

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA  
CIVIL DIVISION

Edgar Veytia,  
  
Plaintiff,  
  
v.  
  
Federal Bureau of Prisons,  
  
Defendant.



Case: 1:21-cv-01829 JURY DEMAND  
Assigned To : Jackson, Amy Berman  
Assign. Date : 7/7/2021  
Description: FOIA/Privacy Act (I-DECK)

-----  
CIVIL RIGHTS COMPLAINT

I. Jurisdiction And Venue

1. This is a civil action, authorized by the Freedom Of Information Act, 5 USC 552(a)(4)(B), to redress the deprivation of rights under color of federal law. This Court has jurisdiction under 5 USC 552(a)(4)(B), and 28 USC 1331. This Court is an appropriate venue under 28 USC 1391(b)(1), because it is where the events giving rise to this cause of action occurred. Plaintiff seeks declaratory relief under 28 USC 2201 and 2202. Plaintiff seeks injunctive relief, pursuant to 28 USC 2283, 2284, and Rule 65 of the Federal Rule Of Civil Procedure.

II. Parties

2. Plaintiff, Edgar Veytia, #60875-298, is a federal inmate, currently detained at the United States Penitentiary, Marion, Illinois Communications Management Unit ("CMU"), which is under the direction and supervision of the Counter Terrorism Unit in Martinsburg, West Virginia. Plaintiff's address: USP-Marion, Illinois, PO Box 1000, Marion, Illinois 62959-1000.

3. Defendant, Federal Bureau Of Prisons, is an agency of the federal government. Address: 320 First Street, NW, Room #936, HOLC Building, Washington, DC 20534. At the time the claims alleged in this complaint arose, the Defendant was an agency of the executive branch of the federal government.

4. At all times mentioned herein, the Defendant acted under the color of federal law. The Defendant is being sued in its official capacity for injunctive relief.

III. Statement Of Claim

5. Plaintiff, Edgar Veytia, is a federal inmate currently detained at the USP-Marion, Illinois Communications Management Unit ("CMU"). See Federal Bureau of Prisons Program Statement 5214.02, Communications Management Unit; Aref v. Lynch, et al., 833 F.3d 242 (D.C. Cir. 2016).

6. Since being in the CMU, Plaintiff has submitted the following Freedom Of Information Act ("FOIA") requests to the FBOP, some of which the FBOP has responded to/acknowledged, and some for which the FBOP has provided no response:

- A copy of every email, notes, letters, memorandums, and/or other investigative material submitted/sent by S.I.S. J. Parker at M.D.C. Brooklyn, NY, about me, wherein my name and/or register #60875-298, was used, using "Groupwise" and/or "Netmail" and any other form of email/memorandum messaging system from the time I arrived at M.D.C. Brooklyn, NY, until I left. FOIA Request #2020-03478.
- A copy of all statements/affidavits, letters, notes, investigative material and any record made in the Incident Log Book in Unit K84 at Brooklyn, M.D.C., submitted and/or provided, and also created by S.I.S. Parker at M.D.C. Brooklyn, NY, regarding a report of an incident where I was being extorted by gang members. These statements and investigative material would have been provided by inmates and correction officers, who were witnesses to the extortion, and also the conclusion to the report. FOIA Request #2020-03698.
- A copy of all referral documentation, including all notes, memoranda, emails, and other investigative material created/generated by the FBOP's Counter Terrorism Unit ("CTU") in Martinsburg, WV, that was used to approve my transfer to the USP-Marion, IL CMU. FOIA Request #2020-03478.
- A copy of all emails, incoming and outgoing, via TRULINCS, to or from the following contacts in my TRULINCS contact list:
  - alicee33@outlook.abcscoop.com
  - depclm99#pastameall456@gmail.com
  - Einhorn, Jeffrey (einhorn@jeffreylightman.com)
  - Lichtman, Jeffrey (jl@jeffreylightman.com)FOIA Request #2021-00836.

7. The following additional FOIA/PA requests were also filed by the Plaintiff:

- A copy of my FBOP Counter Terrorism Unit ("CTU") file maintained by the FBOP's Counter Terrorism Unit ("CTU") in Martinsburg, WV, excluding copies of emails (incoming and outgoing), and letters I've sent/have received while I've been in the CMU. FOIA/PA Request #2020-04088.
- A copy of any complaints filed against J. Parker, Special Investigative Supervisor ("SIS") at MDC-Brooklyn, NY, by any inmate alleging staff misconduct or harassment by J. Parker, copies of all reports and the outcome of such complaints. Sent on 3/26/2021. No acknowledgement by the FBOP that this request was received.
- A copy of my entire "SIS" file that was created at MDC-Brooklyn, NY, to include all reports generated by SIS J. Parker, while I was at MDC-Brooklyn, NY, from April 2017 to January 2020. This information should be maintained in the Prison Security and Intelligence Record System. I also want any information pertaining to my transfer to the USP-Marion, Illinois CMU, that may have been created by SIS staff at MDC-Brooklyn, NY. Sent 3/26/2021. No acknowledgement by the FBOP that this request was received.

