

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ERIC SWALWELL,
Plaintiff,

v.

WILLIAM J. PULTE, in his official capacity
as Director of the Federal Housing Finance
Agency,
Constitution Center
400 7th Street SW
Washington, DC 20219

FEDERAL HOUSING FINANCE AGENCY,
Constitution Center
400 7th Street SW
Washington, DC 20219

FEDERAL HOME LOAN MORTGAGE
CORPORATION,
8200 Jones Brach Drive
McLean, VA 22102-3110

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,
1100 15th Street NW
Washington, DC 20005

Defendants.

Case No. _____

COMPLAINT

INTRODUCTION

1. Since taking office, President Trump has engaged in unprecedented efforts to leverage the power of the Federal Government to seek retribution against his political enemies. Those efforts have resulted in the Department of Justice conducting a series of high-profile criminal investigations and prosecutions nakedly targeting some of the President's most outspoken critics.

2. Defendant William Pulte, the Director of the Federal Housing Finance Agency, has played a central role in these investigations and prosecutions. Pulte has abused his position by scouring databases at Fannie Mae and Freddie Mac—two government-sponsored enterprises—for the private mortgage records of several prominent Democrats. He then used those records to concoct fanciful allegations of mortgage fraud, which he referred to the Department of Justice for prosecution. The target of his most recent criminal referral is Plaintiff Eric Swalwell—one of the President's most vocal and visible critics in Congress.

3. For the past decade, Representative Swalwell has publicly and vigorously opposed President Trump's policies and sought to hold the President accountable for various abuses of office. In 2021, Representative Swalwell served as an impeachment manager during President Trump's second impeachment trial and, two months later, filed suit against President Trump for inciting the January 6 insurrection at Capitol Hill. Today, Representative Swalwell remains an ardent critic of the President, frequently denouncing the President's actions and political agenda in national media outlets.

4. Representative Swalwell's political actions and views have earned him the ire of President Trump, who routinely attacks Representative Swalwell on social media. In Truth Social posts, the President has referred to Representative Swalwell as, among other things, a "low life," an "idiot," and a "total sleazebag."



5. On November 13, 2025, Pulte formally referred Representative Swalwell to the Department of Justice for criminal prosecution on charges of mortgage fraud. In the referral, Pulte alleged that Representative Swalwell had falsely claimed his District of Columbia home as his primary residence on a mortgage agreement in order to secure more favorable loan terms.

6. The allegations in Pulte’s referral are patently false. Indeed, Representative Swalwell explicitly disclaimed any intent to occupy the District of Columbia home as his primary residence in a sworn affidavit attached to his mortgage agreement. That affidavit made clear that the home would be his wife’s primary residence—not his own. Representative Swalwell was and remains a permanent resident of California.

7. But Pulte’s referral to the Justice Department was not only a gross mischaracterization of reality. It also represented a gross abuse of power that violated the law.

8. *First*, the referral violated the First Amendment to the Constitution. In targeting Representative Swalwell for criminal prosecution based solely on his protected political speech and views, Pulte and his Co-Defendants breached the First Amendment’s bedrock prohibition on viewpoint-based retaliation.

9. *Second*, the referral violates the Privacy Act of 1974. Enacted in the wake of President Nixon’s campaign against his political enemies, the Privacy Act was designed to bar federal officials from leveraging their access to citizens’ private information as a tool for harming their political opponents. The Act thus explicitly forbids federal agencies from disclosing—or even transmitting to other agencies—sensitive information about any individual for any purpose not explicitly authorized by law. Defendants’ use and disclosure of Representative Swalwell’s mortgage documents flouted those basic prohibitions.

10. Defendants’ unlawful actions in this case were not the result of some inadvertent failure to comply with obscure or technical legal requirements. Rather, they represent a purposeful attack on core democratic norms and reflect a base desire to achieve exactly what the First Amendment and the Privacy Act exist to prevent: the use of government machinery to chill and silence the government’s critics.

