



U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

Suite 5.400, 3CON Building  
175N Street, NE  
Washington, DC 20530

(202) 252-6020

April 21, 2023

VIA EMAIL <foia@aflegal.org>

Reed Rubinstein  
American First Legal Foundation  
611 Pennsylvania Ave SE #231  
Washington, DC 20003

Re: Request Number: EOUSA-2023-001794  
Date of Receipt: April 12, 2023  
Subject of Request: Copies of various categories of records related to the case of Douglas Mackey. Period requested is January 20, 2021 - present.

Dear Reed Rubinstein:

In your request letter, you request expedited treatment pursuant to the standards enumerated in the Department of Justice's regulations. Expedited treatment pursuant to the first standard will be granted where not doing so "could reasonably be expected to pose an imminent threat to the life or physical safety of an individual." 5 U.S.C. § 552(a)(6)(E)(v)(I). See also 28 C.F.R. § 16.5(e)(1)(i) (2019). Under the second standard, you must show that there is "an urgency to inform the public about an actual or alleged Federal Government activity, if made by a person primarily engaged in disseminating information." 5 U.S.C. § 552(a)(6)(E)(v)(II). See also 28 C.F.R. § 16.5(e)(1)(ii) (2019). Under the third standard, you must show that the request involves "the loss of substantial due process rights." 28 C.F.R. § 16.5(e)(1)(iii) (2019). Under the fourth standard, you must show that the subject matter of your request is a "matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." Id. at § 16.5(e)(1)(iv). This Office makes determinations regarding the first three standards, while the Department's Director of Public Affairs makes determinations regarding the fourth standard. See id. at § 16.5(e)(2).

You have requested expedited processing of your request pursuant to the Department's standard involving "matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." 28 C.F.R. § 16.5(e)(1)(iv) (2019). Pursuant to Department policy, we directed your request to the Director of the Department's Office of Public Affairs, who makes the decision whether to grant or deny expedited processing under this standard. See id. at § 16.5(e)(2).

The Director has determined that your request for expedited processing should be denied. He has determined that your request is not the subject of widespread and exceptional media interest or does not pertain to a matter "in which there exist possible questions about the government's integrity which affect public confidence." Please be advised that, although your request for expedited processing has been denied; it has been assigned to a Government Information Specialist in this Office and a records search has been initiated.

If you are not satisfied with EOUSA's determination in response to this expedited 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 following the instructions on OIP's 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 contact our FOIA Public Liaison at the Executive Office for United States Attorneys (EOUSA) for any further assistance and to discuss any aspect of your request. The contact information for EOUSA is 175 N Street, NE, Suite 5.400, Washington, DC 20530; telephone at 202-252-6020. 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, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto: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 blue ink, appearing to read "Kevin Krebs", is written over a light pink rectangular background.

Kevin Krebs  
Assistant Director