- A copy of all "Summary Reports" of all "Daily Sensitive Information Reports" and "Daily Lieutenant Logs" filed by all correctional services staff, i.e., lieutenants at MDC-Brooklyn, NY from January 1, 2019 to the present. Sent 3/26/2021. No acknowledgement from FBOP that this request was received for processing.
- A copy of my "CTU Profile and Assessment" form created by any member of the FBOP's Counter Terrorism Unit ("CTU") to include any Intelligence Analyst assigned to monitor my communications at the CMU at USP-Marion, Illinois where I am currently housed. Sent on 3/26/2021. No acknowledgement that this FOIA request was received for processing.
- A copy of my entire SIS file, maintained in the Prison Security and Intelligence Record System of Records, under my name, Edgar Veytia. Sent on 3/26/2021. No acknowledgement that this FOIA request was received.

8. After Plaintiff did not receive ANY responses to his FOIA requests that the FBOP did actually acknowledge, Plaintiff sent a follow-up letter on 1/7/2021, requesting the status of the 4 FOIA requests that the FBOP actually did acknowledge. The FBOP did not respond and has not responded. None of the other FOIA requests dated 3/26/2021 were acknowledged by the FBOP. Those requests are attached as Exhibit A. The FOIA requests actually acknowledged by the FBOP are attached as Exhibit B.

9. Over the last few years, even since 2010, well before Plaintiff ever arrived to the CMU, numerous CMU inmates have filed FOIA requests with the FBOP, seeking, inter alia, (1) their CTU files, which consists of all mail, incoming and outgoing, incoming and outgoing emails, records of phone calls, all documentation utilized to transfer an inmate to the CMU, and other info; (2) their CTU "Profile and Assessment" forms; (3) emails exchanged between their assigned CTU Intelligence Analysts, and other law enforcement; (4) emails sent by CMU staff, to anyone else, regarding those inmates; and (5) other info pertaining to an inmate's confinement in the CMU/CTU.

10. The FBOP has a long-standing policy and/or practice of assigning all FOIA/PA requests filed by CMU inmates, for the previously mentioned information, to the "complex" track, and then simply not answering those requests at all. Some CMU inmates who have filed requests for this information have been waiting years to receive this information, even assuming that the FBOP acknowledges the request in the first instance.

11. The FBOP also has a long-standing policy and/or practice of not acknowledging FOIA/PA requests sent to it by CMU inmates, as it has not done with many of the Plaintiff's FOIA requests, sent on 3/26/2021. Plaintiff believes that when these requests are received by the FBOP in the Central Office, they simply throw them away, at the behest of USP-Marion, Illinois institution staff. Plaintiff believes that these policies and practices will impair Plaintiff's ability to obtain info from the FBOP, via FOIA, in the future, and that Plaintiff has been personally harmed by these policies and practices.

IV. Claims For Relief

12. The allegations contained in paragraphs 5-11 are restated and are reincorporated within EACH of the following claims for relief:

I. Count One ----- Failure To Provide Access To Records Requested Under FOIA In Violation Of 5 USC 552(a)(4)(B)

13. Despite Plaintiff's properly filed FOIA requests to the FBOP, especially those which the FBOP has acknowledged, the FBOP has refused to release ANY of the requested records, in violation of FOIA. Furthermore, the FBOP has failed to acknowledge the requests that the Plaintiff sent to it in March of 2021, in violation of the FOIA.

II. Count Two ----- The FBOP's "Policy And Practice" Of Assigning All CMU Inmates' FOIA/PA Requests To The Complex Track And Not Acknowledging CMU Inmates' Requests

14. Plaintiff contends that the FBOP has a long-standing policy and/or practice of (1) assigning all CMU inmates' FOIA/PA requests to its "complex" track, then (2) not responding to those requests by releasing the requested information, when (3) the information requested pertains to the CMU (such as emails of CMU staff or other USP-Marion, IL staff) or the FBOP's Counter Terrorism Unit ("CTU") (such as "CTU Profile and Assessment" forms or "CTU files"), and (4) simply not even acknowledging FOIA/PA requests filed by CMU inmates at all. Plaintiff contends that these policies and/or practices are what have caused the FBOP to not respond to his FOIA/PA requests, and/or acknowledge them, and assign them to the "complex" track, and not release the requested information, and that Plaintiff will continue to suffer harm in the future, as Plaintiff plans on filing many more FOIA requests with the FBOP in the future.

