

# EXHIBIT A

Darek J. Kitlinski  
PO Box 40146  
Arlington VA 22204  
[darek@kitlinski.net](mailto:darek@kitlinski.net)  
800-688-5429 fax  
858-442-4429 mobile

January 16, 2023

Arla Witte-Simpson  
FOIA Public Liaison  
Executive Office for United States Attorneys  
175 N Street NE Suite 5400  
Washington, DC 20530-0001  
Via Online Portal

Dear FOIA Officers:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Privacy Act 5 U.S.C. § 552(a), and the implementing regulations of your agency, I make the following request for records. I request that your agency produce the following records within twenty business days:

- A. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) managed by DOJ and EOUSA Information Technology managers that contain the keyword "**Kitlinski**" sent or received by Eastern District of Virginia Assistant United States Attorneys Kimere Kimball and Rebecca S. Levenson:

Please provide all responsive records from March 1, 2018, through the present. To be clear, I request that complete email chains be produced, displaying both sent and received messages. For example, Kimere Kimball's response to a responsive email and the initial received message are responsive to this request and should be produced. To accommodate EOSUA and reduce the number of potentially responsive records to be processed and produced, I limited my request to exclude emails sent to or received by my former attorneys - Mr. Kevin Byrnes, Jack White, Rachel Leahey, and Michael Foreman.

#### **Guidance Regarding the Search & Processing of Requested Records**

In connection with my request for records, I provide the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.

- My request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, my request includes all previous messages sent or received in that email chain and any attachments.
  
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA<sup>1</sup>. It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; I have a right to records contained in those files, even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.<sup>2</sup>
  
- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to governmentwide requirements to manage agency information electronically<sup>3</sup>, and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, the Preservation of Electronic Messages and Other Records Act, 44 U.S.C. § 29, § 33, or similar mandates and policies. On May 1, 2019, your agency acknowledged compliance with the White House Office of Management and Budget (OMB)/NARA Managing Government Records Directive (M-12-18)<sup>4</sup>. These systems provide options for searching emails and other electronic records in a manner reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.
  
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a

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<sup>1</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016)

<sup>2</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016)

<sup>3</sup> Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-pressoffice/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/recordsmgmt/m-12-18.pdf>.

<sup>4</sup> <https://www.archives.gov/files/records-mgmt/email-management/doj-eousa-femr-2018.pdf>

request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

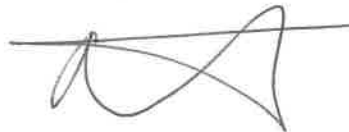
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

### **Conclusion**

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to me, please do not hesitate to contact me to discuss this request. I welcome an opportunity to discuss this request with you before you undertake your search or incur search or duplication costs. By working together at the outset, your agency and I can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native or PDF format on a CD or DVD drive. Please send any responsive material by mail to Darek J. Kitlinski, PO Box 40146, Arlington, VA 22204. If it accelerates the release of responsive records to me, please provide responsive material on a rolling basis.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darek Kitlinski', written over a horizontal line.

Darek Kitlinski

## **DOJ - Executive Office for U.S. Attorneys - received 5/1/2019**

### **Federal Email Management Reporting for 2018**

The jointly issued OMB/NARA *Managing Government Records Directive (M-12-18)* required Federal agencies to manage both permanent and temporary email records in an accessible electronic format by December 31, 2016.

NARA is continuing to monitor the management of email by requiring Federal agencies to report annually on the implementation of the *Criteria for Managing Email Records in Compliance with the Managing Government Records Directive (M-12-18)*. The success criteria describes the policy, system, access, and disposition requirements needed to properly manage all temporary and permanent email in an electronic format.

The reporting period begins on March 11, 2019, and reports are due back to NARA no later than April 19, 2019.

NARA plans to post your responses on archives.gov upon receipt. Please ensure that your agency's report is a publicly releasable version. This action is in the interest of transparency in Government and to promote collaboration and communication among agencies. NARA intends to list any non-responding agencies in a summary report and on the website.

NARA reserves the right to follow up with agencies to obtain additional information and/or documentation that supports their answers to the questions.

The following questions are designed to indicate how well your agency's email management meets the *Criteria for Managing Email Records in Compliance with the Managing Government Records Directive (M-12-18)*.

Please read carefully and choose the description that best describes your agency's ability to manage email.

**Policies:** Agency-wide policies and training must inform account holders of their responsibilities for managing email records. Policies should be developed with all relevant stakeholders and should address the requirements of the Federal Records Act, 36 CFR Chapter XII Subchapter B, and NARA guidance.

