

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

|                              |   |               |
|------------------------------|---|---------------|
| JACQUELINE STEVENS,          | ) |               |
|                              | ) |               |
| Plaintiff,                   | ) |               |
|                              | ) |               |
| v.                           | ) | No. 21 C 2232 |
|                              | ) |               |
| U.S. IMMIGRATION AND CUSTOMS | ) | Judge Tharp   |
| ENFORCEMENT, <i>et al.</i> , | ) |               |
|                              | ) |               |
| Defendants.                  | ) |               |

**MEMORANDUM IN SUPPORT OF  
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Jacqueline Stevens has sued for the release of government records under the Freedom of Information Act, 5 U.S.C. § 552. She says that seven federal agencies or components have improperly withheld records in response to 14 of her FOIA requests. But the agencies have conducted adequate searches for responsive records and have not improperly withheld any material. As a result, the agencies are entitled to summary judgment.

**Background**

This lawsuit arises out of 14 FOIA requests that Stevens filed from 2015 to 2021, seeking records from seven different federal agencies. Dkt. 9 (Answer) ¶¶ 19, 24, 32, 46, 55, 63, 69, 73, 76, 85, 91, 101, 111, 115. The seven agencies are: (1) U.S. Immigration and Customs Enforcement, or ICE; (2) U.S. Customs and Border Protection, or CBP; (3) U.S. Citizenship and Immigration Services, or USCIS; (4) Executive Office for Immigration Review, or EOIR; (5) U.S. Navy; (6) U.S. Department of Agriculture, or USDA; and (7) U.S. Department of State. *Id.* (The Department of Justice is also named as a defendant, but only because EOIR is one of its components.) Stevens alleges that the agencies did not “conduct proper searches” to locate responsive records and have “wrongfully withheld” certain information. *Id.* ¶ 1.

## Argument

The agencies are entitled to summary judgment in their favor. They have conducted adequate searches for records responsive to Stevens's requests and produced the responsive records. They have properly withheld certain material that FOIA exempts from disclosure. And for some of the requests at issue, Stevens did not exhaust her administrative remedies, as she needed to do before filing suit.

Summary judgment is proper when "there is no genuine issue as to any material fact" and the movant "is entitled to judgment as a matter of law." *Stevens v. DHS*, 2014 WL 5796429, \*4 (N.D. Ill. Nov. 4, 2014) (citing Fed. R. Civ. P. 56(a)). FOIA cases are typically resolved on summary judgment because they often hinge on whether an agency's undisputed actions violated FOIA. *E.g.*, *Bassiouni v. CIA*, 2004 WL 1125919, \*2 (N.D. Ill. Mar. 31, 2004). The court's review is limited to whether the agency (1) improperly (2) withheld (3) agency records. *Kissinger v. Reporters Comm. for Freedom of the Press*, 445 U.S. 136, 150 (1980) (judicial authority requires violation of all three components). A FOIA defendant's motion should be granted if it provides the court with declarations or other evidence showing that it conducted an adequate search for records and that any responsive records were produced or are exempt from disclosure. *E.g.*, *Carney v. DOJ*, 19 F.3d 807, 812 (2d Cir. 1994) (declarations "indicating the agency has conducted a thorough search and giving reasonably detailed explanations why any withheld documents fall within an exemption are sufficient to sustain the agency's burden").

### **I. Adequate Searches**

The agencies in this case have satisfied their burden on summary judgment to demonstrate that they conducted adequate searches for responsive records, because they have shown that they made good-faith efforts to conduct searches "reasonably calculated to uncover all relevant documents." *Hart v. FBI*, 1996 WL 403016, \*2 (7th Cir. July 16, 1996); *see also DiBacco v. U.S.*

*Army*, 795 F.3d 178, 188 (D.C. Cir. 2015) (agency must make good-faith effort to conduct search using methods that “can be reasonably expected to produce the information requested”). The issue “is not whether there might exist any other documents possibly responsive to the request, but rather whether the search for those documents was adequate.” *Weisberg v. DOJ*, 745 F.2d 1476, 1485 (D.C. Cir. 1984). The search is thus gauged “not by the fruits of the search, but by the appropriateness of the methods used to carry out the search.” *Ancient Coin Collectors Guild v. Dep’t of State*, 641 F.3d 504, 514 (D.C. Cir. 2011) (quotation omitted). A search is adequate if it is the result of a “good faith effort” and is “reasonable in light of the request.” *Stevens v. State*, 20 F.4th 337, 342 (2021) (quotation omitted). An agency can establish the reasonableness of its search by reasonably detailed, nonconclusory affidavits describing its efforts, and such submissions are accorded a “presumption of good faith.” *Id.* at 342-43. Here, the agencies have submitted reasonably detailed, nonconclusory affidavits describing their efforts. DSOF ¶¶ 5-97.