V. Requested Relief

15. Wherefore, Plaintiff respectfully requests that this Court GRANT him the following relief to which he may be entitled:

- (A) A declaration that the acts/omissions of the Defendant violated the Constitution, laws, and treaties of the United States, as well as the Freedom Of Information Act;
- (B) A preliminary injunction ENJOINING the FBOP from continuing its unlawful policy and practice of assigning all CMU inmates' FOIA/PA requests to the complex track, from delaying responses to those FOIA/PA requests filed by CMU inmates, especially those requesting info pertaining to, and about, CMU staff, and CTU, and/or CTU information, and ENJOINING FBOP from trashing CMU inmates' requests sent to the FBOP's FOIA/PA office in DC, i.e., not acknowledging them;
- (C) All costs involved in bringing this case;
- (D) All other appropriate equitable relief.

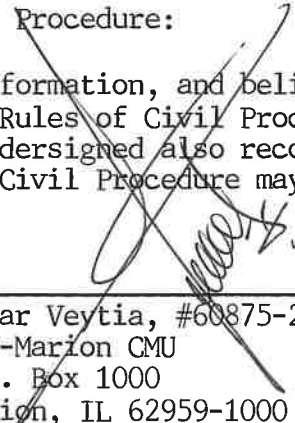
VI. Jury Demand

16. The Plaintiff requests a trial by jury on all issues triable by a jury.

Declaration under the D.C. Rules of Civil Procedure:

I certify to the best of my knowledge, information, and belief that this Complaint is in full compliance with the Rules of Civil Procedure and other laws of the District of Columbia. The undersigned also recognizes that failure to comply with the D.C. Rules of Civil Procedure may result in sanctions.

Signed on: June 21, 2021




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Edgar Veytia, #60875-298  
USP-Marion CMU  
P.O. Box 1000  
Marion, IL 62959-1000



# EXHIBIT

# A

 Copies

Edgar Veytia, #60875-298  
United States Penitentiary  
P.O. Box 1000  
Marion IL 62959  
October 10, 2020

Federal Bureau of Prisons  
Office of General Counsel  
320 First Street NW  
Washington DC 20534

Attention: FOIA/PA Request

Dear Sirs:

I am requesting a copy of all e-mails, sent or received through TRULINCS, to or from the following contacts:

Aaa, Aaa (alicee33@outlook.abcscoop.com)  
Bbb, Bbb (depclm99+pastameall456@gmail.com)  
Ccc, Cccc  
Einhorn, Jeffrey (einhorn@jeffreylichtman.com)  
Lichtman, Jeffrey (jl@jeffreylichtman.com)

Please search records beginning in the year 2008 through to the present. The subject matter is all communications with the above listed contacts sent or received through TRULINCS involving the account of Edgar Veytia, #60875-298. If any additional individuals are involved, they are unknown to me.

I believe this reasonably describes the Bureau records that are sought. If you still need additional information, please let me know.

Please send me an acknowledgement letter, notifying me of your receipt of my FOIA request, pursuant to 28 CFR 16.6(b).

Thank you.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated October 10, 2020.

Sincerely,

Edgar Veytia

Edgar Veytia, #60875-298  
CMU Marion, IL  
P.O. Box 1000  
Marion, IL 62959

To:

Federal Bureau of Prisons  
Central Office of FOIA/PA  
320 First Street, NW, Room 841  
HOLC Building  
Washington DC 20534

Freedom of Information Act Request

- Pursuant to the Freedom of Information Act, please send me the following information within 20 days:
- A copy of any complaints filed against J. Parker, Special Investigative Supervisor at MDC Brooklyn, NY, by any inmate alleging staff misconduct or harassment by J. Parker, copies of all reports, and the outcome of such complaints.
- Please send me an "acknowledgement letter" acknowledging receipt of my FOIA request pursuant to 28 CFR 16.6(b).

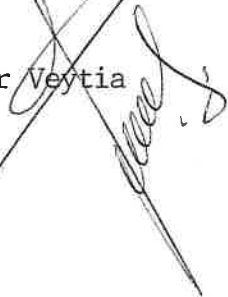
Thank you.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated March 26, 2021.

Sincerely,

Edgar Veytia

A handwritten signature in cursive script, appearing to read "Edgar Veytia", is written over a large, light-colored 'X' mark that is drawn across the signature area.



Edgar Veytia, #60875-298  
USP Marion, IL  
P.O. Box 1000  
Marion, IL 62959-1000

To:  
Federal Bureau of Prisons  
Central Office  
FOIA/PA Office  
320 First Street, N.W.  
Room 841, HOLC Building  
Washington, D.C. 20534

Freedom of Information Act Request

- Pursuant to the Freedom of Information Act/Privacy Act, please send me the following information within 20 days:
- A copy of my entire "SIS" file that was created at MDC-Brooklyn, NY, to include all reports generated by Special Investigative Supervisor Parker while I was at MDC-Brooklyn, NY, from April 2017 to January 2020. This information should be maintained in the Prison Security and Intelligence Record System. I also want any info pertaining to my transfer to the USP-Marion, IL Communications Management Unit ("CMU"), that may have been created by SIS staff at MDC-Brooklyn, NY.
- Please send me an "acknowledgement letter" acknowledging receipt of my FOIA request pursuant to 28 CFR 16.6(b).
- I understand that fees may be charged for searching for records at rates set by the DOJ, and for the duplication of copies at \$0.05 per copy. I'm entitled to the first 100 copies/pages of responsive records, and 2 hours of search time at no cost, and the remaining combined charges for search and duplication must exceed \$25.00 before any fees can be charged. Please send me up to 600 pages of responsive records, which will not implicate any fees more than \$25.00.

