

**Exhibit "B"**

F R E E D O M   O F   I N F O R M A T I O N   R E Q U E S T

REQUESTOR: <u>Jose Miguel Chavez-Arellano</u>	DATE OF BIRTH: <u>July 5, 1974</u>
REG. NO.: <u>93054-079</u>	PLACE OF BIRTH: <u>Mexico</u>
ADDRESS: <u>FCI Seagoville</u>	CRIMINAL CASE NO.: <u>5:00-CR-00355</u>
<u>P.O. Box 9000</u>	U.S. DISTRICT COURT: <u>Texas (Laredo Division)</u>
<u>Seagoville, TX 75159-9000</u>	DATE ARRESTED: <u>March 13, 2000</u>

BRANCH OR AGENCY FROM WHICH REQUESTED:

UNITED STATES ATTORNEYS  
TEXAS SOUTHERN DISTRICT  
U.S. Marshal Service  
U.S. Courthouse, 515 Rusk  
Houston, TX 77002

*January 7, 2004*

DEAR SIRs:

I hereby request that you furnish me within 10 days as provided by law (See 5 U.S.C. §552(a)(6)(A)), copies of the following specified documents or information:

Each and every record related to requestor, Jose Miguel Chavez-Arellano in agency files. I also request that you search other branches and offices for the requested records, especially in the Southern District of Texas, Laredo Division.-----

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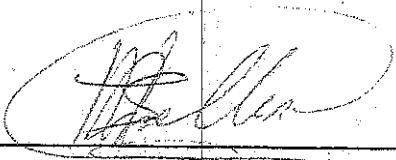
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My request is not limited to the above. It includes all documents, reports, pictures, exhibits, memorandums, letters, summaries, handwritten notes, recordings, and all other information concerning this subject which is contained in your offices under the supervision and administration of the above-stated agency or branch of government.

My request is made pursuant to the provisions of the Freedom of Information and Privacy Acts, Title 5 U.S.C. §§552, 552a. (a certificate of identity is attached) I am willing to pay for any accessible search and copying fees.

Thank you,



(signature of requestor)

05 2503

**FILED**

DEC 30 2005

QUANCI MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

U.S. Department of Justice

## Certification of Identity



Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 522a(i) (3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester <sup>1</sup> Jose Miguel Chavez-Arellano (93054-079)

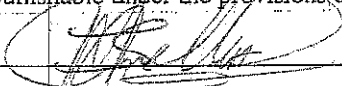
Current Address FCI Seagoville, P.O. Box 9000, Seagoville, TX 75159-9000

Date of Birth July 5, 1974

Place of Birth Mexico

1 Security Number <sup>2</sup> 347-01-0678

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature <sup>3</sup> 

Date January 7, 2004

### Optional: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. § 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

(Print or Type Name)

<sup>1</sup> Name of individual who is the subject of the record sought.

<sup>2</sup> Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

<sup>3</sup> Signature of individual who is the subject of the record sought.

U.S. Department of Justice

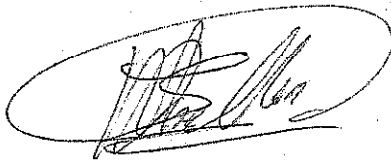


93054-079

CHAVEZ-ARRELLANO  
JOSE MIGUEL



INMATE



FREEDOM OF INFORMATION / PRIVACY ACT REQUEST

REQUESTOR: Jose Miguel Chavez Arellano DATE OF BIRTH: July 5, 1974  
REG. NO.: 93054-079 PLACE OF BIRTH: Mexico  
ADDRESS: FCI Seagoville CRIMINAL CASE NO.: 5:00-CR-00355  
P.O. Box 9000 U.S. DISTRICT COURT: Texas (Laredo Division)  
Seagoville, TX 75159-9000 DATE ARRESTED: March 13, 2000

BRANCH OR AGENCY FROM WHICH REQUESTED:

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS  
Freedom of Information/Privacy Act Unit  
600 E. Street N.W. Room 7100  
Washington, D.C. 20530

January 10, 2004

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, and Privacy Act of 1974, 5 U.S.C. 552 (a), I am requesting "all records maintained within the agency's system of records" (for a definition of a "record", see # 10 of the request.)  
Pertaining to the following.

