TO MAKE THEM RACIST, NARROW-MINDED, HATEFUL, AND BATSHIT CRAZY—IS AN ABSOLUTE DISGRACE," Bluesky Poster 2 replied, "It is also so hypocritical. Why is she running Turning Point when it promotes stay-at-home baby machines who must subjugate themselves to men?"

n. After another user posted a picture of Trump including the caption "INVITING A NATION WE'RE AT WAR WITH TO DESTROY LOS ANGELES AND SAN DIEGO IS TREASON," Bluesky Poster 2 replied, "Just another day in the life of the cruelest, most corrupt, treasonous individual to ever scorch the Earth."

o. In response to another user's post of an image stating "ADAM HOFFMAN RAPED HIS SON'S BEST FRIEND FOR 3 YEARS. FIRST-DEGREE FELONY. LIFE WITHOUT PAROLE. [redacted]'S OFFICE GUTTED IT TO 60 DAYS. HE WALKED FREE AFTER 30! NO SEX OFFENDER REGISTRATION . . . ." Bluesky Poster 2 replied, "Why are either man not in prison for life? This is NOT ok."

97. Whether the grand jury subpoena was issued because of any of Bluesky Poster 2's October 6 posts individually or all of them collectively, the speech that prompted the issuance of

the grand jury subpoena for Bluesky Poster 2's information is classic political speech, within the core of what the First Amendment protects.

98. The speech that prompted the issuance of the grand jury subpoena for Bluesky Poster 2's information could not serve as the basis for a good-faith investigation into criminal activity.

99. The subpoena for Bluesky Poster 2's information identifies no statute or potential crime under investigation.

100. None of Bluesky Poster 2's posts suggest that they have engaged or will engage in criminal activity.

101. When Bluesky Poster 2 learned that a grand jury subpoena had issued targeting their personal information, they were immediately afraid. In the following days, Bluesky Poster 2 was scared to post any political content. They scrolled through others' posts to keep up with what was going on in the world, but refrained from posting, except for liking or reposting animal videos, so as to avoid provoking any further investigation. There were many political posts that Bluesky Poster 2 would have commented on, but did not, because they thought doing so would prompt additional subpoenas to issue.

102. Since being notified of the grand jury subpoena, Bluesky Poster 2 has remained scared when posting on social media. Now, every time Bluesky Poster 2 posts, they second-guess what to say, and they self-censor and temper their remarks to try to ensure there is no possibility that the post could be seen as threatening or dangerous. Bluesky Poster 2 refrains from commenting on many posts that they would have commented on before learning about the subpoena. As a result of the subpoena, Bluesky Poster 2 no longer feels that they can voice their dissent without potentially dire consequences.

103. Bluesky obtained an extension until December 11, 2026, to respond to the subpoena. Absent a court order enjoining Defendants from compelling compliance with the subpoena, Bluesky will produce Bluesky Poster 2's information to the government on that date.

Defendants issued grand jury subpoena #GJ20260615143480 to unmask Instagram Poster

104. On July 29, 2026, Instagram Poster received an email from Meta notifying them that law enforcement had issued a subpoena to Meta requesting information about Instagram Poster's Meta account.

105. Instagram Poster promptly responded to Meta, requesting additional information and a copy of the subpoena that Meta had received regarding their account.

106. Instagram Poster did not receive a response from Meta to their requests.

107. On August 5, 2026, after retaining counsel, Instagram Poster was able to get a copy of the subpoena.

108. The subpoena is dated July 8, 2026, and numbered #GJ20260615143480.

109. The subpoena lists Investigation 18 as the investigation number.

110. The subpoena commands Meta to produce "[a]ll customer or subscriber account information for any and all accounts" associated with Instagram Poster's Meta account on June 5, 2026.

111. The subpoena also directs Meta to produce the following subscriber information for Instagram Poster:

a. Names (including subscriber names, user names, and screen names);

b. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);

c. Length of service (including start date) and types of service utilized;

d. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), MSISDN, International Mobile Subscriber Identifiers ("IMSI"), or International Mobile Station Equipment Identities ("IMEI");

e. Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses); and

f. Means and source of payment for such service (including any credit card or bank account number) and billing records.