***Q1.*** Which of these levels best describes the state of your email policies?

- No email policies exist; relevant stakeholders have not been identified; senior-level email is not managed in any way; and there are no policies related to the loss of email records.
- Email policies are being drafted; and there is a general awareness of both the roles and responsibilities for managing email records, and of the risk of loss of email records.
- Email policies address general use of email only; relevant stakeholders have been identified; roles and responsibilities for email management have been defined; and there is an awareness of the risk of loss of email records.
- Email policies have been developed and disseminated; stakeholders, including the Chief Information Officer, Records Managers, and General Counsel, are involved in making policy and other decisions regarding email; there are policies governing holds on email records or accounts; policies include use of personal or non-official email accounts; and there are policies and procedures protecting against the loss of email records.
- Email policies are in place and implemented throughout the agency; all staff (including senior staff) have been trained on their roles and responsibilities for managing email including use of personal or non-official email accounts; records management staff and/or Inspector General perform periodic audits of email policies to ensure proper use and implementation; and annual mandatory records and information management (RIM) and information security training includes roles and responsibilities regarding email.

Points = 3

**CI. Comments on Q1 (Optional)**

**Systems:** Agencies must have systems in place that can produce, manage, and preserve email records in an acceptable electronic format until disposition can be executed. Additionally, systems must support the implementation of agency policies and provide access to email records throughout their lifecycle.

**Q2. Which of these levels best describes the state of your email systems?**

- Email is managed in disparate systems; email is managed by the end user; and no retention is applied.
- Systems retain temporary email records up to 180 days only; and print and file is the main method of preservation for email.
- Some centralized administration of email systems exists; there is limited identification of permanent email; and email is manually managed by the end user based on retention schedules.
- Administration of email systems is specifically assigned; temporary and permanent email categories are identified; systems are under development to handle the implementation of agency policies and lifecycle management; and electronic retention is the main method for the preservation of email.
- Email systems manage and preserve email in electronic format; limited end user input is needed to apply proper retention and disposition policies; permanent email is identified and managed; email systems maintain the content, context, and structure of the records; and email records are associated with their creator.

Points = 3

**C2. Comments on Q2 (Optional)**

**Access: Email records must remain usable and retrievable throughout their lifecycle. Access supports an agency's ability to carry out its business functions. Access should address internal agency needs and accommodate responses to requests for information.**

**Q3. Which of these levels best describes the usability and retrievability of your email throughout its lifecycle?**

-



There is no attempt to determine whether or not email can be accessed beyond

immediate business needs; there is no management of email of departed employees; producing email for requests is difficult, costly, and not always feasible; agency has multiple email systems that do not relate to each other and are not searchable across multiple accounts or systems; there are little or no safeguards in place for unauthorized access, unintentional modification or destruction; no defined processes exist for maintaining records making access and retrieval difficult; processes are performed in an ad hoc manner; and there is no formal definition or classification of email records.

- Email records are retrievable through system back-ups or other means; there is minimal management of email of departed employees; producing email for requests is achievable but time consuming and costly; there is limited training or other awareness of the security of email; and processes for maintaining email records are starting to be standardized agency-wide.
- Email records are included in a draft retention schedule pending approval; email of departing employees is maintained until someone can review; formal processes exist in order for records to be accessed and retrieved in a timely manner; standardized RIM lifecycle processes have been developed across the agency making access and retrieval of email records more reliable; and standardized processes for access and retrieval are beginning to be promulgated across the agency.
- Email is retrievable during the normal course of business; the email system has procedures for providing reference and responses for email requests; security and privacy protocols are included in the system; processes for the identification and classification of email records are standardized across the agency making access and retrieval reliable; and records are usually accessed and retrieved in a timely manner.
- Email is fully retrievable for requests; email review, preservation, and disposition are embedded into the processes for departing employees; records management controls are built into the email system to prevent unauthorized access, modification or destruction; processes for the identification and classification of email records are documented and integrated with agency business and mission at the strategic level.

Points = 3

### **C3. Comments on Q3 (Optional)**



**Disposition: The agency must have a NARA-approved schedule in place to be able to carry out the disposition of permanent and temporary email records – using either agency-specific schedules or General Records Schedule (GRS) 6.1: Email Managed under a Capstone Approach.**

**Q4. Which of these levels best describes the state of your disposition of email?**

- There is no retention schedule specifically covering email; disposition of email is not being done; and permanent email records have not been identified.
- Agency is beginning to work with NARA to create retention schedule specifically covering email; disposition of email is handled haphazardly by the end user; and there is some identification of permanent and temporary email records.
- Retention schedule covering email is in draft form but not yet approved; and disposition of email is handled with limited training for the end user.
- Retention schedule covering email has been approved by NARA; end users are trained to oversee the disposition of email records; and permanent records are identified and maintained until transfer to NARA.
- Retention schedule covering email has been approved by NARA; retention schedules are built into email management systems; permanent records are identified and captured by email management systems; and permanent records can be or have been successfully transferred to NARA.