Each and every record maintained in the agency's system of records related to the requester, including a Vaughn Index of each and every record in my files, also including but not limited to EXHIBIT "A" attached hereto and made part of these requests hereof.

The following schedules are enclosed;

- A- Certificate of Identity, U.S. Department of Justice Form DOJ-361
- B- A copy of my ID card with my Register Number.

In this FOIA/PA request, the requester has agreed to pay for copying costs, but has requested a fee waiver and reserves the right to appeal the fee waiver if it is denied.

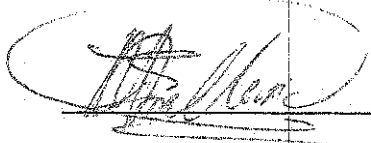
REQUESTER ASKS FOR THIS REQUEST TO BE EXPEDITED UNDER "DUE PROCESS VIOLATIONS" (DOJ: 28CFR §16.5(d)(1)(iii) 1999 edition), OR ITS CORRESPONDING PARALLEL FOR NON-DOJ AGENCIES. "EXPEDITED PROCESSING (1) REQUESTERS AND APPEALS WILL BE TAKEN OUT OF ORDER AND GIVEN EXPEDITED TREATMENT WHENEVER IT IS DETERMINED THAT THEY INVOLVE: (iii) THE LOSS OF SUBSTANTIAL DUE PROCESS RIGHTS....."

PLEASE CONSIDER THIS LETTER PLUS ACCOMPANYING ISSUES AND REQUESTS INCLUDING EXHIBIT "A" AS NOTICE UNDER BAD FAITH AND AS ADMINISTRATIVE NOTICE.

Any due process violations impact the very heart of my due process rights according to Law. I have the right to review and correct those records and remove any illegally derived and/or improper, and/or incorrect information contained therein.

In order to expedite this request, I am forwarding a copy of this letter with the attached EXHIBIT "A" to your agency headquarters in Washington, D.C. Thank you in advance for your cooperation in providing this information to me.

Respectfully Yours,



CC :

CERTIFIED MAIL NUMBER: \_\_\_\_\_

FREEDOM OF INFORMATION / PRIVACY ACT REQUEST

ISSUES

1. **Records Exist** : I have reliable reasons to believe that these records exist.
2. **False Information and Constitutional and Civil Rights Violations** : I have reliable reasons to believe that "false information is being maintained in my system of records." I also have reason to believe that information contained in "agency's system of records" may show violations of my Constitutional and Civil Rights. I have the right to review the records under the FOIA/PA and the right to its correction.
3. **Accounting of Disclosures** : I request a full and complete "accounting of disclosures" as made and received by your agency related to those records or any part thereof, including the date, nature and purpose of the disclosure, and the name and address of the recipient/sender.
4. **Records not in your Possession** : For any records not in your possession, please advise me if those records were once in your possession and where they are now. If the records are somewhere else, please advise me when and where they were moved.
5. **Agency Field Offices** : These records are believed to be maintained in the field office(s) of your agency, but I hereby request **ALL** records from **ALL** agency field offices and that you conduct a search of **ALL** agency field offices including headquarters in Washington, D.C., using locator indexes if necessary, to obtain those records.
6. **Private Citizen** : It should be noted that this is not a request for records on a third party private citizen.
7. **Segregable Portions** : The Act requires release of all segregable portions of documents that are not themselves exempt. I request that all segregable portions be released.
8. **Age of Documents** : The age of the records renders them harmless and they should be released/disclosed.

