UNITED STATES DISTRICT COURT 1 NORTHERN DISTRICT OF CALIFORNIA 2 3 SAN FRANCISCO DIVISION 4 5 COMMUNITY JUSTICE EXCHANGE, Case No. 3:22-cv-02328-LB JUST FUTURES LAW, 6 MIJENTE SUPPORT COMMITTEE, FIFTH JOINT STATUS REPORT & 7 Plaintiffs, [PROPOSED] ORDER 8 v. 9 U.S. IMMIGRATION & CUSTOMS ENFORCEMENT and U.S. DEPARTMENT 10 OF HOMELAND SECURITY, 11 Defendants. 12 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

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1 records so that they can convey any potential concerns about the adequacy of the search to ICE. 2 ICE has agreed to provide this information by March 31, 2023. Upon receipt of that information, the parties will work together to try to identify and 3 4 narrow the disputed issues, as well as a proposed briefing schedule. 5 **Next Steps** 6 The parties propose that this Court vacate the March 23, 2023 Case Management 7 Conference and order the parties to file a Joint Status Report on April 13, 2023 informing the 8 Court of what, if anything, is left to litigate. 9 10 Dated: March 16, 2023 Respectfully submitted, 11 s/ Megan Graham Megan Graham 12 Erik Stallman Areeba Jibril 13 Samuelson Law, Technology & 14 **Public Policy Clinic** UC Berkeley School of Law 15 353 Law Building, Clinical Program Berkeley, CA 94720-7200 16 (510) 664-4381 mgraham@clinical.law.berkeley.edu 17 18 Attorneys for Plaintiffs 19 Dated: March 16, 2023 Respectfully submitted, 20 STEPHANIE HINDS 21 United States Attorney 22 s/ Kelsey J. Helland 23 KELSEY J. HELLAND Assistant United States Attorney 24 Attorneys for Defendants 25 26 27 28

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.

[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