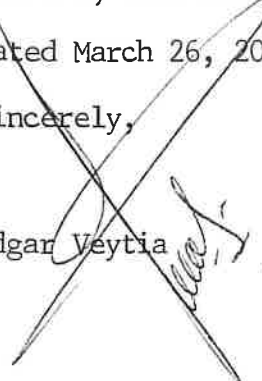
Thank you.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated March 26, 2021.

Sincerely,

Edgar Veytia



Edgar Veytia, #60875-298  
USP Marion, IL  
P.O. Box 1000  
Marion, IL 62959-1000

To:  
Federal Bureau of Prisons  
Central Office  
FOIA/PA Office  
320 First Street, N.W.  
Room 841, HOLC Building  
Washington, D.C. 20534

Freedom of Information Act Request

- Pursuant to the FOIA/PA, please send me the following information within 20 days:
- A copy of all "Summary Reports" of all "Daily Sensitive Information Reports" and "Daily Lieutenant Logs" filed by all correctional services staff, i.e., lieutenants at MDC-Brooklyn, NY, from 1/1/2019 to the present date this request is received by the FBOP for processing.
- Please send me an "acknowledgement letter" acknowledging receipt of my FOIA request pursuant to 28 CFR 16.6(b).

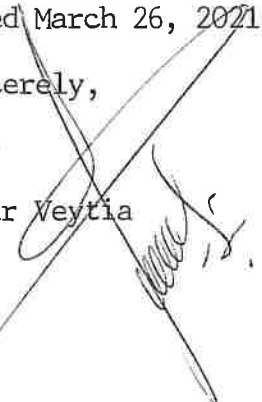
Thank you.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated March 26, 2021.

Sincerely,

Edgar Veytia



Edgar Veytia, #60875-298  
USP Marion, IL  
P.O. Box 1000  
Marion, IL 62959-1000

To:

Federal Bureau of Prisons  
Central Office  
FOIA/PA Office  
320 First Street, N.W.  
Room 841, HOLC Building  
Washington, D.C. 20534

Freedom of Information Act Request

- Pursuant to the FOIA/Privacy Act, please send me the following information within 20 days:
- A copy of my "CTU Profile and Assessment" form, created by any member of the FBOP's Counterterrorism Unit ("CTU"), to include any Intelligence Analyst assigned to monitor my communications at the Communications Management Unit ("CMU") at USP-Marion, IL, where I am currently housed.
- Please send me an "acknowledgement letter" acknowledging receipt of my FOIA request pursuant to 28 CFR 16.6(b).

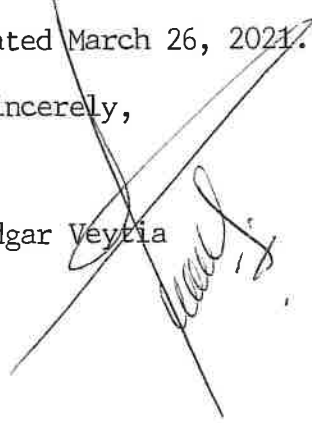
Thank you.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated ~~March 26, 2021.~~

Sincerely,

Edgar Veytia



Edgar Veytia, #60875-298  
USP Marion, IL  
P.O. Box 1000  
Marion, IL 62959-1000

To:  
Federal Bureau of Prisons  
Central Office  
FOIA/PA Office  
320 First Street, N.W.  
Room 841, HOLC Building  
Washington, D.C. 20534

Freedom of Information Act Request

- Pursuant to the Freedom of Information Act, please send me the following information within 20 days:
- A copy of my entire SIS file, maintained in the Prison Security and Intelligence Record System of Records, *under my name, Edgar Veytia.*
- Please send me an "acknowledgement letter" acknowledging receipt of my FOIA request pursuant to 28 CFR 16.6(b).

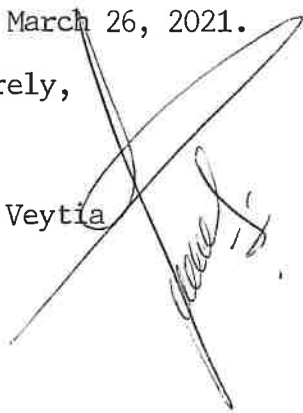
Thank you.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated March 26, 2021.

Sincerely,

Edgar Veytia

A handwritten signature in black ink, appearing to read 'Edgar Veytia', is written over a large, light-colored 'X' mark that spans across the signature line and extends upwards into the 'Sincerely,' line.