9. **Adequacy of Agency's Search** : Please provide me detailed information related to the adequacy of the agency's search for records.
10. **Request for All Records** : I request each and every record in agency files related to this request. "Record" includes "any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format." This would, by definition, include documents; reports; memoranda; letters; electronic files; database references; "do not file" files, "P&C" files, "O&C" files, audio tapes and video tapes; electronic (ELSUR) or photograph surveillance; "June Mail"; mail covers; trash covers; miscellaneous files; telephone records; hand written notes; and index citations relating to this request or referencing this request ("see also") in other files. The maintaining of "FOIA files" and "private files" is a circumvention of the FOIA regulations.
11. **Request Parallels FOIA'S Basic Purpose** : The basic purpose of this request parallels the basic purpose of FOIA, in that it intends to open agency actions to public scrutiny and contribute significantly to public understanding of the operations or activities of the Government,

In Department of Justice v. Reporters Committee, 489 US 749,772, the Court stated : "The basic purpose of the Freedom of Information Act is to open agency action to the light of public scrutiny." Department of Air Force v. Rose, 425 US at 372.

The Court in NLRB v. Robbins, 437 US 214, 242 (1978) stated :

"The basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed."

12. **General Public Value** : The public interest must be factored in. Those documents are in the public interest and should be disclosed, since disclosure outweighs any privacy interest (see # 11 above).



13. **Discretionary Disclosure** : Agencies may make discretionary disclosures of any information that is exempt under FOIA. Such disclosures are most appropriate where the interest protected by the exemption in question is only a governmental interest of the agency compared to a private interest of an individual or commercial entity.

This falls under the Act's primary objective of "maximum responsible disclosure." It can also significantly lessen an agency's burden at all levels of the administrative process and eliminates the possibility that the information in question will be the subject of protracted litigation. Attorney General Janet Reno's FOIA memorandum of 1993 stated that she strongly encouraged all FOIA officers to make discretionary disclosures under the Act.

14. **Arbitrary and Capricious Behavior** : The Special Counsel of the Merit Systems Protection Board is authorized to investigate allegations of withholding under FOIA, and this "does not require that an administrative or court decision be rendered" (1978 USCCAN).

As updated in Janet Reno's September 3, 1999 memorandum to Heads of Departments and Agencies : "In short, information should be withheld from a FOIA requester only when it is not possible for an agency to disclose it as a matter of administrative discretion".

15. **Vaughn Index** : I once again request a complete list of agency records covered by this request (Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 US 977 (1974)), or its functional equivalent. Case law states that a Vaughn Index is equally applicable to administrative procedures. Mead Data Inc. v. Department of Air Force, 402 F.Supp., 460 (D.D.C. 1974), remanded, 566 F.2d 242,251 (D.C.Cir. 1977) :

"We agree with Mead Data that the objective of the Vaughn requirements, to permit the requesting party to present its case effectively, is equally applicable to proceedings within the agency. "

How else can a requester properly narrow his request ? Also see 28 CFR 126.6(c),

"Adverse Determinations" ; or its equivalent.

16. **Fee Waiver** : I request a fee waiver on the records asked for. This is a Privacy Act request and I am an individual requester. I also ask for a fee waiver under the FOIA, because :
- a) there is genuine public interest in the subject matter of the request ;
  - b) the responsive records are informative on the issues of public interest;
  - c) the requested information is not already in the public domain ;
  - d) I have the qualifications and ability to disseminate the information and have access to large databases ; and
  - e) the benefit to the public is outweighed by any commercial or personal benefit to the requester. However, should my fee waiver request be denied, I am prepared to pay the fee while preserving my appeal rights.
17. **Appeal Rights** : I am aware of my administrative appeal rights.
18. **Statutory Reply** : I would appreciate a reply within the statutory time period of 20 business days.
19. In short, as stated in President William J. Clinton's October 4, 1993 memorandum for heads of Departments and Agencies : "...the more the American people know about their government the better they will be governed. Openness in government is essential to accountability and the Act has become (sic) an integral part of the process. ....The existence of unnecessary bureaucratic hurdles has no place in its implementation."
20. If you do not have records related to any specific portions of this request, please state so in your response and respond directly to each item mentioned.
21. **Expedited Request** : I would like this request expedited in accordance with Open America v. Watergate, 547 F.2d 605/1976, and 28 CFR ~~§~~16.5(d)(1)(iii)(1999 Edition), due process violations, or its equivalent.
22. **Finally** : I request that all correspondence your agency maintains with me have the following caption clearly marked on the outside of the envelope :

LEGAL MAIL TO BE OPENED  
IN PRESENCE OF INMATE ONLY

E X H I B I T

" A "

Any and all fingerprint analysis and/or fingerprint records in your agency files. I also request that you search other branches and/or offices for the requested records.