**A. ICE**

Stevens submitted four requests to ICE between March 2017 and March 2021. DSOF ¶¶ 8, 11, 16, 21. The March 2017 request sought records regarding a person named Manuel Valdez Soto. *Id.* ¶ 8. ICE determined that its Enforcement Removal Operations office was the office that was reasonably likely to possess responsive records and tasked that office to search for them. *Id.* ¶ 9. The office searched for Manuel Valdez-Soto’s name and alien number in its Immigration and Enforcement Operational Records System Alien Removal Module, which is a system used to book, detain, and remove encountered noncitizens. *Id.* ¶ 10. The search yielded one responsive page, which ICE produced. *Id.*

Stevens’s November 2018 request sought records regarding a person named Nathan Anfinson. DSOF ¶ 11. ICE determined that its Enforcement Removal Operations office was the office that was reasonably likely to possess responsive records and tasked that office to search for

them. *Id.* ¶ 12. The office searched for Nathan Anfinson’s name, date of birth, country of birth, alias, and alien number in the Alien Removal Module mentioned above and in the Central Index System, which is a database containing information on the status of 57 million applicants or petitioners seeking immigration benefits, including lawful permanent residents, naturalized citizens, U.S. border crosses, noncitizens who illegally entered the U.S., noncitizens who have been issued employment authorization documents, individuals who petitioned for benefits on behalf of family members, and other individuals subject to the provisions of the Immigration and Nationality Act. *Id.* ¶ 13. ICE produced responsive records in December 2018. *Id.* ¶ 14.

Stevens’s August 2019 request sought records regarding a person named Juan Hurtado-Valencia. DSOF ¶ 16. ICE determined that its Enforcement Removal Operations office was the office that was reasonably likely to possess responsive records and tasked that office to search for them. *Id.* ¶ 17. The office searched for Juan Hurtado-Valencia’s name, date of birth, country of birth, alias, and alien number in its the booking application called the EID Arrest Guide for Law Enforcement to retrieve information from the Enforcement Integrated Database. *Id.* The guide is used to process biometric and biographic information of individuals arrested for violation of immigration laws. *Id.* ¶ 18. The office also searched in Outlook, the Central Index System, and the Alien Removal Module. *Id.* ICE produced responsive records in December 2019. *Id.* ¶ 19.

Stevens’s March 2021 request sought records regarding ICE’s FOIA expenditures and budgets, including information received from contractors. DSOF ¶ 21. ICE determined that its Office of Acquisition Management, Office of the Chief Information Officer, and Strategic Resourcing Alignment Division were the offices that were reasonably likely to possess responsive records and tasked those offices to search for them. *Id.* ¶ 22. The Office of Acquisition Management searched its Outlook files by business name, contract number, and point-of-contact name, locating 64 responsive records. *Id.* ¶ 23. The Office of the Chief Information Officer

determined that it would not have any responsive records. *Id.* ¶ 24. And the Strategic Resourcing Alignment Division determined that it should search the Federal Financial Management System, which is a web-based workflow management and financial transaction system that is used to create and maintain a record of each allocation, commitment, obligation, travel advance, and accounts receivable issued. *Id.* ¶ 25. That search yielded two responsive Excel spreadsheets, which ICE produced. *Id.* ¶ 26.

## **B. CBP**

Stevens submitted two requests to CBP. DSOF ¶¶ 30, 36. The first request sought “all records” regarding a person named Lazaro Palma, who Stevens said had an interaction with a border guard in 1950. DSOF ¶ 30. CBP determined that the only location that could contain responsive records was “TECS,” which is the principal information-sharing system that CBP officers use to screen arriving persons and determine their eligibility. *Id.* ¶ 32. CBP searched TECS for crossing records, secondary inspections, and any border encounters by using the name Lazaro Palma as well the birth date that Stevens provided. *Id.* ¶ 33. CBP found no responsive records and notified Stevens. *Id.* ¶¶ 33-34.

