

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICA FIRST LEGAL FOUNDATION,

Plaintiff,

v.

ANTHONY COLEY, in his official capacity  
as Director, Office of Public Affairs, United  
States Department of Justice; and UNITED  
STATES DEPARTMENT OF JUSTICE,

Defendants.

Case No. 1:21-cv-03024 (TSC)

**STATUS REPORT**

Plaintiff, America First Legal Foundation, and Defendants, United States Department of Justice and Anthony Coley (collectively, "DOJ"), provide the following status report to the Court pursuant to the Court's order of October 24, 2022:

1. This case concerns Plaintiff's challenge to DOJ's response to eight separate FOIA requests filed by Plaintiff. The requests include:
  - a. A request for records about the DOJ's involvement in the airlift of individuals out of the Afghanistan and into the United States, submitted to the Office of Information Policy (OIP) on August 31, 2021.
  - b. A request to the Civil Rights Division (CRT) for records about CRT's operations and personnel and for information about CRT's role in an election lawsuit brought against the State of Georgia.
  - c. Requests to OIP, CRT, the Criminal Division (CRM), the Executive Office of the United States Attorneys (EOUSA), the Office of Legal Counsel

(OLC), and the Federal Bureau of Investigation (FBI) about Attorney General Garland’s memorandum of October 4, 2021, regarding school board meetings. *See* Memorandum from the Attorney General to DOJ Officials (Oct. 4, 2021), *available at* <https://perma.cc/5A5P-TXMJ>.

2. The Court granted DOJ’s motion to dismiss Count II of the original complaint on September 30, 2022. ECF No. 10. DOJ served an answer to the complaint on October 21, 2022. ECF No. 12. Plaintiff filed an amended complaint on December 21, 2022. ECF No. 16. DOJ filed an answer on January 6, 2023. ECF No. 17.

3. The status of the eight requests at issue in this case is provided in the table below, broken down by component (“Comp.”) and subject matter.

Comp.	Status
“Afghanistan” Request	
OIP	OIP has completed its search for records and conducted an initial responsiveness review of those documents. The parties have conferred, and reached agreement upon, scoping proposals intended to focus processing on the most critical potentially responsive records. Once the impact of the scoping agreement is assessed, OIP will provide a processing schedule to Plaintiff.
“Georgia Civil Rights” Request	
CRT	CRT has completed its initial responsiveness review of the 9,000 previously-identified potentially responsive records. CRT’s initial responsiveness review led to 760 pages of potentially responsive records. Of these pages, CRT has referred 62 pages to OIP and is in consultation with OIP on an additional 181 pages. CRT is processing the remaining pages (approximately 500 pages) and intends to process at least 250 pages a month for rolling productions beginning in April 2023.
“October 4 Memo” Requests	

OIP	OIP has completed its search for records and conducted an initial responsiveness review of those documents. The parties have conferred, and reached agreement upon, scoping proposals intended to focus processing on the most critical potentially responsive records. Once the impact of the scoping agreement is assessed, OIP will provide a processing schedule to Plaintiff.
CRT	A keyword search collection resulted in 24,000 records. <sup>1</sup> After completing an initial review of these records, CRT identified 117 pages of potentially responsive records. CRT has referred 86 pages to OIP for processing, and the remaining 31 pages are currently out on consultation. CRT will provide Plaintiff with a response on these 31 pages of records as soon as consultations are completed.”
CRM	CRM has completed its search for records and conducted an initial responsiveness review of those documents. The parties have conferred, and reached agreement upon, scoping proposals intended to focus processing on the most critical potentially responsive records. Once the impact of the scoping agreement is assessed, CRM will provide a processing schedule to Plaintiff.
EOUSA	EOUSA made its first interim release on January 31, 2023. EOUSA has now completed processing of the potentially responsive records located, and determined there were approximately 550 pages of potentially responsive records. EOUSA is either consulting on those records with other components within DOJ, or has referred records to other components for processing and release. EOUSA anticipates making its second release by the end of April 2023. EOUSA is also reviewing its response to another FOIA request similar to Plaintiff’s to determine if there are any additional records that should be processed with respect to Plaintiff’s request.
OLC	OLC has completed an initial search for records, and is currently engaged in pre-processing to determine the number of potentially responsive records that need to be processed. OLC anticipates providing an update by the next status report of that will include a proposed schedule for processing these records.

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<sup>1</sup> The prior Joint Status Report filed on January 20, 2023 inadvertently identified the initial search results as responsive records.

FBI	FBI has completed a search for records and sent its determination to Plaintiff on November 4, 2021. FBI is following up on a new potential lead for documents responsive to this request, and will update Plaintiff on whether this search results in additional documents.
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4. Pursuant to the parties agreed-upon schedule, the parties next joint status report would be due on May 22, 2023. (May 20 is a Saturday.)

Dated: April 3, 2023

/s/Christopher Mills  
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Respectfully submitted,

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