112. The subpoena for Instagram Poster's information directed Meta to produce the requested information by 9:00 AM on July 22, 2026.

113. Based on counsel's representation to Meta that it planned to challenge the subpoena, Meta agreed to temporarily delay production of Instagram Poster's information in response to the subpoena. Absent a court order enjoining Defendants from compelling compliance with the subpoena, Meta will produce Instagram Poster's identity and subscriber information to Defendants, piercing Instagram Poster's anonymity.

114. The attorney who requested the subpoena for Instagram Poster's subscriber and identity information is a Special Assistant United States Attorney.

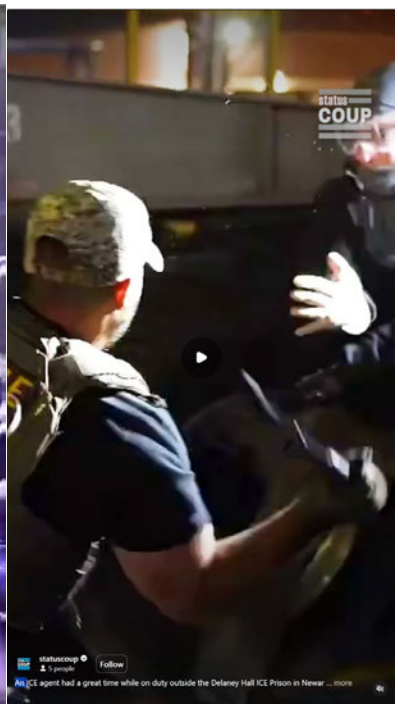
115. Instagram Poster posts frequently to Instagram, and shares both political and nonpolitical content. Instagram Poster posts to Instagram under a username that does not reveal their true name or identifying information. They post anonymously because their family history includes people who have fled repressive governments and ethnic cleansing, and they recognize

that speaking out under one's true name can often come with great risk. Because of these lessons, and to protect their privacy, Instagram Poster does not want to be identified by their true name online.

116. Instagram Poster's posts on June 5, 2026—the date identified in the subpoena—were:

a. A comment on a video of an ICE agent violently attacking protesters with a baton. The video depicted the officer repeatedly swinging a baton at an assembled crowd at night in a frenzied and chaotic environment, as depicted in the following screenshots:





The account that posted the video included the following description: "An ICE agent had a great time while on duty outside the Delaney Hall ICE Prison in Newark, NJ. Over the course of one night, Status Coup's @will.allendupraw and @jonfarina documented him escalating unprovoked violence and brutalizing

dozens of unarmed activists as his own troops fail to calibrate his enthusiasm." Instagram Poster commented: "Looks like a rabid dog foaming at the mouth. Should be put down [water gun emoji]."

b. A comment on a picture of the desert in Saudi Arabia taken from the cockpit of a plane: "Shunned even by the Bedouin."

c. Commenting on a post from an account which posts safety tips and safety-related news stories: "he's a piece of garbage [garbage bin emoji]"

d. A reply to a post discussing Israel's bombing of Lebanon in 2026: "Destroying is what these animalistic barbarians do best."

e. A comment on a post in which another user wrote that Black men are "targeting white women" and that "some black men are horrible people": "And a black man saved her in this case [annoyed emoji]. There are scores of white guys Roofie-ing women in bars and [grape emoji]'ing them, too. Don't paint everyone with the same brush. The attacker was another mentally ill homeless person, which is a massive problem."

f. A reply to the thread discussed in (e) after a user wrote they were tired of excuses regarding mental illness: "It's not an excuse. It's the reality. This report didn't discuss that the perp is mentally ill and has a violent history, but other news sources did. These homeless people are a menace and need to be taken off the streets."