JURISDICTION AND VENUE

11. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552a *et seq.* and 28 U.S.C. § 1331.

12. Venue is proper under 28 U.S.C. § 1391(e) as Defendants’ headquarters are located within this District, and a substantial part of the events and omissions giving rise to Plaintiff’s

claims occurred in this District.

PARTIES

13. Plaintiff Eric Swalwell is a duly elected Member of Congress who represents California's 14th Congressional District. He has served in Congress since 2013 and is a candidate for Governor of California in 2026.

14. Defendant Federal Housing Finance Agency (FHFA) is a federal agency with headquarters in Washington, DC. Congress created the agency as part of the Housing and Economic Recovery Act of 2008, Pub. L. No. 110-289, 122 Stat. 265, and tasked it with regulating certain financial entities that play a central role in the housing market. The agency is responsible for, among other things, ensuring that the regulated entities "operate[] in a safe and sound manner" and that their activities "are consistent with the public interest." 12 U.S.C. § 4513(a)(1)(B).

15. Defendants Federal Home Loan Mortgage Corporation (Freddie Mac) and Federal National Mortgage Association (Fannie Mae) are two of the financial entities that FHFA is tasked with regulating. 12 U.S.C. § 4502(20). The entities are "two of the Nation's leading sources of mortgage financing." *Collins v. Yellen*, 594 U.S. 220, 226 (2021). "Their primary business is purchasing mortgages, pooling them into mortgage-backed securities, and selling them to investors." *Id.* Both entities were created by federal statute and, since 2008, have been under the conservatorship of FHFA.

16. Defendant William J. Pulte is the Director of FHFA. He was sworn in as the agency's Director on March 14, 2025. Within days of assuming office, he also appointed himself the chairman of both Fannie Mae and Freddie Mac after firing several members of each company's board. Pulte has developed a reputation within the Trump Administration for pursuing attention-grabbing measures designed to impress and curry favor with President Trump; his ostentatious

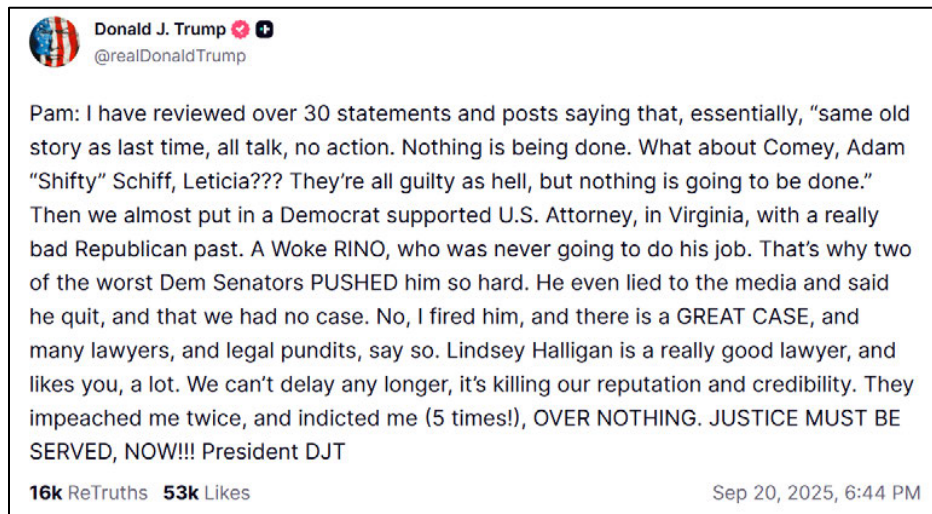
behavior has earned him the nickname “Little Trump” among Administration officials.¹

FACTUAL ALLEGATIONS

President Trump Directs the Department of Justice to Pursue his Political Enemies

17. Before President Trump re-assumed office in January 2025, he routinely threatened to use his power to punish his political opponents. *See* Alexandra Ulmer, *Who has Donald Trump threatened to prosecute as president?* REUTERS (Jan. 20, 2025), <https://www.reuters.com/world/us/trumps-threats-prosecute-opponents-election-workers-google-2024-10-30/>. After taking office, he wasted little time in following through on those threats.