DEA LAB.

File No.; M6-00-0103.

Exhibits No. 1,2, and 3.

Lab. No.; 138566, 138567, and 138568.

Note; I am willing to pay for any accessible search and copying fees.

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Certification of Identity



Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 522a(i) (3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester Jose Miguel Chavez Arellano (93054-079)

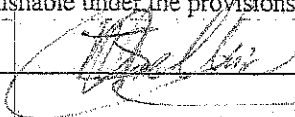
Current Address FCI Seagoville, P.O. Box 9000, Seagoville, TX 75159-9000

Date of Birth July 5, 1974

Place of Birth Mexico

Social Security Number 347-01-0678

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature  Date January 10, 2004

Optional: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. § 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

(Print or Type Name)

<sup>1</sup> Name of individual who is the subject of the record sought.

<sup>2</sup> Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

<sup>3</sup> Signature of individual who is the subject of the record sought.



Executive Office for United States Attorneys  
Freedom of Information/Privacy Act Unit  
600 E Street, N.W., Room 7300  
Washington, D.C. 20530  
202-616-6757 Fax 202-616-6478

Request Number: 04-150

FEB - 5 2004

Subject: SELF/TXS

Requester: JOSE MIGUEL CHAVEZ-ARELLANO

Dear Requester:

The Executive Office for United States Attorneys (EOUSA) has received your Freedom of Information Act/Privacy Act (FOIA/PA) request. It has been assigned the above number. Please give us this number if you write about your request. If we need additional information, we will contact you within two weeks.

Your request will be placed in the order in which it was received for processing, unless it is a very large request (Project Request). Then, it will be placed in a separate group of Project Requests, which are also processed in the order received.

EOUSA makes every effort to process most requests within a month (20 working days). There are some exceptions, for example, Project Requests take approximately nine months to process. Requests for "all information about myself in criminal case files" are usually Project Requests. If you have made such a request, you may either write us and narrow your request for specific items, or you may expect that the processing of your request may take nine months from the date of this letter.

By making a FOIA/PA request, you have agreed to pay fees up to \$25, as stated in 28 CFR §16.3(c), unless you have requested a fee waiver. Please note that pursuant to 28 C.F.R. 16.11, we are required to charge fees for time used to search for the documents you have requested and for duplication of all pages released to you. Normally, search time is charged at a rate of \$28 per hour after the first two hours which are free, and duplication fees are \$0.10 per page after the first 100 pages which are free. Please do not send any payment at this time! If we anticipate that fees will exceed \$25 or the amount you have stated in your letter (if greater than \$25), we will normally notify you of our estimate of fees. After we have received your agreement to pay for the expected fees (or you have narrowed your request to reduce fees) and we have processed your request, we will require payment for the accumulated charges before we release documents to you. Without such payment, your request file will be closed without further action.

Sincerely,

Marie A. O'Rourke  
Assistant Director



Executive Office for United States Attorneys  
Freedom of Information/Privacy Act Unit  
600 E Street, N.W., Room 7300  
Washington, D.C. 20530  
202-616-6757 Fax 202-616-6478

Request Number: 04-184

Subject: Self

Requester: Jose M. Chavez-Arellano

Dear Requester:

The Executive Office for United States Attorneys (EOUSA) has received your Freedom of Information Act/Privacy Act (FOIA/PA) request. It has been assigned the above number. Please give us this number if you write about your request. If we need additional information, we will contact you within two weeks.

Your request will be placed in the order in which it was received for processing, unless it is a very large request (Project Request). Then, it will be placed in a separate group of Project Requests, which are also processed in the order received.