g. A reply to a post providing various facts about Switzerland's economic and social conditions: "Bonjour/grüzi [coffee cup emoji]."

h. Commenting on a video advertising the health benefits of powdered beef organ supplements: "I don't mind organ meats at all."

i. A reply to a post stating that Christian patriarchy teaches women and girls that they belong under the authority of men: "Once again, they show how insecure they are and threatened by strong, independent and educated women. Being considered 'less marriageable' by these 'males' with their backwards ideas is a blessing. Keep showing us who you are so we can avoid you."

j. In reply to another user's comment on the post referenced in (i), "And NOWHERE in the bible does it even say that! This is their own twisted interpretation of the scriptures."

k. A reply to a post about statements made by an executive of the technology company Oracle that future citizens will be on their best behavior because technology platforms constantly record and report what individuals are doing: "What does he consider errant behavior?"

l. Commenting on a post from an account which posts safety tips and safety-related news stories: "because he's a violent insane person. Should be taken off the street."

m. A reply to a comment stating that Coco Chanel, founder of the fashion company Chanel, was a collaborator with Nazi intelligence, "So what???? Let's not forget that Chanel is owned by [apple juice emoji]."

n. A reply to another user's post about moving to the United Kingdom: "So happy I left the idiocracy that is the US 21 years ago."

o. A post about family members' names

117. Instagram Poster regularly makes comments that reference their living abroad. For example, on May 18, 2026, in response to an Instagram video documenting someone accepting voluntary departure and going through airport security, Instagram Poster wrote "Gawd, I was

terrified for you just watching this [sad emoji]. But really relieved it all went well. Honestly, even I, as someone born and raised in the US and now living abroad, I find it a bit unnerving to deal with these people everytime I visit the US. My parents are both gone, and I still have close family there who I dearly miss. But I won't set foot in the country now as long as this fascist criminal regime and its Gestapo thuggery ICE are in charge." On June 30, 2026, Instagram Poster commented on another user's post about their experience visiting Switzerland and wrote, "I love reading/hearing your impressions of Switzerland in your posts and videos. Even after 21 years of living here, I never tire of seeing these beautiful vistas and counting my blessings and appreciating my life here. I hope you will re-visit soon [heart emoji]." On June 25, 2026, Instagram Poster wrote: "I moved to Europe from the US 21 years ago. . .While I miss my family in the US, overall, for me, the positives have outweighed the negatives." On June 16, 2026, Instagram Poster wrote: "In Switzerland 21 years with permanent residency and EU citizenship, I definitely consider myself an immigrant. I have no desire to go back and live in the US." And on June 5, 2026, the date of interest on the subpoena, Instagram Poster wrote: "So happy I left the idiocracy that is the US 21 years ago."

118. Whether the grand jury subpoena issued because of any of Instagram Poster's June 5 posts or all of them collectively, the speech that prompted the issuance of the grand jury subpoena for Instagram Poster's identity and subscriber information is political speech at the core of what the First Amendment protects.

119. The speech that prompted the issuance of the grand jury subpoena for Instagram Poster's information could not serve as the basis for a good-faith investigation into criminal activity.

120. The subpoena for Instagram Poster's information identifies no statute or potential crime under investigation.

121. None of Instagram Poster's posts on Instagram suggest they have engaged or will engage in criminal activity.

122. Since being notified of the grand jury subpoena, Instagram Poster has greatly reduced their online commentary about U.S. politics, and refrains from commenting at all about ICE, out of fear that additional subpoenas will issue to obtain personal information about them that could be used to harass or intimidate their family in the United States.

Defendants issued grand jury subpoena # GJ20260925146982 to unmask X Poster

123. On October 13, 2026, X Poster received an email from X notifying them that law enforcement requested information about X Poster's account.

124. The notice that X Poster received stated that the legal process obligates X to produce information related to X Poster's account.

125. The notice also included a copy of the subpoena.

126. The subpoena is dated September 25, 2026 and numbered #GJ20260925146982.

127. The subpoena lists Investigation 18 as the investigation number.

128. The subpoena commands X to produce "[a]ll customer or subscriber account information for any and all accounts" associated with X Poster's account on September 11, 2026.

