IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

)
THE JAMES MADISON PROJECT and)
NOAH SHACHTMAN,)
)
Plaintiffs,)
)
V.)
)
DEPARTMENT OF JUSTICE and)
DEPARTMENT OF HOMELAND)
SECURITY,)
)
Defendants.)
	Ś

No. 1:17-cv-00390-CKK

JOINT STATUS REPORT

Defendants Department of Justice ("DOJ") and Department of Homeland Security ("DHS")(collectively, "Defendants") and Plaintiffs The James Madison Project and Noah Shachtman ("Plaintiffs") respectfully submit this Joint Status Report pursuant to the Court's Minute Order, dated June 21, 2017. The parties report as follows:

1. Plaintiffs initiated this action under the Freedom of Information Act ("FOIA") on March 3, 2017. The Complaint alleges that this action involves FOIA requests dated January 31, 2017, and submitted to DOJ's Office of Legal Counsel ("OLC"), DHS, and four components of DHS (the Transportation Security Administration ("TSA"), U.S. Customs and Border Protection ("CBP"), U.S. Immigration and Customs Enforcement ("ICE"), and U.S. Citizenship and Immigration Services ("USCIS")).

2. On May 10, 2017, Plaintiffs filed an Amended Complaint, which explains that the FOIA request to OLC was not actually submitted to the agency until March 24, 2017.

Case 1:17-cv-00390-CKK Document 12 Filed 07/21/17 Page 2 of 3

3. OLC, DHS, and the four DHS components have initiated searches for records responsive to Plaintiffs' FOIA requests.

4. TSA has completed its processing of Plaintiffs' request and released 35 pages of responsive records, withholding some information in those records pursuant to the FOIA's statutory exemptions from disclosure and referring some information to DHS for further review.

5. CBP has begun rolling production of non-exempt records, with the first production issued on July 20, 2017. Its search is ongoing, and the agency is still determining the volume of records at issue.

6. Searches conducted by USCIS and ICE have located approximately 6,000 pages and 3,500 pages of potentially responsive records, respectively. ICE is prepared to start rolling production of non-exempt records in August 2017. USCIS is not yet able to provide a timeframe upon which rolling production will begin, and is continuing to refine the scope of its search for potentially responsive records.

7. OLC's searches have located tens of thousands of pages of potentially responsive records. DHS is still determining the volume of records at issue.

8. Both with respect to OLC and with respect to DHS and its components, the parties are discussing possible means by which to narrow the scope of responsive records.

9. The parties agree that it is too early to determine whether Defendants will need to prepare *Vaughn* indices.

10. The parties respectfully propose that they file another Joint Status Report no later than September 5, 2017.

2

Dated: July 21, 2017

/s/___

Bradley P. Moss, Esq. D.C. Bar #975905 Mark S. Zaid, Esq. D.C. Bar #440532 Mark S. Zaid, P.C. 1250 Connecticut Avenue, NW Suite 200 Washington, D.C. 20036 (202) 454-2809 (202) 330-5610 fax Brad@MarkZaid.com Mark@MarkZaid.com

Attorneys for the Plaintiffs

Respectfully submitted,

CHAD A. READLER Acting Assistant Attorney General

ELIZABETH J. SHAPIRO Deputy Branch Director

/s/

MATTHEW J. BERNS

Trial Attorney (DC Bar No. 998094) United States Department of Justice Civil Division, Federal Programs Branch 20 Massachusetts Avenue NW Washington, DC 20530 Telephone: (202) 616-8016 Fax: (202) 616-8470 Matthew.J.Berns@usdoj.gov

Counsel for Defendants