

EXHIBIT "9"

SEARCH FOR BULLET HOLES

DISCOVERY OF

EDWARD DEAN HOHNER

CASE NO. SCD216918

PAGE(S) 969

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/10/2008

On November 7, 2008, a search was executed at 1715 South Tremont Road, Oceanside, California, on a detached garage, pursuant to consent obtained from Jason Calvert. At approximately 8:30, a team of Federal Bureau of Investigation employees arrived at the location and met SA James M. Bird, case agent. The search team consisted of the following individuals:

- 1) SA Wade L. Dudley, Search Team Leader
- 2) IOA Amy A. Anaya, Photographer
- 3) IOA Jennifer Herrod, Photo Log and Sketcher
- 4) SA Patrick T. Winn, Search Member
- 5) SA James G. Verde, Bomb Technician
- 6) SA Michael L. Lombardi, Search Member
- 7) SA Barry G. Vecchioni, Search Member

After consulting with SA Bird, consent to search the aforementioned detached garage was obtained from Jason Calvert. Calvert signed a FD-26, Consent to Search form.

After the consent was obtained, a walk through was conducted to assess the situation. The garage was open when the search team arrived on the scene. Following the walk through, photographs were taken to document the condition of the garage prior to any search.

After the photographs were taken, the search commenced in an effort to locate two spent .22 caliber rounds. The search revealed two small holes in the north facing wall at approximately six feet high. The holes were consistent with the size of a .22 caliber round. The holes went through tar paper and the stucco wall covering, and protruded out the other side. The search team was unable to locate any remnants of a bullet, or any additional entry points. The cracked stucco and tar paper was seized and placed into evidence.

At the conclusion of the search, exit photographs were taken and a copy of an FD-597 was given to SA Bird, who subsequently provided it to Calvert. At approximately 12:10, the garage door was closed and left unlocked as per instructions from Calvert.

Investigation on 11/07/2008 at Oceanside, California

File # 245C-SD-65959

Date dictated not dictated

by Wade L. Dudley

000969

EXHIBIT "10"

SEARCH FOR BULLET HOLES

DISCOVERY OF

EDWARD DEAN HOHNER

CASE NO. SCD216918

PAGE(S) 1716-1721

FD-302 (Rev. 10-6-95)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/10/2008

On November 7, 2008, a search was executed at [REDACTED] on a detached garage, pursuant to consent obtained from Jason Calvert. At approximately 8:30, a team of Federal Bureau of Investigation employees arrived at the location and met SA James M. Bird, case agent. The search team consisted of the following individuals:

- 1) SA Wade L. Dudley, Search Team Leader
- 2) IOA Amy A. Anaya, Photographer
- 3) IOA Jennifer Herrod, Photo Log and Sketcher
- 4) SA Patrick T. Winn, Search Member
- 5) SA James G. Verde, Bomb Technician
- 6) SA Michael L. Lombardi, Search Member
- 7) SA Barry G. Vecchioni, Search Member

After consulting with SA Bird, consent to search the aforementioned detached garage was obtained from Jason Calvert.

After the consent was obtained, a brief walk through was conducted to assess the situation. The garage was open when the search team arrived on the scene. Following the walk through, photographs were taken to document the condition of the garage prior to any search.

After the photographs were taken, the search commenced in an effort to locate two spent .22 caliber rounds. The search revealed two small holes in the north facing wall at approximately six feet high. The holes were consistent with the size of a .22 caliber round. The holes went through tar paper and the stucco wall covering, and protruded out the other side. The search team was unable to locate any remnants of a bullet, or any additional entry points. The cracked stucco and tar paper was seized and placed into evidence.

At the conclusion of the search, exit photographs were taken and a copy of an FD-597 was given to SA Bird, who subsequently provided it to Calvert. At approximately 12:10, the garage door was closed and left unlocked as per instructions from Calvert.

Investigation on 11/07/2008 at Oceanside, California

File # 245C-SD-65959-274 Date dictated not dictated

by Wade L. Dudley *WLD*

001716

FD-302 (Rev. 10-6-95)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/10/2008

On April 24, 2009, a search was executed at [REDACTED] on the backyard area, pursuant to consent obtained from Michael Calvert. At approximately 9:30 a.m., a team of Federal Bureau of Investigation employees arrived at the location and met SA Jeff Burdett, Immigration and Customs Enforcement (ICE), and SA Jim Bird, Federal Bureau of Investigation. The search team consisted of the following individuals:

- 1) SA Michael Lombardi, Search Team Leader
- 2) IOA Amy A. Anaya, Photographer
- 3) IOA Jennifer Herrod, Photo Log and Sketcher
- 4) SA Patrick T. Winn, Search Member

After the consent was obtained, a brief walk through was conducted to assess the situation. The back fence gate was open when the search team arrived on the scene. Following the walk through, photographs were taken to document the condition of the area prior to any search.

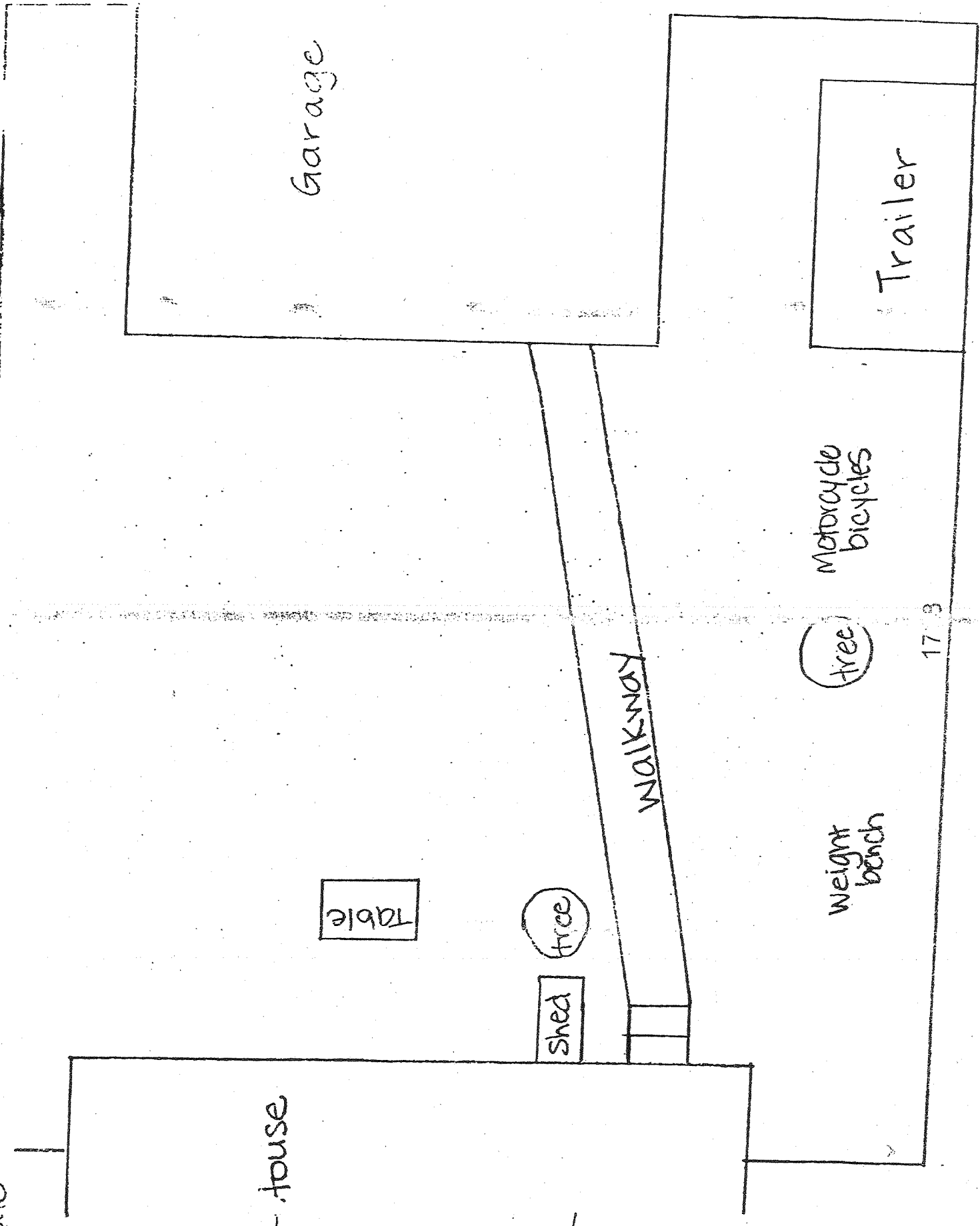
After the photographs were taken, the search commenced in an effort to locate weapons and money purportedly buried in the back yard. At approximately 11:10 a.m., the search was halted. Based on information not available at the time the search commenced, but later provided to the search team by SA Bird, it was determined the search would require heavy equipment and machinery not available at the time of the search.

