U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

September 16, 2026

BY ECF
The Honorable Dale E. Ho
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Knight First Amendment Institute v. Office of Management and Budget, et al.*, 25 Civ. 8783 (DEH)

Dear Judge Ho:

This Office represents the defendant agencies in this Freedom of Information Act (FOIA) case. We write jointly with counsel for plaintiff to provide a joint status report, as directed by the Court's December 15, 2025 Order, ECF No. 13.

As we noted in our initial letter, the complaint seeks records from three distinct entities for FOIA purposes: (1) the Office of Management and Budget (OMB), and two separate components of the Department of Justice (DOJ): (2) DOJ's Office of Legal Counsel (OLC); and (3) the DOJ's Information Policy (OIP), which, among other things, conducts FOIA operations for DOJ leadership offices.

As previously reported, OMB completed its initial search on December 9, 2025, and processed over 3,500 pages; however, none of these pages were found to be responsive. OMB also conducted a supplemental search based on discussions with plaintiff. The parties have continued to confer about OMB's search terms given the non-responsiveness of the results. Last month, plaintiff shared some specific narrowing suggestions. After applying plaintiff's narrowing to the existing search results, OMB has still not located any responsive records, but its review is ongoing. OMB expects to complete this review by the end of this month. Once this review is done, the parties plan to confer further about next steps.

OIP previously issued its final response to plaintiff's request. The parties have discussed certain questions plaintiff raised about its response.

As we previously reported, shortly after receiving the request, OLC completed a search, and provided plaintiff its response on May 30, 2025, indicating it had found no records. However, based on discussions between the parties, OLC is conducting a targeted supplemental search, which it expects to complete by mid-October.

Under the Court's standing order for status reports, ECF No. 13, the parties' next report will be due October 16.

We thank the Court for its attention to this matter.

Respectfully submitted,

JAMES M. MCDONALD
United States Attorney
Southern District of New York

By: */s/ Peter Aronoff*
PETER ARONOFF
Assistant United States Attorney
Telephone: (212) 637-2697
E-mail: peter.aronoff@usdoj.gov
Counsel for Defendants

cc: Counsel for plaintiff (via ECF)