Stevens’s second request to CBP sought records relating to a person named Nathan Afinson or Anfinson. DSOF ¶ 36. CBP determined that the only systems that could contain responsive records were the TECS system mentioned about and the “E3/Enforce” system, which is a portal that CBP uses to collect and transmit biographic, encounter, and biometric data. *Id.* ¶ 37. CBP searched both systems using the name, date of birth, and “A-File” number that Stevens provided. *Id.* ¶ 38. CBP found no responsive records and notified Stevens. *Id.* ¶¶ 38-39.

Stevens did not administratively appeal either of CBP’s responses. *Id.* ¶¶ 35, 40. As a result, she has not exhausted her administrative remedies with respect to the adequacy of CBP’s search, as she needed to do before filing suit. *Hidalgo v. FBI*, 344 F.3d 1256, 1257-59 (D.C. Cir.

2003) (“FOIA’s administrative scheme favors treating failure to exhaust as a bar to judicial review”).

### C. USCIS

Stevens submitted four requests to USCIS. DSOF ¶¶ 41, 47, 50, 54. The first request, in November 2018, sought records regarding a person named Nathan Anfinson, which USCIS interpreted as a request for the records in Anfinson’s A-file. *Id.* ¶¶ 41-42. To locate these records, USCIS ran a computerized data search in DHS’s file tracking system, RAILS, using the alien number Stevens provided. *Id.* ¶ 43. A few months after Stevens made the request, in March 2019, USCIS produced 206 pages of responsive records in their entirety, produced 13 pages in part, and withheld 23 pages in full. *Id.* ¶ 44. USCIS also referred 52 pages to ICE. *Id.* Stevens administratively appealed USCIS’s withholdings (though she did not administratively appeal the adequacy of the search), and in July 2019 USCIS released 9 more pages of responsive records in full and 4 pages in part. *Id.* ¶¶ 45-46. Because Stevens did not administratively appeal the adequacy of the search, she has not exhausted her administrative remedies with respect to that issue, as she needed to do before filing suit. *Hidalgo*, 344 F.3d at 1257-59.

Stevens also submitted a request for records in September 2019 regarding Jovita Elena Chavez, the mother of Nathan Anfinson, that had previously been withheld in response to the FOIA request for records regarding Anfinson. DSOF ¶ 47. Confusion ensued regarding whether the request had been properly submitted, but USCIS ultimately followed the A-file search procedure mentioned above and produced in full the 13 pages from Chavez’s son’s A-file that were about Chavez (since Chavez did not have an A-file of her own). *Id.* ¶¶ 48-49.

Stevens submitted another FOIA request in August 2019, seeking records regarding a person named Juan Guillermo Hurtado Valencia. DSOF ¶ 50. USCIS responded the next month, in September 2019, with a letter denying the request under 5 U.S.C. § 552(b)(6). *Id.* ¶ 51. The

letter explained Stevens's administrative appeal rights, but Stevens did not appeal. *Id.* ¶¶ 51-52. Accordingly, she did not exhaust her administrative remedies, as she needed to do before filing this suit. *Hidalgo*, 344 F.3d at 1257-59. Regardless, after following the A-file search procedure described above, USCIS produced 222 pages in full, produced 64 pages in part, and withheld 8 pages in full. *Id.* ¶ 53.

Stevens submitted a fourth FOIA request in August 2020, seeking records regarding a person named Lorenzo Palma. DSOFF ¶ 54. After following the A-file search procedure described above, USCIS produced 577 pages in full and 109 pages in part. *Id.* ¶ 55. Stevens did not administratively appeal. *Id.* ¶ 56. Accordingly, she did not exhaust her administrative remedies, as she needed to do before filing this suit. *Hidalgo*, 344 F.3d at 1257-59.

#### **D. EOIR**

Stevens's request to EOIR sought: (1) records regarding immigration proceedings with adjournments referencing claims of U.S. citizenship; and (2) records regarding cases terminated "at any hearing." DSOFF ¶ 62. EOIR identified its Planning, Analysis, and Statistics Division as the division likely to have responsive records, and the division extracted two sets of data from the Case Access System for EOIR, or CASE, which is an electronic case manager that manages all aspects of an immigration case. *Id.* ¶ 63.

