



U.S. Department of Justice

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May 31, 2023

BY ECF

The Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Bonner v. Central Intelligence Agency*,
No. 21 Civ. 10673 (PAE)

Dear Judge Engelmayer:

This Office represents defendant the Central Intelligence Agency (“CIA”) in the above-referenced Freedom of Information Act (“FOIA”) matter. Together with counsel for plaintiff Raymond Bonner, we write respectfully to advise the Court of a recent development in this case and to request that the CIA’s productions be stayed.

This case concerns plaintiff Raymond Bonner’s FOIA request for “[a]ny diary, notes, notebooks, writings or drawings created by Abu Zubaydah . . . between March 28, 2002 and the date of his transfer to the United States military base at Guantanamo Bay, Cuba.” Following the CIA’s search for potentially responsive records, plaintiff sought a privacy waiver from Abu Zubaydah’s counsel. Plaintiff provided the CIA with a privacy waiver on July 28, 2022, and the CIA thereafter commenced processing. The CIA made its first production of responsive records on January 31, 2023, and has been making rolling productions approximately every sixty days, with the next production due on or about June 2, 2023.

Bonner’s counsel advised the U.S. Attorney’s Office yesterday that he was recently contacted by Abu Zubaydah’s military counsel, who indicated that Zubaydah had withdrawn his privacy waiver. Bonner’s counsel advised that he is engaged in discussions with newly retained civilian counsel for Zubaydah in an effort to confirm the status of the privacy waiver. Because the responsive records include Zubaydah’s journals and other personal records, the privacy waiver is highly material to the CIA’s processing. Accordingly, the parties jointly request that productions be stayed until the status of the privacy waiver can be confirmed.

Pursuant to the Court's Order dated April 11, 2023 (ECF No. 34), the parties were to submit a status report by June 9, 2023. To allow Bonner's counsel time to confer with Abu Zubaydah's new counsel regarding the status of the privacy waiver, the parties respectfully propose to submit a further status report by June 30, 2023.

We thank the Court for its consideration of this letter.

Respectfully submitted,

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cc: *Plaintiff's counsel* (by ECF)

Granted. SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge
June 1, 2023