# EXHIBIT **B**

 2018

Edgar Veytia, #60875-298  
CMU Marion  
PO Box 1000  
Marion IL 62959  
January 7, 2021

Federal Bureau Of Prisons  
FOIA/Privacy Act Office  
320 First Street, NW  
Room 841, HOLC Building  
Washington, DC 20534

Dear Sirs:

I am writing in reference to the following four Freedom Of Information Act/ Privacy Act requests which were requested in the past and which are still pending before you. I would like to be informed as to the current status of these requests:


- 1) FOIA/PA Num. 2020-03698  
Processing Office NCR
- 2) FOIA/PA Num. 2020-03478  
Processing Office NCR
- 3) FOIA/PA Num. 2021-00836  
Processing Office NCR
- 4) FOIA/PA Num. 2020-04088  
Processing Office NCR

This information is vital to me. Please inform me of the status of these requests.

Thank you.

Sincerely,

Edgar Veytia





Edgar Veytia #60875298  
C.M.U. Marion, P.O. Box 1000  
Marion, IL. 62959

2020-03-16-28

MAAR  
NER

Federal Bureau of prisons  
Central office, FOIA/PA  
320 first st. N.W. Room 841  
Holt. Building. Washington Dc.

**Received**

MAY 08 2020

FOIA/PA Section  
Federal Bureau of Prisons

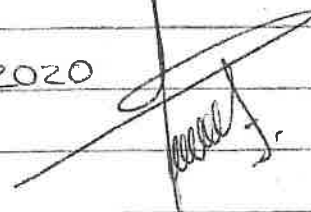
Freedom of Information act request "

• Pursuant to the freedom of Information act / Privacy act, please send me the following info. within 20 days.

• A copy of every e-mail, notes, letters, memorandum and or other Investigative material Sent by S.I.S. J. Parker at MDC. Brooklyn, NY. about me, were my name and/or register num. #60875298, was used, using "Groupwise" and/or "Netmail" and any other form of e-mail / memorandum messaging, System from the time I arrived at MDC. Brooklyn, NY, until I left.

• please send me an "acknowledgement letter, notifying your reception of my T.O.I.A. request. pursuant to 28 CFR 16.6(b). thank you.

4-24-2020



Edgar Veytia #60875298  
C.M.U. Marion, IL P.O. Box 1000  
Marion, IL 62959

4/20/20-03698

MARK UER

Federal Bureau of Prisons  
Central office, F.O.I.A / P.A.  
320 First St. N.W. Room 841  
Holc Building, Washington DC.

Received

MAY 08 2020

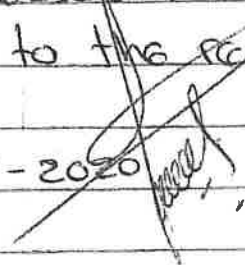
FOI/PA Section  
Federal Bureau of Prisons

"Freedom of Information act request"

Pursuant to the freedom of Information act/Privacy act, please send me the following info. within 20 days.

A copy of all statements/affidavits, letters notes, investigative material and any record made in the Incident Log book in unit K84 at brooklyn N.Y. submitted and/or provided, and also created to or by S.I.S J. Parker at MDC. Brooklyn NY., regarding a report of a Incident were I was being extorted by gang members. these statements and Investigative material would have been provided by inmate and Correction Officers, who were witnesses to the extortion, and also the conclusion to the report.  
Thank you.

4-24-2020





U.S. Department of Justice  
Federal Bureau of Prisons

Northeast Regional Office  
2nd & Chestnut St., 7th Floor  
Philadelphia, PA 19106  
215-521-7391

May 11, 2020  
Edgar Veytia  
Reg. No.: 60875-298  
CMU Marion  
PO Box 1000  
Marion, IL 62959

Dear Mr. Veytia:

The Federal Bureau of Prisons (BOP) received your Freedom of Information Act/Privacy Act (FOIA/PA) request. Your request has been assigned a number and forwarded to the processing office noted below. Please make a note of the request number and processing office as you will need to include it in any correspondence or inquiry regarding your request. A copy of the first page of your request is attached to help you more easily keep track of your request.

FOIA/PA Request Number: 2020-03698  
Processing Office: NER

The time needed to complete our processing of your request depends on the complexity of our records search and the volume and complexity of any records located. Each request is assigned to one of three tracks: simple, complex, or expedited. Due to the large number of FOIA/PA requests received by BOP and the limited resources available to process such requests, BOP handles each request on a first-in, first-out basis in relation to other requests in the same track. Your request was assigned to the complex track and placed in chronological order based on the date of receipt.

We determined unusual circumstances exist as the documents responsive to your request must be searched for and collected from a field office, and/or the documents responsive to your request are expected to be voluminous and will require significant time to review, and/or your request requires consultation with at least one other agency with a substantial interest in your request. Because of these unusual circumstances, we are extending the time limit to respond to your request for the ten additional days provided by the statute. Processing complex requests may take up to nine months. Pursuant to 28 C.F.R. § 16.5(b) and (c), you may narrow or modify your request in an effort to reduce the processing time.