The first set of data was responsive to the first part of Stevens's request, and the second set of data was responsive to the second part of Stevens's request. DSOFF ¶ 63. The first set of data consisted of four ".csv" files consisting of records of adjournments with the information Stevens requested: hearing date, custody charge, bond, and administrative closing. *Id.* ¶ 64. The data did not include information on "detention information" as Stevens had requested, because that information is not reliably or consistently maintained. *Id.* The "system notes" that Stevens requested were available only for immigration respondents who were subject to a bond, and when

applicable the data contained that information. *Id.* As just one representative example, the first set of data shows that a particular immigration respondent was detained on April 10, 2013, was released on April 29, 2013, was subject to a bond at some point during the proceedings, made a claim to U.S. citizenship on October 29, 2013, that the case was transferred to another venue, and that the respondent's request for relief was granted with respect to removal. *Id.* ¶ 65.

The second set of data consisted of four “.csv” files consisting of records of terminations with the information Stevens requested: hearing date, custody charge, bond, and administrative closing. DSOF ¶ 66. The data did not include information on “detention information” as Stevens had requested, because that information is not consistently or reliably maintained. *Id.* The “system notes” that Stevens requested were available only for immigration respondents who were subject to a bond, and when applicable the data contained that information. *Id.* As just one representative example, the second set of data shows that a particular immigration respondent underwent three immigration proceedings starting in October 1995; that the respondent was subject to a bond at some point during the proceedings; that the case was transferred to another venue; and that the case was administratively closed in February 1996. *Id.* ¶ 67.

EOIR produced both sets of data, in the form of 8 responsive .csv files, in September 2020. DSOF ¶ 68. EOIR also provided 9 responsive tables that define and allow the reader to interpret the codes used in the data sets. *Id.* ¶ 69. EOIR also produced in full 2 of the .csv files that it had previously redacted in part. *Id.* ¶ 70.

#### **E. Navy**

Stevens's request to the Navy sought records regarding a person named Lawrence E. Bowman. DSOF ¶ 73. The materials Stevens submitted indicated that Bowman died in 1995 at the age of 49. *Id.* ¶ 75. The Navy does not maintain personnel files for servicemembers who served before 1995; rather, such files maintained by a sub-agency of the National Archives and



Record Administration called the National Personnel Records Center—not by the Navy. *Id.* ¶ 76. Accordingly, because the Navy is not the custodian of the requested records, the Navy referred the request to the National Archives and Record Administration. *Id.* ¶ 77. The Navy sent Stevens a response explaining as much. *Id.*

#### **F. USDA**

Stevens submitted a FOIA request in August 2020 to usdafoia@ocio.usda.gov, which is an outdated email address that USDA can no longer access. DSOF ¶ 78. The request sought records from 1942 to 1950 regarding a person named Lazaro Palma, who Stevens said entered the United States around 1942 “as part of the ‘Bracero’ program (officially the Mexican Farm Labor Agreement Act of 1942).” *Id.* ¶ 79.

Upon learning of the request after Stevens filed this lawsuit, USDA identified three of its components—the National Finance Center, the Farm Production and Conservation Business Center, and the Forest Service—as being the USDA components likely to have responsive records. DSOF ¶ 80. USDA tasked those offices with searching for records relating to hiring, payment or law enforcement. *Id.* USDA searched all locations likely to have responsive records; it did not search for immigration- or border-crossing-related records, because those subjects do not relate to USDA’s mission. *Id.* ¶ 81.

The National Finance Center concluded that any responsive records would be found within its Information Research Inquiry System, or IRIS, which allows for searches of current and historical payroll and personnel data. DSOF ¶ 82. The National Finance Center searched IRIS using the terms “Palma” and “Lazaro,” and also using Palma’s social security number, and found no responsive records. *Id.*

The Farm Production and Conservation Business Center concluded that any responsive records would be found within its “SCIMS” database. DSOF ¶ 83. The center searched the

database using the terms “Palma” and “Lazaro” and found no responsive records. *Id.*

The Forest Service concluded that any responsive records would be found within either of two databases that are used to collect information regarding criminal incidents. DSOF ¶ 84. The organization searched those databases using the terms “Palma” and “Lazaro” and found no responsive records. *Id.*

### **G. State**

Stevens’s request to the State Department sought records relating to a person named Alma Bowman, who was issued a green card in 1977. DSOF ¶ 85. The Department determined that several locations were reasonably likely to have responsive records: its Bureau of Consular Affairs; its electronic records system, known as the “eRecords” archive; its Passport Information Electronic Records System; and the National Archives and Records Administration’s Washington National Records Center. *Id.* ¶ 86. The Department concluded that no other offices or records systems were reasonably likely to maintain responsive records, including the U.S. Embassy in Manila, which was unlikely to have preserved a case file system from 45 years ago since case files on aliens issued visas may be destroyed six months after issuance. *Id.* ¶ 87.

