UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

MAX BLUMENTHAL, *Plaintiff,* v.	**AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF, DAMAGES, AND ATTORNEY'S FEES**
MARKWAYNE MULLIN, *in his official capacity as Secretary of the Department of Homeland Security;* RODNEY S. SCOTT*, in his official capacity as Commissioner of U.S. Customs and Border Protection;* RONALD D. VITIELLO*, in his official capacity as Acting Deputy Commissioner of U.S. Customs and Border Protection*, and THE UNITED STATES OF AMERICA. *Defendants*.	JURY TRIAL DEMANDED

INTRODUCTORY STATEMENT

1. This lawsuit is brought by Max Blumenthal, an award-winning independent journalist who is internationally recognized for bringing attention to the detrimental impacts of U.S. foreign policy in various parts of the world, particularly the Middle East.

2. On July 10, 2026, after returning from a trip he had taken to Iran to cover the funeral of the Ayatollah Ali Khamenei, Mr. Blumenthal's two smartphones were unlawfully

seized at Dulles International Airport by the Department of Homeland Security's (DHS) Customs and Border Protection (CBP). The officers who confiscated his devices informed him that they would be hooked up to external equipment to extract data.

3. During the time he was in Iran and shortly thereafter, social influencer Laura Loomer, a close associate of President Trump's, posted numerous times on the platform X that Plaintiff should be arrested, falsely suggested that state actors had paid him to visit Iran, and stated without evidence that he was under investigation by the Federal Bureau of Investigation (FBI). Ms. Loomer's posts tagged multiple federal agencies and administration officials, including the FBI, Secretary of State Marco Rubio, and Secretary of the Treasury Scott Bessent.

4. Likewise, while Plaintiff was still in Iran on July 7, Elon Musk—a former Trump administration official who maintains a close relationship with the President—amplified an X post accusing Mr. Blumenthal of dedicating his life to "Antifa, Palestine, Russia, and the Islamic Republic of Iran."

5. Given that prominent individuals who are former officials of the Trump Administration, or close allies of President Trump and his inner circle, participated in this social media campaign against Plaintiff, and that he was shortly thereafter subjected to an unreasonable search and seizure by CBP, it is likely that the government was targeting and punishing him for his views and journalism—in violation of his First Amendment rights to be protected from viewpoint discrimination and retaliation. Ms. Loomer corroborated this herself, as following the seizure of Plaintiff's phones, she took credit for the search, boasting that she had personally lobbied the FBI and State Department to arrest and punish Plaintiff for reporting from Iran.

6. Moreover, the Government's seizure of Mr. Blumenthal's devices to conduct an advanced forensic search violates the Fourth Amendment: courts in this Circuit hold that such searches require, at the very least, individualized suspicion of an offense that bears some nexus to the border search exception's purpose of protecting national security, collecting duties, blocking entry of unwanted persons, or disrupting efforts to export or import contraband.

7. Likewise, the search violated the 1980 Privacy Protection Act (PPA), which Congress passed to address the significant privacy interests that journalists possess in their work product materials—in the modern era, that obviously includes the contents of smartphones—entitling Plaintiff to damages.

8. Portions of the Directive to which CBP apparently adhered in conducting the unlawful search and seizure of Mr. Blumenthal's devices must be enjoined under the Administrative Procedure Act (APA), because they permit searches of American travelers' electronic devices without individualized suspicion or a warrant in violation of the Constitution and laws of the United States.

9. In sum, this civil rights action seeks redress for the violations of Mr. Blumenthal's rights under the laws and Constitution of the United States. It also seeks declaratory and injunctive relief to protect him from future violations.

JURISDICTION AND VENUE

10. This court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 because the federal law claims arise under the Constitution and statutes of the United States.

11. Venue is proper in this District under § 1391(b)(2) because the events giving rise to the claim occurred in this District.

12. This Court may issue declaratory judgment and grant permanent injunctive relief pursuant to 28 U.S.C. §§ 2201-2202, and the United States has waived sovereign immunity for Plaintiff's claims seeking such relief pursuant to 5 U.S.C. § 702.

PARTIES

13. Plaintiff Max Blumenthal is a United States citizen and journalist who resides in Reston, Virginia.

14. Defendant Markwayne Mullin is the Secretary of DHS, the agency responsible for protecting the United States from threats, especially foreign ones. He is sued in his official capacity.

15. Defendant Rodney S. Scott is the Commissioner of CBP. CBP, which operates within DHS, is the largest federal law enforcement agency in the country. It is responsible for customs, immigration, and border security. Commissioner Scott oversees the daily operations of CBP's mission, including matters relating to trade, travel, and national security. He is sued in his official capacity.

16. Defendant Ronald D. Vitiello is the Acting Deputy Commissioner for CBP. He oversees CBP's daily operations, which includes matters relating to trade, travel, and national security. He is sued in his official capacity.

17. Defendant The United States of America is the sovereign government of this country, of which DHS and CBP are agencies.

STATEMENT OF FACTS

I. PLAINTIFF'S PERSONAL AND PROFESSIONAL BACKGROUND

18. Plaintiff is a Jewish-American journalist whose career has spanned 25 years. He is a husband and the father of two young children, now ages 5 and 1.

19. He is well-known for his investigative reporting on U.S. foreign policy. His work is widely commended for highlighting underreported perspectives and challenging government narratives. He has been widely criticized by establishment media and political figures alike for casting doubt on official reports.

20. Plaintiff not only writes news articles but is a filmmaker and the author of four books, one of which—*Republican Gomorrah: Inside the Movement That Shattered the Party*—was a 2009 *New York Times* and *Los Angeles Times* bestseller. He has won several awards, including the Online Journalism Award and the Pierre Sprey Award for Defense Reporting and Analysis.

21. Plaintiff's work has been published in news outlets including *The Nation*, *AlterNet*, *The Daily Beast*, *The Huffington Post*, *The New York Times*, and *The Los Angeles Times*. Currently, he serves as Editor of an online news publication he founded over a decade ago, known as *The Grayzone*.

22. From 2009 through 2014, Plaintiff spent extensive amounts of time living in Israel and the Occupied Palestinian Territories, including the West Bank and Gaza Strip. He documented his experiences and observations in two widely read and reviewed books: *Goliath: Life and Loathing in Greater Israel*, which was published in 2013, and *The 51 Day War: Ruin and Resistance in Gaza*, which was published in 2015. He also co-produced a documentary about bearing witness to Israel's 2014 military assault on the Gaza Strip, *Killing Gaza.*

23. Plaintiff has also done extensive reporting in Latin America, where he has interviewed several presidents and produced numerous reports for *The Grayzone*.

24. Plaintiff's journalism is recognized both in the U.S. and in Israel as highly influential with respect to public perception of the Israel-Palestine conflict.

25. Plaintiff has established a large audience that spans the political spectrum. He and *The Grayzone* have more than one million followers across multiple online platforms, including X, YouTube, Facebook and Instagram. Other journalists and political commentators routinely amplify his news coverage.

26. Plaintiff has been the first journalist to break many stories involving Israel, including the Israeli Defense Forces' use of the Hannibal Directive, which authorizes the military to kill Israeli citizens to prevent them from being taken hostage and used as political collateral.

27. While mainstream media outlets initially denied the truth of Plaintiff's reporting on this subject, a few months later, *Haaretz*—a widely read Israeli newspaper—published an article admitting that Israeli army soldiers employed the Hannibal Directive at three different army facilities on October 7, 2023. Yaniv Kubovich, *IDF Ordered Hannibal Directive on October 7 to Prevent Hamas Taking Soldiers Captive*, HAARETZ (July 7, 2024), https://shorturl.at/pkhe0 (last visited Nov. 17, 2026).

28. Plaintiff was later given the Pierre Sprey Award for Defense Reporting and Analysis based on this reporting.

29. This past September, Plaintiff was honored at the Integrity Media Award Ceremony in Chicago.

II. CBP'S DIRECTIVE GOVERNING SEARCHES OF TRAVELERS' ELECTRONIC DEVICES AT POINTS OF ENTRY INTO THE UNITED STATES

30. CBP maintains that it has the right to search traveler's electronic devices (phones, computers, cameras) at border crossings to identify and combat, *inter alia,* terrorism, drug smuggling, human trafficking, intellectual property rights violations, and visa fraud. *See Border Search of Electronic Devices at Ports of Entry*, U.S. CUSTOMS AND BORDER PROTECTION, https://shorturl.at/fNrGM (last visited Nov. 17, 2026).

31. According to CBP, "border searches of electronic devices are often integral to determining an individual's intentions upon entry to the United States and thus provide additional information relevant to admissibility of foreign nationals under U.S. Immigration law." *Id.*

32. CBP claims that such searches are rare and "exercised judiciously and responsibility" so as to be "consistent with the public trust." *Id.*

33. Nevertheless, CBP's own data demonstrates that these searches are significantly increasing in frequency and yet are almost never reviewed: searches of travelers' electronic devices climbed from 8,503 in 2015 to 55,318 in 2025. *See* Pet. For Writ of Certiorari at 208a, *Merchant v. Mayorkas*, No. 20-1505 (U.S. Apr. 23, 2021); CPB Publ'n No. 5202-1025, *Border Searches of Electronics at Ports of Entry, FY 2025 Statistics* (Nov. 13, 2025).