**Please be advised that due to necessary operational changes as a result of the national emergency concerning the novel coronavirus disease (COVID-19) outbreak, there may be some delay in the processing of your request.**

Pursuant to 28 C.F.R. § 16.10, in certain circumstances we are required to charge fees



for time spent searching for or duplicating responsive documents. If we anticipate your fees will be in excess of \$25.00 or the amount you have indicated you are willing to pay, we will notify you of the estimated amount. At that time, you will have the option to reformulate your request to reduce the fees. If you requested a fee waiver, we will make a decision whether to grant your request after we determine whether fees will be assessed for this request.

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, please feel free to contact the NER at 202 514-6655 or the Federal Bureau of Prisons' (BOP) FOIA Public Liaison, Mr. C. Darnell Stroble at 202-616-7750 or 320 First Street NW, Suite 936, Washington DC 20534.

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

Sincerely,

*K. Blow*

K. Blow, GIS, for  
Eugene Baime, Supervisory Attorney



**U.S. Department of Justice**  
**Federal Bureau of Prisons**

*North Central Regional Office*

---

*Office of the Regional Counsel*

400 State Avenue  
Tower II, Suite 800  
Kansas City, KS 66101

April 29, 2020

Edgar Veytia  
Reg. No.: 60875-298  
CMU Marion  
PO Box 1000  
Marion, IL 62959

Dear Requester:

The Federal Bureau of Prisons (BOP) received your Freedom of Information Act/Privacy Act (FOIA/PA) request. Your request has been assigned a number and forwarded to the processing office noted below. Please make a note of the request number and processing office as you will need to include it in any correspondence or inquiry regarding your request. A copy of the first page of your request is attached to help you more easily keep track of your request.

FOIA/PA Request Number: 2020-03478  
Processing Office: NCR

The time needed to complete our processing of your request depends on the complexity of our records search and the volume and complexity of any records located. Each request is assigned to one of three tracks: simple, complex, or expedited. Due to the large number of FOIA/PA requests received by BOP and the limited resources available to process such requests, BOP handles each request on a first-in, first-out basis in relation to other requests in the same track. Your request was assigned to the complex track and placed in chronological order based on the date of receipt.

We determined unusual circumstances exist as the documents responsive to your request must be searched for and collected from a field office, and/or the documents responsive to your request are expected to be voluminous and will require significant time to review, and/or your request requires consultation with at least one other agency with a substantial interest in your request. Because of these unusual circumstances, we are extending the time limit to respond to your request for the ten additional days provided by the statute. Processing complex requests may take up to nine months. Pursuant to 28 C.F.R. § 16.5(b) and (c), you may narrow or modify your request in an effort to reduce the processing time.

Pursuant to 28 C.F.R. § 16.10, in certain circumstances we are required to charge fees for time spent searching for or duplicating responsive documents. If we anticipate your fees will be in excess of \$25.00 or the amount you have indicated you are willing to pay, we will notify you of the estimated amount. At that time, you will have the option to reformulate your request to reduce the fees. If you requested a fee waiver, we will make a decision whether to grant your request after we determine whether fees will be assessed for this request.

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, please feel free to contact the NCR at the above address or the Federal Bureau of Prisons' (BOP) FOIA Public Liaison, Mr. C. Darnell Stroble at 202-616-7750 or 320 First Street NW, Suite 936, Washington DC 20534.

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

Sincerely,

*R. Glover*

for

Richard M. Winter  
Regional Counsel



Received

Edgar Veytia, #60875-298  
United States Penitentiary  
P.O. Box 1000  
Marion IL 62959  
October 10, 2020

NOV 04 2020

FOIA/PA Section  
Federal Bureau of Prisons

MAR  
2021-00 836

Federal Bureau of Prisons  
Office of General Counsel  
320 First Street NW  
Washington DC 20534

Attention: FOIA/PA Request

Dear Sirs:

I am requesting a copy of all e-mails, sent or received through TRULINCS, to or from the following contacts:

- Aaa, Aaa (alicee33@outlook.abcscoop.com)
- Bbb, Bbb (depclen99#pastameal1456@gmail.com)
- Ccc, Cccc
- Einhorn, Jeffrey (einhorn@jeffreylightman.com)
- Lichtman, Jeffrey (jl@jeffreylightman.com)

Please search records beginning in the year 2008 through to the present. The subject matter is all communications with the above listed contacts sent or received through TRULINCS involving the account of Edgar Veytia, #60875-298. If any additional individuals are involved, they are unknown to me.

I believe this reasonably describes the Bureau records that are sought. If you still need additional information, please let me know.

Please send me an acknowledgement letter, notifying me of your receipt of my FOIA request, pursuant to 28 CFR 16.6(b).

Thank you.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated October 10, 2020.