At the conclusion of the search, exit photographs were taken. At approximately 11:25 a.m., the search team cleared the location.

Investigation on 04/24/2009 at Oceanside, California

File # 245C-SD-65959Date dictated not dictatedby SA Michael Lombardi:ml MB001717

Not to scale
1715 Tremont, Oceanside
Nifer Herpel
NORTH



001718

ADMINISTRATIVE WORKSHEET

PAGE 1 OF 1
 DATE 4/24/2009

LOCATION	1715 Tremont, Doan's side	PERSONNEL INVOLVED IN SEARCH AND THEIR RESPECTIVE DUTIES
CASE IDENTIFIER	245C-SD-105959	Jim Birk
PREPARE/ASSISTANTS		Mike Lombardi
TIME AND DATE OF ARRIVAL		Patrick Winn
PERSON(S) PRESENT AT SCENE AT TIME OF ARRIVAL		Amy Anaya
		Jennifer Herrod
PERSON IN CHARGE OF SCENE AT TIME OF ARRIVAL		Jeff Burdett - ICE
CONTROL OF SCENE OBTAINED FROM		PRELIMINARY SURVEY/EVIDENCE EVALUATION (NOTES/OBSERVATIONS)
TIME AND DATE OF CONTROL ACQUISITION	4/24/09 9:30 am	
CONDITION OF SCENE ON ARRIVAL (SECURED/UNSECURED)		
LIGHTING CONDITIONS		SPECIAL SITUATIONS OR CONDITIONS (NOTES/OBSERVATIONS)
WEATHER CONDITIONS		
SCENE CONSISTS OF (GENERAL DESCRIPTION)	backyard. lots of debris and bushes.	

001719

1719

4/24/09 9:30 am

ADMINISTRATIVE WORKSHEET

Continued

PAGE _____ OF _____
DATE _____

CRIME SCENE CONFERENCE (NOTES/OBSERVATIONS)

FINAL SURVEY (NOTES/OBSERVATIONS)

CRIME SCENE INVESTIGATION
COMPLETED and RELEASE
OF SCENE AUTHORIZED

CRIME SCENE RELEASED TO

NAME
TITLE
DATE
TIME
SIGNATURE
NAME
TITLE
DATE
TIME

1721

001721

EXHIBIT "11"

PHOTOGRAPHIC LOG

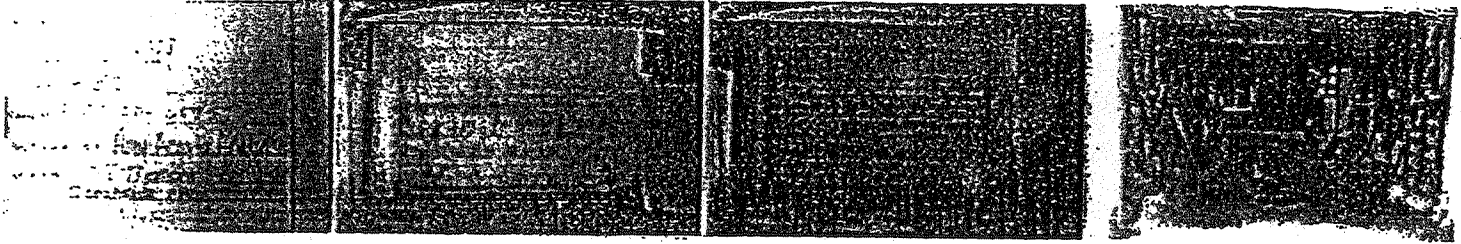
SEARCH FOR BULLET HOLES

DISCOVERY OF

EDWARD DEAN HOHNER

CASE NO. SCD216918

PAGE(S) 2035-2040

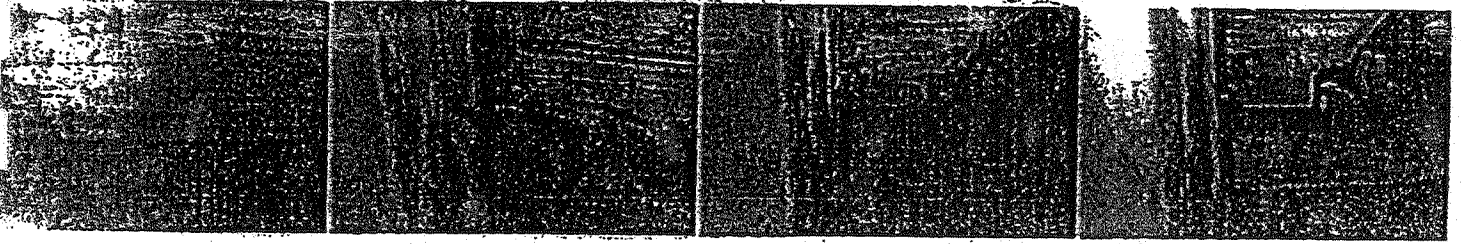


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245C-SD-65959 11-7-08

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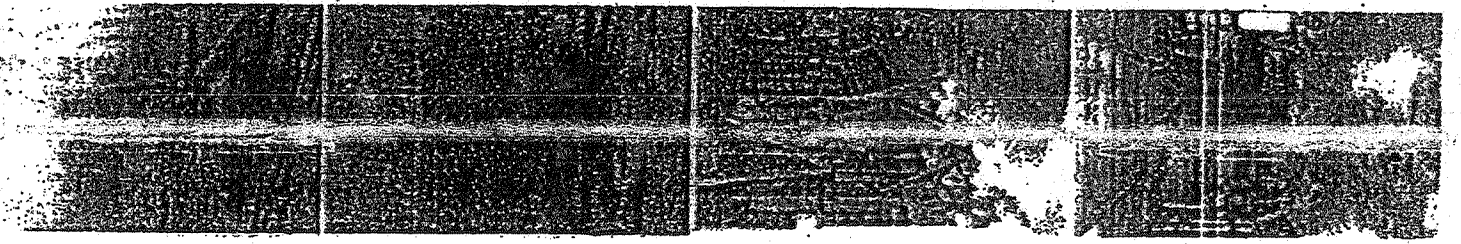


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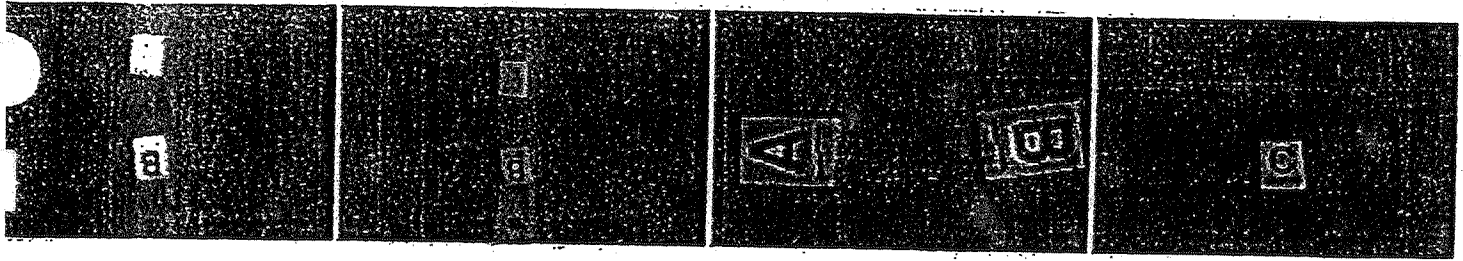


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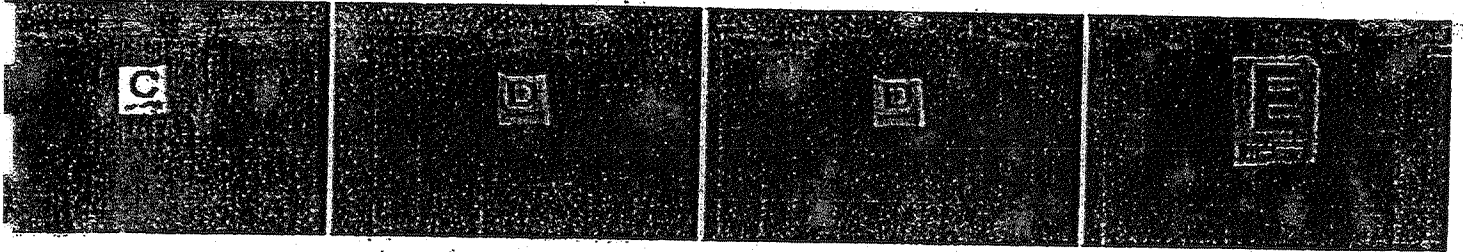


