

Exhibit A

Holland+Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006
www.hklaw.com

Christopher Nugent
202 419 2428
christopher.nugent@hklaw.com

July 13, 2007

Department of Homeland Security
U.S. Citizen and Immigration Services
National Record Center (NRC)
P.O. Box 648010
Lee's Summit, MO 64064-8010

Re: *Expedited Freedom of Information/ Privacy Act Request* to the Department of Homeland Security U.S. Citizenship and Immigration Services, concerning Carlos Francisco Jordan-Sagastume's Alien File (DHS A# 00-021-787) and any other information about his arrest on September 15, 2006.

Dear Public Information Officer:

This is a formal request for information pursuant to the Freedom of Information Act. Please find attached 1) form G-28, "Notice of Entry of Appearance as Attorney or Representative" and 2) form 6-639, Freedom of Information/Privacy Act Request. As indicated on attached form G-639, we are requesting copies of the following:

- Carlos Francisco Jordan-Sagastume's entire Alien "A" File. (A# 00-021-787), including but not limited to Mr. Jordan-Sagastume's "Apprehension Record," and I-213 record of deportable alien.
- All documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) related to Mr. Jordan-Sagastume's arrest and detention on September 15, 2006 at 1000 Westpointe Drive, Apt #211 in Pittsburgh, PA,
- All documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) between the Department of Homeland Security and any law enforcement agents present at 1000 Westpointe Drive in Pittsburgh, PA on September 15, 2006.

The Freedom of Information Act provides that if some parts of a requested document are exempt, "reasonably segregable" portions shall be provided. See 5 U.S.C. § 552(b). Consequently, if you determine that some or all of the information we have requested is exempt, please specify the exemption you believe applies and provide me a copy of the remainder of the information. We reserve the right to appeal any such decisions.

Department of Homeland Security
July 13, 2007
Page 2

We are prepared to pay reasonable costs for locating the requested material and reproducing it. If, however, the cost of location and reproduction exceeds \$150.00 please contact us so that we can make arrangements to view document and determine which we want copied.

We respectfully seek expedited processing for this request on the grounds that a compelling need exists. Mr. Jordan-Sagastume is currently in immigration removal proceedings before Immigration Judge Paul W. Schmidt in Arlington, VA. He needs the requested "A" file and other documents in order to meet an Executive Office for Immigration Review - "Immigration Court" **filing deadline on September 10, 2007**. Without these documents, Mr. Jordan-Sagastume will be unable to comply with the deadline, necessitating a continuance at needless taxpayer expense. The compelling need of Mr. Jordan-Sagastume to meet his Immigration Court deadline warrants the expedited processing of this request. As you know, the statute affords us the right to pursue federal judicial review if we have not received a response within 20 days of filing the request. See 5 U.S.C. § 552(a)(6)(A)(i).

We further note that provision of the information requested on the G-639 form is voluntary. We have provided all information needed by USCIS to comply with this request for Mr. Jordan-Sagastume's "A" file and all information regarding his arrest and detention.

If you have any questions about this request, I can be reached by phone at 202/419-2428 or email at christopher.nugent@hkllaw.com. Thank you in advance for your prompt attention to this matter.

Sincerely

Holland & Knight LLP



Christopher Nugent

Enclosures

- (1) G-28 "Notice of Entry of Appearance as Attorney or Representative"
- (2) G-639 "Freedom of Information/Privacy Act Request"

U.S. Department of Justice
Immigration and Naturalization Service

**Notice of Entry of Appearance
as Attorney or Representative**

Appearances - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8 CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.

In re:	Date: 7/12/2007
Carlos Francisco Jordan Sagastume	File No. A 00-021-787

I hereby enter my appearance as attorney for (or representative of), and at the request of the following named person(s):

Name:	Carlos Francisco Jordan-Sagastume				<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
					<input type="checkbox"/> Beneficiary	
Address: (Apt. No.)	(Number & Street)	(City)	(State)	(Zip Code)		
	769 Cordell Way	Herndon	VA	20170-4477		
Name:					<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
					<input type="checkbox"/> Beneficiary	
Address: (Apt. No.)	(Number & Street)	(City)	(State)	(Zip Code)		


Check Applicable Item(s) below:

1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia
District of Columbia D.C. Court of Appeals and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.
Name of Court

2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

3. I am associated with _____ the attorney of record previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

4. Others (Explain Fully.)

SIGNATURE 	COMPLETE ADDRESS 2099 Pennsylvania Avenue NW Suite 100 Washington, D.C. 20006
NAME (Type or Print) Christopher Nugent	TELEPHONE NUMBER (202) 419-2428

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:
Christopher Nugent
(Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:
 FOIA request to the Department of Homeland Security

Name of Person Consenting Carlos Francisco Jordan-Sagastume X	Signature of Person Consenting 	Date 7/12/2007
--	---	-------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is contained in 8CFR 103.10 and 103.20 Et.SEQ.