34. In fact, undersigned counsel at the American-Arab Anti-Discrimination Committee is representing two other individuals whose devices were recently seized by CBP, apparently without individualized suspicion that would justify a warrant, and routinely receives other reports of warrantless, suspicion-less phone searches and seizures. *See Imam v. Mullin*, 1:26-mc-25 (E.D.V.A., filed Oct. 20, 2026) (Rule 41(g) motion for return of electronic devices

seized at Dulles filed by psychiatric nurse and his wife); *Shehadeh v. Mullin*, 2:26-cv-12715 (D.N.J. filed Sept. 26, 2026) (Rule 41(g) motion for return of smartphone seized at Newark Airport filed by Florida-based attorney).

35. In its internal directive, effective January 1, 2026, CBP has maintained its authority to conduct searchers of travelers' electronics under federal statutes and Supreme Court precedent. *See Border Search of Electronic Devices* ("CBP Directive"), U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION (Jan. 1, 2026), https://shorturl.at/rYt02 (last visited Nov. 17, 2026).

36. The Directive differentiates between basic and advanced searches of electronic devices. *Id.* at 3.3-3.4. An advanced search involves connecting the device to equipment to analyze the contents. *Id.* at 3.4 According to the Directive, use of external equipment to make the devices available for inspection does not necessarily constitute an advanced search. *Id.*

37. According to the Directive, officers may conduct basic searches without suspicion, but advanced searches require reasonable suspicion of activity in violation of laws enforced or administered by CBP. *Id.* at 5.1.4. Yet at the same time, CBP agents may conduct advanced searches when there is a national security concern. *Id.* at 5.1.4. No additional information is given to clarify what constitutes a national security justification untethered to reasonable suspicion about a certain traveler.

38. All searches of electronic devices are to be documented in appropriate CBP systems; when an advanced search is conducted, the justification for that search is also to be documented. *Id.* at 5.1.5.

III. PLAINTIFF'S INTERNATIONAL TRAVEL IN 2025 AND 2026

39. On February 24, 2025, Plaintiff, his wife and then four-year-old daughter arrived at Dulles International Airport after a vacation to Nicaragua. This was an entirely leisurely vacation during which Plaintiff engaged in no political activity.

40. He was stopped by a CBP agent and taken to a secondary screening room where the officer asked a series of bizarre and disconcerting questions that appeared unrelated to the trip.

41. The CBP agent told Plaintiff that he had recently seen him on Judge Andrew Napolitano's program, *Judging Freedom* (incorrectly stating the name as "Judge Napolito"). Nearly all of Plaintiff's recent appearances on *Judging Freedom* had focused on Israel's wars in Gaza, Lebanon and beyond.

42. The CBP agent asked Plaintiff to fill out a questionnaire with his personal information and details about his trip. As soon as Plaintiff completed the form, the CBP agent turned it over, displaying a hand-written list containing several names, and asking if Plaintiff knew any of them. Plaintiff did not recognize any at that time, but later learned that one of them was the birth name of Medea Benjamin, a very well-known pro-Palestinian activist who uses a pseudonym. He has since acquired information that has led him to believe that others on the list were pro-Palestinian activists.

43. Eventually, the family was permitted to leave, but never received an explanation for the treatment and strange questioning.

44. Plaintiff traveled to Iran for the first time in May 2025 with his wife, who was then about 6 months pregnant, and daughter, to participate in a public media festival, report on US-Iranian negotiations, and produce a documentary on Iran's Jewish community.

45. His return trip was uneventful; he was not subjected to any kind of search, nor did CBP officers ask to search his phones, attempt to search his phones, or seize his phones.

46. On July 3, 2026, Plaintiff embarked on his second trip to Iran, this time to report on the funeral of Ayatollah Ali Khamenei.

47. Plaintiff entered Iran exactly as American reporters working for establishment media outlets such as CNN and NBC did—on a press visa granted by the Iranian Foreign Ministry. While in Tehran, he participated in official press events alongside American reporters for CNN and NBC, who were also in the country to cover the funeral.

48. To Plaintiff's knowledge, no other American reporter was subjected to interrogation or had their devices seized by CBP upon returning to the United States.

49. On information and belief, it is probable that had another journalist been treated this way, he or she would have publicized it, since searching journalists' equipment raises significant privacy and other concerns.

50. While in Iran, Plaintiff interviewed members of the country's negotiation team, top political officials, academics, prominent journalists, and average citizens for a series of video and print reports for *The Grayzone*.

51. Additionally, Plaintiff visited various sites that the United States and Israel had bombed during the current war, including Gandhi Hospital, an entire neighborhood in Eastern Tehran, Azadi Football Stadium and Rafi-Nia Synagogue.

52. Plaintiff intended to use the information, photographs and footage he gathered during that trip to write and produce news articles and videos, respectively, in the course of his employment as a journalist.

53. Plaintiff departed Tehran on July 10, flying through Istanbul, Turkey, to Dulles in Virginia, with one checked suitcase, one carry-on backpack, and another carry-on containing two Persian rugs.

54. Plaintiff noticed that his boarding pass for the flight from Istanbul to Dulles International Airport was marked with the letters "SSSS," which he understood to mean that he had been flagged by DHS for a secondary screening upon reentry into the United States.

55. Plaintiff arrived at Dulles International Airport around 8:00 p.m. on July 10, 2026. CBP officers ushered him into a secondary screening room, where he waited for around 20 or 30 minutes and then was questioned by two CBP officers.

56. One of the officers searched Plaintiff's carry-on bags, which contained a laptop computer and digital camera. They asked him questions about his identity and his work as a journalist.

57. The officers then asked another series of questions, including whether he was financially compensated for the interviews he conducted in Iran, and how he paid for his travel.

58. One of the CBP officers then asked Plaintiff whether he had plans to return to Iran soon and Plaintiff replied that he did not. After about 10 minutes of questioning, CBP officers escorted Plaintiff to the baggage carousel so that he could retrieve his luggage.

59. The CBP officers began searching Plaintiff's checked bags and demanded that Plaintiff surrender his electronic devices to them.

60. Plaintiff turned over two mobile phones that he had on his person: a Google Pixel 6 and a Google Pixel 8. CBP officers did not ask for, open, or take Plaintiff's laptop computer or digital camera.

61. When Plaintiff placed his two mobile phones on the table in front of the CBP officers, they said they were required to search them for evidence of criminal activity or child sexual material. They then instructed him to unlock the smartphones, asking for Plaintiff's passcodes. Plaintiff declined to do so, as he believed this an unreasonable privacy intrusion, particularly given his work as a journalist.

62. The CBP officers responded that in that case, they would have to take the phones. One of the officers told Plaintiff that they were going to "hook them up to machines" in order to extract data from them, which would take a day or so.

63. CBP officers asked Plaintiff if his phones contained communications with his attorney. Plaintiff did not understand the implication and did not respond.

64. Plaintiff was detained by CBP for a total of approximately 2 hours, after which officers returned his passport and permitted him to leave with his luggage, camera and laptop—but not his two phones.

65. CBP officers provided Plaintiff with a telephone number to call about the status of the phones. Plaintiff left Dulles at approximately 10:30 p.m., exhausted after a long day's travel and the stress of being subjected to unwarranted questioning by CBP.

IV. SOCIAL MEDIA POSTS OF ONLINE INFLUENCERS TARGETING PLAINTIFF

66. Laura Loomer, a social media influencer with 1.9 million followers on the social media platform X, is a close associate of President Trump's. He has met with her on several occasions, including in the Oval Office. The President openly admits to taking advice from her. Josh Meyer, *Conspiracy theorist Laura Loomer hints at more Trump firings on her claims of* 'disloyalty', USA TODAY (Apr. 4, 2025), https://shorturl.at/gJPjU (last visited Nov. 17, 2026).

67. Ms. Loomer's influence over the President and her ability to achieve critical policy and personnel decisions appears to be significant. For example, in April of 2025, President Trump fired six National Security Council (NSC) officials and two top National Security Agency (NSA) leaders after Ms. Loomer targeted them. *See* Maggie Haberman, Jonathan Swan, and Ken Besinger, *Trump Fires 6 N.S.C. Officials After Oval Office Meeting with Laura Loomer*, THE NEW YORK TIMES, (Apr. 3, 2025), https://shorturl.at/t1bcf (last visited Nov. 17, 2026).

68. Last month (October 2026), President Trump "heaped praise" on Ms. Loomer during a campaign stop, calling her a "great Republican strategist" and "a killer." *See* Kathryn Wilkens, *Trump Praises 'Great Republican Strategist' Laura Loomer: 'A Killer,'* MEDIAITE (Oct. 2, 2026), https://www.mediaite.com/politics/trump/trump-praises-great-republican-strategist-laura-loomer-a-killer/ (last visited Nov. 14, 2026). MS NOW's Jake Traylor noted that "Loomer's previous meetings with Trump have been consequential. Last year Trump fired six national security staffers following a meeting with Loomer in the Oval Office where she presented opposition research against the individuals." *Id.*

69. A recent *Washington Post* article reporting that Ms. Loomer had accepted payments to post certain political content on social media quoted a senior researcher at Open Measures as saying "[t]his is somebody that has a tremendous amount of influence and access to the president's ear[.]"). *See* Drew Harwell and Scott Nover, *Trump ally Loomer was paid thousands for political tweets, people familiar say*, THE WASHINGTON POST (Nov. 7, 2026), https://www.washingtonpost.com/business/2026/11/07/trump-ally-laura-loomer-paid-thousands-political-tweets-people-familiar-say/ (last viewed Nov. 14, 2026).