129. The subpoena also directs X to produce the following subscriber information for X Poster:

a. Names (including subscriber names, user names, and screen names);

b. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);

c. Length of service (including start date) and type of service utilized;

d. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), MSISDN, International Subscriber Identifiers ("ISMI") or International Mobile Station Equipment Identities ("IMEI");

e. Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses);

f. Means and source of payment for such service (including any credit card or bank account number) and billing records; and

g. History of Account Suspensions or Violations of Terms due to Threatening or Harassing Language.

130. The subpoena for X Poster's information directs X to produce the requested records by 9:00 AM on October 7, 2026. X emailed X Poster on October 13, 2026, stating that X received a grand jury subpoena seeking X Poster's identity and subscriber information and that they would produce the requested information by October 20, 2026. After X Poster requested that X delay producing the requested information, X confirmed they would withhold production until October 31st, 2026. Upon request from counsel, X subsequently confirmed they would further delay production until November 16, 2026.

131. Unless this Court enjoins Defendants from compelling compliance with the subpoena, X will produce the requested information.

132. The subpoena for X Poster's information directs X to deliver the records to [redacted], a special agent at DHS HSI.

133. The attorney who requested the subpoena is [redacted], Special Assistant United States Attorney.

134. X Poster posts to X under a username that does not reveal their true name or identifying information. They post anonymously because they want to maintain their privacy on the Internet and avoid retribution for expressing their views. X Poster is not interested in being identified by their true name online.

135. On September 11, 2026—the date identified in the subpoena—X Poster does not have any posts or reposts on their X profile. X Poster does not recall deleting or un-reposting any posts on or around September 11, 2026.

136. In July of 2026, in response to controversy over a World Cup red card, X Poster posted "fuck you" and tagged DHS, ICE, the White House, and President Trump.

137. On July 6, 2026, X Poster reposted another user's tweet which read: "Crazy how America is more bothered about a footballer player getting a red card than they are about school shootings and the fact that their president is a rapist sex offender."

138. On July 6, 2026, X Poster reposted another user's tweet which read "Americans are genuinely brainless I cannot believe the takes I'm seeing on here."

139. On September 21, X Poster replied to a tweet posted by the Israel Football Association that read "We have contributed to the world and humanity in countless fields, earning an impressive number of Nobel Prizes along the way. Unfortunately, we have not yet found a cure

for stupidity, ignorance, and hypocrisy displayed by the @IrelandFootball team coach. We're not playing with ignorance, hypocrisy, and stupidity, We're playing against the coach who embodies them," and wrote, "fuck you."

140. In retaliation for this speech critical of the Administration, Defendants issued a grand jury subpoena to unmask X Poster.

141. The subpoena for X Poster's information identifies no statute or potential crime under investigation.

142. None of X Poster's posts suggest that they have engaged or will engage in criminal activity.

143. X Poster's posts do not provide a good-faith basis for a grand jury investigation.

144. Since receiving notice about the grand jury subpoena, X Poster has been nervous about posting any content online. Though they continue to make occasional posts, they have stopped posting regularly—even about soccer. They are afraid that federal agents will visit their family, and they worry that the government is watching their account and could further retaliate against them.

CLASS ACTION ALLEGATIONS

145. Plaintiffs bring this class action on behalf of themselves and all others who are similarly situated pursuant to Federal Rule of Civil Procedure 23(a) and 23(b)(2).

146. Pursuant to Rule 23(a) and 23(b)(2), Plaintiffs seek to represent a class that consists of **all persons whose identity or subscriber information has been or will be requested from their electronic communication service providers (including social media companies) by a grand jury subpoena issued as part of Investigation 18**.

147. The proposed class satisfies the numerosity requirement of Rule 23(a)(1) because joinder of all persons whose personal information has been requested by a grand jury subpoena issued as part of Investigation 18 is impracticable.

