

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

NATIONAL ASSOCIATION OF CRIMINAL
DEFENSE LAWYERS,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS

and

DEPARTMENT OF JUSTICE,

Defendants.

Civil Action No. 18-2399 (KBJ)

TENTH JOINT STATUS REPORT

Per the Court’s order, Plaintiff National Association of Criminal Defense Lawyers (“NACDL”) and Defendants Federal Bureau of Prisons (“BOP”) and Department of Justice (“DOJ”) respectfully submit this Tenth Joint Status Report. *See* Minute Order, Dec. 3, 2019.

Overview

1. At issue in this case are three Freedom of Information Act (“FOIA”) requests filed by NACDL with various of Defendants’ component offices, which the parties have called “the BOP Request,” “the Main Justice Request,” and “the EOUSA Request.” *See* Ex. A to Am. Compl., ECF No. 9-2; Ex. B to Am. Compl., ECF No. 9-3; Ex. C to Am. Compl., ECF No. 9-4; *see also* 8th Joint Status Report (“8th JSR”) ¶¶ 2–6, ECF No. 31 (describing requests and parties’ previous litigation).

2. The parties have filed nine previous Joint Status Reports that provide more detail about their negotiations and the agencies’ productions to date. *See* Joint Status Report, ECF No. 20; Joint

Status Report, ECF No. 22; 3d Joint Status Report, ECF No. 23; 4th Joint Status Report (“4th JSR”), ECF No. 24; 5th Joint Status Report, ECF No. 25; 6th Joint Status Report, ECF No. 26; 7th Joint Status Report, ECF No. 30; 8th JSR; 9th Joint Status Report (“9th JSR”), ECF No. 32.

The Criminal Division’s Search

3. As discussed in the parties’ Eighth and Ninth Joint Status Reports, DOJ’s Criminal Division was completing its production from the Criminal Division’s search for records responsive to the Main Justice Request. *See* 8th JSR ¶ 21; 9th JSR ¶¶ 3–8. In addition, NACDL has been waiting for records referred to the Federal Bureau of Investigation (“FBI”) by the Executive Office for United States Attorneys (“EOUSA”), which it was processing on a referral from the Criminal Division. *See* 9th JSR ¶ 9.

4. On December 31, 2019, the Criminal Division informed NACDL that it had completed its remaining search, which the parties have been referring to as “Search Category Two” In the letter, the Criminal Division indicated that it identified a total of 32,455 pages of potentially responsive records. After reviewing the records for responsiveness, the Criminal Division identified 1,715 pages that were responsive to the Main Justice Request. All of those pages were duplicative of records processed as part of what the parties have called “Search 1” and “Search 3.”

5. The Criminal Division has approximately 2,800 documents remaining to process. These documents were previously referenced in the May 28, 2019, Joint Status Report. *See* 4th JSR ¶ 11. The parties plan to meet and confer about a processing schedule for these remaining documents.

6. The only other outstanding records NACDL is aware of are those the FBI is processing on the EOUSA’s referral.