70. The same article reported that Ms. Loomer traveled with President Trump and that detractors within the administration have taken issue with her relationship to the President and lamented that she appeared to effectuate the dismissal of the national security officers discussed above. *Id.*

71. In August of last year, shortly after an aggressive social media campaign by Ms. Loomer to retract visas granted to children from Gaza in desperate need of medical care, the State Department announced that it would stop issuing such visas. Ms. Loomer took credit, calling the move "fantastic news" and stating that "Hopefully all GAZANS will be added to President Trump's travel ban." *See* Robert Mackey, *US state department stops issuing visas for Gaza's children to get medical care after far-right campaign*, THE GUARDIAN (Aug. 16, 2025), https://www.theguardian.com/us-news/2025/aug/16/gaza-children-visas-medical-care-laura-loomer (last visited Nov. 17, 2026).

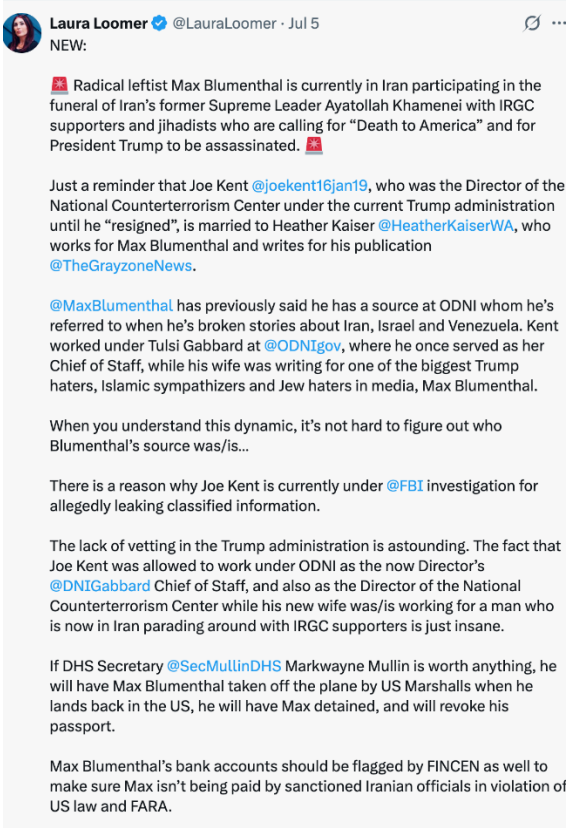
72. Nate Swanson, a top Iran expert on President Trump's negotiating team from the National Security Council, was fired this past March after Ms. Loomer tweeted critically about him. Ms. Loomer was widely credited with effectuating his ouster. *See* Scott Waldman, Ben Johansen, and Sophia Cai, *He just chose not to listen*, POLITICO (Mar. 27, 2026), https://shorturl.at/K8ZXQ (last visited Nov. 17, 2026).

73. During former President Joseph Biden's presidency, Ms. Loomer had voiced support for Plaintiff. In January of 2025, Plaintiff was removed from then-Secretary of State Tony Blinken's final press conference after confronting him for supporting Israel's military actions in Gaza. Ms. Loomer messaged Plaintiff directly to condemn the Administration's treatment of him, publicly posting in reference to the "manhandl[ing]" of Plaintiff and another journalist, Sam Husseini, that "I am a Zionist, but the way the US State Department

manhandled journalists [Plaintiff and Sam Husseini] today was unacceptable. I am deeply concerned about the attacks on free speech and freedom of press in our country. The United States must do better." *See* Max Blumenthal (@MaxBlumenthal), X (Jul. 21, 2026), https://tinyurl.com/mx3y2ks3 (last visited Nov. 15, 2026).

74. Her attitude changed sometime thereafter.

75. On July 5, 2026, during Plaintiff's trip to Iran, Ms. Loomer, wrote a long post on X denouncing him and, *inter alia*, calling for Defendants to have U.S. Marshals remove him from the plane, detain him, and revoke his passport. She also declared that Plaintiff's "bank accounts should be flagged by FINCEN as well to make sure [he] isn't being paid by sanctioned Iranian officials in violation of US law and FARA," and tagged Secretary Rubio, DHS's official account, and FBI Director Kash Patel at the bottom of the post. *See* Laura Loomer (@LauraLoomer), X (Jul. 5, 2026, at 8:57 PM), https://x.com/LauraLoomer/status/2073934330158886922 (last visited Aug. 13, 2026).



Laura Loomer @LauraLoomer · Jul 5

NEW:

🚨 Radical leftist Max Blumenthal is currently in Iran participating in the funeral of Iran's former Supreme Leader Ayatollah Khamenei with IRGC supporters and jihadists who are calling for "Death to America" and for President Trump to be assassinated. 🚨

Just a reminder that Joe Kent @joekent16jan19, who was the Director of the National Counterterrorism Center under the current Trump administration until he "resigned", is married to Heather Kaiser @HeatherKaiserWA, who works for Max Blumenthal and writes for his publication @TheGrayzoneNews.

@MaxBlumenthal has previously said he has a source at ODNI whom he's referred to when he's broken stories about Iran, Israel and Venezuela. Kent worked under Tulsi Gabbard at @ODNIgov, where he once served as her Chief of Staff, while his wife was writing for one of the biggest Trump haters, Islamic sympathizers and Jew haters in media, Max Blumenthal.

When you understand this dynamic, it's not hard to figure out who Blumenthal's source was/is...

There is a reason why Joe Kent is currently under @FBI investigation for allegedly leaking classified information.

The lack of vetting in the Trump administration is astounding. The fact that Joe Kent was allowed to work under ODNI as the now Director's @DNIGabbard Chief of Staff, and also as the Director of the National Counterterrorism Center while his new wife was/is working for a man who is now in Iran parading around with IRGC supporters is just insane.

If DHS Secretary @SecMullinDHS Markwayne Mullin is worth anything, he will have Max Blumenthal taken off the plane by US Marshalls when he lands back in the US, he will have Max detained, and will revoke his passport.

Max Blumenthal's bank accounts should be flagged by FINCEN as well to make sure Max isn't being paid by sanctioned Iranian officials in violation of US law and FARA.

76. Ms. Loomer wrote a similar X post on July 7, in which she stated, *inter alia*, that she "hoped [Plaintiff would be] raided in a heavily armed raid by the @FBI at 5am and that @SecRubio strips you of your passport for aiding the Iranian regime as they chant Death to America. I hope @SecScottBessent investigates how you paid for your trip to Iran, or if it was given to you by Iran and IRGC supporters so you are charged and prosecuted for possible sanctions violations." *See* Laura Loomer (@LauraLoomer), X (Jul. 7, 2026, at 5:03 PM) https://x.com/LauraLoomer/status/2074600105060036620 (last visited Aug. 13, 2026).



Laura Loomer
@LauraLoomer
Replying to @MaxBlumenthal

I went to India to speak at a conference for @IndiaToday where I blasted Islam and spoke about what a death cult it is.

Khamenei *was* a Muslim who defended child rape, along with Ayatollah Ruhollah Khomeini. What are you even talking about you rat faced communist traitor?

The passage below comes from Ayatollah Khomeini's official Islamic law manual, Tahrir al-Wasilah on Nikah.

In the passage, Khomeini outlines rulings that permit sex with minors and sets the legal framework that allowed for marriage of girls as young as nine years old in Iran after the 1979 Islamic Revolution in Iran.

Khomeini, like most Muslim men and the fake prophet Mohammed, was a pedophile who justified raping 9 year old girls. Khamenei fully supported these teachings because he was also likely a pedophile.

Ayatollah Ali Khamenei was a staunch supporter of Ayatollah Ruhollah Khomeini. He was an ardent advocate for Khomeini's Islamic Revolution and helped organize its new military structures. Because of his loyalty, Khomeini appointed him to key leadership roles and backed him to become Iran's president in 1981.

@MaxBlumenthal, You're a shill for Islam and communism and I hope you're raided in a heavily armed raid by the @FBI at 5 am and that @SecRubio strips you of your passport for aiding the Iranian regime as they chant Death to America.

I hope @SecScottBessent investigates how you paid for your trip to Iran, or if it was given to you by Iran and IRGC supporters so you are charged and prosecuted for possible sanctions violations.

77. Elon Musk is also known to have a close relationship with the President. Mr. Musk and his company, SpaceX, spent more than $276 million to help re-elect Donald Trump in 2024. *See Top Contributors, federal election data for Donald Trump, 2024 election cycle*, OPEN SECRETS, https://tinyurl.com/5fb7bsms (last visited Aug. 7, 2026).

78. Mr. Musk suggested the creation of a new agency, the Department of Government Efficiency (DOGE). Upon his reelection, Mr. Trump created DOGE and appointed Mr. Musk to run it, which he did in early 2025. *See* Jonathan J. Cooper, *Trump says he'd create a government efficiency commission led by Elon Musk*, AP NEWS (Sept. 5, 2024), https://shorturl.at/evCgf (last visited Aug. 16, 2026).