OMB No. 1653-0030; Expires 11/30/08

Department of Homeland Security
U.S. Citizenship and Immigration Services**G-639, Freedom of Information/
Privacy Act Request****NOTE:** The completion of this form is optional. Any written format for a Freedom of Information or Privacy Act request is acceptable.**START HERE - Please type or print in black ink. Read instructions before completing this form.****1. Type of request:** (Check appropriate box.)

- Freedom of Information Act (FOIA). (Complete all items except Number 6.)
- Privacy Act (PA). (Number 6 must be completed in addition to all other applicable items.)
- Amendment. (PA only. Number 5 must be completed in addition to all other applicable items.)

2. Requester information.

Name of Requester: (Last, First and Middle Names)	Date (mm/dd/yyyy)	Daytime Telephone:
Nugent, Christopher	7/12/2007	202-419-2428
Address (Street Number and Name): 2099 Pennsylvania Avenue NW		Apt. Number: Suite 100
City: Washington	State: D.C.	Zip Code: 20006


By my signature, I consent to the following:

Pay all costs incurred for search, duplication and review of materials up to \$25.00, when applicable. (See Instructions.)

Signature of requester:

- Deceased Subject - Proof of death must be attached. (Obituary, Death Certificate or other proof of death required.)

3. Consent to release information. (Complete if name is different from Requester). (Numbers 7 and 8 must be completed.)

Print Name of Person Giving Consent:	Signature of Person Giving Consent: (Original signature required.)
Carlos Francisco Jordan-Sagastume	

By my signature, I consent to the following: (Check applicable boxes.)

- Allow the Requester named in Number 2 above to review: All of my records, or A portion of my records. (If a portion, specify below what part, i.e. copy of application.)

(Consent is required for records of U. S. citizens (USC) and Lawful Permanent Residents (LPR).)

4. Information needed to search for record(s).

Specific information, document(s) or record(s) desired: (Identify by name, date, subject matter and location of information.)

Mr. Jordan Sagastume's entire Alien ("A") File, including but not limited to his "Apprehension Record," I-213 record of deportable alien, and any other information*

Purpose: (Optional: You are not required to state the purpose of your request. However, doing so may assist USCIS to locate the records needed to respond to your request.) * regarding his arrest on September 15, 2006 at 1000 Westpointe Drive in Pittsburgh, PA.**5. Data needed on subject of record.** (If data marked with an asterisk (*) is not provided, records may not be located.)

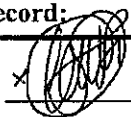
* Family Name: Jordan-Sagastume	Given Name: Carlos	Middle Name: Francisco
* Other names used, if any:	* Name at time of entry into the U.S.:	I-94 Admission #:
* Alien Registration Number: (A#) 00-021-787	* Petition or Claim Receipt #:	* Country of Birth:
		* Date of Birth (mm/dd/yyyy) 11/20/1977
Names of other family members that may appear on requested record(s) (i.e., Spouse, Daughter, Son):		
Father's Name	First	Middle
		Last
Mother's Name	First	Middle
		Last (Include Maiden Name)

Country of Origin: <i>(Place of Departure)</i>	Port-of-Entry Into the U.S.:	Date of Entry:
Manner of Entry: <i>(Air, Sea, Land)</i>	Mode of Travel: <i>(Name of Carrier)</i>	U.S. Social Security Number:
Name on Naturalization Certificate:	Certificate #:	Naturalization Date:
Address on Date of Naturalization:	Court and Location:	

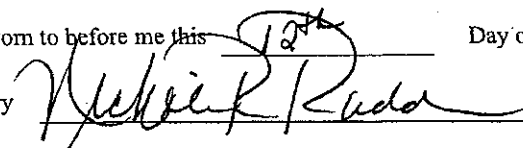
6. Verification of subject's identity: *(See Instructions for explanation. Check one box.)*

In-Person With ID Notarized Affidavit of Identity Other *(Specify)* _____

7. Signature of subject of record:

(Original signature required)  _____ Date: 7/12/2007
 Telephone No.: (614) 206-9191

8. Notary: *(Normally needed from persons who are the subject of the record sought or for a sworn declaration under penalty of perjury. See below.)*

Subscribed and sworn to before me this 12th Day of July in the Year 2007
 Signature of Notary  My Commission Expires Nicholas A. Rudd
Notary Public, District of Columbia
My Commission Expires 1/14/2012

OR

NOTE: *If a declaration is provided in lieu of a notarized signature, it must state at a minimum the following: (Include Notary Seal or Stamp in the appropriate space below.)*

Executed outside U.S.