EOUSA makes every effort to process most requests within a month (20 working days). There are some exceptions, for example, Project Requests take approximately nine months to process. Requests for "all information about myself in criminal case files" are usually Project Requests. If you have made such a request, you may either write us and narrow your request for specific items, or you may expect that the processing of your request may take nine months from the date of this letter.

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Sincerely,

Marie A. O'Rourke  
Assistant Director

Please note: Your request letter used standard language ("boilerplate") asking for all the records on yourself. You also personally listed specific records that you would like to receive. We have interpreted your request as one for all the records on yourself. If you wish us to search only for the specific records you listed, please notify us immediately and we will narrow our search to those items. We are proceeding with our search in the district(s) you requested.



Executive Office for United States Attorneys  
Freedom of Information/Privacy Act Staff  
600 E Street, N.W., Room 7300  
Washington, D.C. 20530  
202-616-6757 Fax: 202-616-6478

JUL 6 2004

Request Number: 04-184 Date of Receipt: January 15, 2004

Requester: Jose-Miguel Chavez-Arellano

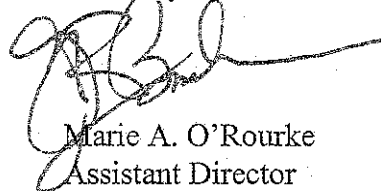
Subject of Request: Self

Dear Requester:

The Executive Office for United States Attorneys has received your Freedom of Information Act/Privacy request. A check of our files indicates you have been assigned two numbers ( 04-150 and 04-184 ). Since the Executive Office processes requests on a "first in-first-out" basis, we are combining the two files and assigning it the earlier number which appears above. Please cite this number in any future correspondence you send to this office.

The Executive Office has received an exceedingly heavy volume of Freedom of Information Act/Privacy Act requests and therefore, this office will be unable to respond to your request within the time limits established by the Freedom of Information Act. Please be assured, however, that your request is being handled as equitably as possible and that all documents which can be released will be made available at the earliest possible date.

Sincerely,



Marie A. O'Rourke  
Assistant Director





Department of Justice

Executive Office for United States Attorneys  
Freedom of Information/Privacy Act Staff  
600 E Street, N.W., Room 7300  
Washington, D.C. 20530  
202-616-6757 Fax 202-616-6478

JUL 6 2004

Requester: Jose Miguel-Chavez-Arellano Request Number: 04-150

Subject of Request: Self

Dear Requester:

Your request for records under the Freedom of Information Act/Privacy Act has been processed. This letter constitutes a reply from the Executive Office for United States Attorneys, the official record-keeper for all records located in this office and the various United States Attorneys' Offices.

To provide you the greatest degree of access authorized by the Freedom of Information Act and the Privacy Act, we have considered your request in light of the provisions of both statutes.

The records you seek are located in a Privacy Act system of records that, in accordance with regulations promulgated by the Attorney General, is exempt from the access provisions of the Privacy Act, 28 C.F.R. §16.81. We have also processed your request under the Freedom of Information Act and are making all records required to be released, or considered appropriate for release as a matter of discretion, available to you.

This letter is a [  ] partial [  ] full denial.

Enclosed please find:

- 8 page(s) are being released in full (RIF);
- 1 page(s) are being released in part (RIP);
- 1 page(s) are withheld in full (WIF). The redacted/withheld documents were reviewed to determine if any information could be segregated for release.

Please be advised that the fingerprint records, and Lab No. 138566, 138567, and 138568 are not located in our offices or the Southern District of Texas, these records may have originated with the Drug Enforcement Administration, therefore, you may want to make a request to the Drug Enforcement Administration. The address is Drug Enforcement Administration, Freedom of Information Unit, 700 Army Navy Drive, Arlington, VA 22202.

The exemption(s) cited for withholding records or portions of records are marked below. An enclosure to this letter explains the exemptions in more detail.