79. On July 7, 2026, Mr. Musk, commented "WOW" on a post accusing Plaintiff and three others of dedicating their lives to advocating for Antifa, Palestine, Russia, and the Islamic Republic of Iran.

80. Since Mr. Musk is the owner of X and by far its largest account holder with 241 million followers, his one-word comment caused the original post to reach more than 500,000 viewers within hours.



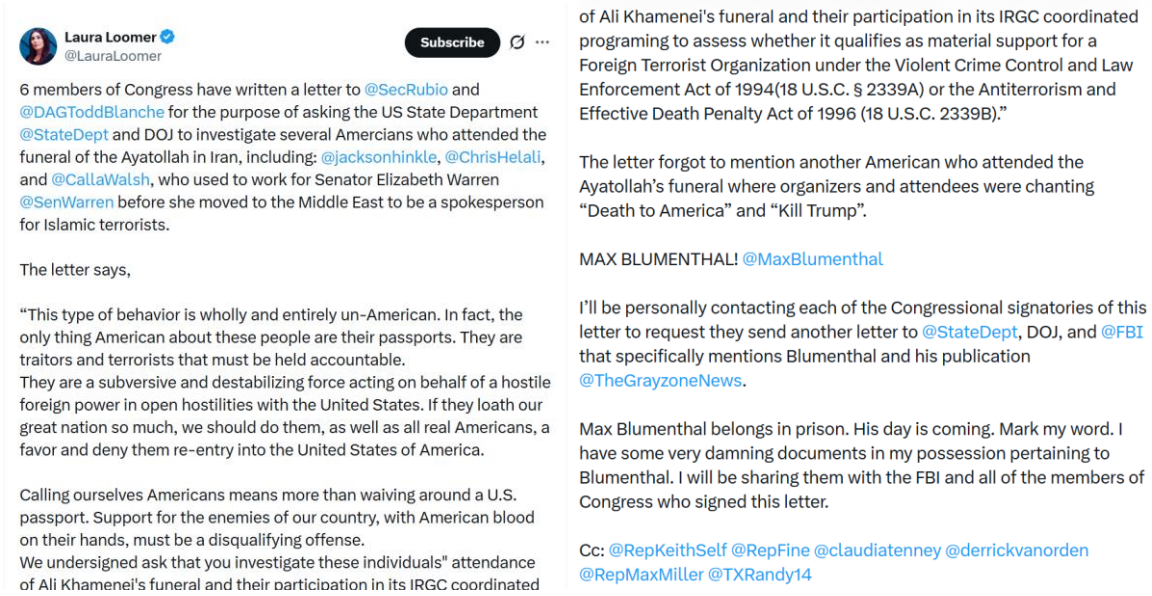
81. On July 14, 2026, after CBP seized Plaintiff's phones, Ms. Loomer stated that she could not "wait for [Plaintiff] to go to prison" and "the FBI is already on that, from what I heard." *See* Laura Loomer (@LauraLoomer), X (Jul. 14, 2026, at 5:24 PM), https://x.com/LauraLoomer/status/2077142253831594216?s=20 (last visited Aug. 13, 2026).



82. On July 22, Ms. Loomer reposted an X post accusing Plaintiff of being a foreign agent, stating "Yah, have some self awareness @MaxBlumenthal. I am dropping a big story about you." *See* @LauraLoomer, X (Jul. 22, 2026, at 5:59 PM), https://x.com/LauraLoomer/status/2080050129344647486?s=20 (last visited Aug. 13, 2026).



83. On July 30, 2026, Ms. Loomer posted a letter from several congresspeople, requesting that the Justice and State Departments investigate several Americans who attended the Ayatollah's funeral. Though she didn't initially list Plaintiff, later in the post she wrote: "MAX BLUMENTHAL! @MaxBlumenthal. I'll personally be contacting each of the Congressional signatories of this letter to request they send another letter to @StateDept, DOJ, and @FBI that specifically mentions Blumenthal and his publication @TheGrayzoneNews. Max Blumenthal belongs in prison. His day is coming. Mark my word. I have some very damning documents in my possession pertaining to Blumenthal. I will be sharing them with the FBI and all of the members of Congress who signed this letter." *See* Laura Loomer (@LauraLoomer), X (Jul. 30, 2026, 7:54 AM), https://x.com/LauraLoomer/status/2082797055672492320) (last visited Aug. 13, 2026).



Laura Loomer
@LauraLoomer
Subscribe

6 members of Congress have written a letter to @SecRubio and @DAGToddBlanche for the purpose of asking the US State Department @StateDept and DOJ to investigate several Amercians who attended the funeral of the Ayatollah in Iran, including: @jacksonhinkle, @ChrisHelali, and @CallaWalsh, who used to work for Senator Elizabeth Warren @SenWarren before she moved to the Middle East to be a spokesperson for Islamic terrorists.

The letter says,

"This type of behavior is wholly and entirely un-American. In fact, the only thing American about these people are their passports. They are traitors and terrorists that must be held accountable.
They are a subversive and destabilizing force acting on behalf of a hostile foreign power in open hostilities with the United States. If they loath our great nation so much, we should do them, as well as all real Americans, a favor and deny them re-entry into the United States of America.

Calling ourselves Americans means more than waiving around a U.S. passport. Support for the enemies of our country, with American blood on their hands, must be a disqualifying offense.
We undersigned ask that you investigate these individuals" attendance of Ali Khamenei's funeral and their participation in its IRGC coordinated programing to assess whether it qualifies as material support for a Foreign Terrorist Organization under the Violent Crime Control and Law Enforcement Act of 1994(18 U.S.C. § 2339A) or the Antiterrorism and Effective Death Penalty Act of 1996 (18 U.S.C. 2339B)."

The letter forgot to mention another American who attended the Ayatollah's funeral where organizers and attendees were chanting "Death to America" and "Kill Trump".

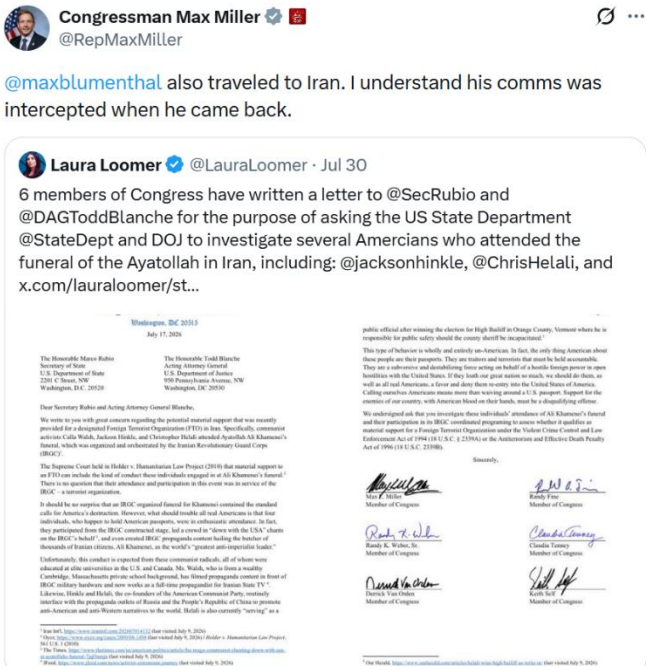
MAX BLUMENTHAL! @MaxBlumenthal

I'll be personally contacting each of the Congressional signatories of this letter to request they send another letter to @StateDept, DOJ, and @FBI that specifically mentions Blumenthal and his publication @TheGrayzoneNews.

Max Blumenthal belongs in prison. His day is coming. Mark my word. I have some very damning documents in my possession pertaining to Blumenthal. I will be sharing them with the FBI and all of the members of Congress who signed this letter.

Cc: @RepKeithSelf @RepFine @claudiatenney @derrickvanorden @RepMaxMiller @TXRandy14

84. Later that day, another ally of President Trump, Ohio Congressman Max Miller (the subject of domestic violence allegations over this past summer) remarked on the above-mentioned post: "@maxblumenthal also traveled to Iran. I understand his comms was intercepted when he came back." *See* Congressman Max Miller (@RepMaxMiller), X (Jul. 30, 2026, at 10:15 AM), https://x.com/RepMaxMiller/status/2082832517963436450 (last visited Aug. 13, 2026).



