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U.S. Department o

United States Attor
Southern District of New York

86 Chambers Street
New York, New York 10007

December 19, 2022

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 write respectfully on behalf of both parties in the above-referenced FOIA action to provide a status update and to request a stay of the Court's Order issued at the status conference held on September 22, 2022. *See* Dkt. No. 206.

As the Court is aware, various defendant agencies and components agreed to conduct a search for documents responsive to Item Number 1 in plaintiff's FOIA Request, and the United States Department of State, Customs and Border Protection, Department of Justice, Homeland Security, and Citizenship and Immigration Services have completed searching, processing, and producing responsive documents, if any. *See* Dkt. No. 171. As the parties previously detailed, Immigration and Customs Enforcement ("ICE") and plaintiff agreed on specific search terms; ICE completed those searches and informed the Knight Institute of the initial results; ICE has been processing the documents since the summer of 2021; and on September 22, 2022, the Court ordered ICE to process the documents at a rate of 1,000 pages per month. *See* Dkt. Nos. 178 & 206. To date, ICE has processed more than 12,000 pages of potentially responsive documents, and approximately 38,000 pages of potentially responsive documents remain.

The parties have been meeting and conferring to try to narrow the universe of potentially responsive documents, and on December 16, 2022, the parties reached an agreement: specifically, ICE will pause processing records and dedicate those resources to conducting a responsiveness review of the remaining approximately 38,000 pages of potentially responsive pages. ICE will complete that review, and inform plaintiff of the results, by March 31, 2023. The parties will file a status update with the Court by April 14, 2023. Accordingly, in order to allow ICE to conduct a responsiveness review of the remaining documents and potentially reduce the number of pages for production, the parties jointly and respectfully request that the Court's Order issued on September 22, 2022, requiring ICE to process 1,000 pages a month, be stayed until April 14, 2023. This is the first request for a stay.

I thank the Court for considering this matter.

Respectfully,

DAMIAN WILLIAMS
United States Attorney

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cc: Counsel for Plaintiff (by ECF)

SO ORDERED:
HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE
12/20/2022