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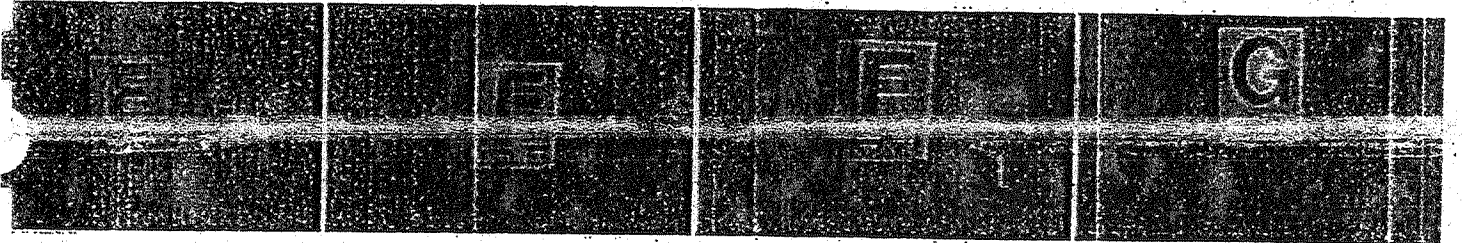


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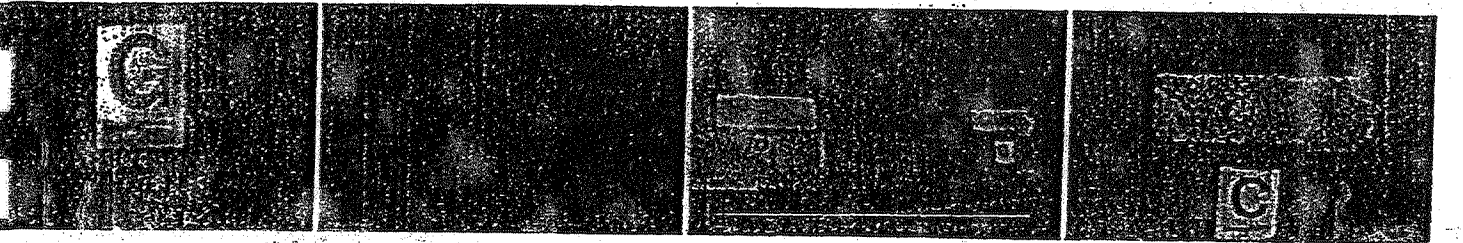


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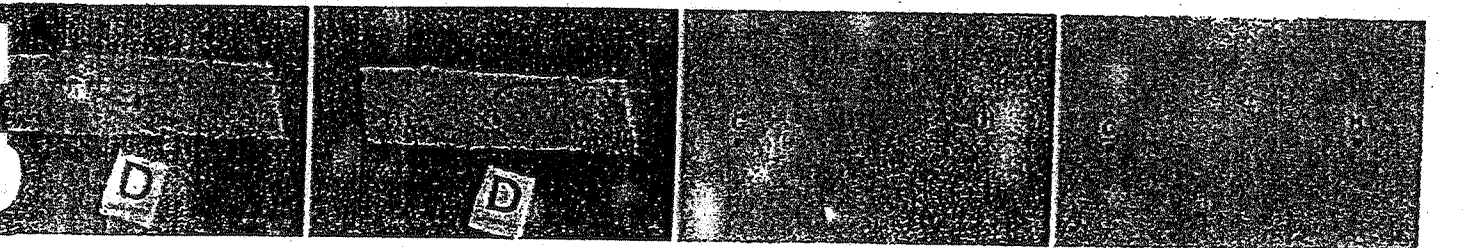


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7014 0150 0000 5851 5781

EDWARD DEAN HOHNER
40544-198
U.S. Penitentiary
3901 Klein Blvd.
Lompoc, California 93436

November 25, 2014

Dear Sir or Madam:

I was going over my Freedom of Information Act ("FOIA") request, dated November 4, 2014, and realized that I made several errors on the date the unattached garage at 1715 South Tremont Road in Oceanside, California, 92054 was searched and the stucco and tar paper was seized and placed into evidence. The date that I erroneously placed on my FOIA request was "November 7, 1998." The correct date is "November 7, 2008."

I've made all the necessary changes to my new request. Please disregard the old request dated November 4, 2014 and replace it with the attached corrected copy. I am sorry for any inconvenience that I have caused.

Thank you

Sincerely

Edward D. Hohner

A handwritten signature in black ink, appearing to be 'ED' followed by a long, sweeping horizontal line that extends to the right.

EDWARD DEAN HOHNER
40544-198
U.S. Penitentiary
3901 Klein Blvd.
Lompoc, California 93436

November 25, 2014

To: FEDERAL BUREAU OF INVESTIGATION
FREEDOM OF INFORMATION ACT DEPARTMENT
10385 SORRENTO PKWY
SAN DIEGO, CALIFORNIA 92101

Re: Freedom of Information Act Request by Edward Dean Hohner DOB May 02, 1973
SSN 572-87-1508.

Dear Sir or Madam:

This letter constitutes a request under the Freedom of Information Act ("FOIA"), Title 5 United States Code §552, and is submitted by Edward Dean Hohner in Criminal Case THE PEOPLE OF THE STATE OF CALIFORNIA vs. EDWARD DEAN HOHNER, Case No. SCD216918.

I request any and all information concerning the stucco and/or tar paper, with what appeared to be bullet holes, seized in the search of an unattached garage at 1715 South Tremont Road in Oceanside, California, 92054 on November 7, 2008. The Search was conducted by the FBI. There is strong public interest in exposing fraud and injustice perpetrated by the U.S. government on the San Diego County Courts. In support of disclosure I state and show the following exhibits. The requested information is said to exist by:

1. A FBI 302 report by Wade L. Dudley, File# 245C-SD-65959, Date of Transcription: 11/10/2008, of a search of an unattached garage at 1715 South Tremont Road in Oceanside, California on November 7, 2008. In the FBI 302 report, File# 245C-SD-65959, Wade L. Dudley states:

"After the photographs were taken, the search commenced in an effort to locate two spent .22 caliber rounds. The search revealed two small holes in the north facing wall at approximately six feet high. The holes were consistent with the size of a .22 caliber round. The holes went through tar paper and the stucco wall covering, and protruded out the other side. The search team was unable to locate any remnants of a bullet, or any additional entry points. The cracked stucco and tar paper was seized and placed into evidence." See Exhibit "A", Date of Transcript: 11/10/2008, Discovery of Edward Dean Hohner Case# CD216918, Page 969, Page 1716, Paragraph 4.

2 In photographs taken by Amy Acosta Anaya. See Exhibit "B", 11/07/2008, Discovery of Edward Dean Hohner Case# CD216918, Pages 2035-2038.

3. In the photograph log by Jennifer Herrod. See Exhibit "C", 11/07/2008. Discovery of Edward Dean Hohner Case# CD216918, Pages 2039-2040.

HOHNER'S FREEDOM OF INFORMATION ACT REQUESTS:

1. Any and all records of testing and/or analysis performed on the stucco and/or tar paper seized during the search of an unattached garage located at 1715 Tremont Road in Oceanside, California on November 7, 2008. Testing and/or analysis may include, but is not limited to, ballistics, trajectory, gun powder residue, lead residue, and/or any other type of testing and/or analysis not mentioned.

2. Any and all hand-written notes and/or reports about the stucco and/or tar paper seized during the search of an unattached garage located at 1715 Tremont Road in Oceanside, California on November 7, 2008.

3. Any and all typed notes and/or reports about the stucco and/or tar paper seized during the search of an unattached garage located at 1715 Tremont Road in Oceanside, California on November 7, 2008.

4. Any and all communications between the different agencies and/or departments related to the stucco and/or tar paper seized during the search of an unattached garage located at 1715 Tremont Road in Oceanside, California on November 7, 2008. Communications may include, but are not limited to, DEA 6s, FBI 302s, phone calls, phone records, hand-written notes, typed notes, faxes, emails, letters, texts, hand-written reports, typed reports, and/or any type of communication not mentioned.

5. Any and all "Chain of Custody" documents about the Stucco and/or tar paper seized during the search of an unattached garage located at 1715 Tremont Road in Oceanside, California on November 7, 2008.

EXHIBIT "A"

**FBI 302 REPORT'S OF AN UNATTACHED GARAGE LOCATED AT 1715 TREMONT ROAD IN OCEANSIDE
CALIFORNIA, DISCOVERY PAGES 969,1716.**

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/10/2008

On November 7, 2008, a search was executed at 1715 South Tremont Road, Oceanside, California, on a detached garage, pursuant to consent obtained from Jason Calvert. At approximately 8:30, a team of Federal Bureau of Investigation employees arrived at the location and met SA James M. Bird, case agent. The search team consisted of the following individuals:

- 1) SA Wade L. Dudley, Search Team Leader
- 2) IOA Amy A. Anaya, Photographer
- 3) IOA Jennifer Herrod, Photo Log and Sketcher
- 4) SA Patrick T. Winn, Search Member
- 5) SA James G. Verde, Bomb Technician
- 6) SA Michael L. Lombardi, Search Member
- 7) SA Barry G. Vecchioni, Search Member

After consulting with SA Bird, consent to search the aforementioned detached garage was obtained from Jason Calvert. Calvert signed a FD-26, Consent to Search form.

