

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4
5 COMMUNITY JUSTICE EXCHANGE,
6 JUST FUTURES LAW,
MIJENTE SUPPORT COMMITTEE,

7 Plaintiffs,

8 v.

9 U.S. IMMIGRATION & CUSTOMS
10 ENFORCEMENT and U.S. DEPARTMENT
OF HOMELAND SECURITY,

11 Defendants.

) Case No. 3:22-cv-02328-LB

) **FIFTH JOINT STATUS REPORT &**
) **[PROPOSED] ORDER**

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13 Pursuant to this Court’s Order dated February 24, 2023, the parties submit this fifth Joint
14 Status Report to update the Court on the status of the litigation and their proposed next steps.
15 Order, ECF No. 33.

16 **Background**

17 Plaintiffs brought this action under the Freedom of Information Act (“FOIA”), 5 U.S.C.
18 § 552 *et seq.* They seek nine categories of records related to Defendant U.S. Immigration and
19 Customs Enforcement’s (“ICE”) use of BI, Incorporated’s SmartLINK App as part of its
20 Intensive Supervision and Appearance Program (“ISAP”). Plaintiffs filed this lawsuit against
21 ICE and the U.S. Department of Homeland Security (collectively, “Defendants”) on April 14,
22 2022. ECF No. 1. Defendants filed an Answer on May 23, 2022. ECF No. 10.

23 **Status of Litigation**

24 Since the updates presented in the parties’ Fourth Joint Status Report, ECF No. 32, the
25 parties have continued negotiating about the scope of future summary judgment briefing.

26 Plaintiffs have indicated the subset of records for which they plan to challenge
27 withholdings of information, as well as the exemptions at issue. Additionally, in hopes of
28 narrowing the scope of the dispute, Plaintiffs requested more information about the searches for

ECF ATTESTATION

In accordance with Civil Local Rule 5-1(h)(3), I, Megan Graham, attest that I have obtained concurrence in the filing of this document from all other signatories listed here.

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[PROPOSED] CASE MANAGEMENT ORDER

The March 23, 2023 Case Management Conference is VACATED. The parties are ORDERED to file a Joint Status Report on or before April 13, 2023. IT IS SO ORDERED.

Dated:

LAUREL BEELER
UNITED STATES MAGISTRATE JUDGE

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