148. The precise number of individuals whose information has been or will be targeted in this manner is unknown to counsel. Public reporting suggests that the Administration is making abundant use of subpoenas to obtain critics' information, and counsel are aware of at least 35 class members. Given grand jury secrecy requirements, non-disclosure orders, and the sealed nature of grand jury proceedings, counsel are likely aware of only a fraction of existing class members. Therefore, it is likely there are at least 40 class members.

149. Even if there were fewer than 40 class members, joinder is impractical for several reasons, including grand jury secrecy and sealing requirements, and the fact that users who learn that a grand jury subpoena has issued for their information often only have a short window to challenge it.

150. Furthermore, as Defendants continue to issue grand jury subpoenas as part of Investigation 18, the number of class members will increase. The class seeks prospective relief for such future class members whose identities are currently unknown and who are therefore impossible to join.

151. Considering separate lawsuits by each class member to enjoin Investigation 18 would not be in the interests of judicial economy.

152. Additionally, class members are dispersed across the country and abroad, and many of them do not have the financial resources to hire counsel to pursue individual lawsuits and may be unaware of free or low-cost options.

153. Many class members face barriers to instituting individual lawsuits, including their lack of familiarity with the legal system and lack of understanding of how to challenge grand jury investigations that are conducted in bad-faith, retaliatory, or otherwise violative of the First Amendment.

154. Many class members are unable to file their own challenges because they do not learn about the subpoena that issued for their information at all, or they do not learn about it in time to find counsel and file a challenge. Some companies tell users that they have only seven days to file a challenge before their information will be turned over. By the time a user sees that email, they might have only a few days to obtain counsel and file a challenge or to try to figure out how to file one themselves.

155. Class members have chosen to post online without disclosing their personal information sought by Defendants. Class members' desire or need to remain anonymous may make them hesitant to seek to challenge the subpoenas, as they could reasonably fear that doing so would pierce their anonymity.

156. The proposed class satisfies the commonality requirement of Rule 23(a)(2) as it shares common issues of fact or law, including but not limited to:

a. Whether Investigation 18 was instituted in bad faith;

b. Whether Investigation 18 is being conducted in bad faith;

c. Whether Investigation 18 was instituted in retaliation for protected speech;

d. Whether Investigation 18 is being used to retaliate against individuals for their protected speech;

e. Whether Investigation 18 was instituted to gather intrusive intelligence on critics of the Administration or its immigration enforcement practices;

f. Whether Investigation 18 is being used to gather intrusive intelligence on critics of the Administration or its immigration enforcement practices;

g. Whether Investigation 18 was instituted to deter protected speech critical of the Administration;

h. Whether Investigation 18 is being used to deter protected speech critical of the Administration;

i. Whether judicial oversight is necessary before grand jury subpoenas can issue to unmask anonymous online speakers;

j. Whether a grand jury subpoena demanding personal information would deter a person of ordinary firmness from continuing to express dissenting viewpoints online; and

k. Whether grand jury subpoenas can properly issue to further a bad-faith or retaliatory investigation.

157. The answers to these questions will resolve issues that will help resolve all class members' claims.

158. All class members have been investigated as part of the same bad-faith investigation. Defendants' institution of Investigation 18 has injured all class members.

159. Defendants' practice of issuing grand jury subpoenas as part of Investigation 18 has injured—and continues to injure—class members by subjecting them to a bad-faith, retaliatory investigation.

160. The proposed class satisfies the typicality requirement of Rule 23(a)(3), because the claims of the proposed class representatives are typical of the claims for the class.

161. Plaintiffs, the proposed class representatives, like all class members, had their personal information targeted by a grand jury subpoena that issued pursuant to Investigation 18.

162. Plaintiffs' and all class members' claims are based on the same legal theory: that Investigation 18 is a bad-faith investigation, that retaliating and gathering intrusive intelligence on critics are improper purposes for a grand jury investigation or subpoena, and that a grand jury subpoena seeking to unmask an anonymous speaker violates the First Amendment if the government cannot make out a prima facie case that the speaker committed a crime.