18. On September 20, 2025, President Trump issued the following directive to U.S. Attorney General Pam Bondi via Truth Social:



19. Within weeks of that Truth Social post, the Department of Justice made good on that directive by indicting two of the individuals named in the post—former FBI Director James Comey

¹ Gina Heeb, Josh Dawsey & Rebecca Ballhaus, *He’s Called ‘Little Trump’ and His Tactics are Rankling White House Top Brass*, WALL STREET JOURNAL (Nov. 15, 2025), <https://www.wsj.com/politics/policy/bill-pulte-profile-d000c844>; Brian Slodysko & Chris Megerian, *How Bill Pulte Learned the Art of the Attack, from his own Family to Letitia James*, THE ASSOCIATED PRESS (Oct. 10, 2025), <https://apnews.com/article/trump-pulte-james-schiff-pultegroup-38cb41350da29248c10d4d29134a5730>.

and New York Attorney General Leticia “Tish” James. When asked about the first indictment (against Comey), President Trump told the press: “I hope there are others.”²

Pulte Weaponizes FHFA, Fannie Mae, and Freddie Mac

20. Pulte and his Co-Defendants have played an integral role in supporting President Trump’s campaign of retribution against his political foes.

21. On April 14, 2025, Pulte referred Tish James to the Department of Justice (DOJ) for criminal prosecution. *See* Exhibit A (Letter from FHFA to DOJ). The referral letter alleged that James had committed mortgage fraud (among other offenses) by falsely claiming a Virginia home as her primary residence on a mortgage agreement. The referral was based on confidential mortgage records that are in the possession of Fannie Mae and/or Freddie Mac. When the then-U.S. Attorney for the Eastern District of Virginia refused to pursue charges against James (citing a lack of evidence), he was pressured by President Trump to resign. He was soon replaced by Interim U.S. Attorney Lindsay Halligan, who within days of her appointment and despite a lack of any prosecutorial experience personally pursued an indictment against James.³ A judge later dismissed the indictment after concluding that Halligan had not been lawfully appointed.⁴

22. On May 27, 2025, Pulte referred Senator Adam Schiff to DOJ for prosecution, alleging that Schiff had committed mortgage fraud by falsely claiming a Maryland home as his primary

² Amna Nawaz, et al., *Trump Says he Hopes More Political Opponents will Face Prosecution*, PBS NEWS (Sep. 26, 2025), <https://www.pbs.org/newshour/show/after-comey-indictment-trump-says-he-hopes-more-political-opponents-will-face-prosecution>.

³ Gary Grumbach, Owen Hayes & Dareh Gregorian, *New York Attorney General Letitia James Pleads Not Guilty in Federal Bank Fraud Case*, NBC NEWS (Oct. 24, 2025), <https://www.nbcnews.com/politics/justice-department/ny-ag-letitia-james-arraigned-federal-bank-fraud-case-rcna239346>.

⁴ Dareh Gregorian, Gary Grumbach & Ryan J. Reilly, *Judge Dismisses Cases Against James Comey and Letitia James After Finding Prosecutor was Unlawfully Appointed*, NBC NEWS (Nov. 24, 2025), <https://www.nbcnews.com/politics/justice-department/judge-dismisses-cases-james-comey-letitia-james-finding-prosecutor-was-rcna244775>.

residence on a mortgage application. As with the prior referral of James, the allegations against Schiff were nominally based on confidential mortgage records obtained from Fannie Mae and/or Freddie Mac. DOJ opened a criminal investigation into Senator Schiff in early August.⁵

