

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE JAMES MADISON PROJECT and)	
NOAH SHACHTMAN,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:17-cv-00390-CKK
)	
DEPARTMENT OF JUSTICE and)	
DEPARTMENT OF HOMELAND)	
SECURITY,)	
)	
Defendants.)	

JOINT STATUS REPORT

Defendants Department of Justice (“DOJ”) and Department of Homeland Security (“DHS”) (collectively, “Defendants”) and Plaintiffs The James Madison Project and Noah Shachtman (“Plaintiffs”) respectfully submit this Joint Status Report pursuant to the Court’s Order of May 31, 2017 [ECF No. 9]. The parties report as follows:

1. Plaintiffs initiated this action under the Freedom of Information Act (“FOIA”) on March 3, 2017. The Complaint alleges that this action involves FOIA requests dated January 31, 2017, and submitted to DOJ’s Office of Legal Counsel (“OLC”), DHS, and four components of DHS (the Transportation Security Administration (“TSA”), U.S. Customs and Border Protection (“CBP”), U.S. Immigration and Customs Enforcement (“ICE”), and U.S. Citizenship and Immigration Services (“USCIS”)).

2. On May 10, 2017, Plaintiffs filed an Amended Complaint, which explains that the FOIA request to OLC was not actually submitted to the agency until March 24, 2017.

3. OLC, DHS, and the four DHS components have initiated searches for records responsive to Plaintiffs' FOIA requests. As discussed more fully below, TSA has completed its processing of Plaintiffs' request, and the remaining agencies/components are still determining the volume of records at issue.

4. TSA has completed its processing of Plaintiffs' FOIA request and released 35 pages of responsive records, withholding some information in those records pursuant to the FOIA's statutory exemptions from disclosure and referring some information to DHS for further review.

5. USCIS's initial search located several thousand pages of records, which require de-duplication and further review to determine how many are actually responsive.

6. DHS and ICE's searches have each located several thousand pages of records. These records are undergoing pre-processing, including de-duplication, which will determine the number of records that require further review to determine how many are responsive.

7. CBP and OLC are not yet able to provide estimates of the volume of potentially responsive records they will need to process.

8. The parties have begun conferring about certain aspects of Plaintiffs' FOIA requests, and their ongoing discussions are likely to affect the number of records at issue.

9. Because of the current status of the FOIA requests to OLC, DHS, USCIS, ICE, and CBP, these agencies/components are not yet able to provide estimated release dates or to determine the likelihood that any of them will seek an *Open America* stay.

10. The parties also agree that it is too early to determine whether Defendants will need to prepare *Vaughn* indices.

11. The parties respectfully propose that they file another Joint Status Report no later than July 21, 2017.

Dated: June 16, 2017

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Respectfully submitted,

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