If executed outside the United States: "I declare (certify, verify or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature: _____

Executed in U.S.

If executed within the United States, its territories, possessions or commonwealths: "I declare (certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Signature: _____

(Seal/Stamp)

(Seal/Stamp)

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Fax 202 955 5564

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Washington, D.C. 20006-6801
www.hklaw.com

Christopher Nugent
202 419 2428
christopher.nugent@hklaw.com

U.S. Overnight, Certified, Return Receipt Request

August 1, 2007

Department of Homeland Security
U.S. Citizen and Immigration Services
National Record Center (NRC)
P.O. Box 648010
Lee's Summit, MO 64064-8010

Re: *Renewed Request for Expedited Freedom of Information/ Privacy Act Request* sent July 13, 2007 to the Department of Homeland Security U.S. Citizenship and Immigration Services, concerning Carlos Francisco Jordan-Sagastume's Alien File (DHS A# 00-021-787) and any other information about his arrest on September 15, 2006.

Dear Public Information Officer:

We are writing pursuant to our attached correspondence dated July 13, 2007. On behalf of our *pro bono* client Carlos Francisco Jordan-Sagastume we reiterate our Expedited Freedom of Information Act Request sent to the U.S. Citizenship and Immigration Services National Record Center. To date, we have received no communications from your office regarding this request. Pursuant to 5 U.S.C. § 522 (a)(6)(E)(ii)(I), we should have received a respond from you within ten days from our initial expedited FOIA request, dated July 13, 2007.

The July 13, 2007 G-639 "Freedom of Information/Privacy Act Request" form and accompanying letter requested the release of the following documentation:

- Carlos Francisco Jordan-Sagastume's entire Alien "A" File. (A# 00-021-787), including but not limited to Mr. Jordan-Sagastume's "Apprehension Record," and I-213 record of deportable alien.
- All documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) related to Mr. Jordan-Sagastume's arrest and detention on September 15, 2006 at 1000 Westpointe Drive, Apt #211 in Pittsburgh, PA,
- All documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) between the Department of Homeland Security and any law enforcement agents present at 1000 Westpointe Drive in Pittsburgh, PA on September 15, 2006.

Department of Homeland Security
August 1, 2007
Page 2

The July 13, 2007 request respectfully **sought expedited processing** for this request on the grounds that a compelling need exists. Mr. Jordan-Sagastume is currently in immigration removal proceedings before Immigration Judge Paul W. Schmidt in Arlington, VA. He needs the requested "A" file and other documents in order to meet an Executive Office for Immigration Review - "Immigration Court" **filing deadline on September 10, 2007**. Without these documents, Mr. Jordan-Sagastume will be unable to comply with the deadline, necessitating a continuance at needless taxpayer expense. The compelling need of Mr. Jordan-Sagastume to meet his Immigration Court deadline warrants the expedited processing of this request.

The July 13, 2007 request further noted that provision of the information requested on the G-639 form is voluntary. We provided all information needed by USCIS to comply with this request for Mr. Jordan-Sagastume's "A" file and all information regarding his arrest and detention.

Your prompt response to this request will obviate the need for litigation pursuant to 5 U.S.C. § 552(a)(6)(A)(i). We anticipate and thank you for your consideration and look forward to receiving the documents as soon as possible.

If you have any questions about this request, I can be reached by phone at 202/419-2428 or email at christopher.nugent@hklaw.com. Thank you for your prompt attention to this matter.

Sincerely

Holland & Knight LLP



Christopher Nugent

Enclosures

- (1) A Copy of the letter dated July 13, 2007
- (2) A copy of the Form G-28 "Notice of Entry of Appearance as Attorney or Representative"
- (3) A copy of the Form G-639 "Freedom of Information/Privacy Act Request"

Holland+Knight

Tel 202 955 3000
Fax 202 955 5564

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Washington, D.C. 20006
www.hklaw.com

Christopher Nugent
202 419 2428
christopher.nugent@hklaw.com

July 13, 2007

Department of Homeland Security
U.S. Citizen and Immigration Services
National Record Center (NRC)
P.O. Box 648010
Lee's Summit, MO 64064-8010

Re: *Expedited Freedom of Information/ Privacy Act Request* to the Department of Homeland Security U.S. Citizenship and Immigration Services, concerning Carlos Francisco Jordan-Sagastume's Alien File (DHS A# 00-021-787) and any other information about his arrest on September 15, 2006.