After the consent was obtained, a visual walk-through was conducted to assess the situation. The garage was open when the search team arrived on the scene. Following the walk through, photographs were taken to document the condition of the garage prior to any search.

After the photographs were taken, the search commenced in an effort to locate two spent .22 caliber rounds. The search revealed two small holes in the north facing wall at approximately six feet high. The holes were consistent with the size of a .22 caliber round. The holes went through tar paper and the stucco wall covering, and protruded out the other side. The search team was unable to locate any remnants of a bullet, or any additional entry points. The cracked stucco and tar paper was seized and placed into evidence.

At the conclusion of the search, exit photographs were taken and a copy of an FD-597 was given to SA Bird, who subsequently provided it to Calvert. At approximately 12:10, the garage door was closed and left unlocked as per instructions from Calvert.

Investigation on 11/07/2008 at Oceanside, California

File # 245C-SD-65959

Date dictated not dictated

by Wade L. Dudley

000969

FD-302 (Rev 10-6-95)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/10/2008

On November 7, 2008, a search was executed at [redacted] on a detached garage, pursuant to consent obtained from Jason Calvert. At approximately 8:30, a team of Federal Bureau of Investigation employees arrived at the location and met SA James M. Bird, case agent. The search team consisted of the following individuals:

- 1) SA Wade L. Dudley, Search Team Leader
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- 4) SA Patrick T. Winn, Search Member
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After consulting with SA Bird, consent to search the aforementioned detached garage was obtained from Jason Calvert.

After the consent was obtained, a brief walk through was conducted to assess the situation. The garage was open when the search team arrived on the scene. Following the walk through, photographs were taken to document the condition of the garage prior to any search.

After the photographs were taken, the search commenced in an effort to locate two spent .22 caliber rounds. The search revealed two small holes in the north facing wall at approximately six feet high. The holes were consistent with the size of a .22 caliber round. The holes went through tar paper and the stucco wall covering, and protruded out the other side. The search team was unable to locate any remnants of a bullet, or any additional entry points. The cracked stucco and tar paper was seized and placed into evidence.

At the conclusion of the search, exit photographs were taken and a copy of an FD-597 was given to SA Bird, who subsequently provided it to Calvert. At approximately 12:10, the garage door was closed and left unlocked as per instructions from Calvert.

Investigation on 11/07/2008 at Oceanside, California

File # 245C-SD-65959-274 Date dictated not dictated

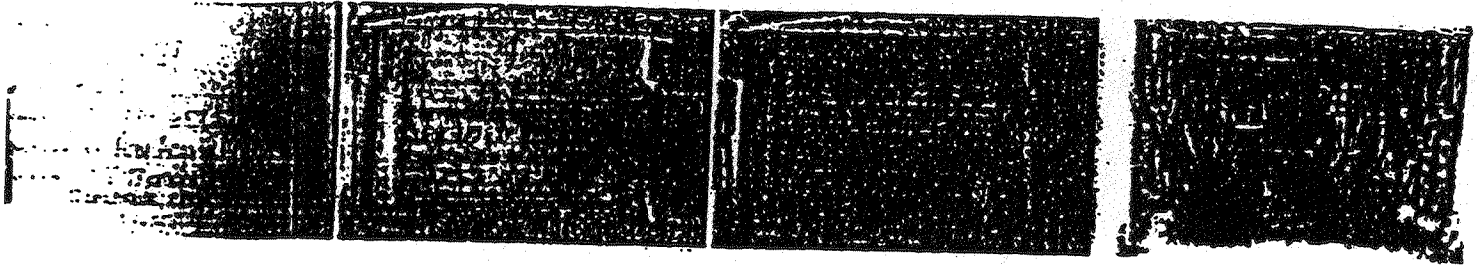
by Wade L. Dudley

001716

EXHIBIT "B"

PHOTOGRAPH'S TAKEN BY AMY ACOSTA ANAYA

DISCOVERY PAGES 2035-2038

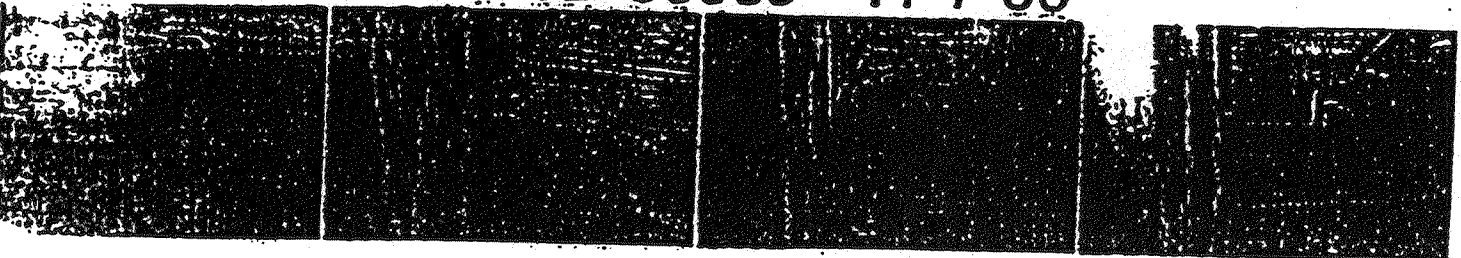


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245C-SD-65959 11-7-08

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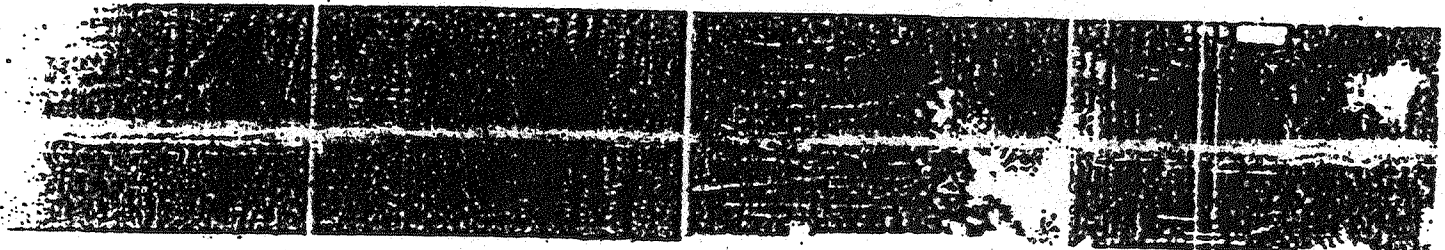


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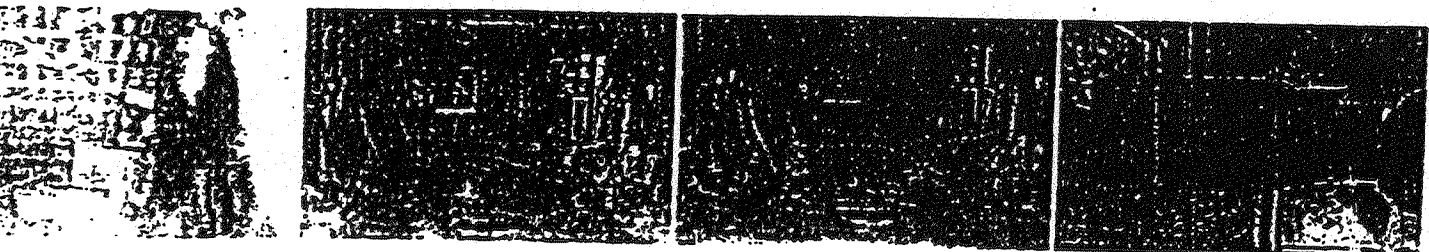


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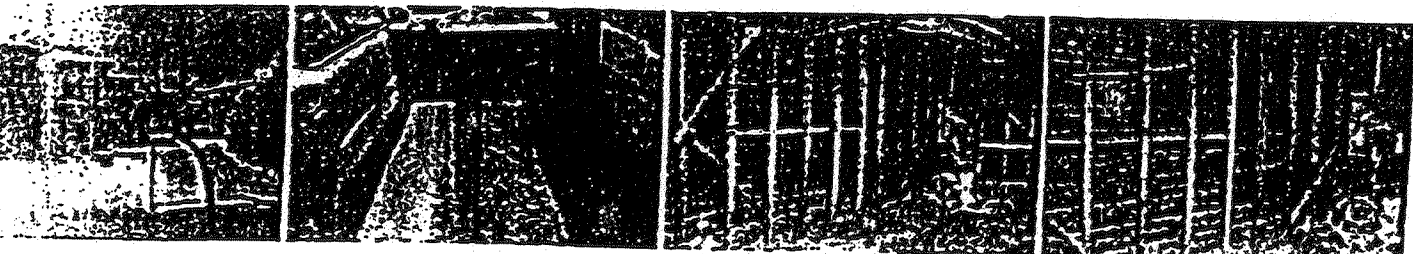