Sincerely,

Edgar Veytia



**U.S. Department of Justice**  
**Federal Bureau of Prisons**

*North Central Regional Office*

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*Office of the Regional Counsel*

400 State Avenue  
Tower II, Suite 800  
Kansas City, KS 66101

November 9, 2020

Edgar Veytia  
Reg. No.: 60875-298  
USP Marion  
PO Box 1000  
Marion, IL 62959

Dear Requester:

The Federal Bureau of Prisons (BOP) received your Freedom of Information Act/Privacy Act (FOIA/PA) request. Your request has been assigned a number and forwarded to the processing office noted below. Please make a note of the request number and processing office as you will need to include it in any correspondence or inquiry regarding your request. A copy of the first page of your request is attached to help you more easily keep track of your request.

FOIA/PA Request Number: 2021-00836  
Processing Office: NCR

The time needed to complete our processing of your request depends on the complexity of our records search and the volume and complexity of any records located. Each request is assigned to one of three tracks: simple, complex, or expedited. Due to the large number of FOIA/PA requests received by BOP and the limited resources available to process such requests, BOP handles each request on a first-in, first-out basis in relation to other requests in the same track. Your request was assigned to the complex track and placed in chronological order based on the date of receipt.

We determined unusual circumstances exist as the documents responsive to your request must be searched for and collected from a field office, and/or the documents responsive to your request are expected to be voluminous and will require significant time to review, and/or your request requires consultation with at least one other agency with a substantial interest in your request. Because of these unusual circumstances, we are extending the time limit to respond to your request for the ten additional days provided by the statute. Processing complex requests may take up to nine months. Pursuant to 28 C.F.R. § 16.5(b) and (c), you may narrow or modify your request in an effort to reduce the processing time.

FROM: 60875298  
TO:  
SUBJECT: F.O.I.A.  
DATE: 05/12/2020 02:58:27 PM

Edgar Veytia # 60875298  
CMU Marion  
POBOX 1000  
Marion, IL. 62959

May 12, 2020

Federal Bureau of Prisons  
Central Office  
320 First St., NW Room 841  
Washington, DC. 20534

*MAR*  
*60875298*

**Received**  
MAY 20 2021  
FOIA/PA Section  
Federal Bureau of Prisons

RE- THIS IS A FREEDOM OF INFORMATION ACT REQUEST

Pursuant to the freedom of information act/ Privacy act, please send me the following within 20 days:

\* A copy of my FBOP Counter Terrorism Unit (CTU) file maintained by the FBOP's Counter Terrorism Unit(CTU) in Martinsburg, WV. excluding copies of emails (incoming and outgoing) and letters I've sent/have received while I've been in the CMU.

\* Please send me an acknowledgement letter, acknowledging the receipt of my request, pursuant to 28 CFR 16.6(b).

\* I understand that fees may be charged for searching for records at rules set by the DOJ, and for duplication of copies at 0.05 per copy. I'm entitled to the first 100 pages of responsive records, and 2 hours of search time at no cost, and the remaining combined charges for searched duplication must exceed \$25.00, before any fees can be charged. Please send me up to 600 pages of responsive records, which will not implicate any fees more than \$25.00.

Edgar Veytia



*[Faint, illegible text at the bottom of the page, possibly bleed-through from the reverse side]*

Edgar Keyfile # 60875298

CMU Marion

P.O. Box 1000

Marion, IL 62959

NER/MAR

Received

APR 27 2020

FOIA/PA Section  
Federal Bureau of Prisons

April 17, 2020

Federal Bureau of Prisons

Central Office

FOIA/PA office

320 First Street N.W.

Room 841, Holc Building

Washington, D.C. 20534

202003478

### FREEDOM OF INFORMATION ACT REQUEST

Pursuant to the Freedom of Information Act/Privacy Act, Please send me the following info within 20 days:

- A copy of all referral documentation, including all notes, memoranda, email and other investigative material created/generated by the FBI's Counter-Terrorism Unit (CTU) in Martinsburg, WV, that was used to approve my transfer to the CMU-usp Marion, IL Communications Management Unit (CMU)

I am aware that I am entitled to the first 100 pages and 2 hours of search at no charge. Please send me that. In addition please send me an "acknowledgement letter," notifying your reception of my FOIA request. Pursuant to 28 CFR 16.6(b).

*[Signature]*  
4-15-20





**U.S. Department of Justice**  
**Federal Bureau of Prisons**

*North Central Regional Office*

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*Office of the Regional Counsel*

*400 State Avenue  
Tower II, Suite 800  
Kansas City, KS 66101*

May 22, 2020

Edgar Veytia  
Reg. No. 60875-298  
USP Marion  
P.O. Box 1000  
Marion, IL 62959

Dear Requester:

The Federal Bureau of Prisons (BOP) received your Freedom of Information Act/Privacy Act (FOIA/PA) request. Your request has been assigned a number and forwarded to the processing office noted below. Please make a note of the request number and processing office as you will need to include it in any correspondence or inquiry regarding your request. A copy of the first page of your request is attached to help you more easily keep track of your request.

