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July 27, 2023

Douglas Hibbard  
Chief, Initial Request Staff  
Office of Information Policy  
Department of Justice  
Suite 11050  
1425 New York Avenue, N.W.  
Washington, D.C. 20530-0001  
Fax: (202) 514-1009

**Via Online Portal**

RE: Freedom of Information Act Request

Dear FOIA Officer:

This is a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. I represent journalist David Codrea<sup>1</sup> in this request.

On July 26, 2023, Robert Hunter Biden appeared in the United States District Court for the District of Delaware to plead guilty to several crimes. During the hearing, Department of Justice attorney Leo J. Wise discussed various portions of the plea deal, including the following:

Paragraph 9 and its subparagraph are the commitments and undertakings of Biden and that includes not purchasing, possessing, attempting to purchase firearms as that term is defined in the relevant statute during the diversion period, consent to a permanent entry in the National Instant Criminal Background Check System such that he will be denied via NICS if he attempts to legally purchase another firearm.<sup>2</sup>

Because the information sought is believed to be with your agency, Mr. Codrea hereby requests the following:

- All records regarding the phrase “consent to a permanent entry in the National Instant Criminal Background Check System”;
- Records regarding the authority of Department of Justice to allow and/or require individuals to consent to “permanent entry” in the NICS system to deny firearms purchases; and

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<sup>1</sup> David Codrea writes for Ammoland Shooting Sports News. *See* <https://www.ammoland.com/author/david-codrea/>.

<sup>2</sup> <https://media.marcopolousa.org/pdf/20230726hearingtranscript.pdf>.

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- Records regarding the ability/authority of those persons who have consented to “permanent entry” in NICS to remove themselves from NICS.

Mr. Codrea is willing to pay up to \$100 for the processing of this request. Mr. Codrea also requests a fee waiver as these materials are greatly in the public interest and because the requested records will be distributed free of charge on the internet and will increase the public’s awareness on the Department of Justice’s and the Attorney General’s ability to require people to give up constitutional rights, perhaps with no basis or authority in law to do so. Additionally, because Mr. Codrea would be considered “media”, he is entitled to a fee waiver. *See Edmonds Inst. v. DOJ*, 460 F. Supp.2d 63, 72 (D.D.C. 2006); *Votehemp, Inc. v. DEA*, 237 F. Supp. 2d 55, 58 (D.D.C. 2002).

Pursuant to FOIA, Mr. Codrea anticipates your response within 20 (twenty) business days. Should you require additional information, I can be contacted at 601-852-3440 or via email at [stephen@sdslaw.us](mailto:stephen@sdslaw.us).

Best regards,



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STEPHEN D. STAMBOULIEH

cc: David Codrea