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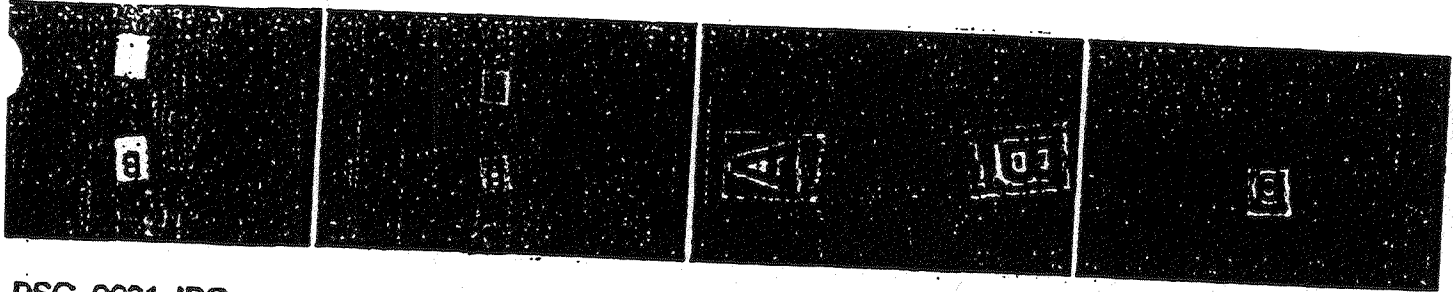


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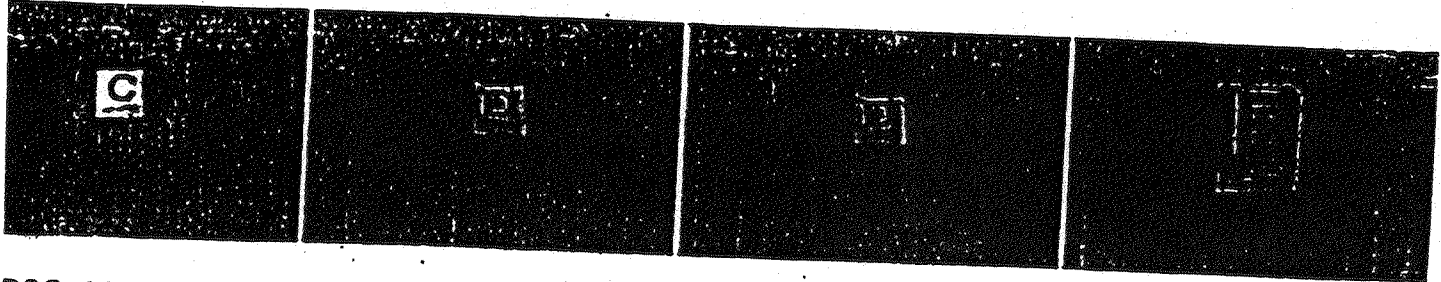


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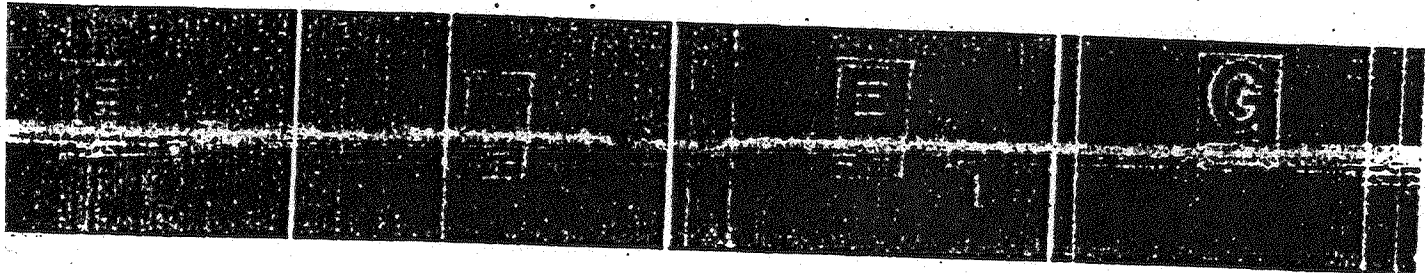


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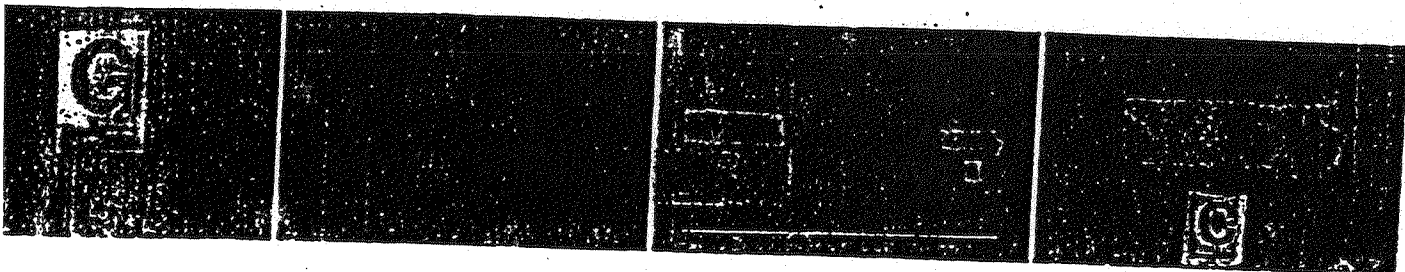


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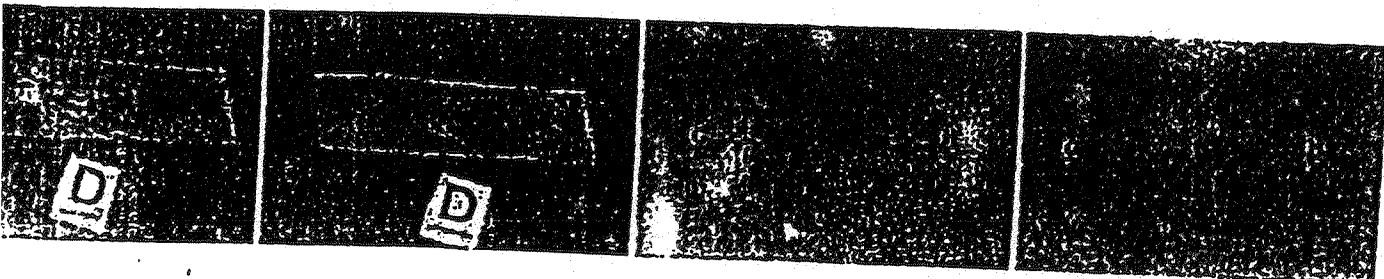


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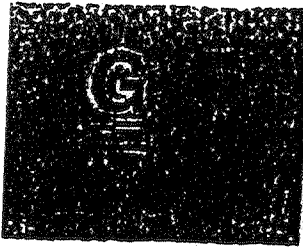