The Bureau of Consular Affairs’ Passport Office assessed that the requested records were likely to be located in the National Archives and Record Administration’s Washington National Records Center and asked the center to search for records using various names Bowman may have used along with other biographical information such as her date and place of birth. DSOF ¶ 88. Although the Department was under no legal obligation to search National Archives and Records Administration Records, which are no longer under the Department’s control, the Department nonetheless asked the Administration to conduct a search to help Stevens find relevant records. *Id.* ¶ 89. The Passport Office also searched the Department’s Passport Information Electronic Records System—a database of all U.S. passport information and consular records of overseas

births and deaths—using the same names and information. *Id.* ¶ 90.

The Bureau of Consular Affairs’ Visa Office searched the Department’s Consular Consolidated Database, which is a system of databases containing a record of every U.S. visa application made since 1997, using various names Bowman may have used along with her date of birth. DSOF ¶ 91.

The Department also searched its eRecords archive—the Department’s central repository for storing electronic records such as correspondence, diplomatic notes, cables, all emails sent on the state.gov network since January 1, 2017, and certain retired records including pre-2017 email records of certain former senior officials—using the search terms “Alma Bowman,” “Lolita Catarugan Bowman,” “Lolita” and “Bowman,” “Alma Sorrells,” “Alma Mitchell,” and “Alma Belma Bowman.” DSOF ¶ 92.

The Department’s searches yielded 12 responsive records, and the Department released 6 of them in full and 6 of them in part. DSOF ¶ 93.

## **II. Proper Withholdings**

The agencies have also properly withheld various information protected from disclosure by one or more FOIA exemptions. 5 U.S.C. § 552(b); *Stevens v. State*, 20 F.4th at 344 (agency need not release material that “falls under one of the nine FOIA exemptions”). An agency bears the burden of showing that a exemption applies. 5 U.S.C. § 552(a)(4)(B); *NRDC v. NRC*, 216 F.3d 1180, 1190 (D.C. Cir. 2000). Here, the agencies’ declarations and *Vaughn* indices adequately describe the withheld material and the justifications for nondisclosure. DSOF ¶¶ 27-29, 57-61, 94-95; *Vaughn v. Rosen*, 484 F.2d 820, 826-27 (D.C. Cir. 1973); *Stevens v. DHS*, 2014 WL 5796429 at \*4 (summary judgment appropriate if agency affidavits “describe the documents withheld and the justifications for nondisclosure in enough detail and with enough specificity to demonstrate that material withheld is logically within the domain of the exemption claimed”).

**A. Exemption 3**

Exemption 3 permits the withholding of information that is “specifically exempted” by statute. 5 U.S.C. § 552(b)(3). Here, USCIS withheld information under Exemption (b)(3) to protect information exempt from disclosure under Section 222(f) of the Immigration and Nationality Act, 8 U.S.C. § 1202(f). DSOF ¶ 57. For example, USCIS withheld information concerning the issuance or refusal of a permit to enter the United States by the State Department, which is exempt from disclosure by statute. *Id.*

**B. Exemption 4**

Exemption 4 covers two broad categories: (1) trade secrets; and (2) information that is (a) commercial or financial, (b) obtained from a person, and (c) privileged or confidential. 5 U.S.C. § 552(b)(4). The exemption protects the interests of both the government and the people submitting the information. *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 873 (D.C. Cir. 1992). It protects the government by encouraging submitters to voluntarily furnish useful commercial information and by helping to assure the government that the information will be reliable. *Id.* And it protects submitters from the competitive disadvantage that could result from disclosure. *Id.* Here, ICE properly redacted contract pricing information from an order for services and supplies. DSOF ¶ 27.