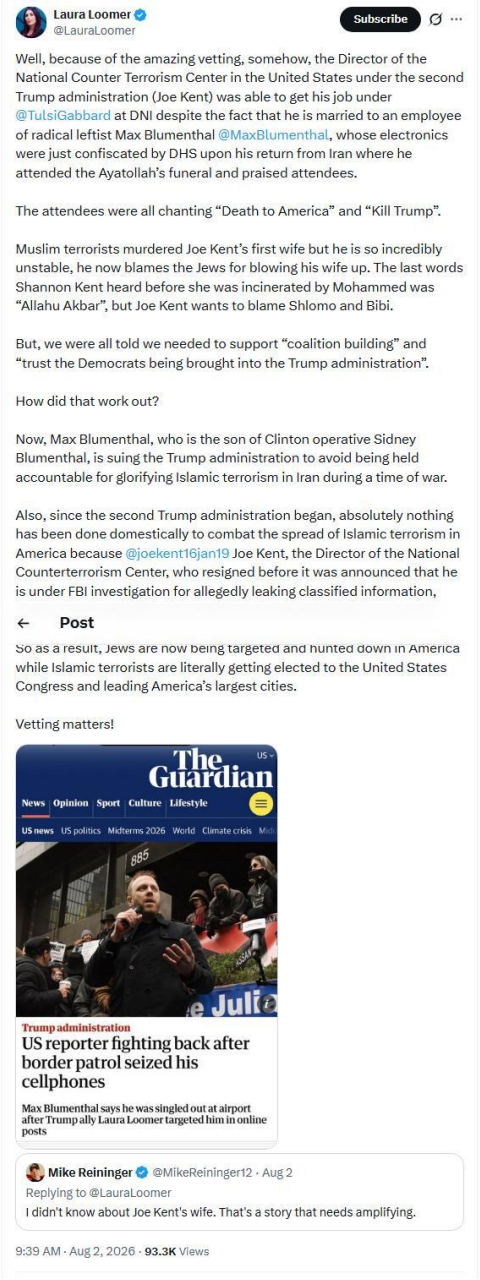
85. On August 1, 2026, former Congresswoman Marjorie Taylor Greene, along with several other well-known conservative anti-war figures, including Tucker Carlson, Joe Kent, and Congressman Thomas Massie, posted a tweet with the remark: "We said no more foreign wars and we meant it and supported Donald Trump because he made that promise. But he's betrayed us all. Our commitment is America First for all Americans, right, left, and center. The movement has begun."

86. Ms. Loomer remarked on the post: "Marjorie Traitor Greene announces a new movement has begun with her, her husband Brian Glenn, Tucker Qatarlson, Thomas Massie, his wife he married immediately after his wife of 30 years died, Joe Kent and Joe Kent's wife who works for radical left operative Max Blumenthal whose electronics were just seized by the Trump DHS after he returned from Iran where he attended the Ayatollah's funeral where attendees were chanting 'death to America' and 'kill Trump.' Every single one of these people belongs on a government watch list. Every person in this photo is a traitor to America and an

anti-Trump operative amplified by foreign adversaries." *See* Laura Loomer (@LauraLoomer), X (Aug. 1, 2026 at 11:38 AM), https://x.com/LauraLoomer/status/2083578233874756004 (last visited Aug. 13, 2026).



87. On August 2, 2026, Loomer posted yet again targeting Plaintiff, stating that his "electronics were just confiscated by DHS upon his return from Iran where he attended the Ayatollah's funeral and praised attendees." *See* Laura Loomer (@LauraLoomer), X (Aug. 2, 2026 at 9:39 AM), https://x.com/LauraLoomer/status/2083910544478679053 (last visited Aug. 13, 2026).



Laura Loomer
@LauraLoomer
Subscribe

Well, because of the amazing vetting, somehow, the Director of the National Counter Terrorism Center in the United States under the second Trump administration (Joe Kent) was able to get his job under @TulsiGabbard at DNI despite the fact that he is married to an employee of radical leftist Max Blumenthal @MaxBlumenthal, whose electronics were just confiscated by DHS upon his return from Iran where he attended the Ayatollah's funeral and praised attendees.

The attendees were all chanting "Death to America" and "Kill Trump".

Muslim terrorists murdered Joe Kent's first wife but he is so incredibly unstable, he now blames the Jews for blowing his wife up. The last words Shannon Kent heard before she was incinerated by Mohammed was "Allahu Akbar", but Joe Kent wants to blame Shlomo and Bibi.

But, we were all told we needed to support "coalition building" and "trust the Democrats being brought into the Trump administration".

How did that work out?

Now, Max Blumenthal, who is the son of Clinton operative Sidney Blumenthal, is suing the Trump administration to avoid being held accountable for glorifying Islamic terrorism in Iran during a time of war.

Also, since the second Trump administration began, absolutely nothing has been done domestically to combat the spread of Islamic terrorism in America because @joekent16jan19 Joe Kent, the Director of the National Counterterrorism Center, who resigned before it was announced that he is under FBI investigation for allegedly leaking classified information,

← Post

So as a result, Jews are now being targeted and hunted down in America while Islamic terrorists are literally getting elected to the United States Congress and leading America's largest cities.

Vetting matters!

The Guardian

News | Opinion | Sport | Culture | Lifestyle

US news | US politics | Midterms 2026 | World | Climate crisis

Trump administration

US reporter fighting back after border patrol seized his cellphones

Max Blumenthal says he was singled out at airport after Trump ally Laura Loomer targeted him in online posts

Mike Reininger @MikeReininger12 · Aug 2
Replying to @LauraLoomer
I didn't know about Joe Kent's wife. That's a story that needs amplifying.

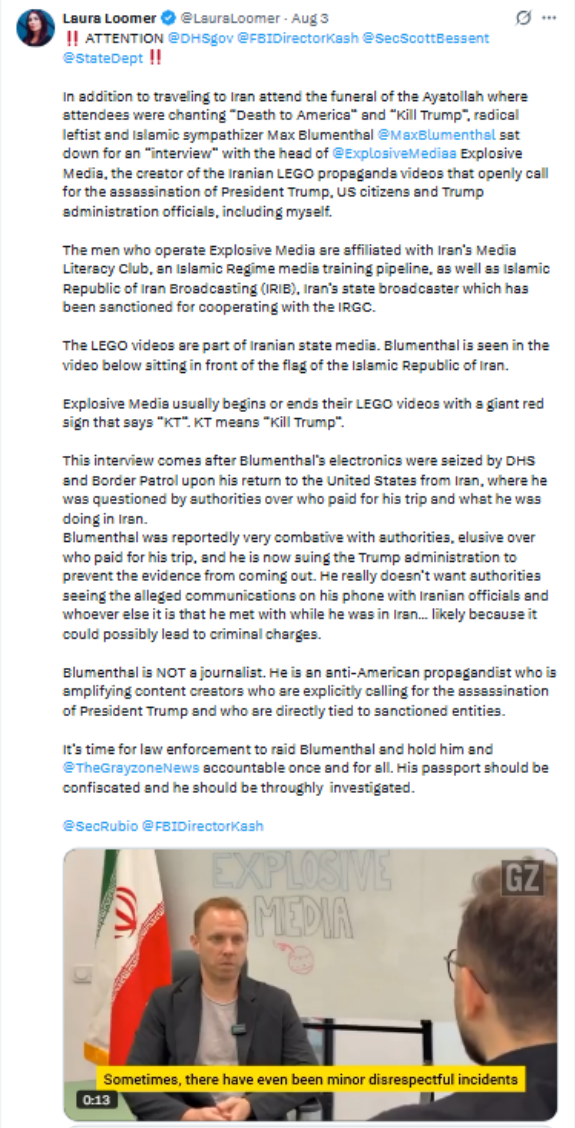
9:39 AM · Aug 2, 2026 · 93.3K Views

88. That evening, Ms. Loomer boasted about targeting Mr. Blumenthal to U.S. authorities and took credit for the confiscation of Plaintiff's phones, posting on X that he was "crying over the fact I reported him to the authorities when he traveled abroad to Iran to attend the Ayatollah's funeral and then DHS confiscated two of his cell phones when he returned from

Iran." *See* Laura Loomer (@LauraLoomer), X (Aug. 2, 2026, at 9:42 PM), https://x.com/LauraLoomer/status/2084092504106742126 (last visited Aug. 13, 2026).



89. On August 3, 2026, Ms. Loomer—tagging DHS's official account, FBI Director Kash Patel, the State Department, Secretary Rubio, and Secretary Bessent—again accused Plaintiff of being an "anti-American propagandist" and called "for law enforcement to raid Blumenthal and hold him and @TheGrayzoneNews accountable once and for all. His passport should be confiscated and he should be thoroughly investigated." *See* Laura Loomer (@LauraLoomer), X (Aug. 3, 2026 at 6:56 AM), https://x.com/LauraLoomer/status/2084231826281832856 (Aug. 13, 2026).



90. Ms. Loomer continued to post daily about Plaintiff for some time, openly demanding his imprisonment. On August 4, 2026, she wrote: "[a]ll I care about when it comes to you is a political scalp and accountability with the law. You are subhuman to me. I look at you as a piece of political taxidermy that I can put on my wall. That's it." Laura Loomer (@LauraLoomer), X (Aug. 4, 2026 at 4:17 PM), https://x.com/lauraloomer/status/2084735555863265723?s=46 (last visited Aug. 13, 2026).



Laura Loomer
@LauraLoomer
Subscribe

Max, reporting on your continued treasonous behavior isn't a mental breakdown.

I'm not bothered by any of your insults.

You and I both know you did more than just "interview" the creators of the Lego videos that openly call for the assassination of President Trump.

You are approvingly promoting them.

What does your Daddy Sidney think about the lunatic he raised as a son? Is it true he tells his friends in Democrat circles that your only redeeming quality is that you gave him one grand child?

That's what your daddy's friends told me.

I'm glad I have you nervous. I don't care if you call me crazy, call me ugly, mock my appearance or put me down.

All I care about when it comes to you is a political scalp and accountability with the law.

You are subhuman to me. I look at you as a piece of political taxidermy that I can put on my wall. That's it.

It's not personal.

Max Blumenthal @MaxBlumenthal · Aug 4
My journalistic output seems to have triggered yet another mental breakdown by Laura Loomer.