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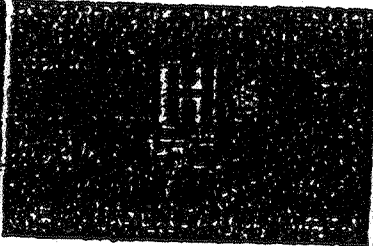
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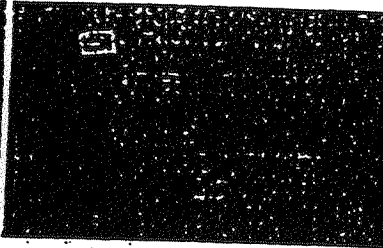
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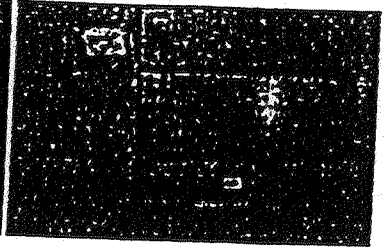
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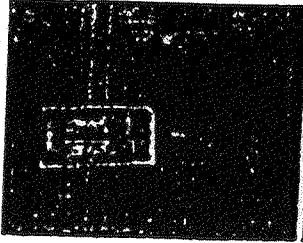
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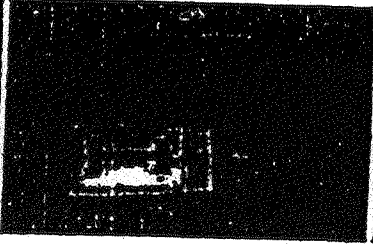
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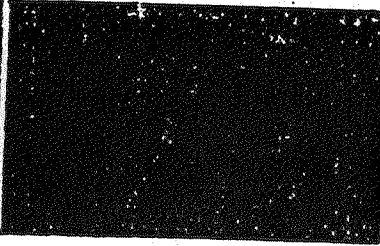
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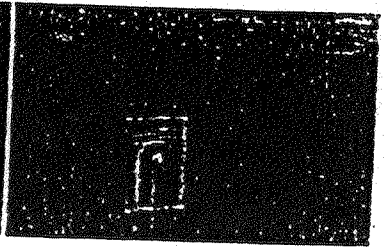
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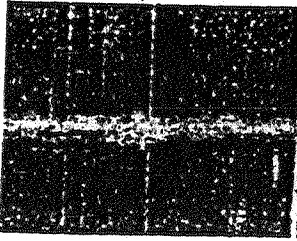
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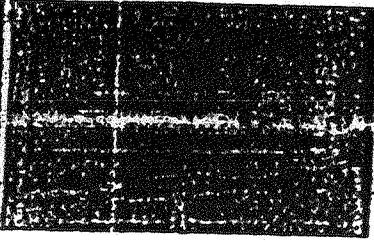
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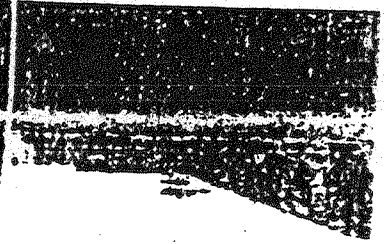
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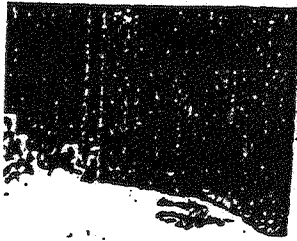
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DSC_0051.JPG



DSC_0052.JPG



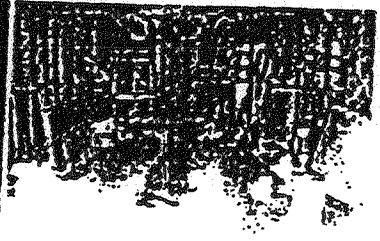
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DSC_0054.JPG



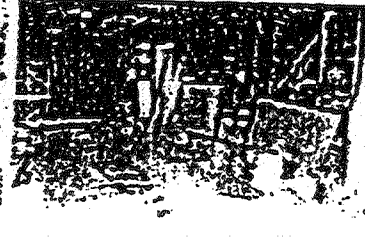
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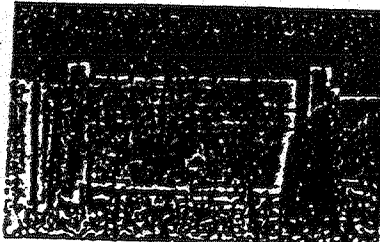
DSC_0056.JPG



DSC_0057.JPG



DSC_0058.JPG



DSC_0059.JPG



DSC_0060.JPG

ROLL# _____

DATE

11, 07, 2008

MONTH DAY YEAR

AGENCY

FBI

CASE ID

245C-SD-16959

PHOTOGRAPHER

Amy Acosta Araya

LOCATION

1715 Tremont

Oceanside, CA

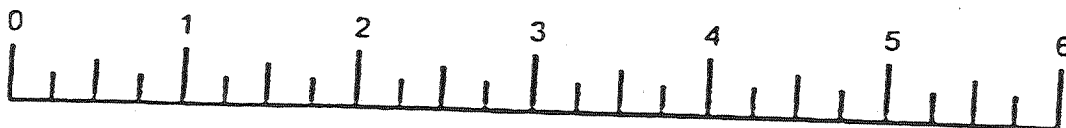


EXHIBIT "C"
PHOTOGRAPHIC LOG BY JENNIFER HERROD
DISCOVERY PAGES 2039-2040

ROLL# _____

PHOTOGRAPHIC LOG

PAGE 1 OF _____

GENERAL INFORMATION

CAMERA/FILM INFORMATION

DATE 11/01/05
 CASE ID 245C SD 05959
 LOCATION 1715 Tremont, Oranisdie, CA
 PREPAREE/ASSISTANTS Jennifer Hill
Amy H. Hill

CAMERA _____
 TYPE OF FILM _____
 RATING _____
 REMARKS _____

USE OF

PHOTO# SCALE DESCRIPTION OF PHOTOGRAPHIC SUBJECT / MISCELLANEOUS COMMENTS

PHOTO#	SCALE	DESCRIPTION OF PHOTOGRAPHIC SUBJECT / MISCELLANEOUS COMMENTS
1		100 ft
2		Garage door - closed with flash
3		Garage door - closed without flash
4		Inside of garage - East wall overall
5		Outside of garage door - showing aluminum tracks
6		Outside garage door - left side lock with cover
7		Outside garage door - left side lock under cover w/flash
8		Outside garage door - left side lock
9		Outside garage door - right side lock with cover w/flash
10		Outside garage door - right side lock overall
11		Inside of garage - North wall
12		Inside of garage - East wall
13		Inside of garage - South wall
14		Inside of garage - overall with flash
15		Inside of garage - overall w/o flash
16		Front of house
17		Front of house
18		Mailbox with house number
19		Overall of North wall with Evidence markers A-G
20		Medium range of North wall w/ Evidence markers A-G
21		Closeup of markers A+B, North wall
22		Closeup of markers A+B, North wall
23		Closeup of markers A+B, North wall
24		Marker C, North wall
25		Marker C, North wall
26		Marker D, North wall
27		Marker D, North wall
28		Marker E, North wall
29		Marker E, North wall
30		Marker E, North wall
31		Marker E, North wall
32		Marker E, North wall
33		Marker G, North wall
34		Marker G, North wall
35		Mistake
36		Overall of Evidence markers C + D w/o tarpaper
		Closeup of Evidence marker C without tarpaper

ROLL# _____

PHOTOGRAPHIC LOG

PAGE 2 OF _____

GENERAL INFORMATION

CAMERA/FILM INFORMATION

DATE 11/7/08
 CASE ID 245C-SD-105999
 LOCATION 1715 Tremont, Oceanside, CA
 PREPARER/ASSISTANTS Amy Anaya
Jennifer Herron

CAMERA _____
 TYPE OF FILM _____
 RATING _____
 REMARKS _____

PHOTO#	USE OF SCALE	DESCRIPTION OF PHOTOGRAPHIC SUBJECT / MISCELLANEOUS COMMENTS
137		closeup of marker D without tar paper
238		closeup of marker D without tar paper
239		overall of markers G+H; outside of garage
440		overall of markers G+H; outside of garage
541		closeup of G; outside of garage
642		closeup of H; outside of garage
743		Marker I; outside of garage
844		Markers J+I; outside of garage
945		Marker I; outside of garage
1046		Marker I; outside of garage
1147		marker J; outside of garage
1248		marker J; outside of garage
1349		marker J; outside of garage
1450		closeup of replacement tar paper. previously marked C+D
1551		Exit photo of garage with flash
1652		Exit photo of garage without flash
1753		Exit photo - North wall
1854		Exit photo - North wall w/ flash
1955		Exit photo - East wall without flash
2056		Exit photo - East wall w/ flash
2157		Exit photo - South wall w/o flash
2258		Exit photo - South wall w/ flash
2359		Exit photo - garage with door closed
2460		Exit photo - Adjacent street
25		
26		
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28		
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32		
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34		
35		
36		

EXHIBIT "13"

FEDERAL BUREAU OF INVESTIGATION

ACKNOWLEDGES RECEIPT OF

EDWARD DEAN HOHNER'S

FREEDOM OF INFORMATION ACT

REQUEST

DATED: DECEMBER 15, 2014

FOIPA REQUEST NO. 1312415-000

U.S. Department of Justice



Federal Bureau of Investigation
Washington, D.C. 20535

December 15, 2014

MR. EDWARD DEAN HOHNER
**40544-198
UNITED STATES PENITENTIARY
3901 KLEIN BOULEVARD
LOMPOC, CA 93436

FOIPA Request No.: 1312415-000
Subject: HOHNER, EDWARD DEAN
(SEARCH OF NOVEMBER 7, 2008)

Dear Mr. Hohner:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI.

- Your request has been received at FBI Headquarters for processing.
- Your request has been received at the [_____ Resident Agency / _____ Field Office] and forwarded to FBI Headquarters for processing.
- We are searching the indices to our Central Records System for the information responsive to this request. We will inform you of the results in future correspondence.
- Your request for a fee waiver is being considered and you will be advised of the decision at a later date.
- Please check for the status of your FOIPA request at www.fbi.gov/foia by clicking on **Check the Status of Your FOIPA Request** under **Records Available Now** located on the right side of the page. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "D Hardy", is written over the word "Sincerely,".

