



U.S. Department of Justice

Civil Division

Washington, DC 20530

Via Email

October 22, 2021

Mr. Reed Rubenstein
America First Legal Foundation
600 14th Street NW, 5th Floor
Washington, DC 20005
foia@aflegal.org

Request No. 145-FOI-18247
TEW:SBL:HDK

Dear Mr. Rubenstein:

This letter acknowledges the receipt of your October 12, 2021 Freedom of Information Act (FOIA) request in which you requested records related to a Motion to Disqualify filed by the Department of Justice in the case *State of Texas v. Biden*, Civil Action No. 4:21-CV-579-P.

In your request letter, you request expedited treatment pursuant to the second and fourth standards enumerated in the Department of Justice's regulations. Expedited treatment pursuant to the first standard will be granted where not doing so "could reasonably be expected to pose an imminent threat to the life or physical safety of an individual." 5 U.S.C. § 552(a)(6)(E)(v)(I). See also 28 C.F.R. § 16.5(e)(1)(i) (2019). Under the second standard, you must show that there is "[a]n urgency to inform the public about an actual or alleged Federal Government activity, if made by a person primarily engaged in disseminating information." 5 U.S.C. § 552(a)(6)(E)(v)(II). See also 28 C.F.R. § 16.5(e)(1)(ii) (2019). Under the third standard, you must show that the request involves "[t]he loss of substantial due process rights." 28 C.F.R. § 16.5(e)(1)(iii) (2019). Under the fourth standard, you must show that the subject matter of your request is a "matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." *Id.* at § 16.5(e)(1)(iv). This Office makes determinations regarding the first three standards, while the Department's Director of Public Affairs makes determinations regarding the fourth standard. See *id.* at § 16.5(e)(2).

Please be advised that as of the date of this letter, a decision on your expedition request is still pending. Once a determination has been made, we will promptly notify you. Nevertheless, please be advised that your request has been assigned to a Government Information Specialist in this Office and a records search has been initiated.

I regret the necessity of this delay, but I assure you that this Office will process your request as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact me by telephone at

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202-514-2319 or you may write to me at the FOIA, Records, and E-Discovery Office, Civil Division, Department of Justice, Room 8314, 1100 L Street NW, Washington, DC 20530. 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, 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,

A handwritten signature in black ink, appearing to read "Hirsh D. Kravitz", with a long, sweeping horizontal stroke extending to the right.

Hirsh D. Kravitz
Senior Supervisory FOIA Counsel
FOIA, Records, and E-Discovery Office