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Description of document: The ten oldest pending United States Marshals Service (USMS) Freedom of Information Act (FOIA) appeal letters as of July 25, 2019

Requested date: 29-June-2019

Release date: 26-March-2021

Posted date: 12-April-2021

Source of document: FOIA/PA Officer
Office of General Counsel, CG-3, 15th Floor
Washington, DC 20350-0001
Main: (703) 740-3943
Fax: (703) 740-3979
Email: usms.foia@usdoj.gov

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U.S. Department of Justice

United States Marshals Service

Office of General Counsel

*CG-3, 15th Floor
Washington, DC 20530-0001*

March 26, 2021

Re: Freedom of Information Act Request No. 2019USMS34172
Subject: Oldest FOIA Requests and Appeals and List of USMS Forms and Publications

Dear Requester:

The United States Marshals Service (USMS) is responding to your Freedom of Information Act (FOIA) request for the following: (1) the ten oldest pending FOIA requests as of July 25, 2019; (2) the ten oldest pending FOIA appeal letters as of July 25, 2019; and (3) the complete list of USMS numbered forms and publications.

Pursuant to your request, the USMS conducted a search for records responsive to your request within the Office of General Counsel's FOIA Division and the Management Support Division and located 20 pages of responsive documentation. These pages are released to you with portions withheld pursuant to Exemptions (b)(6), (b)(7)(C), and (b)(7)(E) of the FOIA, 5 U.S.C. § 552(b).

A search of the FOIA Division's records indicated that the following cases were the ten oldest pending FOIA cases on or around July 25, 2019:

1. 2014USMS26252
2. 2014USMS2527B
3. 2015USMS27291
4. 2015USMS27768
5. 2015USMS27903
6. 2015USMS29004
7. 2015USMS29105
8. 2016USMS29185
9. 2016USMS29516
10. 2016USMS29636

Regrettably, the original requests for 2014USMS2527B, 2015USMS27768, and 2016USMS29185 could not be located. However, USMS records indicate these 3 requests all

pertained to the same subject matter, Bitcoin.

FOIA Exemption (b)(6) allows an agency to withhold personnel, medical, and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Records that apply to or describe a particular individual, including investigative records, qualify as "personnel," "medical," or "similar files" under Exemption 6. FOIA Exemption (b)(7)(C) protects records or information compiled for law enforcement purposes to the extent that the production of such records or information could reasonably be expected to constitute an unwarranted invasion of personal privacy. A discretionary release of such records is not appropriate. See United States Department of Justice (DOJ) v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989).

Finally, FOIA Exemption (b)(7)(E) exempts from release information that would disclose law enforcement techniques or procedures, the disclosure of which could reasonably be expected to risk circumvention of the law. Public disclosure of information such as internal URLs, codes, and internal identifying numbers could assist unauthorized parties in deciphering the meaning of the codes and numbers, aid in gaining improper access to law enforcement databases, and assist in the unauthorized party's navigation of these databases. This disclosure of techniques for navigating the databases could permit people seeking to violate the law to gain sensitive knowledge and take preemptive steps to counter actions taken by USMS during investigatory operations. The disclosure of this information serves no public benefit and would not assist the public in understanding how the agency is carrying out its statutory responsibilities.

Please be advised that we have referred part of your request to the Department of Justice Office of Information Policy (OIP) to complete a search and provide a direct response to you. USMS does not maintain appeal letters, and therefore would not have those files; however, OIP receives all appeals and therefore would be the likely custodian of those records. If you wish to contact OIP, you may do so at the following address:

Office of Information Policy
Department of Justice
6th Floor
441 G St NW
Washington, DC 20530

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with the United States Marshals Service (USMS) determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may also contact Charlotte Luckstone or our FOIA Public Liaison at (703) 740-3943 for any further assistance and to discuss any aspect of your request. Additionally, you may

contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in cursive script, appearing to read "CL for", written in dark ink.

Charlotte Luckstone
Associate General Counsel
FOIA/PA Officer
Office of General Counsel

(b) (6), (b) (7)(C), (b) (7)(F)

From: (b) (6), (b) (7)(C) {BLOOMBERG/ NEWSROOM: (b) (6), (b) (7)(C)}
Sent: Tuesday, July 01, 2014 12:39 PM
To: USMS FOIA
Subject: PRESS: BLOOMBERG NEWS

Hi,

I am a journalist with Bloomberg News, and I'd like to request all documents related to the leak of emails re U.S. Marshals Service's bitcoin auction (<http://www.usmarshals.gov/assets/2014/bitcoins/>). Thanks for your help with this request, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Bloomberg News/BusinessWeek

(b) (6), (b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C), (b) (7)(F)

(b) (6), (b) (7)(C)

From:
Sent:
To:
Subject:

Monday, September 14, 2015 1:39 PM
USMS FOIA
Media FOIA

Pursuant to the federal Freedom Of Information Act, 5 USC 552, and the Privacy Act of 1974, 5 USC 552a, I hereby request copies of the following documents.