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

EXHIBIT "14"

**FEDERAL BUREAU OF INVESTIGATION
CANNOT IDENTIFY RESPONSIVE RECORDS**

NEITHER CONFIRMS NOR DENIES

EXISTENCE OR NONEXISTENCE

OF RESPONSIVE RECORDS

RIGHT TO APPEAL

OFFICE OF INFORMATION POLICY

DATED: DECEMBER 18, 2014

FOIPA REQUEST NO. 1312415



Federal Bureau of Investigation
Washington, D.C. 20535

December 18, 2014

MR. EDWARD DEAN HOHNER
**40544-198
UNITED STATES PENITENTIARY
3901 KLEIN BOULEVARD
LOMPOC, CA 93436

FOIPA Request No.: 1312415-000
Subject: HOHNER, EDWARD DEAN
(STUCCO AND TAR PAPER SEIZED IN SEARCH
OF AN UNATTACHED GARAGE AT 1715
SOUTH TREMONT ROAD)

Dear Mr. Hohner:

This is in response to your Freedom of Information/Privacy Acts (FOIPA) request.

Based on the information you provided, we conducted a search of the Central Records System. We were unable to identify main file records responsive to the FOIPA. If you have additional information pertaining to the subject that you believe was of investigative interest to the Bureau, please provide us the details and we will conduct an additional search.

In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E)/ Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

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.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

Enclosed for your information is a copy of the FBI Fact Sheet and Explanation of Exemptions.

Sincerely,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

EXHIBIT "15"

EDWARD DEAN HOHNER'S

FOIA APPEAL TO

OFFICE OF INFORMATION POLICY

DATED: JANUARY 2, 2015

REQUEST NO. 1312415-000

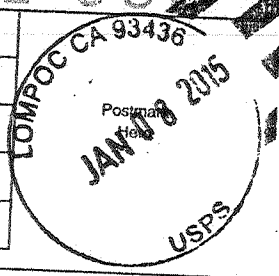
7014 0150 0000 5851 5699

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 Street, Apt. No.,
 or PO Box No. 1425 New York Ave NW, Suite 11050
 City, State, ZIP+4
Washington, D.C. 20530-0001

PS Form 3800, August 2005 See Reverse for Instructions

EDWARD DEAN HOHNER
40544-198
U.S. Penitentiary
3901 Klein Blvd.
Lompoc, California 93436

January 02, 2015

To: Director
Office of Information Policy ("OIP")
U.S. Department of Justice ("DOJ")
1425 New York Avenue, NW, Suite 11050
Washington, D.C. 20530-0001

Re: Request No. 1312415-000, Freedom of Information Act ("FOIA") Appeal.
by Edward Dean Hohner; SSN: 572-87-1508; DOB: May 02, 1973.

Dear Sir or Madam:

This letter constitutes an Appeal under the Freedom Of Information Act ("FOIA") Title 5 § 552(a)(6) and is submitted by Edward Dean Hohner in Criminal Case THE PEOPLE OF THE STATE OF CALIFORNIA V. EDWARD DEAN HOHNER, Case No. SCD216918.

BACKGROUND

1. Hohner sent a FOIA request dated November 25, 2014, requesting any and all information concerning the stucco and/or tar paper, with what appeared to be bullet holes, seized in the search of an unattached garage at 1715 South Tremont Road in Oceanside, California, 92054 on November 7, 2008. See attached FOIA request dated November 25, 2014, Exhibits excluded.

2. On or about December 22, 2014, Hohner received a response back from David M. Hardy; Section Chief, Record/Information Dissemination Section; Records Management Division; FBI; U.S. DOJ dated December 18, 2014, neither confirming or denying the requested documents exist and could file an appeal with the OIP and U.S. DOJ. See attached response dated December 18, 2014.

MEMORANDUM OF LAW

Please be informed that Hohner considers the requested material releasable under FOIA and your agencies policy to be arbitrary and capricious.

The requested FOIA information does not fall under any of the exclusions listed on the response from the U.S. DOJ and FBI, See attached response dated December 18, 2014, and, therefore, is releasable. Hohner asks that if the Office of Information Policy ("OIP") concludes it is appropriate to assert the exemptions listed on the response, then the prevailing controlling authorities require the U.S. DOJ and FBI to acknowledge the existence or the nonexistence of the records and identify them, so that an in camera review of such documents may be performed by the U.S. District Court on collateral review.

Hohner requests, at the very least, that if the U.S. DOJ and FBI claims an exemption or a statutory right to withhold any requested documents, that the U.S. DOJ and FBI perform the search, put together the responsive records and prepare a comprehensive **Vaughn Index** so that a receiving court may determine the claim that the U.S. DOJ and FBI is asserting. FOIA places the burden of justifying nondisclosure on the government. 5 U.S.C. § 552(a)(4)(B). The government must prove that each of the requested documents "either have been produced, is unidentifiable, or is wholly exempt under the Act." Marks v. U.S. Dept. of Justice, 578 F.2d 261, 262 (9th Cir. 1978) (citing National Cable Television Ass'n, Inc. v. F.C.C., 479 F.2d 183, 186, 156 U.S. App. D.C. 91, (D.C., Cir. 1973)).

Furthermore, in Trammel v. United States, 445 U.S. 40, 50 (1980) the Supreme Court recognized the fundamental principle that "the public...has a right to every mans evidence." Id. 50. Also See United States v. Nixon, 418 U.S. 683, 709 (1974).

Thank you for your consideration of this request, I will look forward to your response within twenty (20) working days.

Under penalty of perjury, I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief.

Respectfully submitted



Edward Dean Hohner

U.S Department of Justice

Certification of Identity

FORM APPROVED OMB NO. 1103-0016
EXPIRES 03/31/17

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. Requests will not be processed if this information is not furnished. 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 552a(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 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 ¹ EDWARD DEAN HOHNERCitizenship Status ² U.S. CITIZEN Social Security Number ³ 572-87-1508Current Address 3901 KLEIN BLVD., LOMPOC, CALIFORNIA 93436Date of Birth 05-02-1973 Place of Birth OKINAWA, JAPAN
CITIZEN BORN ABROAD**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. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Print or Type Name

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 ⁴  Date JANUARY 02, 2015

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ 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.

⁴ Signature of individual who is the subject of the record sought.

**HOHNER'S FOIA REQUEST
DATED NOVEMBER 25, 2014
EXCLUDING EXHIBITS**

EDWARD DEAN HOHNER
40544-198
U.S. Penitentiary
3901 Klein Blvd.
Lompoc, California 93436

November 25, 2014

To: FEDERAL BUREAU OF INVESTIGATION
FREEDOM OF INFORMATION ACT DEPARTMENT
10385 SORRENTO PKWY
SAN DIEGO, CALIFORNIA 92101

Re: Freedom of Information Act Request by Edward Dean Hohner DOB May 02, 1973
SSN 572-87-1508.

Dear Sir or Madam:

This letter constitutes a request under the Freedom of Information Act ("FOIA"), Title 5 United States Code §552, and is submitted by Edward Dean Hohner in Criminal Case THE PEOPLE OF THE STATE OF CALIFORNIA vs. EDWARD DEAN HOHNER, Case No. SCD216918.

I request any and all information concerning the stucco and/or tar paper, with what appeared to be bullet holes, seized in the search of an unattached garage at 1715 South Tremont Road in Oceanside, California, 92054 on November 7, 2008. The Search was conducted by the FBI. There is strong public interest in exposing fraud and injustice perpetrated by the U.S. government on the San Diego County Courts. In support of disclosure I state and show the following exhibits. The requested information is said to exist by:

1. A FBI 302 report by Wade L. Dudley, File# 245C-SD-65959, Date of Transcription: 11/10/2008, of a search of an unattached garage at 1715 South Tremont Road in Oceanside, California on November 7, 2008. In the FBI 302 report, File# 245C-SD-65959, Wade L. Dudley states:

"After the photographs were taken, the search commenced in an effort to locate two spent .22 caliber rounds. The search revealed two small holes in the north facing wall at approximately six feet high. The holes were consistent with the size of a .22 caliber round. The holes went through tar paper and the stucco wall covering, and protruded out the other side. The search team was unable to locate any remnants of a bullet, or any additional entry points. The cracked stucco and tar paper was seized and placed into evidence." See Exhibit "A", Date of Transcript: 11/10/2008, Discovery of Edward Dean Hohner Case# CD216918, Page 969, Page 1716, Paragraph 4.

2 In photographs taken by Amy Acosta Anaya. See Exhibit "B", 11/07/2008, Discovery of Edward Dean Hohner Case# CD216918, Pages 2035-2038.

3. In the photograph log by Jennifer Herrod. See Exhibit "C", 11/07/2008. Discovery of Edward Dean Hohner Case# CD216918, Pages 2039-2040.

