U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

October 16, 2025

BY ECF
The Honorable Andrew L. Carter, Jr.
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2203
New York, NY 10007

Re: *Knight First Amendment Institute v. U.S. Dep't of Homeland Security et al.*, No. 17 Civ. 7572 (ALC)

Dear Judge Carter:

I represent defendants (the "government") in the above-referenced FOIA action and write respectfully on behalf of all parties in the above-referenced FOIA action to provide a status update, as required by the Court's October 10, 2025 order, ECF No. 257.

As the Court noted, the parties did not submit a status report by October 9, as they previously proposed and the Court had ordered. Due to a lapse in funding from Congressional appropriations, certain government activities have been suspended. All civil cases (other than cases falling into specified carveouts which do not apply to this matter) in which this Office has appeared as counsel of record have been stayed by order of Chief Judge Swain. *See* Amended Standing Order M10-468, ECF No. 3, 25 Mc. 433 (LTS). Thus, pursuant to the Amended Standing Order, the October 9 deadline was stayed.

In any event, in order to comply with the Court's October 10 order, the parties report as follows. As we have previously noted, the only remaining issue is attorneys' fees and costs. Plaintiff's lead counsel was until recently on parental leave, and is now finalizing a demand and supporting documentation for the government's consideration. To allow the parties to discuss a potential resolution of this issue without the Court's intervention, the parties respectfully propose to file a further status update within one month of the restoration of appropriations.

I thank the Court for its attention to this matter.

Respectfully,

JAY CLAYTON
United States Attorney

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cc: Counsel for Plaintiff (by ECF)