



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street  
New York, New York 10007*

August 21, 2019

**BY ECF**

The Honorable Andrew L. Carter, Jr.  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 2203  
New York, NY 10007

Re: *Knight First Amendment Institute v. U.S. Dep't of Homeland Security et al.*,  
No. 17 Civ. 7572 (ALC)

Dear Judge Carter:

I write respectfully on behalf of United States Department of Homeland Security ("DHS"), a defendant in the above-referenced FOIA action, to provide a status update regarding DHS's ongoing searches.

As the Court is aware, DHS voluntarily agreed to conduct a new search for documents responsive to plaintiff's Narrowed FOIA Request. Thereafter, DHS conducted searches suggested by plaintiff, which resulted in more than 1.6 terabytes data, gathering largely unresponsive documents. At a status conference on July 16, 2019, the parties reported that DHS and plaintiff had agreed to a new set of search terms, and on July 19, 2019, the parties filed a joint status report concerning those searches, outlining each of four searches (Searches 1a, 1b, 2a, and 2b) and indicating that DHS would conduct those searches in the following order: 2a, 2b, 1a and finally 1b. *See* Dkt. No. 129.

As DHS reported on August 2, 2019, Search 2a resulted in the collection of approximately 764,000 emails (before applying the de-duping process). *See* Dkt. No. 133. As DHS reported on August 9, 2019, plaintiff and DHS again conferred regarding other reasonable ways to narrow Search 2a, and on Friday, August 2, the parties agreed to new, narrowed terms. *See* Dkt. No. 135.

As of today's date, DHS has completed Searches 2a and 2b. DHS has also uploaded the results of those searches and conducted an initial deduplication process; Searches 2a and 2b have returned 72,517 unique, potentially responsive documents. The agency expects to complete Searches 1a and 1b within a week from today, or August 28, 2019.

I thank the Court for considering this matter.

Respectfully,

GEOFFREY S. BERMAN  
United States Attorney

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cc: Counsel for Plaintiff (by ECF)