HOHNER'S FREEDOM OF INFORMATION ACT REQUESTS:

1. Any and all records of testing and/or analysis performed on the stucco and/or tar paper seized during the search of an unattached garage located at 1715 Tremont Road in Oceanside, California on November 7, 2008. Testing and/or analysis may include, but is not limited to, ballistics, trajectory, gun powder residue, lead residue, and/or any other type of testing and/or analysis not mentioned.

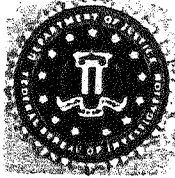
2. Any and all hand-written notes and/or reports about the stucco and/or tar paper seized during the search of an unattached garage located at 1715 Tremont Road in Oceanside, California on November 7, 2008.

3. Any and all typed notes and/or reports about the stucco and/or tar paper seized during the search of an unattached garage located at 1715 Tremont Road in Oceanside, California on November 7, 2008.

4. Any and all communications between the different agencies and/or departments related to the stucco and/or tar paper seized during the search of an unattached garage located at 1715 Tremont Road in Oceanside, California on November 7, 2008. Communications may include, but are not limited to, DEA 6s, FBI 302s, phone calls, phone records, hand-written notes, typed notes, faxes, emails, letters, texts, hand-written reports, typed reports, and/or any type of communication not mentioned.

5. Any and all "Chain of Custody" documents about the Stucco and/or tar paper seized during the search of an unattached garage located at 1715 Tremont Road in Oceanside, California on November 7, 2008.

**RESPONSE FROM
U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
DATED DECEMBER 18, 2014**



Federal Bureau of Investigation
Washington, D.C. 20535

December 18, 2014

MR. EDWARD DEAN HOHNER
**40544-198
UNITED STATES PENITENTIARY
3901 KLEIN BOULEVARD
LOMPOC, CA 93436

FOIPA Request No.: 1312415-000
Subject: HOHNER, EDWARD DEAN
(STUCCO AND TAR PAPER SEIZED IN SEARCH
OF AN UNATTACHED GARAGE AT 1715
SOUTH TREMONT ROAD)

Dear Mr. Hohner:

This is in response to your Freedom of Information/Privacy Acts (FOIPA) request.

Based on the information you provided, we conducted a search of the Central Records System. We were unable to identify main file records responsive to the FOIPA. If you have additional information pertaining to the subject that you believe was of investigative interest to the Bureau, please provide us the details and we will conduct an additional search.

In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E)/ Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

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.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

Enclosed for your information is a copy of the FBI Fact Sheet and Explanation of Exemptions.

Sincerely,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

EXHIBIT "16"

OFFICE OF INFORMATION POLICY

ACKNOWLEDGES RECEIPT OF

EDWARD DEAN HOHNER'S

FREEDOM OF INFORMATION ACT

APPEAL

DATED: JANUARY 29, 2015

FOIPA REQUEST NO. 1312415-000

APPEAL NO. AP-2015-01604



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

January 29, 2015

Mr. Edward D. Hohner
Register No. 40544-198
United States Penitentiary
3901 Klein Boulevard
Lompoc, CA 93436

Re: Request No. 1312415

Dear Mr. Hohner:

This is to advise you that your administrative appeal from the action of the Federal Bureau of Investigation was received by this Office on January 14, 2015.

The Office of Information Policy has the responsibility of adjudicating such appeals. 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 **AP-2015-01604**. Please mention this number in any future correspondence to this Office regarding this matter. Please note that if you provide an e-mail address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at the number above. If you have submitted your appeal through this Office's online electronic appeal portal, you may also obtain an update on the status of your appeal by logging into your portal account.

Sincerely,

A handwritten signature in black ink, appearing to read "Priscilla Jones".

Priscilla Jones
Supervisory Administrative Specialist

EXHIBIT "17"

OFFICE OF INFORMATION POLICY

AFFIRMING

FEDERAL BUREAU OF INVESTIGATION'S DECISION

DATED: MARCH 3, 2015

REQUEST NO. 1312415-000

APPEAL NO. AP-2015-01604



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Mr. Edward D. Hohner
Register No. 40544-198
United States Penitentiary
3901 Klein Boulevard
Lompoc, CA 93436

Re: Appeal No. AP-2015-01604
Request No. 1312415
MWH:JMB

VIA: U.S. Mail

Dear Mr. Hohner:

You appealed from the action of the Federal Bureau of Investigation on your request for access to records concerning "the stucco and/or tar paper ... seized in the search of an unattached garage at 1715 South Tremont Road in Oceanside, California, 92054 on November 7, 2008."

After carefully considering your appeal, I am affirming the FBI's action on your request. The Freedom of Information Act provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. To the extent that your request seeks access to records that would either confirm or deny an individual's placement on any government watch list, the FBI properly refused to confirm or deny the existence of any records responsive to your request because the existence of such records is protected from disclosure pursuant to 5 U.S.C. § 552a(j)(2) & 5 U.S.C. § 552(b)(7)(E). FOIA Exemption 7(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions. This response should not be taken as an indication that records do or do not exist. Rather, this is the standard response made by the FBI.

As to any other records, the FBI informed you that it could locate no main file records subject to the FOIA in its files, other than certain records enclosed by you with your request. Please be advised that the FBI conducted automated indices and electronic case file searches for responsive records. Accordingly, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for records responsive to your request.

With regard to your apparent allegation that the FBI improperly invoked a FOIA exclusion to withhold records from you, although the Department of Justice can neither confirm nor deny that an exclusion was employed in any particular case, see Attorney General's Memorandum on the 1986 Amendments to the Freedom of Information Act 27 (Dec. 1987), I have carefully considered your allegation and have found this claim to be without merit. Please

- 2 -

be advised that this response should not be taken as an indication that an exclusion was or was not used in response to your request.

Furthermore, I am denying your request that we itemize and justify each item of the information withheld. You are not entitled to such a listing at the administrative stage of processing FOIA requests and appeals. See Bangoura v. U.S. Dep't of the Army, 607 F. Supp. 2d 134, 143 n.8 (D.D.C. 2009).

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.


If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. 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,

3/3/2015

X


Sean R. O'Neill
Chief, Administrative Appeals Staff
Signed by: Sean O'Neill



610 W. Ash Street, Suite 1200
San Diego, CA 92101

**U.S. Customs and
Border Protection**

December 16, 2014

Edward Dean Hohner
Re: FOIA Request
3901 Klein Blvd.
Lompoc, CA 93436

Re: FOIA Request

Dear Mr. Hohner.

This acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) dated November 4, November 5, and November 26, 2014. You are requesting records that are not kept at this office.

Due to the subject matter of your request, I am transferring your request to the FOIA Officer for US Immigration and Customs Enforcement (ICE), Freedom of Information Act Office, 500 12th Street, SW, Stop 5009, Washington, D.C., 20536-5009, for processing under the FOIA and direct response to you.

Sincerely,

A handwritten signature in black ink that reads "K. Benavides".

Kimberly Benavides, Mission Support Specialist
FOIA Coordinator
San Diego Field Office

EXHIBIT "19"

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

REFERRING EDWARD DEAN HOHNER'S

FREEDOM OF INFORMATION ACT

TO

FEDERAL BUREAU OF INVESTIGATION

DATED: DECEMBER 15, 2014

Freedom of Information Act Office

U.S. Department of Homeland Security
500 12th St SW, Stop 5009
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

December 15, 2014

Edward Hohner
United States Penitentiary
#40544-198
3901 Klein Blvd.
Lompoc, CA 93436

RE: ICE FOIA Case Number 2015-ICFO-10437

Dear Mr. Hohner:

This acknowledges receipt of your November 25, 2014, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), for any and all information concerning the stucco and/or tar paper with what appeared to be bullet holes, seized in the search of an unattached garage at 1715 South Tremont Road, Oceanside, CA, 92504 on 11/7/2008 by the FBI. Your request was received in this office on December 15, 2014.

Upon initial review of your request, I have determined that the information you are seeking is under the purview of the Federal Bureau of Investigation. Therefore, I am referring your request to the FOIA Officer for Federal Bureau of Investigation, FOIA Officer, for processing and direct response to you. You may contact that office in writing at Record/Information Dissemination Section, 170 Marcel Drive, Winchester, VA 22602-4843 or via telephone at 540-868-1535.

Your request has been assigned reference number 2015-ICFO-10437. Please refer to this identifier in any future correspondence. You may contact this office at (866) 633-1182. Our mailing address is 500 12th Street, S.W., Stop 5009, Washington, D.C. 20536-5009.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Pavlik-Keenan".

for

Catrina M. Pavlik-Keenan
FOIA Officer

Freedom of Information Act Office

U.S. Department of Homeland Security
500 12th St SW, Stop 5009
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

December 15, 2014

Edward Hohner
United States Penitentiary
#40544-198
3901 Klein Blvd.
Lompoc, CA 93436

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Sincerely,

A handwritten signature in black ink, appearing to read "M. Pavlik-Keenan".

for

Catrina M. Pavlik-Keenan
FOIA Officer