23. On August 15, 2025, Pulte referred Lisa Cook, a Democratic appointee to the Federal Reserve Board of Governors, to DOJ for prosecution. The referral alleged that she, too, had committed mortgage fraud and—as with the referrals of James and Schiff—rested on confidential mortgage records housed at Fannie Mae and/or Freddie Mac. Shortly after Pulte referred Cook for prosecution, President Trump removed her from the Federal Reserve Board, citing the referral as his basis for doing so. Two weeks later, DOJ opened a criminal investigation into Cook.⁶

24. Pulte’s brazen practice of obtaining confidential mortgage records from Fannie Mae and/or Freddie Mac and then using them as a basis for referring individual homeowners to DOJ for prosecution is unprecedented and unlawful. Congress has not tasked FHFA with investigating violations of criminal law and the agency has not historically maintained any records relating to individual mortgage loans.

25. Pulte’s acquisition and use of confidential mortgage records from Fannie Mae and Freddie Mac is so abnormal and concerning, in fact, that it triggered an internal complaint within Fannie Mae. FHFA’s then-Acting Inspector General, a career government official, felt obligated to disclose that complaint to federal prosecutors in the Eastern District of Virginia—the office that

⁵ Ryan J. Reilly, et al., *DOJ Investigating N.Y. AG’s Office and Sen. Adam Schiff*, NBC NEWS (Aug. 8, 2025), <https://www.nbcnews.com/politics/justice-department/doj-opens-investigation-new-york-ags-office-brought-fraud-case-trump-rcna223731>; Eric C. Peck, *Report: Sen. Schiff Under Investigation For Mortgage Fraud*, MORTGAGEPOINT (Aug. 7, 2025), <https://themortgagepoint.com/2025/08/07/report-sen-schiff-under-investigation-for-mortgage-fraud/>.

⁶ Erin Doherty & Dan Mangan, *Trump Tells Fed’s Lisa Cook She’s Fired; She Says ‘He Has No Authority To Do So,’* CNBC (Aug. 25, 2025), <https://www.cnbc.com/2025/08/25/trump-fires-lisa-cook-fed-powell.html>.

had received the criminal referral concerning Tish James—because he believed they might have a constitutional duty to disclose the complaint during discovery. The Trump Administration subsequently fired the Acting Inspector General for alerting federal prosecutors to the complaint.⁷

26. In addition to exercising tight control over FHFA, Pulte effectively exercises unchecked control over both Fannie Mae and Freddie Mac. Shortly after being sworn in as Director of FHFA, Pulte overhauled the boards of the two entities by firing 14 of their board members and appointing himself chairman of both boards. He has since used that control to insulate himself from accountability within the companies. For instance, when ethics officials at Fannie Mae expressed concern that Pulte had improperly accessed confidential mortgage records, Pulte fired them—roughly a dozen employees in total—thereby terminating the ethics investigation that they had opened.⁸

27. Upon information and belief, FHFA has not historically sought from Fannie Mae or Freddie Mac access to personal mortgage records associated with specific individuals. Under Pulte, however, FHFA has sought such records. *See* Exhibit B (Email from FHFA to Fannie Mae).

28. Since Pulte took office in March 2025, FHFA has never issued a criminal referral to DOJ alleging mortgage fraud by anyone who supports President Trump but has referred four of

⁷ Steve Benen, *Bill Pulte Faces New Questions over Removal of Fannie Mae Watchdogs*, MS NOW (Nov. 12, 2025), <https://www.ms.now/rachel-maddow-show/maddowblog/bill-pulte-faces-new-questions-removal-fannie-mae-watchdogs-rcna243501>.

