

EXHIBIT 33

From: [Italia Patti](#)
To: "[Rivera, Elaine \(USMS\)](#)"
Subject: RE: FOIA Request 2021-USMS-362904
Date: Wednesday, April 6, 2022 11:42:00 AM

Hi Elaine,

The request was not misdirected. IFCD intended to file a FOIA request for records subject to the FOIA.

Sincerely,
Italia

Italia Patti
Assistant Federal Defender

From: Rivera, Elaine (USMS) <Elaine.Rivera@usdoj.gov>
Sent: Wednesday, April 6, 2022 6:26 AM
To: Italia Patti <Italia_Patti@fd.org>
Subject: RE: FOIA Request 2021-USMS-362904

Good morning,

When the USMS receives cases that are in litigation, the FOIA Unit does not process them and they are sent to an attorney for assignment to be reviewed and responded to by the attorney. There are many misdirected requests sent to the FOIA Unit which should be sent other avenues to be processed since they do not fall within the guidelines of being a FOIA such as a *Touhy* Request. That is why it's important to know if this information is requested for litigation purposes or not. I hope this explanation helps.

Elaine M. Rivera
Government Information Specialist
Office of General Counsel
United States Marshals Service

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From: Italia Patti <Italia_Patti@fd.org>
Sent: Tuesday, April 5, 2022 3:39 PM

To: Rivera, Elaine (USMS) <ERivera@usms.doj.gov>
Subject: [EXTERNAL] RE: FOIA Request 2021-USMS-362904

Hi Elaine,

I'm not sure I understand what you're asking. And can you tell me what authority you (or I suppose the attorney) is relying on for this position?

Sincerely,
Italia

Italia Patti
Assistant Federal Defender

From: Rivera, Elaine (USMS) <Elaine.Rivera@usdoj.gov>
Sent: Tuesday, April 5, 2022 2:15 PM
To: Italia Patti <Italia_Patti@fd.org>
Subject: RE: FOIA Request 2021-USMS-362904

Good afternoon,

I think she was asking to see if its something that is in litigation. If it is in litigation, the FOIA unit would not process the request.

Elaine M. Rivera
Government Information Specialist
Office of General Counsel
United States Marshals Service

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From: Italia Patti <Italia_Patti@fd.org>
Sent: Tuesday, April 5, 2022 12:50 PM
To: Rivera, Elaine (USMS) <ERivera@usms.doj.gov>
Subject: [EXTERNAL] RE: FOIA Request 2021-USMS-362904

Hi Elaine,

Thanks again for reaching out about this. In response to your questions:

1. IFCD is seeking records between the dates of January 1, 2001 and December 31, 2007—i.e. the dates you asked about are the correct dates. Even if you think there is a possibility that records from that timeframe may have been destroyed, please search to see if you do have any records related to attempted and/or completed escapes from MDC Los Angeles reported or discovered between January 1, 2001 and December 31, 2007.

2. The purpose behind the request is not relevant. To the extent that the records IFCD has requested are public records, not shielded from disclosure by any of the narrowly constructed FOIA exemptions, IFCD is entitled to receive these records in response to a FOIA request. Of course, whether there is a public interest in the information contained in the records could be relevant to balancing personal privacy interests against the public interest in disclosure under some FOIA exemptions. Certainly there is a public interest in information about safety and security at a federal jail and how investigations into escapes or escape attempts are conducted.

Please let me know if you have any additional questions.

Sincerely,
Italia

Italia Patti
Assistant Federal Defender

From: Rivera, Elaine (USMS) <Elaine.Rivera@usdoj.gov>

Sent: Monday, April 4, 2022 11:21 AM

To: Italia Patti <Italia_Patti@fd.org>

Subject: RE: FOIA Request 2021-USMS-362904

Good morning,

I have just heard back from my attorney and she is wondering “the purpose behind the request (so we can make sure FOIA is correct avenue for it)”. Should you have any questions, please feel free to email me.

Thank you,

Elaine M. Rivera
Government Information Specialist
Office of General Counsel
United States Marshals Service

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From: Italia Patti <Italia_Patti@fd.org>
Sent: Monday, April 4, 2022 10:55 AM
To: Rivera, Elaine (USMS) <ERivera@usms.doj.gov>
Subject: [EXTERNAL] RE: FOIA Request 2021-USMS-362904

Good morning Elaine,

I hope you're well. I would be happy to respond to specific questions by email or set up a time to speak by phone. Please let me know which would be more convenient for you.

Sincerely,
Italia

Italia Patti
Assistant Federal Defender

From: Elaine.Rivera@usdoj.gov <Elaine.Rivera@usdoj.gov>
Sent: Monday, April 4, 2022 10:47 AM
To: Italia Patti <Italia_Patti@fd.org>
Subject: FOIA Request 2021-USMS-362904

EXTERNAL SENDER

Good morning,

Attached is your original request submitted. USMS has questions regarding the dates you requested documents on. Please contact me regarding the attached FOIA request so that we know how to move forward with your request. If you are no longer interested, a response is not necessary. We will administratively close this request if we do not hear from you within 30 days.

Thank you,
Elaine Rivera

From: [Rivera, Elaine \(USMS\)](#)
To: [Italia Patti](#)
Subject: RE: FOIA Request 2021-USMS-362904
Date: Monday, April 4, 2022 11:06:03 AM

Good morning,

I wanted to confirm that you were searching for records between the dates of “January 1, 2001 and December 31, 2007”. It is not typical for agencies to have records dating that far back since we destroy most records after 7 years so I wanted to confirm. Please let me know if these are your dates and I will do all I can to provide you the records you are seeking.

Elaine M. Rivera
Government Information Specialist
Office of General Counsel
United States Marshals Service

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Sincerely,
Italia

Italia Patti
Assistant Federal Defender

From: Elaine.Rivera@usdoj.gov <Elaine.Rivera@usdoj.gov>
Sent: Monday, April 4, 2022 10:47 AM
To: Italia Patti <Italia_Patti@fd.org>
Subject: FOIA Request 2021-USMS-362904

EXTERNAL SENDER