If for any reason you chose not to send me any of the documents or papers requested then please furnish me with a timely explanation.

I am requesting:
All weekly Cabinet reports in FY (or calendar year) 2014 and thru present day in 2015.

In the event that some of the material is considered by you to be exempt from disclosure under both Acts, then please include all segregable portions of documents and the specific exemption you are relying upon to deny disclosure of the excised portions. Please note that in order to avoid disclosure you must claim an appropriate exemption under both Acts.

I am requesting that you abide by the statutory time within which to make a determination on this request, that being twenty (20) working days from your receipt under Section 552(a) (6)(A)(i).

I also request that, if appropriate, fees be waived as I believe this request is in the public interest and I am a member of the news media.

If rejected, I'm willing to pay any and all fees involved in the processing of this request, up to a limit of \$15.

I hereby request you inform me of any charges *in advance of fulfilling my request.* I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not

If only some of the information/materials requested is readily available, please forward said information immediately -- then complete request upon receipt of further information/materials.

A compelling need exists to warrant expedited processing of this request, because a large number of our viewers are immediately impacted by the content of these records. These records relate directly to performance of government in matters of safety, health and well-being. These records also pertain to issues involving widespread media reporting in recent months. Delayed processing jeopardizes important, timely dissemination of information to the public.

Please provide records in electronic format.

Please feel free to contact me with any questions or concerns.

(b) (6), (b) (7)(C)

Reporter

NBC4

4001 Nebraska Avenue NW
Washington, DC 20016

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

From: 21537-72286282@requests.muckrock.com
Sent: Monday, September 28, 2015 12:41 PM
To: USMS FOIA
Subject: Freedom of Information Request: US Marshals Internal Affairs logs

September 28, 2015
Department of Justice, United States Marshals
FOIA/PA Officer
Office of General Counsel
Department of Justice
U.S. Marshals Service
Washington, DC 20530-1000

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

All logs maintained by the US Marshals Office of Professional Responsibility, Internal Affairs recording the disposition, recommendations, and outcomes of investigations into administrative and criminal misconduct between Jan. 1, 2010 and Sep. 28, 2015.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

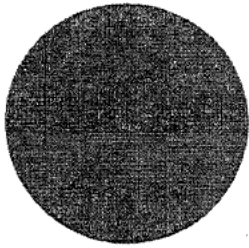
Sincerely,

(b) (6), (b) (7)(C)

Filed via MuckRock.com
E-mail (Preferred): 21537-72286282@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock
DEPT MR 21537
PO Box 55819
Boston, MA 02205-5819

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly



**USA
TODAY**
A GANNETT COMPANY

November 25, 2015

VIA ELECTRONIC MAIL

FOIA/PA Officer
Office of General Counsel
U.S. Marshals Service
Washington, DC 20530-1000

Re: Freedom of Information Act request

Dear FOIA Officer:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552. Please provide me with the following records:

1. Complete copies of any final reports or other records prepared since January 1, 2010 memorializing the outcomes of internal investigations of instances in which employees of the U.S. Marshals Service or officers serving on a Marshals Service taskforce used deadly force.

Where possible, please provide any copies in an electronic format pursuant to 5 U.S.C. §§ 552(a)(3)(B)-(C). In the event that this request yields a large volume of responsive material, I further ask that you provide the records on a rolling basis as they are located, rather than waiting to make one release.

Because this is a request by the news media for information of significant public interest, I ask that you waive any search fees, in accordance with 5 U.S.C. § 552(a)(4)(A)(ii)(II). If the cost of reproducing these records will exceed fifty dollars (\$50.00), please notify me before filling this request. I may be reached at (703) 854-6505, or by electronic mail at bheath@usatoday.com.

As you know, the President has directed that the FOIA "be administered with a clear presumption: In the face of doubt, openness prevails." Memorandum for the Heads of

Executive Dep'ts and Agencies, 74 Fed. Reg. 15, 4683 (Jan. 26, 2009). This instruction is unambiguous: "All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA." *Id.*

If for any reason any portion of this request is denied, please provide written notice of the specific records or portions of records that were withheld, and the specific statutory basis for the withholding. Please also provide the name and address of the officer or body to which my appeal may be directed.