⁸ Katherine Hamilton & Connor Hart, *FHFA Director To Head Fannie Mae, Freddie Mac Boards Amid Shake-Ups*, WALL STREET JOURNAL (Mar. 17, 2025), <https://www.wsj.com/finance/regulation/fhfa-director-to-head-fannie-mae-freddie-mac-boardsamid-shake-ups-0b8ef5a6>; Gina Heeb, Brian Schwartz & C. Ryan Barber, *Fannie Mae Watchdogs Probed How Pulte Obtained Mortgage Records of Key Democrats*, WALL STREET JOURNAL (Nov. 11, 2025), <https://www.wsj.com/finance/regulation/fannie-mae-watchdogs-probed-how-pulte-obtained-mortgage-records-of-key-democrats-07c5cc39>; Rachel Siegel, *Housing Official Bill Pulte Fired Ethics Workers who were Looking into His Ally*, WASHINGTON POST (Nov. 10, 2025), <https://www.washingtonpost.com/business/2025/11/10/bill-pulte-fannie-mae-firing-ethics/>.

President Trump's political foes, including Plaintiff.

29. No federal statute authorizes FHFA or its Director to make criminal referrals to DOJ absent a formal inquiry from a DOJ official.

30. No federal statute authorizes FHFA or its director to access individual mortgage records for political or retaliatory reasons.

Pulte Targeted Plaintiff in Retaliation for his Political Speech Against President Trump

31. Plaintiff is widely recognized as an ardent opponent of President Trump and his political agenda.⁹

32. He was “one of the most recognizable faces of the Russia investigation conducted by the House Permanent Select Committee on Intelligence.”¹⁰ He was also an active participant in President Trump's 2020 impeachment trial and served as an impeachment manager during President Trump's 2021 impeachment trial.

33. In March 2021, Plaintiff filed a civil lawsuit against President Trump, Donald Trump, Jr., and others, alleging that they incited the actions of the rioters who descended upon the U.S. Capitol on January 6, 2021. The suit, which remains ongoing, seeks to recover damages against President Trump for the harms that these actions caused. Plaintiff also testified about his personal

⁹ Hafiz Rashid, *Trump Goes After his Next Political Opponent*, YAHOO NEWS (Nov. 13, 2025), <https://www.yahoo.com/news/articles/trump-goes-next-political-enemy-203432874.html>; Steve Benen, *Trump Official Refers Eric Swalwell to the Justice Dept., Adding to a Radical List*, MS NOW (Nov. 13, 2025), <https://www.ms.now/rachel-maddow-show/maddowblog/trump-official-refers-eric-swallow-justice-dept-adding-radical-list-rcna243774>; Gregory Svirnovskiy, *After Comey Indictment, Other Trump Critics Wonder if They're Next*, POLITICO (Sep. 26, 2025), <https://www.politico.com/news/2025/09/26/james-comey-indicted-trump-critics-00582738>; Fox News (@FoxNews), X (Nov. 13, 2025, at 4:26 ET) <https://x.com/FoxNews/status/1989082484819062893?s=20>; Mila Joy (@Milajoy), X (Nov. 13, 2025, at 6:10 ET) <https://x.com/Milajoy/status/1989108554725503056?s=20>.

¹⁰ Naveed Jamali, *Eric Swalwell on Mueller Report: We Finally Find Out How Much Rot There Is*, NEWSWEEK (Apr. 19, 2019), <https://www.newsweek.com/eric-swallow-rober-mueller-william-barr-russia-gun-control-1401309>.

experience on January 6 during the Colorado trial on whether the Fourteenth Amendment barred then-candidate Trump from appearing on the 2024 presidential-election ballot. He was the only member of Congress to testify during that trial.

34. Plaintiff continues to routinely criticize President Trump’s policies and conduct in media appearances and social media.¹¹

35. For years, President Trump has disparaged Plaintiff on social media. He has frequently singled out Plaintiff for derision, scoffing at Plaintiff’s poll numbers, celebrating Plaintiff’s loss of a seat on the House Intelligence Committee, and (repeatedly) scolding Fox News for giving Plaintiff airtime.¹²

36. President Trump’s supporters have likewise attacked Plaintiff for his political views and activities. Jeanine Pirro, who is now the U.S. Attorney for the District of Columbia, once dedicated an entire segment of her Fox News show to mocking Plaintiff, saying that she “couldn’t help but laugh” at Plaintiff’s “pompous, condescending, holier-than-thou attempt to be an honest, fair, and impartial manager” during the President’s second impeachment trial.¹³ More recently,