Dear Public Information Officer:

This is a formal request for information pursuant to the Freedom of Information Act. Please find attached 1) form G-28, "Notice of Entry of Appearance as Attorney or Representative" and 2) form 6-639, Freedom of Information/Privacy Act Request. As indicated on attached form G-639, we are requesting copies of the following:

- Carlos Francisco Jordan-Sagastume's entire Alien "A" File. (A# 00-021-787), including but not limited to Mr. Jordan-Sagastume's "Apprehension Record," and I-213 record of deportable alien.
- All documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) related to Mr. Jordan-Sagastume's arrest and detention on September 15, 2006 at 1000 Westpointe Drive, Apt #211 in Pittsburgh, PA,
- All documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) between the Department of Homeland Security and any law enforcement agents present at 1000 Westpointe Drive in Pittsburgh, PA on September 15, 2006.

The Freedom of Information Act provides that if some parts of a requested document are exempt, "reasonably segregable" portions shall be provided. See 5 U.S.C. § 552(b). Consequently, if you determine that some or all of the information we have requested is exempt, please specify the exemption you believe applies and provide me a copy of the remainder of the information. We reserve the right to appeal any such decisions.

Department of Homeland Security
July 13, 2007
Page 2

We are prepared to pay reasonable costs for locating the requested material and reproducing it. If, however, the cost of location and reproduction exceeds \$150.00 please contact us so that we can make arrangements to view document and determine which we want copied.

We respectfully seek expedited processing for this request on the grounds that a compelling need exists. Mr. Jordan-Sagastume is currently in immigration removal proceedings before Immigration Judge Paul W. Schmidt in Arlington, VA. He needs the requested "A" file and other documents in order to meet an Executive Office for Immigration Review - "Immigration Court" **filing deadline on September 10, 2007**. Without these documents, Mr. Jordan-Sagastume will be unable to comply with the deadline, necessitating a continuance at needless taxpayer expense. The compelling need of Mr. Jordan-Sagastume to meet his Immigration Court deadline warrants the expedited processing of this request. As you know, the statute affords us the right to pursue federal judicial review if we have not received a response within 20 days of filing the request. See 5 U.S.C. § 552(a)(6)(A)(i).

We further note that provision of the information requested on the G-639 form is voluntary. We have provided all information needed by USCIS to comply with this request for Mr. Jordan-Sagastume's "A" file and all information regarding his arrest and detention.

If you have any questions about this request, I can be reached by phone at 202/419-2428 or email at christopher.nugent@hklaw.com. Thank you in advance for your prompt attention to this matter.

Sincerely

Holland & Knight LLP



Christopher Nugent

Enclosures

- (1) G-28 "Notice of Entry of Appearance as Attorney or Representative"
- (2) G-639 "Freedom of Information/Privacy Act Request"

U.S. Department of Justice
Immigration and Naturalization Service

**Notice of Entry of Appearance
as Attorney or Representative**

Appearances - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8 CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.


In re: Carlos Francisco Jordan Sagastume	Date: 7/12/2007
	File No. A 00-021-787

I hereby enter my appearance as attorney for (or representative of), and at the request of the following named person(s):

Name: Carlos Francisco Jordan-Sagastume	<input type="checkbox"/> Petitioner <input type="checkbox"/> Applicant
<input type="checkbox"/> Beneficiary	
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)	
769 Cordell Way Herndon VA 20170-4477	
Name:	<input type="checkbox"/> Petitioner <input type="checkbox"/> Applicant
	<input type="checkbox"/> Beneficiary
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)	

Check Applicable Item(s) below:

- 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia
District of Columbia D.C. Court of Appeals and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.
Name of Court
- 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
- 3. I am associated with _____ the attorney of record previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)
- 4. Others (Explain Fully.)

SIGNATURE 	COMPLETE ADDRESS 2099 Pennsylvania Avenue NW Suite 100 Washington, D.C. 20006
NAME (Type or Print) Christopher Nugent	TELEPHONE NUMBER (202) 419-2428


PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

Christopher Nugent

(Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:

FOIA request to the Department of Homeland Security

Name of Person Consenting Carlos Francisco Jordan-Sagastume	Signature of Person Consenting 	Date 7/12/2007
--	---	-------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

OMB No. 1653-0030; Expires 11/30/08

Department of Homeland Security
U.S. Citizenship and Immigration Services**G-639, Freedom of Information/
Privacy Act Request****NOTE:** The completion of this form is optional. Any written format for a Freedom of Information or Privacy Act request is acceptable.**START HERE - Please type or print in black ink. Read instructions before completing this form.****1. Type of request:** (Check appropriate box.)