Section 552

Section 552a

- |                                 |                                            |                                               |                                            |
|---------------------------------|--------------------------------------------|-----------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(4)            | <input type="checkbox"/> (b)(7)(B)            | <input checked="" type="checkbox"/> (j)(2) |
| <input type="checkbox"/> (b)(2) | <input checked="" type="checkbox"/> (b)(5) | <input checked="" type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(2)            |
| <input type="checkbox"/> (b)(3) | <input type="checkbox"/> (b)(6)            | <input type="checkbox"/> (b)(7)(D)            | <input type="checkbox"/> (k)(5)            |
| _____                           | <input type="checkbox"/> (b)(7)(A)         | <input type="checkbox"/> (b)(7)(E)            | <input type="checkbox"/> _____             |
| _____                           |                                            | <input type="checkbox"/> (b)(7)(F)            |                                            |

In addition, this office is withholding grand jury material which is retained in the District.

**You requested a Vaughn Index. The law is well-settled that the FOIA does not require government agencies to produce a Vaughn Index at the processing and appeal stages of a FOIA request. See Schwarz v. United States Dep't of Treasury, 131 F. Supp. 2d 142, 147 (D.D.C. 2000); Edmond v. United States Attorney, 959 F. Supp. 1, 5 (D.D.C. 1997)." Further, only a federal court may order the government to produce a Vaughn Index.**

A review of the material revealed:

1 page(s) originated with another government component. **These records were found in the U.S. Attorney's Office files and may or may not be responsive to your request.** These records will be referred to the following component(s) listed for review and direct response to you: Drug Enforcement Administration

There are public records which may be obtained from the clerk of the court or this office, upon specific request. If you wish to obtain a copy of these records, you must submit a new request. These records will be provided to you subject to copying fees.

See additional information attached.

This is the final action this office will take concerning your request.


You may appeal my decision to withhold records in this matter by writing within sixty (60) days from the date of this letter, to:

Office of Information and Privacy  
 United States Department of Justice  
 Flag Building, Suite 570  
 Washington, D.C. 20530

Both the envelope and letter of appeal must be clearly marked "Freedom of Information Act/Privacy Act Appeal."

After the appeal has been decided, you may have judicial review by filing a complaint in the United States District Court for the judicial district in which you reside or have your principal place of business; the judicial district in which the requested records are located; or in the District of Columbia.

Sincerely

A handwritten signature in black ink, appearing to read "Marie A. O'Rourke", written over a circular stamp or seal.

Marie A. O'Rourke  
Assistant Director

Enclosure(s)

(Page 3 of 3)

Form No. 021 - no fee - 2/04

Jose M. Chavez (93054-079)  
P.O. Box 9000/ Seagoville, TX 75159

August 17, 2004.

Office of Information and Privacy  
United States Department of Justice  
Flag Building, Suite 570  
Washington, D.C. 20530

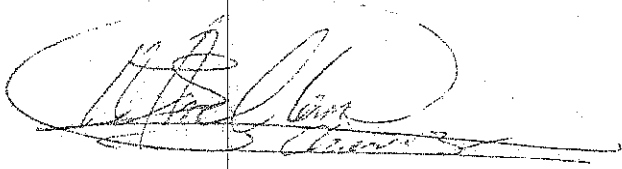
RE: FOIA/PA "Appeal" Request No. 04-150  
Subject: Request of fingerprints ana-  
lysis/records pertaining to case no.;  
5:00-CR-00355-2.

On July 10, 2004, through FOIA/PA, Petitioner requested, "any and all finger-  
print analysis and/or fingerprint records within the Executive Office for United  
States Attorneys (EOUSA) at 600 E. Street, N.W. Room 7300, Washington, D.C. 20530.  
On February 5, 2004, Petitioner received a letter stating that "the (EOUSA) has  
received such request, and assigned request no. 04-150. On February 19, 2004,  
Petitioner forwarded a letter to (EOUSA) to explain his request was not a "Project  
Request." Additionally, Petitioner stated his willingness to pay for any accessi-  
ble search and copying fees. On June 10, 2004, Petitioner forwarded a final demand  
letter, saying he has not received response to any of his communications.