163. Plaintiffs, like all class members, posted anonymously online, which prompted Defendants to issue a grand jury subpoena for their information.

164. The focus of this litigation is not each individual class member's speech, but the bad-faith nature of Investigation 18, and the question of whether Defendants can issue grand jury subpoenas for the improper purposes of retaliating against and gathering intrusive intelligence on online critics.

165. Plaintiffs are adequate class representatives, as required by Rule 23(a)(4), as they have no conflicts of interest with the putative class members, will fairly and adequately protect the interests of the class, and understand and accept their responsibilities as class representatives. Plaintiffs are able to vigorously prosecute the interests of the class through qualified counsel.

166. The proposed class satisfies the requirements of Rule 23(b)(2) because Defendants have acted on grounds generally applicable to the class, namely targeting all class members' identity and subscriber information as part of Investigation 18. Every class member has been subject to the same bad-faith investigation targeting their identity and subscriber information.

167. The injunctive and declaratory relief sought is appropriate and will settle the legality of Defendants' behavior with respect to the class as a whole.

CLAIMS FOR RELIEF

CLAIM I
First and Fourth Amendments – Bad-faith Investigation
(Plaintiffs and proposed class against all Defendants)

168. A grand jury investigation that is instituted or conducted in bad faith, or initiated or conducted for the purposes of gathering intrusive intelligence or retaliating against critics of the government, violates the First and Fourth Amendments.

169. Defendants initiated and are pursuing Investigation 18 in bad faith in order to have a vehicle to unmask and retaliate against individuals who criticize the Administration.

170. Investigation 18 has swept in anonymous speakers who have not posted anything that could plausibly be the basis of a good-faith investigation.

171. Investigation 18 has chilled speech critical of the Administration and will continue to chill such speech absent intervention from this Court.

172. Substantial evidence shows that Defendants use subpoena processes to intimidate and retaliate against individuals who have criticized the federal government.

173. The Court has inherent equitable power to enjoin federal officers from violating the constitution. *See Armstrong v. Exceptional Child Center*, 575 U.S. 320, 327 (2015).

CLAIM II
First Amendment – Freedom of Speech and Right to Anonymity
(Plaintiffs and proposed class against all Defendants)

174. Grand jury subpoenas issued as part of Investigation 18—including the subpoenas that issued for Plaintiffs' identity and subscriber information—directly implicate the First Amendment by seeking to pierce online speakers' anonymity.

175. Speakers have a First Amendment right to speak anonymously, including online.

176. Plaintiffs and class members intentionally keep certain personal information about themselves concealed when they post online.

177. Plaintiffs' and class members' speech is chilled when the government seeks to unmask their identities in response to their speech.

178. Public discourse is chilled when individuals know that their protected, political speech may lead to grand jury subpoenas demanding their identity or subscriber information or other personal information about them.

179. Defendants have no compelling interest in unmasking anonymous speakers on the basis of their criticism of the federal government.

180. Defendants have no compelling interest in chilling dissenting viewpoints regarding their immigration enforcement practices.

181. Plaintiffs' speech does not provide Defendants with a compelling need to unmask them.

182. Defendants cannot make a prima facie showing that Plaintiffs committed a crime.

183. Substantial evidence exists that grand jury subpoenas issued as part of Investigation 18 issue for the improper purposes of retaliating against speakers who criticize the federal government, and gathering intrusive intelligence on the Administration's critics.

184. The Court has inherent equitable power to enjoin federal officers from violating the constitution. *See Armstrong*, 575 U.S. at 327.

CLAIM III
First Amendment – Retaliation
(Plaintiffs and proposed class against all Defendants)

185. Plaintiffs, class members, and members of the public express their views online, including on social media and other electronic communications platforms. Their speech sometimes includes criticism of the current Administration and its immigration enforcement efforts.

