



U.S. Department of Justice

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Southern District of New York*

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October 4, 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:

Jointly with counsel for plaintiff, I write respectfully on behalf of United States Immigration and Customs Enforcement (“ICE”), a defendant in the above-referenced FOIA action, to provide the Court with an update regarding ICE’s new searches, pursuant to the Court’s Order dated September 16, 2019, Dkt. No. 140.

In the September 16 Order, the Court concluded that ICE did not conduct an adequate search for documents responsive to plaintiff’s FOIA request, and ordered ICE to conduct new searches and the parties to meet and confer and file a joint status report within twenty-one days. Dkt. No. 140 at 15-16. On September 30, 2019, ICE filed a motion for partial reconsideration of the September 16 Order, requesting that the Court reconsider its rulings that certain ICE components—ILPD, NSLS, DLPA, and FLO¹—conducted inadequate searches. Dkt, Nos. 143-144.

Pursuant to the September 16 Order, the parties have now met and conferred and reached agreement regarding the offices and components that ICE will search at this time and the search terms that will be used. Specifically, the parties have agreed that ICE will conduct additional searches for documents responsive to Items 1-4 of the FOIA request within the following offices and components: the Office of the Director; the Office of Policy; the offices of Field Operation, Enforcement, and Removal within ERO; the Office of Enforcement and Removal Operations Law Division within OPLA; and the National Security Unit and the National Security Investigations Division, Counterterrorism and Criminal Exploitation Unit within Homeland Security Investigations. In light of the pending motion for reconsideration of the Court’s rulings as to the

¹ This letter employs the abbreviations defined in the Government’s Memorandum of Law dated February 26, 2019, Dkt. No. 90.

searches conducted by OPLA components ILPD, NSLS, DPLA and FLO, the parties have agreed that ICE need not conduct further searches within those components until the motion is decided.

We thank the Court for considering this matter.

Respectfully,

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