¹¹ See, e.g., Michael Thomas, *Swalwell: Republicans have chosen protecting Trump over opening government*, KRON4 NEWS (Oct. 15, 2025), <https://www.kron4.com/news/bay-area/swalwell-republicans-have-chosen-protecting-trump-over-opening-government/>; Rep. Eric Swalwell (@RepSwalwell), X (Oct. 22, 2025, at 10:40 ET), <https://x.com/RepSwalwell/status/1981007782808830386>; *id.* (Aug. 1, 2025, at 9:11 ET), <https://x.com/RepSwalwell/status/1951269513137123656>; *id.* (Sep. 9, 2023, at 10:03 ET), <https://x.com/RepSwalwell/status/1965596866416177493>.

¹² Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (Jul. 22, 2024, at 4:11 ET), <https://truthsocial.com/@realDonaldTrump/112831960855086827>; *id.* (Feb. 22, 2023, at 12:03 ET), <https://truthsocial.com/@realDonaldTrump/posts/109909469672992461>; *id.* (Feb. 22, 2023, at 12:03 ET) <https://truthsocial.com/@realDonaldTrump/109909468935505327>; Donald J. Trump (@realDonaldTrump), X (Jul. 23, 2019, at 7:43 ET), <https://x.com/realDonaldTrump/status/1153812826915401729?s=20>.

¹³ Jeanine Pirro (@JudgeJeanine), X (Feb. 13, 2021, at 10:17 ET), <https://x.com/JudgeJeanine/status/1360790207344373763>; Rebecca Beitsch, *Swalwell Blasts Criminal Referral for Alleged Mortgage Fraud*, NEWSNATION (Nov. 13, 2025),

Kash Patel, the current Director of the FBI, described Plaintiff as a “corrupt actor[] of the first order” in his book *GOVERNMENT GANGSTERS: THE DEEP STATE, THE TRUTH, AND THE BATTLE FOR OUR DEMOCRACY* (Post Hill Press 2023).

37. Pulte, too, has sought to target Plaintiff based on Plaintiff’s political views and expression.

38. On November 13, 2025, Pulte referred Plaintiff to DOJ for prosecution on mortgage-fraud charges. Upon information and belief, the referral was based on information obtained from Plaintiff’s mortgage records, which Pulte had obtained from Fannie Mae and/or Freddie Mac.

39. On the same day that Pulte submitted the criminal referral to DOJ, detailed information about the allegations against Plaintiff appeared simultaneously across multiple media outlets and conservative social media accounts in what appeared to be a coordinated leak by FHFA.

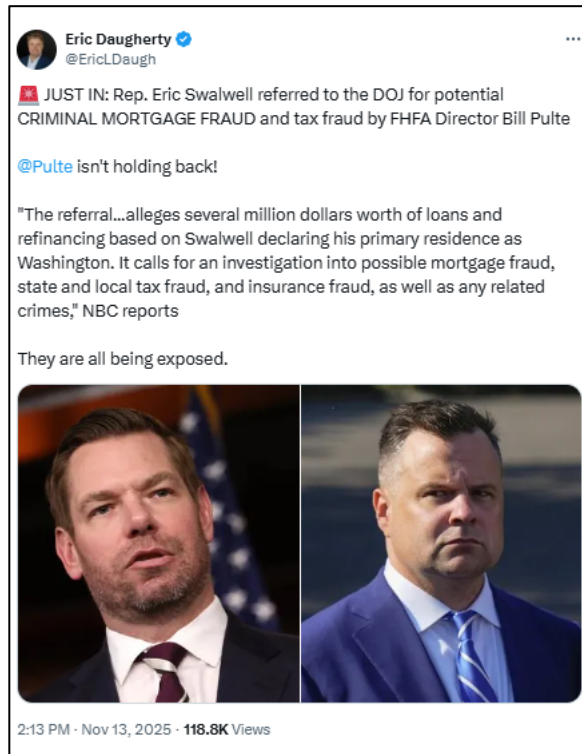
40. The leak occurred with remarkable speed. NBC News published its initial report on the referral at 1:52 PM ET on November 13, citing “a person familiar with the referral” and reporting that Pulte had “alleged in a letter sent to Attorney General Pam Bondi on Wednesday that Swalwell may have made false or misleading statements in loan documents.”¹⁴

