

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COMMUNITY JUSTICE EXCHANGE,
 JUST FUTURES LAW,
 MIJENTE SUPPORT COMMITTEE,

Plaintiffs,

v.

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

Defendants.

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

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

Pursuant to this Court's Order dated September 29, 2023, the parties submit this Twelfth Joint Status Report to update the Court on the status of the litigation and their proposed next steps. Order, ECF No. 49.

Background

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

Status of Litigation

As of January 2023, ICE had completed production of responsive records. Fourth Joint Status Report, ECF No. 31. Plaintiffs have indicated the subset of records for which they plan to challenge withholdings of information, as well as the exemptions at issue. Fifth Joint Status Report, ECF No. 34. In March and May 2023, Plaintiffs sought additional information from Defendants to help Plaintiffs determine the adequacy of Defendants' search for responsive

1 records. On August 22, Defendants provided a response to Plaintiffs' questions as well as an
 2 additional record, and continue to search for one record. Plaintiffs have reviewed Defendants'
 3 responses and, on September 22, 2023, followed up with additional questions and requests.
 4 Defendants are currently reviewing the questions and requests and will respond by November 22,
 5 2023. The parties believe their continued efforts to resolve this matter are productive.

6 Next Steps

7 The parties propose that this Court vacate the November 2, 2023, Case Management
 8 Conference and order the parties to submit another joint status report on November 30, 2023,
 9 identifying what, if anything, is left to litigate.

10
 11 Dated: October 26, 2023

Respectfully submitted,

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21
 22 Dated: October 26, 2023

Respectfully submitted,

23 ISMAIL J. RAMSEY
 24 United States Attorney

25 s/ Kelsey J. Helland
 26 KELSEY J. HELLAND
 27 Assistant United States Attorney

Attorneys for Defendants

ECF ATTESTATION

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

[PROPOSED] CASE MANAGEMENT ORDER

The November 2, 2023 Case Management Conference is VACATED. In addition, the parties are to file a Joint Status Report on November 30, 2023, informing the Court of what, if anything, is left to litigate.

IT IS SO ORDERED.

Dated:

LAUREL BEELER

UNITED STATES MAGISTRATE JUDGE