On June 24, 2004, Petitioner received a letter from (EOUSA) stating; "This is  
in response to your recent letter regarding the status of your pending FOIA/PA  
request. We have received the records responsive to your request, and it has been  
assigned to a Paralegal for processing. On July 6, 2004, Petitioner received nine  
(9) non-requested pages of information. However, it was not what Petitioner had  
requested. In addition, Petitioner has reliable information to believe that the  
(EOUSA) contains records related to the fingerprint analysis performed to drugs  
seized in Petitioner's criminal case. Consequently, Petitioner hereby is appealing  
the denial of his request. Petitioner has been prejudiced for the (EOUSA) bad  
faith denial, since the failure to disclose these records preclude Petitioner to  
pursue a fair post-conviction relief, violating Petitioner's Fifth Amendment,  
right to due process, the fundamental right to liberty, and the right to fairly  
pursue any post-conviction relief. Moreover, since Petitioner is collaterally at-  
tacking his conviction the withholding of Petitioner's records would result in a  
miscarriage of justice.

For the facts and arguments hereinbefore presented, Petitioner respectfully  
request that this Honorable Office of Information and Privacy, direct an order to  
the (EOUSA) at Washington, D.C. to forward, as soon as possible, any and each  
Petitioner's case records within (EOUSA)'s possession. In the interest of justice.

Respectfully Submitted,



Jose M. Chavez  
Reg. No. 93054-079  
FCI Seagoville  
P.O. Box 9000  
Seagoville, TX 75159-9000



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

SEP -9 2004

Mr. Jose M. Chavez  
Register No. 93054-079  
Federal Correctional Institution  
P.O. Box 9000  
Seagoville, TX 75159-9000

Re: Request No. 04-150

Dear Mr. Chavez:

This is to advise you that your administrative appeal from the action of the Executive Office for United States Attorneys on your request for information from the files of the Department of Justice was received by this Office on August 25, 2004.

The Office of Information and Privacy, which has the responsibility of adjudicating such appeals, has a substantial backlog of pending appeals received prior to yours. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number **04-2738**. Please mention this number in any future correspondence to this Office regarding this matter.

We will notify you of the decision on your appeal as soon as we can. The necessity of this delay is regretted and your continuing courtesy is appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Priscilla Jones".

Priscilla Jones  
Administrative Specialist

Office of Information and Privacy  
 United States Department of Justice  
 Flag Building, Suite 570  
 Washington, D.C. 20530

August 17, 2004

RE: FOIA/PA 'Appeal' of Request No. 04-184.  
 Subject; Each and every record related to  
 requestor pertaining to case No.:  
 5:00-CR-00355-2.

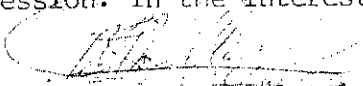
On January 7, 2004, through FOIA/PA, Petitioner requested, "Each and every records related to requestor, especially in the Southern District of Texas, at Laredo Division, within the United States Attorney Southern District of Texas at 910 Travis St. #1500, P.O. Box 61129, Houston, TX 79208. On January 28, 2004, the office of the U.S. Atty. Southern District of Texas forwarded a letter stating, "Our office has received your request dated January 7, 2004. Your request has been forwarded to the Freedom of Information Act Unit, Executive Office for the United States Attorneys (EOUSA) in Washington, D.C."

On February 18, 2004, Petitioner received a letter stating; "The Executive Office for United States Attorneys has received your (FOIA/PA) request. It has been assigned request No. 04-184. Also, on February 18, 2004, Petitioner received another letter stating; "I must deny your request for expedited treatment. We are proceeding to process your request in the normal order." On February 26, 2004, Petitioner forwarded a letter to (EOUSA) requesting his request expedited. Also, requested a complete copy of Petitioner's file ("all information about myself in criminal case files") contained in "agency's system of records. On June 10, 2004, Petitioner forwarded a final demand letter, saying he has not received response to any of his communications. On June 24, 2004, Petitioner received a letter from (EOUSA) stating; "This is in response to your recent letter regarding the status of your pending FOIA/PA request. We have received the records responsive to your request, and it has been assigned to a paralegal for processing."