**Points = 3**

**C4. Comments on Q4 (Optional)**

**Q5. Please enter your contact information below.**

First Name:	MICHELLE
Last Name:	THOMAS
Job Title:	RECORDS OFFICER
Agency:	DOJ
Component Agency/Office/Bureau:	EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS
Email Address:	MICHELLE.THOMAS@USDOJ.GOV

**SCORING**

**NARA is using a maturity model score in our analysis of the success Federal agencies have had in developing email management programs and of what work needs to continue to improve email management across the government. NARA and Federal agencies will be able to compare maturity model scores from 2016 and 2017 with those reported for 2018.**

**Total number of scored questions in this report is four. Total number of points is 16. Maximum maturity model score, also known as the weighted mean, is four. The maturity score is derived by dividing the total number of points based on the level description chosen by the number of scored questions.**

**Score of 0 to 1.9 = High Risk - of not managing email effectively  
Score of 2 to 2.9 = Moderate Risk - of not managing email effectively  
Score of 3 to 4 = Low Risk - of not managing email effectively**

**Your Total Points = 12**

**Your Maturity Model Score = 3**

U.S Department of Justice

Certification of Identity



FORM APPROVED OMB NO. 1103-0016  
EXPIRES 05/31/2023

**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 <sup>1</sup> Derek J. Kitlinski

Citizenship Status <sup>2</sup> USA Social Security Number <sup>3</sup> \_\_\_\_\_

Current Address P.O. Box 40146 Arlington VA 22204

Date of Birth [REDACTED] Place of Birth [REDACTED]

**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:  
Lisa Kitlinski, 05/13/23

**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 <sup>4</sup> [Signature] Date 12/26/22

<sup>1</sup> Name of individual who is the subject of the record(s) sought.  
<sup>2</sup> 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.  
<sup>3</sup> 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.  
<sup>4</sup> Signature of individual who is the subject of the record sought.

U.S Department of Justice

Certification of Identity



FORM APPROVED OMB NO. 1103-0016  
EXPIRES 05/31/2023

**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 <sup>1</sup> Lisa M. Kitlinski

Citizenship Status <sup>2</sup> USA Social Security Number <sup>3</sup> \_\_\_\_\_

Current Address P.O. Box 40146 Arlington VA 22204

Date of Birth [REDACTED] Place of Birth [REDACTED]

**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:

Derek J. Kitlinski  
**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 <sup>4</sup> [Signature] Date 1/3/2023

<sup>1</sup> Name of individual who is the subject of the record(s) sought.  
<sup>2</sup> 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.  
<sup>3</sup> 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.  
<sup>4</sup> Signature of individual who is the subject of the record sought.

# **EXHIBIT B**

**Darek Kitlinski**

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**From:** usao.foia.requests@usdoj.gov  
**Sent:** Monday, January 16, 2023 8:46 PM  
**To:** Darek Kitlinski  
**Subject:** Request Acknowledgement by Executive Office for U.S. Attorneys

Dear Darek Kitlinski,

Case Number EOUSA-2023-000954 has been assigned to the request you submitted. In all future correspondence regarding this request please reference case number EOUSA-2023-000954.

Regards,  
Executive Office for U.S. Attorneys

# EXHIBIT C





**U.S. Department of Justice**

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

*Suite 5.400, 3CON Building  
175N Street, NE  
Washington, DC 20530*

*(202) 252-6020*

January 19, 2023

VIA E-mail

Darek Kitlinski  
PO Box 40146  
Arlington, VA 22204  
darek@kitlinski.net

Re: Request Number: EOUSA-2023-000954  
Subject of Request: Name Search

Dear Darek Kitlinski:

This letter acknowledges receipt of your Freedom of Information Act/Privacy Act (FOIA/PA) request in the Executive Office for United States Attorneys (EOUSA). Your request has been assigned tracking number EOUSA-2023-000954. Please refer to this number in any future correspondence with this Office.

The records you seek require a search in one or more field offices and potentially involves voluminous records and/or requires consultation with another agency/component with a substantial interest in the subject-matter and therefore falls within "unusual circumstances." *See* 5 U.S.C.S § 552(a)(6)(B)(i)-(iii). Accordingly, we are extending the time limit to respond to our request beyond the ten additional days provided by the statute. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. For your information, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in approximately 30 business days, whereas complex requests necessarily take longer. At this time, your request has been assigned to the complex track.