← Post

4:17 PM · Aug 4, 2026 · 86K Views

V. RULE 41(G) MOTION SYNOPSIS

91. On July 14, 2026, Plaintiff called the phone number CBP officers had given him to check on the status of his phones, and was connected to an automated answering service directing him to send an email.

92. Plaintiff was not comfortable contacting CBP electronically due to his concerns that it might expose him to further risk of unlawful surveillance or seizure by compromising his cloud accounts and so declined to follow that procedure.

93. On July 16, 2026, Plaintiff filed a Fed. R. Crim P. 41(g) motion against Defendant Mullin, requesting the return of his phones and all information obtained therefrom. *See Blumenthal v. Mullin*, No. 1:26-m-00016, Dkt. 1 (E.D. Va. filed July 16, 2026).

94. The following day, a CBP employee left Plaintiff a voicemail indicating that he could pick up his seized electronic devices from Dulles, which he did later that evening. The phones had electrical tape over the camera lenses, which had not been there before.

95. Plaintiff spoke with the CBP agent and asked if the devices had been copied, or if any spyware had been placed on the phones. The CBP agent laughed and said "no."

96. On July 27, Defendant Mullin submitted a written opposition to Plaintiff's Rule 41(g) motion. He did not contest the legal framework, but maintained that because Plaintiff's phones had been returned, the matter was moot, especially since a Chief CBP officer submitted a declaration stating that though agents tried, they had been unsuccessful in their attempts to obtain data from Plaintiff's phones. *See Blumenthal v. Mullin*, No. 1:26-m-00016, Dkt. 13-1 (Exhibit A) (E.D. Va. July 27, 2026).

97. Plaintiff filed a reply the following day arguing that the declaration contained a paucity of information with respect to who had come into contact with the phones and exactly what procedures or attempted procedures had been performed to obtain data, so he had inadequate assurance the government had not, in fact, unlawfully obtained material from his phone in violation of his constitutional and statutory rights or was not continuing to obtain data from tech companies or the cloud that would allow them to retrieve private information. *See Blumenthal v. Mullin*, No. 1:26-m-00016, Dkt. 15 (E.D. Va. filed July 28, 2026).

98. On July 29, the district court in the Eastern District of Virginia held a hearing on Plaintiff's Fed. R. Crim. P. 41(g) motion.

99. Judge Leonie Brinkema stated that she was "concern[ed]" because the government conceded that it held Plaintiff's phone to conduct an advanced search, while "the Fourth Circuit has quite clearly drawn the line between a routine search of a cell phone at the border and a

more intense or advanced search. . . now under Fourth Circuit case law, a search warrant would be required for that degree of intrusion into a cell phone." Transcript of 7/29/26 Hearing at 2-3, *Blumenthal v. Mullin*, No. 1:26-cv-16 (2026).

100. The court added that "given the fact that this plaintiff is a reporter, this case has particular concern to the Court because there's been so much recently in the ether about attempts by the government to intrude upon a reporter's right to report…just recently in New York we had the issue of the subpoenas that were issued to the New York Times reporters. I don't think that can be overlooked in this context." *Id.* 5.

101. The court held that the defense declaration provided insufficient assurance that the government had not in fact obtained any data from the phones, identifying three specific defects: the basis of the declarant's knowledge was not explicated; no information was provided about the individual or individuals who handled the phones; and the declaration did not describe the nature and extent of attempts to obtain data from the phones. *Id.* 5, 8.

102. Because this information was lacking, the court stated that limited discovery was warranted to shed light on these issues. The government agreed to produce a more detailed declaration by August 12, 2026, to which Plaintiff would have the opportunity to respond by August 19. *Id.* at 7-8.

103. On August 12, 2026, Defendant Mullin submitted a declaration from a DHS supervisory lead. *See* Supplemental Declaration of Damiel Mason, Dkt. 19-1, *Blumenthal v. Mullin*, No. 1:26-mc-16 (E.D. Va. Aug. 12, 2026).

104. Mr. Mason attested that he supervises a team of certified digital forensic analysis (DFAs). He was the supervisor of the DFA who handled Plaintiff's phones. *Id*. ¶¶ 1-3, 5.

105. Mr. Mason stated that Plaintiff's phones were connected to technology that DHS uses when attempting an advanced search. *Id*. ¶ 6. The declarant did not provide details regarding the credentials or training of the actual DFA who attempted the advanced search, whether other individuals were involved, where or when the advanced search was attempted, how long the attempted search lasted or how many attempts were made, how the phones were stored when they were not being searched, or whether anyone outside of declarant's department was permitted to examine or search Plaintiff's phones. Nor did he explain why CBP believed an advanced search was warranted—contrary even to the protocol in DHS's internal requirements. *See* CBP Directive 5.1.5.

106. According to the declarant, no information was extracted from the phones because the technology utilized was unable to retrieve the data. *Id*. ¶ 6. He further stated that no surveillance technology or computer code was installed on either of Plaintiff's phones, but no property logs or custody reports were included to corroborate that contention. *Id.* ¶ 7.

107. Plaintiff submitted a response explaining the declaration's inadequacy, including the fact that the individual(s) who examined the phones were not declarants and therefore the claims could not be properly tested, and that no logs corroborating Mr. Mason's account had been submitted. *See Blumenthal v. Mullin*, No. 1:26-m-00016, Dkt. 20 (E.D. Va. filed August 19, 2026).

VI. PLAINTIFF'S INJURIES STEMMING FROM THE GOVERNMENT'S UNLAWFUL ACTION

108. The timing and content of Ms. Loomer's public statements heighten Plaintiff's concern that he was and will be singled out for retaliatory treatment because of his constitutionally protected reporting and viewpoints, and that he will continue to be targeted by government actors when reentering the country and potentially in other contexts.

109. There is no information to indicate that Ms. Loomer's relationship with the Administration and influence over the president has waned or otherwise changed.

110. Plaintiff relies on maintaining source confidentiality to engage in his profession as a journalist.

111. He is concerned that his confidential sources could be subjected to harm, including death, if their identities or locations are revealed, especially in Iran where the U.S. and Israel have assassinated numerous officials and media professionals in targeted strikes. *Israeli strike on Iranian state TV fills studio with dust and debris during live broadcast*, ASSOCIATED PRESS (June 16, 2025), https://apnews.com/article/iran-israel-irib-state-tv-air-strike-9ab46d05baeb354a6596bd09aa12a2d6 (last visited Nov. 17, 2026).

112. Plaintiff knows that the current Administration has issued subpoenas to journalists to identify their sources and threatened administration officials with prison time if they provide information to journalists about dwindling munitions supplies. *See* Ellie Cook, *Donald Trump Vows to Hunt Down 'Leakers' Saying US Running Out of Missiles*, NEWSWEEK (Aug. 6, 2026), https://www.nytimes.com/2026/08/01/us/politics/times-subpoena-reporter-trump-north-korea.html (last viewed Aug. 1, 2026).

113. Recently, prominent members of the Trump Administration, including Chief of Staff Stephen Miller and Attorney General Todd Blanche, have indicated they intend to begin jailing journalists in order to obtain access to their sources. *See* Leila Fadel, *Trump appoints Stephen Miller as his new Chief of Staff*, NATIONAL PUBLIC RADIO (Nov. 9, 2026). https://www.npr.org/2026/11/09/nx-s1-6033966/trump-appoints-stephen-miller-as-his-new-chief-of-staff (last visited Nov. 18, 2026).

114. Since CBP seized his electronic devices on July 10, Plaintiff has refrained from communicating with certain sources because he fears excessive or unlawful government scrutiny of his communications—particularly in light of the new reports about Mr. Miller and Attorney General Blanche.

115. Plaintiff has also been deprived of access to the data on his phones, since after being in the government's hands, Plaintiff is not comfortable turning them on should they have some kind of spyware on them, particularly given they had clearly been tampered with. *See*, *e.g.,* Logan Koepke *et al.*, *Mass Extraction: The Widespread Power of U.S. Law Enforcement to Search Mobile Phones*, UPTURN (October 2020), https://www.criminallegalnews.org/media/publications/Upturn_Mass_Extraction_-_The_Widespread_Power_of_US_Law_Enforcement_to_Search_Mobile_Phones_2020.pdf (last visited Nov. 17, 2026) (explaining that many federal and local agencies, including CBP, use software that permit access to data and can even install spyware).

116. For the reasons above, Plaintiff is fearful about being stopped and unlawfully searched again, and the damage such unlawful search and seizure would have on his work as a journalist and the ability of sources to trust him.

117. Given that CBP disregarded his rights in conducting the search initially—despite applicable precedent from the Fourth Circuit forbidding such a search—he has every reason to believe his rights will be violated again.

118. That is particularly so given that CBP's Directive, which officers apparently were following when they seized Plaintiff's phones, and which permits Fourth Amendment violative searches of travelers' electronic devices.

119. Since being subjected to CBP's unconstitutional search and seizure of his electronic devices, Plaintiff and his family stopped planning a trip to Nicaragua where they were hoping to vacation later this year.

120. Plaintiff declined an invitation to speak at a parliamentary event in the Netherlands earlier this fall because of the possibility of further unconstitutional CBP searches and seizures.

121. He also turned down an invitation to speak at an event in Istanbul later this month for the same reason (November 2026).