**C. Exemption 5**

Exemption 5 protects “inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with an agency.” 5 U.S.C. § 552(b)(5). To qualify for this exemption, a document must fall within the ambit of the traditional privileges that the government could assert in civil litigation against a private litigant. *Enviro Tech Int’l, Inc. v. EPA*, 371 F.3d 370, 374 (7th Cir. 2004). Those privileges are the attorney-client, attorney work-product, and deliberative-process privileges. *Barnes v. IRS*, 60 F.Supp.2d 896, 901

(S.D. Ind. 1998) (citing *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 149 (1975)), Here, USCIS withheld information under FOIA exemption (b)(5). DSOF ¶ 58. For example, USCIS withheld legal advice that an ICE attorney provide to assist ICE in determining a citizenship issue, the disclosure of which would reveal the attorney’s reasoning and litigation strategy. *Id.*

**D. Exemption 6**

Exemption 6 protects information when its release would be a “clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6); *Lepelletier v. FDIC*, 164 F.3d 37, 46 (D.C. Cir. 1999) (courts broadly interpret Exemption 6 to encompass all information applying to a particular individual). To determine whether releasing information would constitute a “clearly unwarranted invasion of personal privacy,” the court balances the interest of protecting a person’s private affairs from unnecessary public scrutiny against the public’s right to governmental information. 164 F.3d at 46. The *only* relevant public interest in the FOIA balancing analysis is the extent to which disclosure would shed light “on the agency’s performance of its statutory duties” or otherwise let citizens know what their government is up to. *Id.*

Here, ICE withheld information under Exemption 6 to protect the names, identification codes, phone numbers, and signatures of federal law enforcement officers and other government employees. DSOF ¶ 28. ICE also withheld personally identifiable information of third parties, including names, case numbers, social security numbers, alien numbers, addresses, email addresses, and phone numbers. *Id.* USCIS withheld similar information: for example, the names of third parties that appeared on documents from immigration proceedings in Texas. *Id.* ¶ 59.

No public interest in the disclosure of this type of information exists, because its release would not shed light on ICE’s or USCIS’s activities or add to the public’s knowledge of their fulfillment of their statutory duties. The privacy interests in the information outweigh the (non-existent) public interest, so the information is exempt from release under Exemption 6. 5 U.S.C.

§ 552(b)(6); *see also* *NARA v. Favish*, 541 U.S. 157, 172 (2004) (burden is on requester to demonstrate sufficient public interest in disclosure); *Dep't of Defense v. Fed. Labor Rel. Auth.*, 510 U.S. 487, 494-99 (1994) (releasing personal information of third parties and agency employees does not contribute significantly to public understanding of government's operations or activities). ICE and USCIS properly withheld information under Exemption 6.

**E. Exemption 7**

Exemption 7 protects from disclosure “records or information compiled for law enforcement purposes,” if the disclosure “could reasonably be expected to constitute an unwarranted invasion of personal privacy” (Exemption 7(C)), or if the disclosure “would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law” (Exemption 7(E)). 5 U.S.C. § 552(b)(C), (E).

Here, ICE properly withheld information under Exemption 7(C) to protect the names, identification codes, phone numbers, and signatures of federal law enforcement officers and other government employees. DSOF ¶ 28. ICE also properly withheld under Exemption 7(C) personally identifiable information of third parties, including names, case numbers, social security numbers, alien numbers, addresses, email addresses, and phone numbers. *Id.* USCIS also properly withheld information under Exemption 7(C) to protect personal information in law enforcement records, the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. *Id.* ¶ 60.

ICE also properly withheld information under Exemption 7(E) to protect from disclosure law-enforcement sensitive numbers and codes to various law-enforcement-sensitive databases and case management systems. DSOF ¶ 29. The information could be used by persons seeking improper access to law enforcement databases, and releasing the information could reasonably be

expected to allow a person to breach the systems and potentially circumvent detection. *Id.* USCIS also withheld information under Exemption 7(E) to protect law enforcement information—including techniques, procedures, and guidelines for investigations—the disclosure of which could reasonably be expected to risk circumvention of the law. *Id.* ¶ 61.

Similarly, on one of the documents it produced, the State Department properly redacted under Exemption 7(E) material “concerning the kinds of information it considers when investigating passport fraud” and material the disclosure of which “would reveal how the Department maintains information in a passport fraud investigation.” DSOF ¶ 94. Even though the document is from 1977, the manner in which the Department approaches passport fraud has not changed, and releasing the information could lead to circumvention of the law by allowing passport applicants to more easily evade the Department’s enforcement efforts. *Id.*

The Department also properly redacted under Exemption 7(E) the specific information that it collected and found relevant in Alma Bowman’s passport fraud investigation, because release of the information would shed light on what the Department considers important—and what it does not—in its investigations and would reasonably be expected to provide a person seeking to commit passport fraud with a roadmap for doing so. DSOF ¶ 95.

### **Conclusion**

For the above reasons, summary judgment should be granted in defendants’ favor.

Respectfully submitted,

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