FOIA/PA Request Number: 2020-04088  
Processing Office: NCR

The time needed to complete our processing of your request depends on the complexity of our records search and the volume and complexity of any records located. Each request is assigned to one of three tracks: simple, complex, or expedited. Due to the large number of FOIA/PA requests received by BOP and the limited resources available to process such requests, BOP handles each request on a first-in, first-out basis in relation to other requests in the same track. Your request was assigned to complex track and placed in chronological order based on the date of receipt.

We determined exceptional circumstances exist as the documents responsive to your request must be searched for and collected from a field office, and/or the documents responsive to your request are expected to be voluminous and will require significant time to review, and/or your request requires consultation with at least one other agency with a substantial interest in your request. Because of these unusual circumstances, we are extending the time limit to respond to your request beyond the ten additional days provided by the statute. Processing complex requests may take

up to nine months. Pursuant to 28 C.F.R. § 16.5(b) and (c), you may narrow or modify your request in an effort to reduce the processing time.

Pursuant to 28 C.F.R. § 16.10, in certain circumstances we are required to charge fees for time spent searching for or duplicating responsive documents. If we anticipate your fees will be in excess of \$25.00 or the amount you have indicated you are willing to pay, we will notify you of the estimated amount. At that time, you will have the option to reformulate your request to reduce the fees. If you requested a fee waiver, we will make a decision whether to grant your request after we determine whether fees will be assessed for this request.

If you have questions regarding the status of your request or anything discussed in this letter, you may contact the North Central Regional Office or the BOP FOIA Public Liaison, Mr. C. Darnell Stroble at (202) 616-7750 or BOP FOIA Section, 320 First Street, NW, Room 936, Washington, D.C. 20534. You can also check the status of your request on line at <http://www.bop.gov/PublicInfo/execute/foia>.

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

Sincerely,

*E. Fenstermaker*

*for*

Richard M. Winter  
Regional Counsel



Pursuant to 28 C.F.R. § 16.10, in certain circumstances we are required to charge fees for time spent searching for or duplicating responsive documents. If we anticipate your fees will be in excess of \$25.00 or the amount you have indicated you are willing to pay, we will notify you of the estimated amount. At that time, you will have the option to reformulate your request to reduce the fees. If you requested a fee waiver, we will make a decision whether to grant your request after we determine whether fees will be assessed for this request.

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, please feel free to contact the NCR at the above address or the Federal Bureau of Prisons' (BOP) FOIA Public Liaison, Mr. C. Darnell Stroble at 202-616-7750 or 320 First Street NW, Suite 936, Washington DC 20534.

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

Sincerely,



for

Richard M. Winter  
Regional Counsel

# EXHIBIT

C

**ZACHARY A. CHESSER, Plaintiff, v. DIRECTOR FEDERAL BUREAU OF PRISONS, Defendant.**  
**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO**  
**2018 U.S. Dist. LEXIS 131629**  
**Civil Action No. 15-cv-01939-NYW**  
**August 6, 2018, Decided**  
**August 6, 2018, Filed**

**Editorial Information: Prior History**

Chesser v. Dir., Fed. Bureau of Prisons, 2015 U.S. Dist. LEXIS 150303 (D. Colo., Nov. 5, 2015)

**Counsel** {2018 U.S. Dist. LEXIS 1} Zachary A. Chesser, Plaintiff, Pro se,  
FLORENCE, CO.

For Director Federal Bureau of Prisons, Defendant: David Z.  
Moskowitz, Susan Begesse Prose, U.S. Attorney's Office-Denver, Denver, CO.

**Judges:** Nina Y. Wang, United States Magistrate Judge.

The first document Mr. Chesser takes issue with is a CTU Profile and Assessment of Plaintiff, dated December 11, 2013. He argues it is not a BOP business record and not based on personal knowledge. See [#191-1 at{2018 U.S. Dist. LEXIS 12} 1, 24]. But Mr. Jones states, under oath, "The Profile and Assessment was prepared by CTU personnel, who conducted an exhaustive analysis of available information about Chesser." [#181-2 at ¶ 5]. Mr. Jones continues that he has "studied the information and analysis contained in the Profile and Assessment" and relies on its analysis "in monitoring and analyzing Chesser's communications." [*Id.* at ¶ 6]. Though Mr. Jones may not have compiled the Profile and Assessment, Mr. Chesser's objections go more to the weight of Mr. Jones's testimony, not its admissibility, because there is no dispute Mr. Jones reviewed the Profile and Assessment and the document appears authentic. See *Bryant v. Farmers Ins. Exch.*, 432 F.3d 1114, 1123-24 (10th Cir. 2005) (holding supervisor's declaration was based on her personal knowledge where she reviewed audits maintained by the company that she relied on even if she did not compile the audits or understand the methodology used to compile them). Moreover, the Profile and Assessment, if offered at trial, would be admissible under either Rule 802(d)(2) or Rule 803(6). Thus, Mr. Jones's testimony concerning the Profile and Assessment is based on his personal knowledge, and the court will not strike it.