

Exhibit 28



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Morgan Weibel, Esq.
Tahirih Justice Center
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881 Sneath Lane
San Bruno, CA 94066
morgan@tahirih.org

December 3, 2020

Re: Appeal No. A-2021-02183
Request No. 2020-60002
CDT:KHK

VIA: Email

Dear Morgan Weibel:

You appealed from the action of the Executive Office for Immigration Review (EOIR) on your Freedom of Information Act (FOIA) request for access to certain records concerning Appellate Immigration Judges (AIJs). I note that your appeal concerns EOIR's interim response dated July 9, 2020.

After carefully considering your appeal, I am affirming EOIR's interim action on your request. Please be advised that EOIR referred records to the Office of Information Policy (OIP) for processing and direct response to you. This referral was proper and in accordance with Department of Justice regulations. See 28 C.F.R. § 16.4(d)(2) (2019). If you have any questions concerning the status of this referral, please contact OIP directly. You may appeal any future adverse determination made by OIP in accordance with the instructions provided by OIP in its response to you.

Please be advised that because you have appealed EOIR's interim response, your appeal of the adequacy of EOIR's search is not yet ripe. You may appeal the adequacy of EOIR's search after EOIR has issued its final response to your request.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the interim action of EOIR in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. §552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers

mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

X

Matthew Hurd, Acting Chief,
Administrative Appeals Staff