U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 13, 2023

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 the United States Immigration and Customs Enforcement ("ICE") in response to the Court's order dated December 11, 2023, directing ICE to "file a clarification on Defendant ICE's Vaughn Index production deadline[.]" Dkt. No. 223.

On October 16, 2023, the parties filed a joint status report and indicated, among other things, that the parties had agreed to the following deadlines: by December 15, 2023, the United States Department of State would provide a draft Vaughn index; by December 20, 2023, United States Department of Homeland Security would provide a draft Vaughn index; and by November 8, 2023, ICE would provide Plaintiff with *a date* by which ICE can complete draft Vaughn index. *See* Dkt. No. 220.

On December 1, 2023, the parties filed another joint status update. *See* Dkt. No. 222. In that status update, the parties: (1) recited the agreement regarding draft Vaughn indices previously outlined on October 16, 2023 – including the agreement that, by November 8, ICE would provide Plaintiff a date by which the agency could complete a draft Vaughn index; and (2) ICE reported that it had complied with that agreement and informed Plaintiff that the agency expects to complete a draft Vaughn index in January 2024. *See id.*

Therefore, to clarify: on October 16, 2023, the parties explained that, by November 8, ICE would provide Plaintiff with a date by which it could complete a draft Vaughn index. *See* Dkt. No. 220. On December 1, 2023, the parties explained that ICE had complied with that agreement and identified a date by which the agency could complete a draft Vaughn index, and that ICE expects to complete the draft Vaughn index in January 2024. *See* Dkt. No. 222.

I thank the Court for considering this matter and apologize to the Court for causing any confusion.

Respectfully,

DAMIAN WILLIAMS
United States Attorney

By: */s/ Ellen Blain*

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