122. His family is planning to travel to India in January of 2027, where his wife's family is from, but he is concerned about being subjected to similar treatment and having his devices seized and searched, and so the family is deciding if it is worth the risk to take the trip.

CLAIMS FOR RELIEF

COUNT I: UNLAWFUL VIEWPOINT DISCRIMINATION AND RETALIATION (U.S. CONST. AMEND. I)

(DEFENDANTS MULLIN, SCOTT, AND VITIELLO)

123. Plaintiff realleges the facts set forth above and incorporates those facts into this Count by reference.

124. The First Amendment prohibits the government from abridging the freedom of speech. *See* U.S. Const. amend I.

125. The Supreme Court has unequivocally interpreted the First Amendment to forbid government officials within any branch from punishing or suppressing speech because of its message, ideas, subject matter, or viewpoint. *See Ashcroft v. ACLU*, 535 U.S. 564, 573 (2002) ("'the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.'") (quoting *Bolger v. Youngs Drug*

Products Corp., 463 U.S. 60, 65 (1983)). *See also N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964) (recognizing "a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open").

126. The Supreme Court has repeatedly held that viewpoint discrimination is an "egregious form of content discrimination" and "presumptively unconstitutional." *Matal v. Tam*, 582 U.S. 218, 248 (2017) (quoting *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829-830 (1995)).

127. Political speech is entitled to the highest degree of protection under the U.S. Constitution. *See McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334, 347 (1995) (explaining that advocating a politically controversial viewpoint is "the essence of First Amendment expression.").

128. "The First Amendment 'was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people[.]'" *Sullivan*, 376 U.S. at 269 (quoting *Roth* v. *United States*, 354 U.S. 476, 484 (1957)). *See R. A. V. v. St. Paul*, 505 U.S. 377, 422 (1992) (Stevens, J., concurring in judgment) ("Our First Amendment decisions have created a rough hierarchy in the constitutional protection of speech" in which "[c]ore political speech occupies the highest, most protected position[.]").

129. News reporters are "entitled to some constitutional protection of the confidentiality of [their] sources." *Pell v. Procunier*, 417 U.S. 817, 834 (1974) (citing *Branzburg v. Hayes*, 408 U.S. 665 (1972)). The Fourth Circuit has likewise explained that this protection is "necessary to ensure a free and vital press, without which an open and democratic society would be impossible to maintain." *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 287 (4th Cir. 2000).

130. Government action that interferes with reporters' ability to gather and disseminate news, or that chills relationships between journalists and their confidential sources, raises substantial First Amendment concerns. *See Branzburg*, 408 U.S. at 707–08 ("Official harassment of the press undertaken not for purposes of law enforcement but to disrupt a reporter's relationship with his news sources would have no justification."); *Rossignol v. Voorhaar*, 316 F.3d 516, 521–22 (4th Cir. 2003) (holding that government officials' coordinated seizure of newspapers to suppress critical reporting violated "the most elemental tenets of First Amendment law" and constituted a prior restraint).

131. Government officials violate the First Amendment when they employ threats, intimidation, or other forms of informal coercion to suppress disfavored speech. *See Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 67–68 (1963) (recognizing that individuals "do not lightly disregard public officers' thinly veiled threats to institute criminal proceedings against them if they do not come around[.]"). *See also NRA of Am. v. Vullo*, 602 U.S. 175, 198 (2024) ("The First Amendment prohibits government officials from wielding their power selectively to punish or suppress speech[;]"); *id.* at 188 (A government official cannot "use the power of the State to punish or suppress disfavored expression.").

132. Additionally, "the law is settled that as a general matter the First Amendment prohibits government officials from subjecting an individual to retaliatory actions … for speaking out." *Hartman v. Moore*, 547 U.S. 250, 256 (2006) (citing *Crawford-El v. Britton*, 523 U.S. 574, 592 (1998)).

133. Given the facts alleged above, it appears Plaintiff was singled out for punishment because of the ideas encapsulated in his reporting and his First Amendment protected viewpoints by Defendants and Defendants' employees, officers, and agents. *See Lattarulo v.*

Mullin, 1:25-cv-12861 * 7 (D. Mass. Nov. 13, 2026) (granting preliminary injunction in case involving search of plaintiff's cell phone upon reentry to the country on First Amendment grounds, as "[t]he balance of the evidence currently before the Court thus suggests that Lattarulo is likely to establish that he would not have been searched except for his protected speech.").

134. No other journalists reported being subjected to the type of treatment to which Plaintiff was, despite the fact many attended the same event in Iran. *See id.* ("First, Lattarulo has identified 'an otherwise similarly situated individual not engaged in the same sort of protected speech.'") (quoting *Nieves v. Bartlett*, 587 U.S. 391, 399 (2019)).

135. Prominent individuals who are known to have influenced President Trump, Secretary Rubio, and others—including Ms. Loomer and Mr. Musk—baselessly and in some cases relentlessly accused Plaintiff of some form of criminal disloyalty to the United States, and called for his investigation and punishment—shortly after which he was subjected to a nonroutine border search and his smartphones were seized and a search at least attempted.

136. It is implausible that, had other journalists returning from Iran to report on the Ayatollah's funeral had their electronic devices seized, such information would not have been publicized, heightening the inference that the search resulted from targeted viewpoint-based discrimination.

137. Additionally, the fact that CBP officials had no interest in Plaintiff's digital camera or laptop suggests that the true purpose of the search was to retaliate against him for his constitutionally protected journalistic activity and identify his confidential sources. If CBP officials were concerned about illicit material or other criminal activity, those devices would have been the subject of a search as well.

138. The specific focus on Plaintiff's phones indicates they sought information about sources, contacts and other protected information.

139. Not only did Plaintiff suffer past injury in the form of a First Amendment violation, but his professional activities have been chilled as he fears future retaliation for his viewpoints and his journalistic activities.

140. This has hindered his ability to communicate with confidential sources and to travel freely in and out of the United States, which is crucial to his ability to do his work.

141. Accordingly, Defendants violated Plaintiff's constitutionally protected First Amendment free speech rights, and Plaintiff reasonably fears that—in the absence of declaratory relief and an injunction—Defendants, their officers, employees, and agents, will do so again in the future.

COUNT II: UNREASONABLE SEARCH AND SEIZURE (U.S. CONST. AMEND IV)
(DEFENDANTS MULLIN, SCOTT, AND VITIELLO)

142. Plaintiff realleges the facts set forth above and incorporates those facts into this Count by reference.

143. The Fourth Amendment protects "the right of the people to be secure in their persons, houses, papers and effects," and thereby prohibits the government from conducting "unreasonable searches and seizures," instructing that "no Warrants shall issue, but upon probable cause[.]"

144. The Supreme Court has long held that the "ultimate touchstone of the Fourth Amendment is reasonableness." *Riley v. California*, 573 U.S. 373, 381 (2014).

145. In *Riley,* the Court recognized the heightened privacy interests in modern smartphones, which now contain even more personal information than they did when the case

was decided, including contact lists, emails, text messages, photos, videos, location data, web browsing history, AI search histories, call logs and geolocation data. The Court reached the conclusion that in nearly all cases, a warrant is required for a search of a smartphone to be "reasonable" under the Fourth Amendment. *Id.*

146. In the Fourth Circuit, as explained in *United States v. Cardozo*, 2026 U.S. App. LEXIS 20419 (4th Cir. Jul. 13, 2026), a *forensic* search of a smartphone requires individualized suspicion of an offense that bears some nexus to the border search exception's purpose of protecting national security, collecting duties, blocking entry of unwanted persons, or disrupting efforts to export or import contraband. *See also Osama Abu Irshaid v. Mullin*, 1:24-cv-1405 (ED VA July 15, 2026) (following a bench trial, finding that government had violated Plaintiff's Fourth Amendment rights by subjecting his phone to a forensic search without a warrant or individualized suspicion).[1]

147. The CBP agents here specifically stated that they intended to conduct a forensic search of Plaintiff's phones by hooking them up to machines to extract data. They did not have

[1] Several circuits have reached different conclusions about the degree to which the Fourth Amendment prohibits government searches of travelers' smartphones without a warrant.[1] *See, e.g.*, *United States v. Cano*, 934 F.3d 1002, 1018, 1020 (9th Cir. 2019) ("Were we to give the government unfettered access to cell phones [by permitting limitless such searches at the border] we would enable the government to evade the protections laid out in *Riley* 'on the mere basis that [the searches] occurred at the border.'" (quoting *United States v. Soto-Soto*, 598 F.2d 545, 549 (9th Cir. 1979)); and "We agree with much of the Fourth Circuit's discussion of foundational principles, but we respectfully disagree with the final step" as the only permissible such search must be grounded in reasonable suspicion that a phone contains evidence of contraband); *United States v. Aigbekaen*, 943 F.3d 713, 721 (4th Cir. 2019) (requiring that a forensic search of a cell phone seized at the border be based on reasonable suspicion and "bear[] some nexus to the border search exception's purposes[.]"); *United States v. Touset*, 890 F.3d 1227, 1233 (11th Cir. 2018) (rejecting Fourth Circuit's rule that any kind of individualized suspicion is needed to conduct any kind of search, regardless of how invasive, of phones at the border). A petition for certiorari asking the Supreme Court to review this very issue and require a warrant for such searches is currently pending, and garnered ten amicus briefs in support of the petitioner; the Court recently requested a response from the government which is currently due at the end of this month. *See Anibowei v. Blanche*, No. 26-208 (U.S. docketed Aug. 19, 2026).

a warrant nor any individualized suspicion; they did not make any claim to the contrary in the context of the Rule 41(g) motion or at any other point in this litigation.