186. Defendants initiated Investigation 18 for the purpose of providing cover to issue retaliatory grand jury subpoenas and gather intrusive intelligence on critics of the federal government.

187. Grand jury subpoenas have issued as part of Investigation 18 in response to Plaintiffs' and class members' protected speech online.

188. Defendants are investigating Plaintiffs and class members because of speech they posted online, without regard to whether it is constitutionally protected or whether it could plausibly be the basis of a good-faith grand jury investigation.

189. Plaintiffs' speech that led to Defendants' investigation of them is protected under the First Amendment.

190. Facilitating retaliatory subpoenas and gathering intrusive intelligence on critics of the federal government were the primary and dominant purposes of initiating and pursuing Investigation 18.

191. Being investigated by a grand jury would deter a person of ordinary firmness from engaging in whatever action prompted that investigation.

192. Defendants' use of grand jury subpoenas to unmask anonymous online speakers would deter a person of ordinary firmness from continuing to speak out online, and especially to criticize the federal government online.

193. Plaintiffs and many class members have self-censored since learning that grand jury subpoenas issued for their identity and subscriber information, out of fear that anything they say will lead to further investigation and indictment.

194. Grand jury subpoenas issued as part of Investigation 18 chill protected speech and will continue to do so absent intervention from this Court.

195. The Court has inherent equitable power to enjoin federal officers from violating the constitution. *See Armstrong*, 575 U.S. at 327.

REQUESTED RELIEF

Wherefore, Plaintiff respectfully requests that the Court:

A. Certify a class of all persons whose identity or subscriber information has been or will be requested from their electronic communication service providers (including social media companies) by a grand jury subpoena issued as part of Investigation 18;

B. Appoint the undersigned counsel as class counsel;

C. Declare that Investigation 18 is a bad-faith investigation meant to gather intrusive intelligence about people who criticize the federal government's immigration enforcement practices and facilitate retaliatory subpoenas;

D. Declare that grand jury subpoenas that issue as part of Investigation 18 violate Plaintiffs' and class members' First and Fourth Amendment rights;

E. Enjoin Defendants from pursuing Investigation 18, including by issuing or compelling compliance with grand jury subpoenas that issue under the investigation number USAO #[redacted]18; or, in the alternative, order that the attorneys running Investigation 18 may not purposefully disclose the identity of any Plaintiff or class member to any government official

except those agents directly investigating the Plaintiff's or class member's posts, and may not input Plaintiffs' or class members' identity or subscriber information into any electronic system accessible by federal employees for purposes other than grand jury investigations, unless and until an indictment is returned;

F. Enjoin Defendants from instituting a new bad-faith investigation with the same contours as Investigation 18 to unmask Plaintiffs or class members; or, in the alternative, order that Assistant U.S. Attorneys and Special Assistant U.S. Attorneys who issue grand jury subpoenas to unmask anonymous speakers may not disclose identity or subscriber information about such speakers to any government official except those agents directly investigating the speaker, and may not input such speakers' identity or subscriber information into any electronic system accessible by federal employees for purposes other than grand jury investigations, unless and until an indictment is returned;

G. Enjoin Defendants from requesting or demanding, as part of any investigation, that electronic communication service providers provide Defendants with the identity or subscriber information of any Plaintiff or class member without making a prima facie showing to the judge overseeing the grand jury that the Plaintiff or class member committed a crime;

H. Enjoin Defendants from investigating Plaintiffs and class members in retaliation for their criticism of the Administration or its immigration enforcement practices, including by issuing or compelling compliance with grand jury subpoenas or administrative subpoenas.

I. Order Defendants, their subordinates, agents, employees, and all others acting in concert with them to expunge all records collected and maintained about Plaintiffs and class members as part of Investigation 18;

J. Award Plaintiff costs and reasonable attorneys fees pursuant to 28 U.S.C. § 2412, and any other applicable source of law; and

K. Grant such further relief as the Court deems appropriate.

November 16, 2026

Respectfully submitted,

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**Motion for Admission* pro hac vice *forthcoming*