41. Within minutes of the NBC News report, a cascade of posts appeared on the social media platform X (formerly Twitter) from prominent conservative commentators and accounts, each containing specific details about the referral that appears to have come from someone with direct knowledge of its contents. For example:

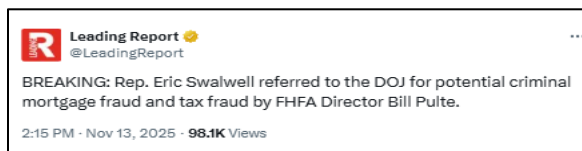
<https://www.newsnationnow.com/us-news/swalwell-blasts-criminal-referral-for-alleged-mortgage-fraud/>.

¹⁴ Katherine Doyle, *Trump Official Refers Rep. Eric Swalwell for a Federal Criminal Probe over Alleged Mortgage Fraud*, NBC NEWS (Nov. 13, 2025), <https://www.nbcnews.com/politics/trump-administration/trump-administration-eric-swallow-federal-criminal-probe-mortgage-rcna243518>.

- a. At approximately 2:13 PM ET, the conservative reporter Eric Daugherty (@EricLDaugh), who has over half a million followers, posted:



- b. At approximately 2:15 PM ET, the conservative outlet Leading Report (@LeadingReport), whose account has nearly a million followers, posted:



- c. At approximately 2:41 PM ET, the New York Post (@nypost), whose account has 3.5 million followers, posted:



42. The timing and contents of these posts suggest that this was not an isolated disclosure but part of a coordinated leak. Many of the posts appeared online within a narrow window of time and contained information—like the value of Plaintiff’s home—that did not appear in NBC News’s original report. Many also explicitly named Pulte and tagged his account.

43. The coordinated nature of these disclosures is further evidenced by the fact that they appeared online before DOJ had received any written referral from Pulte. On November 14—the day after these posts appeared—CNN reported that “there was some internal confusion Thursday as to whether [the referral] had arrived” at DOJ. The CNN report, citing a “person familiar with the matter,” stated that “Pulte delivered it orally to Justice Department official Ed Martin and put a written copy in the mail, which Martin has yet to receive.”¹⁵

44. Upon information and belief, Pulte had previously leaked (or authorized leaks) concerning his earlier criminal referrals, resulting in coordinated media coverage designed to intimidate and punish President Trump’s critics.

¹⁵ Samantha Delouya, et al., *Bill Pulte refers Rep. Eric Swalwell to the Justice Department over Mortgage Fraud Allegations*, CNN (Nov. 14, 2025), <https://www.cnn.com/2025/11/13/politics/eric-swallow-mortgage-investigation>.

45. Upon information and belief, Pulte personally orchestrated or authorized the disclosure of information contained in Plaintiff's mortgage records.

46. The disclosure of sensitive information contained in Plaintiff's confidential mortgage records—both to the press and in a criminal referral to DOJ—has harmed Plaintiff's reputation at a critical juncture in his career: the very moment when he had planned to announce his campaign for Governor of California. The criminal referral and surrounding press coverage forced Plaintiff to divert attention away from his campaign announcement and required him to expend personal resources on counsel to prepare for a DOJ investigation. Moreover, the widespread publication of information about the home where his wife and young children reside has exposed him to heightened security risks and caused him significant anguish and distress.