On July, 6, 2004, Petitioner received a letter stating; "The (EOUSA) has received your FOIA/PA request. A check of our files indicates you have been assigned two numbers (04-150 and 04-184). Also, on July 6, 2004, Petitioner received only nine (9) pages of information. Obviously, it was not "each and every record related to requestor", as requested previously by petitioner. In addition, Petitioner has reliable information to believe that the (EOUSA) contains more records related to Petitioner's criminal case. Consequently, **Petitioner hereby is appealing the denial of his request.** Petitioner has been prejudiced for the (EOUSA) bad faith denial, since the failure to disclose these records preclude Petitioner to pursue a fair post-conviction relief, violating Petitioner's Fifth Amendment, right to due process, the fundamental right to be free, and right to fairly pursue any post-conviction relief. Since Petitioner is collaterally attacking his conviction the withholding of Petitioner's records would result in a miscarriage of justice.

For the facts and arguments hereinbefore presented, Petitioner respectfully request that this Honorable Office of Information and Privacy, direct an order to the (EOUSA) at Washington, D.C. to forward, as soon as possible, any and each Petitioner's case records within (EOUSA)'s possession. In the interest of justice.

Respectfully submitted,

  
 Jose M. Chavez-Arellano (93054-079)  
 P.O. Box 9000/Seagoville, TX 75159



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

SEP -9 2004

Mr. Jose M. Chavez-Arellano  
Register No. 93054-079  
Federal Correctional Institution  
P.O. Box 9000  
Seagoville, TX 75159-9000

Re: Request No. 04-184

Dear Mr. Chavez-Arellano:

This is to advise you that your administrative appeal from the action of the Executive Office for United States Attorneys on your request for information from the files of the Department of Justice was received by this Office on August 25, 2004.

The Office of Information and Privacy, which has the responsibility of adjudicating such appeals, has a substantial backlog of pending appeals received prior to yours. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number **04-2739**. Please mention this number in any future correspondence to this Office regarding this matter.

We will notify you of the decision on your appeal as soon as we can. The necessity of this delay is regretted and your continuing courtesy is appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Priscilla Jones".

Priscilla Jones  
Administrative Specialist



## Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

JAN 18 2005

Mr. Jose Miguel Chavez-Arellano  
Register No. 93054-079  
Federal Correctional Institution  
Post Office Box 9000  
Seagoville, TX 75159

Re: Appeal Nos. 04-2738  
and 04-2739  
Request Nos. 04-150  
and 04-184  
RLH:EJS

Dear Mr. Chavez-Arellano:

You appealed from the action of the Executive Office for United States Attorneys on your request for access to all records concerning yourself, including any analysis by the Drug Enforcement Administration of your fingerprints.

You initially sent two requests to the EOUSA on January 7, 2004, and January 10, 2004. The EOUSA designated them Request Nos. 04-150 and 04-184, respectively. In its decision on July 6, 2004, the EOUSA consolidated your two requests under Request No. 04-150. You then submitted two appeals to this office, designated Appeal No. 04-2738 and Appeal No. 04-2739, respectively. As both appeals were made from a single consolidated request, this decision will address both of your appeals.

After carefully considering your appeal, I have decided to affirm the EOUSA's action on your request.

These records are exempt from the access provision of the Privacy Act of 1974 pursuant to 5 U.S.C. § 552a(j)(2). See 28 C.F.R. § 16.81(a) (2004). Because these records are not available to you under the Privacy Act, your request has been reviewed under the Freedom of Information Act in order to afford you the greatest possible access to the records you requested.



- 2 -

The EOUSA properly withheld certain information that is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency communications protected by the attorney work-product privilege; and

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties (including, in this instance, the names of EOUSA employees).

I have determined that this information is not appropriate for discretionary release.

You have requested copies of documents of a type that may have originated with the DEA. This appeal concerns only your request for information from the EOUSA. If you want other Department of Justice components -- such as the DEA -- to search their files for responsive records, I can only suggest that, if you have not already done so, you may wish to make a FOIA request to the offices that are likely to have information pertaining to your subject. You should write directly to those components.

If you are dissatisfied with my action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,



Richard L. Huff  
Co-Director