Under FOIA and Department of Justice regulations you may be required to pay certain costs associated with processing your request, including, searching for, reviewing, and duplicating requested records. Consequently, you may incur those costs, unless you have requested and been granted a waiver or reduction in fees. If you have requested a fee waiver, we have not yet made a decision on your request. We will do so after we determine whether the processing of your request will result in any assessable fees. In most instances, the first 100 pages to duplicate and the first two hours to search for records responsive to your request, will be provided to you free of charge. If after making those allowances, we determine that the cost to

process your request will amount to more than \$25.00, we will notify you in writing at a later date.<sup>1</sup> Requests that are specific, concrete and of limited scope (in time and/or subject matter) generally enable us to respond to you more quickly and possibly assess lower fees. To avoid delay and reduce any potential fees, we respectfully request that you modify and narrow the scope of your request (*See* Attachment).

You may contact our FOIA Public Liaison at the Executive Office for United States Attorneys (EOUSA) for any further assistance and to discuss any aspect of your request. The contact information for EOUSA is 175 N Street, NE, Suite 5.400, Washington, DC 20530; telephone at 202-252-6020. 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-OGIS, 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,



Kevin Krebs  
Assistant Director

Attachment

<sup>1</sup> Search and review fees by professional personnel are charged at \$40 per hour and duplication fees are assessed at five cents per page.

**THIS IS NOT A BILL. DO NOT SEND MONEY**

Requester: Darek Kitlinski

Request No. EOUSA-2023-000954

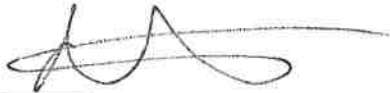
**CHOOSE ONE**

I wish to narrow my request in an attempt to obtain a faster response and/or reduce fees as follows:

I understand that I am entitled to the first 100 pages and two hours of search time for free. Please do not search beyond two hours, nor duplicate beyond 100 pages.

I agree to pay up to the following amount for duplication and search time: \$ 750.  
**I understand that this payment is required even if no documents are located or released to me.** In the event that documents are located and released to me, I understand that I may be charged duplication fees in addition to search fees.

I wish to withdraw my request.



Signature

2/14/23  
Date

Please return to:  
EOUSA  
FOIA/PA  
175 N Street, NE, 5<sup>th</sup> Floor, FOIA Suite  
Washington, DC 20530

# EXHIBIT D

 My Account
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[TRACKING INBOX](#)

Tracking Inbox > Appeal



**A-2023-01139**

**Requester:** Kitlinski, Darek

Status: Submitted

## Appeal

### Appeal Information

Received Date	04/24/2023	Agency	OIP
		Document Delivery Method	Email

### Request Information

Request Number	EOUSA-2023-000954
Component	EOUSA
Subject of Request	Appeal of "Unusual circumstances" designation of January 19, 2023. 5USC 552(a)(6)(B)(i)-(iii). Denial of access to requested records.

### Basis for Appeal

Description of Appeal	<p>On January 16 2023, I submitted a FOIA/PA Request for access to records - specifically emails sent or received by Assistant US Attorneys Kimere Kimball and Rebecca Levenson from March 18, 2018 to the present that contain the keyword "kitlinski." Included in the request were Certifications of Identity for my wife Lisa Kitlinski and me.</p> <p>On January 19, 2023, EOUSA Assistant Director Kevin Krebbs sent me a letter advising me that my request was assigned my request tracking number EOUSA-2023-000954. He also advised me that he considered my request was considered "unusual circumstances" because it required subject matter consultation and that it required to search multiple offices and potentially voluminous records.</p> <p>I appeal Mr. Krebbs "unusual circumstances" determination. Since 2018, all of the DOJ components, including this office OIP use the same commercial cloud-based email service Microsoft Office 365. FOIA searches are performed via an automated inherent capability within the cloud service. Mr. Krebbs must not blanketly rely on Unusual Circumstances designation to thwart his responsibilities under FOIA.</p> <p>Given that the EOUSA FOIA officer has not taken any action on my request since January 16, 2023, it can be considered an denial of access to the records I requested. I therefore appeal the EOUSA's inaction to access the records I seek.</p> <p>I request your office perform an intervention with the EOUSA before I seek a remedy before the US District Court.</p>
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Based on Denial of Fee Waiver	No
Based on Denial of Expedited Processing	No
Requester Item Type 1	Supplemental Information
Requester Items 1	scan0005.pdf
Requester Item Type 2	
Requester Items 2	
Requester Item Type 3	
Requester Items 3	

### Requester Contact Information

Salutation	Mr.	Address Type	Mailing
First Name	Darek	Country	United Stat

Middle Name		Address Line 1	PO Box 40
Last Name	Kitlinski	Address Line 2	
Email Address	darek@kitlinski.net	City	Arlington
Organization		State	Virginia
Register Number		Zip/Postal Code	22204
Phone Number	8584424429		
Fax Number	8006885429		
Other Information			

**Expedited Processing Information**

Expedited Processing Requested?	No
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