August 19, 2021

BY ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2202
New York, NY 10007

Re: *Knight First Amendment Institute at Columbia University v. Federal Bureau of Prisons and U.S. Department of Justice*, No. 21 Civ. 6579 (JMF)

Dear Judge Furman:

On behalf of the parties in the above-referenced case brought by plaintiff the Knight First Amendment Institute at Columbia University ("the Knight Institute"), against the Federal Bureau of Prisons ("BOP") and the U.S. Department of Justice (collectively, "Defendants"), we write respectfully in response to the Court's order dated August 5, 2021, Dkt. No. 8.

This action arises under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The Knight Institute's FOIA request, filed on June 25, 2021, seeks ten categories of records from the BOP regarding the digitization and retention of mail sent to incarcerated people. BOP has initiated a search for potentially responsive records. At this time, BOP is currently searching three divisions in its central office, and it anticipates conducting additional searches at selected correctional institutions. It represents that, given the status of those searches, it cannot presently estimate the volume of records responsive to the Knight Institute's request or propose a production schedule.

Accordingly, the parties believe that it is premature to determine whether an initial conference or civil discovery will be necessary in this case. Additionally, the parties are not yet in a position to discuss dispositive motions or to set a briefing schedule, as BOP's searches are not complete and Defendants have not determined whether they will withhold any responsive documents in full or in part pursuant to FOIA's exemptions.

The parties will continue to discuss next steps as BOP obtains and shares more information about the scope of the potentially responsive records. The parties thus respectfully request that the Court permit the parties to submit a further status report on September 17, 2021, advising the Court of the parties' progress on this matter.

We thank the Court for its consideration of this letter.

Respectfully submitted,

/s/[1]
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[1] Consent for signature obtained pursuant to S.D.N.Y. ECF Rule 8.5(b).