

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)

ELEVENTH 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 Eleventh Joint Status Report. *See* Minute Order, Jan. 10, 2020.

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 ten 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, ECF No. 32; 10th Joint Status Report (“10th JSR”), ECF No. 33.

The Criminal Division’s Search

3. As discussed in the parties’ Tenth Joint Status Report, DOJ’s Criminal Division is still processing its production from the Criminal Division’s search for records responsive to the Main Justice Request. *See* 10th JSR ¶ 3.

4. As of the filing of the 10th JSR, the Criminal Division, had approximately 2,800 documents remaining to process. *See id.* ¶ 5; 4th JSR ¶ 11. On January 28, 2020, the Criminal Division informed NACDL that those documents totaled approximately 35,000 pages. The Criminal Division indicated that a responsiveness and de-duplication review is underway, and the Criminal Division has further requested until February 28, 2020, to complete this process. NACDL consents to this timeline.

5. In addition, at the time the parties filed the 10th JSR, NACDL was still waiting for records referred to the Federal Bureau of Investigation (“FBI”) by the Executive Office for United States Attorneys, which it was processing on a referral from the Criminal Division. *See* 10th JSR ¶ 3. On January 8, 2020, the FBI completed this production by producing two pages in part.

Proposed Next Step

6. The parties propose filing on or before on March 3, 2020, another joint status report with a recommendation on how to further proceed.

DATED: February 4, 2020

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Respectfully submitted,

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