

EXHIBIT 8



November 24, 2020

Bobak Talebian
Director, Office of Information Policy
U.S. Department of Justice
441 G St. NW, 6th Floor
Washington, DC 20530
Submitted through OIP FOIA STAR portal

Dear Director Talebian:

This is an appeal of the denial of a FOIA request submitted to the United States Marshals Service (USMS) by the Indiana Federal Community Defenders (IFCD), Request No. 2020USMS35431.

Request No. 2020USMS35431 seeks records pertaining to investigations into staff members for involvement in drug trafficking at MDC Los Angeles. On August 27, 2020, USMS denied the request, stating that it conducted a search but did not locate responsive records. IFCD has a good faith belief that USMS has responsive records, and did not find records because it conducted an inadequate search.

IFCD submitted FOIA requests to the FBI and BOP, also seeking records pertaining to investigations into staff members for involvement in drug trafficking at MDC Los Angeles. The FBI online FOIA status update (last updated November 18, 2020) indicates that the FBI has identified potential responsive records. (As to the BOP, your office remanded the request to the BOP to search for responsive records, and it is unclear what the status of that search is.)

Many if not most inmates at MDC Los Angeles are in the custody of the USMS. *See, e.g.*, U.S. Marshals Service Fact Sheet 2020, <https://www.usmarshals.gov/duties/factsheets/overview.pdf> (USMS responsible for

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“overseeing all detention management matters for individuals remanded to U.S. Marshals custody”); BOP Program Statement 7331.04, https://www.bop.gov/policy/progstat/7331_004.pdf (“pretrial inmates are U.S. Marshals Service (USMS) prisoners”). Consequently, records pertaining to investigations into staff members for trafficking drugs at MDC Los Angeles would be records of investigations into staff who are responsible for individuals in USMS custody.

It stands to reason, then, that if the FBI has responsive records, the USMS would also have records pertaining to these investigations. Therefore, USMS likely has records responsive to IFCD’s request, and your office should remand to the USMS to conduct an adequate search.

Sincerely,

s/ F. Italia Patti

Italia Patti

Assistant Federal Defender

Indiana Federal Community Defenders