148. The apparent targeting of Plaintiff because of his journalism and his viewpoints, and the distinct possibility that the purpose of the government's search was to identify Plaintiff's sources, exacerbates the unreasonableness of this search under the Fourth Amendment.

149. As Defendants admitted, they conducted or attempted to conduct a forensic search of Plaintiff's phones, despite the fact that the prevailing law in this Circuit prohibits such searches in the absence of a warrant or individualized suspicion.

150. This demonstrates that absent an injunction, Plaintiff has no guarantee that Defendants will honor their commitment to uphold the Constitution and respect his rights.

151. Accordingly, Defendants not only violated Plaintiff's Fourth Amendment rights when CBP seized his phones and searched them, but Plaintiff reasonably fears that his right to be free from unreasonable government search and seizure will be violated in the near future should he exercise his right to travel internationally, which has led him to curtail his travel, including that needed for work, necessitating the relief requested herein.

COUNT III: VIOLATION OF THE PRIVACY PROTECTION ACT (42 U.S.C. § 2000aa)

(ALL DEFENDANTS)

152. Plaintiff re-alleges the facts set forth above and incorporates them into this Count by reference.

153. Congress enacted the PPA in 1980 to provide heightened statutory protections against government searches and seizures of journalists' work product and documentary materials.

154. The PPA reflects Congress's recognition that indiscriminate government access to a journalist's unpublished materials threatens the free flow of information, chills confidential sources, and undermines the First Amendment interests essential to a free press. S. Rep. No. 96-874, at 4–8 (1980), reprinted in 1980 U.S.C.C.A.N. 3950, 3950–54.

155. The PPA prohibits government officers and employees from searching or seizing a person's "work product materials" or "documentary materials" possessed in connection with a purpose to disseminate information to the public through a newspaper, book, broadcast, or other similar form of public communication. 42 U.S.C. §§ 2000aa(a), (b).

156. "Work product materials" include those prepared or created in anticipation of communicating information to the public, including mental impressions, conclusions, opinions, and theories. 42 U.S.C. § 2000aa-7(b).

157. "Documentary materials" include photographs, recordings, notes, drafts, electronically stored information, and other materials upon which information is recorded. 42 U.S.C. § 2000aa-7(a).

158. Plaintiff's electronic devices plainly contain both categories of protected materials. During Plaintiff's recent professional trip to Iran, he likewise gathered interviews with senior Iranian officials, negotiators, academics, and civilians, together with extensive photographic and video documentation intended for future publication.

159. These materials were created and maintained for the purpose of communicating news and information to the public and therefore fall squarely within the protections afforded by the PPA.

160. Defendants' unreasonable search and seizure of Plaintiff's phones, which appeared to be based upon his profession as a journalist, the nature of the viewpoints he airs and

espouses, and the possibility that his phones contain identifying source information, violated his rights under the PPA.

161. In searching and seizing his phones for no good reason, Defendants acted with reckless and callous indifference to Mr. Blumenthal's federally protected constitutional rights, causing emotional and reputational harm.

162. The seizures also caused him actual damages because Mr. Blumenthal has been unable to access the data on the phones, as he reasonably fears that the govenment has implanted some kind of spyware or surveillance software.

163. Accordingly, Mr. Blumenthal is entitled to redress under the PPA.

COUNT IV: VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT (APA) (5 U.S.C. § 706)

164. Plaintiff realleges the facts set forth above, and incorporates them into this Count by reference.

165. Pursuant to 5 U.S.C. § 702, Plaintiff is entitled to judicial review of final agency action for which there is no other adequate remedy at law.

166. CBP's January 2026 Directive permits officers to conduct basic searches of travelers' phones without any individualized suspicion, and advanced searches when they have a reasonable suspicion of activity in violation of laws enforced or administered by CBP, *or* when there is a national security concern, without any particularized suspicion.

167. The Directive's distinction between basic and advanced searches broadly mirrors the Fourth Circuit's distinction between manual searches requiring no individualized suspicion, and forensic searches which do require such suspicion, but is not identical insofar as CBP's directive permits the use of forensic technology to provide access to an otherwise inaccessible device.

168. The Directive constitutes "final agency action" since it has "direct and appreciable legal consequences"—as Plaintiff experienced, since CBP appears to be acting in accordance with the Directive's strictures. *See Bennett v. Spear*, 520 U.S. 154, 178 (1997) (quoting *Port of Boston Marine Terminal Assn. v. Rederiaktiebolaget Transatlantic*, 400 U.S. 62, 71 (1970)) (holding that final agency actions, which may be challenged in court, are policies "by which 'rights or obligations have been determined,' or from which 'legal consequences will flow.'").

169. Unquestionably, the search of Plaintiff's phone constituted an advanced or forensic search, or attempted such searchm as the phones were hooked up to devices to extract data (Defendants have not, so far, claimed otherwise).

170. As explained, courts in this Circuit require individualized suspicion for such searches; there is no national security exception untethered to individualized suspicion.

171. Nor does the Fourth Circuit permit the use of forensic technology to provide access to an otherwise inaccessible device.

172. Thus, CBP's Directive conflicts with the law of this Circuit, and had a direct and tangible impact upon Plaintiff, because CBP at very least attempted a search of his phones, and he has inadequate assurance there are no lasting results of this unlawful action including but not limited to retention of his data, implantation of surveillance software or spyware, or other adverse action.

173. Pursuant to 5 U.S.C. § 706(2)(A) and (B), a reviewing court shall hold unlawful and set aside agency action that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, or that is contrary to constitutional right, power, privilege or immunity.

174. Sections 5.1.4, 5.3.4, and 5.4.1 of CBP's January 1, 2026 Directive are contrary to the Fourth Amendment insofar as they authorize advanced forensic searches of electronic devices without individualized suspicion and a warrant.

175. Accordingly, Plaintiff requests that the Court hold unlawful and set aside those portions of the Directive to the extent they authorize such unconstitutional searches.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor and grant the following relief:

A. A declaration that Defendant's seizure and search or attempted search of Plaintiff's phones violated his First Amendment rights to be free from unlawful viewpoint discrimination and government retaliation;

B. A declaration that the same conduct violated his Fourth Amendment right to be free from unreasonable searches and seizures;

C. A declaration that the same conduct violated his rights as a journalist under the Privacy Protection Act;

D. A declaration that the Directive's provisions permitted searches of electronic devices without a warrant or individualized suspicion violates the Fourth Amendment to the United States Constitution;

E. A permanent injunction restraining and enjoining Defendants, as well as their officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them (*see* Fed. R. Civ. P. 65(d)(2)), from targeting him for punishment because of his journalistic practices and articulated viewpoints, as well as from seizing, searching, or attempting to seize or search Plaintiff's electronic devices upon entering or

leaving the country, or anywhere else, in the absence of individualized suspicion that he has committed a crime that it is within CBP's purview to investigate, or a warrant based upon probable cause;

F. A permanent injunction restraining and enjoining Defendants, as well as their officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them (*see* Fed. R. Civ. P. 65(d)(2)), from enforcing the following provisions of their January 1, 2026 Directive insofar as they permit searches of Plaintiff's electronic devices in violation of the Fourth Amendment:

1. Section 5.1.4, to the extent it authorizes advanced searches of electronic devices based upon a generalized national security concern and without a warrant or even individualized suspicion;

2. Sections 5.3.4 and 5.4.1, to the extent they authorize the detention of Plaintiff's electronic devices and the use of external equipment or other technical measures to conduct advanced searches without a warrant or even individualized suspicion;

G. Pursuant to 5 U.S.C. § 706(2)(A) and (B), an order holding unlawful and setting aside Sections 5.1.4, 5.3.4, and 5.4.1 of CBP's January 1, 2026 Directive, insofar as those provisions authorize advanced forensic searches of electronic devices without a warrant or individualized suspicion, in violation of the Fourth Amendment.

H. As provided for in 42 U.S.C. § 2000aa-6(a) and (f), an award against Defendants for damages, in an amount to be determined by a jury at trial but no less than $1,000, for the emotional, reputational, professional, and financial harm inflicted upon Mr. Blumenthal as a result of the unlawful seizure of his two smartphones;

I. An award of reasonable attorneys' fees and costs to Plaintiff pursuant to the Equal Access to Justice Act (EAJA), 5 U.S.C. § 504; 28 U.S.C. § 2412; and 42 U.S.C. § 2000aa-6(f);

J. Such other and further relief as the Court deems just and proper.

Dated: November 19, 2026

Respectfully submitted,

/s/ Hassan M. Ahmed
Hassan Ahmed, Esq., (VSB 83428)
THE HMA LAW FIRM, PLLC
6 Pidgeon Hill Dr., Suite 330
Sterling, VA 20165
Tel: (703) 964-0245
hma@hmalegal.com

Jenin Younes (*pro hac vice*)*
AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE
910 17th Street Northwest, Suite 400
Washington, DC 20006
Telephone: (202) 244-2990
jyounes@adc.org
**Designated Counsel for Service*

Attorneys for Plaintiff