As you know, the Act, in 5 U.S.C. § 552(a)(6), grants an agency no more than twenty working days in which to respond to this request. *See Oglesby v. U.S. Dep't of Army*, 920 F.2d 57, 65 (D.C. Cir. 1990) ("Congress adopted the time limit provision in the FOIA in order to 'contribute to the fuller and faster release of information, which is the basic objective of the Act.'" (quoting H.R. Rep. No. 93-876, March 5, 1974., reprinted (1974) U.S. Code Cong. & Ad. News 6267 at 6271)).

I therefore look forward to your prompt reply.

Sincerely,

(b) (6), (b) (7)(C)

OIGFOIA (OIG)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, July 28, 2015 2:27 PM
To: OIGFOIA (OIG)
Subject: FOIA Request

(b) (6), (b) (7)(C), (b) (7)

I wanted to reach out about a FOIA request. I would like to obtain copies of the annual reports sent to the OIG from fiscal year 2003 to present by the Office of Professional Responsibility (or the equivalent office operating in an internal affairs capacity) within the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), the United States Marshals Service (USMS) and the Federal Bureau of Prisons (which I believe is known as the Office of Internal Affairs).

As I am a representative of the media, I would request that you waive any fees as this is a request made as part of news gathering. I would request to receive the documents electronically.

Please let me know if you have any questions. If limiting the scope of the request to only annual reports since FY 2008 would reduce the timeframe it would take to complete the request, I would be open to discussing that.

I look forward to working with you.

Thanks!

(b) (6), (b) (7)(C)
Justice Reporter
The Huffington Post
(b) (6), (b) (7)(C)

USMS FOIA

From: 16797-04204108@requests.muckrock.com
Sent: Friday, March 20, 2015 5:10 PM
To: USMS FOIA
Subject: RE: Freedom of Information Request: US Marshals Asset Forfeiture Division redecorating costs

March 20, 2015
Department of Justice, United States Marshals
FOIA/PA Officer
Office of General Counsel
Department of Justice
U.S. Marshals Service
Washington, DC 20530-1000

This is a follow up to a previous request:

Dear FOIA Officer:

If possible, please amend my request to narrow the time frame for requested records to between Jan. 1, 2012 and March 20, 2015. I forgot to add the time frame. Thank you.

Sincerely,

(b) (6), (b) (7)(C)

On March 20, 2015:

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

All purchase orders and records, including the source of funds, for expenditures regarding office furniture, decor and remodeling at the US Marshals Service's Asset Forfeiture Division offices at Crystal Mall 4, as well as the Asset Forfeiture Training Academy in Houston, TX.

The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, and is not being made for commercial usage.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

(b) (6), (b) (7)(C)

Filed via MuckRock.com

E-mail (Preferred): 16797-04204108@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News

DEPT MR 16797

PO Box 55819

Boston, MA 02205-5819

PLEASE NOTE the new address as well as the fact that improperly addressed (i.e., with the requester's name rather than MuckRock News) requests might be returned by the USPS as undeliverable.



USMS FOIA

From: USMS FOIA
Sent: Monday, December 08, 2014 7:09 AM
To: Bordley, Ed (USMS); Auerbach, Gerald (USMS); Dickinson, Lisa (USMS); Wade, Drew J. (USMS); (b) (6), (b) (7)(C), (b) (7)(F) O'Hearn, Donald (USMS)
Cc: (b) (6), (b) (7)(C), (b) (7)(F)
Subject: FW: Freedom of Information Request: USMS DPR Bitcoin Auction Results

FYI

From: 14486-21006234@requests.muckrock.com [<mailto:14486-21006234@requests.muckrock.com>]
Sent: Saturday, December 06, 2014 10:31 PM
To: USMS FOIA
Subject: Freedom of Information Request: USMS DPR Bitcoin Auction Results

December 6, 2014
Department of Justice, United States Marshals
FOIA/PA Officer
Office of General Counsel
Department of Justice
U.S. Marshals Service
Washington, DC 20530-1000

To Whom it May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

Records regarding the asset forfeiture auction of 50,000 bitcoins ("DPR bitcoins"). Specifically:

- (a) Each submitted bidder registration form,
- (b) Each submitted bid, and
- (c) A list of all bids selected at the end of the auction.

I also request that, if appropriate, fees be waived as I believe this request is in the public interest. The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

(b) (6), (b) (7)(C)

Filed via MuckRock.com

E-mail (Preferred): 14486-21006234@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News

DEPT MR 14486

PO Box 55819

Boston, MA 02205-5819

PLEASE NOTE the new address as well as the fact that improperly addressed (i.e., with the requester's name rather than MuckRock News) requests might be returned by the USPS as undeliverable.