CLAIMS FOR RELIEF

COUNT 1

Privacy Act of 1974, 5 U.S.C. § 552a

47. Plaintiff realleges the allegations contained in paragraphs 1 through 46.

48. FHFA, Fannie Mae, and Freddie Mac are all agencies within the meaning of the Privacy Act. 5 U.S.C. § 552(f).

49. Fannie Mae and Freddie Mac maintained Plaintiff's mortgage records within a system (or systems) of records. The system (or systems) allows information to be retrieved based on the personal identifying information of specific individuals, such as a name or social security number.

50. Defendants used this system (or systems) to retrieve Plaintiff's mortgage records. They then used those records as a basis for referring Plaintiff to DOJ for prosecution.

51. Defendants also used this system (or systems) to retrieve mortgage records of Tish James, Lisa Cook, and Adam Schiff. They then used those records as a basis for making criminal referrals of all three to DOJ.

52. Upon information and belief, neither the Attorney General nor any United States Attorney ever submitted a written request to FHFA, Fannie Mae, or Freddie Mac seeking Plaintiff's mortgage records and identifying the specific law-enforcement activity for which they were sought.

53. Defendants willfully and intentionally provided information contained in Plaintiff's mortgage records to DOJ in violation of 5 U.S.C. §§ 552a(b) and 552a(g)(1)(D), among other provisions, without Plaintiff's prior written consent or knowledge or any lawful justification.

54. Defendants willfully and intentionally provided information contained in those records to members of the press in violation of 5 U.S.C. §§ 552a(b) and 552a(g)(1)(D), among other provisions, without Plaintiff's prior written consent or knowledge or any lawful justification.

55. Defendants failed to "establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained" in violation of 5 U.S.C. § 552a(e)(10) and (g)(1)(D).

56. As a result of the foregoing violations of the Privacy Act, Plaintiff suffered serious and substantial harm, including but not limited to reputational harm, legal expenses, and mental and emotional distress.

COUNT 2
First Amendment Retaliation
(Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A), 706(2)(B))

57. Plaintiff realleges the allegations contained in paragraphs 1 through 56.

58. Defendants' submission of a criminal referral and disclosure of Plaintiff's personal information to DOJ and news outlets were adverse actions calculated to retaliate against and punish

Plaintiff for his exercise of rights protected by the First Amendment and to chill his exercise of such rights.

59. Defendants' retaliatory conduct was arbitrary, capricious, an abuse of discretion, and not in accordance with law. Defendants acted intentionally and/or with deliberate indifference to the First Amendment rights of Plaintiff.

60. Defendants' retaliatory conduct was contrary to Plaintiff's constitutional rights within the meaning of the Administrative Procedure Act.

61. Defendants' submission of a criminal referral concerning Plaintiff's confidential mortgage records shortly after President Trump called for the prosecution of his political enemies—including those who participated in his impeachment—demonstrates a causal link between Plaintiff's protected First Amendment activities and his being the subject of a criminal complaint.

62. Like every other criminal referral that Pulte and FHFA have submitted to DOJ, their referral of Plaintiff will predictably result in a federal criminal investigation.

63. Pulte's submission of a criminal referral concerning Plaintiff in order to appease President Trump's stated desire to punish his political foes would deter a person of ordinary firmness in Plaintiff's position from speaking again about issues relating to the Trump Administration.

64. The criminal referral should thus be set aside and declared unlawful, in excess of FHFA's lawful authority, and contrary to Plaintiff's constitutional right to engage in First Amendment activities in accordance with 5 U.S.C. § 706.

PRAYER FOR RELIEF

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

- (A) Declaratory relief holding that Defendants' actions violated the Privacy Act, the Administrative Procedure Act, and the First Amendment.
- (B) Statutory and compensatory damages stemming from Defendants' violations of the Privacy Act.
- (C) Injunctive relief directing Pulte and FHFA to withdraw the criminal referral of Plaintiff.
- (D) Attorneys' fees.

Dated: November 25, 2025
New York, New York

Respectfully submitted,

/s/ Sean Hecker

Sean Hecker (D.C. Bar #90002619)

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** Pro hac vice application pending*