- Freedom of Information Act (FOIA). (Complete all items except Number 6.)
 Privacy Act (PA). (Number 6 must be completed in addition to all other applicable items.)
 Amendment. (PA only. Number 5 must be completed in addition to all other applicable items.)

2. Requester information.

Name of Requester: (Last, First and Middle Names) Nugent, Christopher	Date (mm/dd/yyyy) 7/12/2007	Daytime Telephone: 202-419-2428
Address (Street Number and Name): 2099 Pennsylvania Avenue NW	Apt. Number: Suite 100	
City: Washington	State: D.C.	Zip Code: 20006

By my signature, I consent to the following:

Pay all costs incurred for search, duplication and review of materials up to \$25.00, when applicable. (See Instructions.)

Signature of requester:

- Deceased Subject - Proof of death must be attached. (Obituary, Death Certificate or other proof of death required.)

3. Consent to release information. (Complete if name is different from Requester). (Numbers 7 and 8 must be completed.)

Print Name of Person Giving Consent: Carlos Francisco Jordan-Sagastume	Signature of Person Giving Consent: (Original signature required.) 
---	--

By my signature, I consent to the following: (Check applicable boxes.)

- Allow the Requester named in Number 2 above to review: All of my records, or A portion of my records. (If a portion, specify below what part, i.e. copy of application.)

(Consent is required for records of U. S. citizens (USC) and Lawful Permanent Residents (LPR).)

4. Information needed to search for record(s).

Specific information, document(s) or record(s) desired: (Identify by name, date, subject matter and location of information.)

Mr. Jordan Sagastume's entire Alien ("A") File, including but not limited to his "Apprehension Record," I-213 record of deportable alien, and any other information*

Purpose: (Optional: You are not required to state the purpose of your request. However, doing so may assist USCIS to locate the records needed to respond to your request.) * regarding his arrest on September 15, 2006 at 1000 Westpointe Drive in Pittsburgh, PA.

5. Data needed on subject of record. (If data marked with an asterisk (*) is not provided, records may not be located.)

* Family Name: Jordan-Sagastume	Given Name: Carlos	Middle Name: Francisco
* Other names used, if any:	* Name at time of entry into the U.S.:	I-94 Admission #:
* Alien Registration Number: (A#) 00-021-787	* Petition or Claim Receipt #:	* Country of Birth:
		* Date of Birth (mm/dd/yyyy) 11/20/1977
Names of other family members that may appear on requested record(s) (i.e., Spouse, Daughter, Son):		
Father's Name	First	Middle
		Last
Mother's Name	First	Middle
		Last (Include Maiden Name)

Country of Origin: <i>(Place of Departure)</i>	Port-of-Entry Into the U.S.:	Date of Entry:
Manner of Entry: <i>(Air, Sea, Land)</i>	Mode of Travel: <i>(Name of Carrier)</i>	U.S. Social Security Number:
Name on Naturalization Certificate:	Certificate #:	Naturalization Date:
Address on Date of Naturalization:	Court and Location:	

6. Verification of subject's identity: *(See Instructions for explanation. Check one box.)*

In-Person With ID Notarized Affidavit of Identity Other *(Specify)* _____

7. Signature of subject of record:

(Original signature required) ✕ 

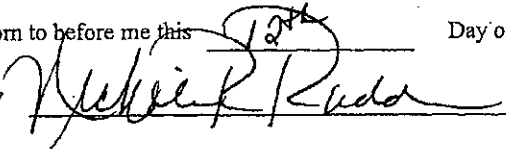
Date: 7/12/2007

Telephone No.: (614) 206-9191

8. Notary: *(Normally needed from persons who are the subject of the record sought or for a sworn declaration under penalty of perjury. See below.)*

Subscribed and sworn to before me this 12th Day of July in the Year 2007

Signature of Notary



My Commission Expires

Nicholas A. Rudd
Notary Public, District of Columbia
My Commission Expires 1/14/2012

OR

NOTE: *If a declaration is provided in lieu of a notarized signature, it must state at a minimum the following: (Include Notary Seal or Stamp in the appropriate space below.)*

Executed outside U.S.

If executed outside the United States: "I declare (certify, verify or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature: _____

Executed in U.S.

If executed within the United States, its territories, possessions or commonwealths: "I declare (certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Signature: _____

(Seal/Stamp)

(Seal/Stamp)



U.S. Citizenship
and Immigration
Services

July 30, 2007

NRC2007050618

Christopher Nugent
Attorney at Law
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006

Dear Christopher Nugent:

We received your request for information relating to Carlos Francisco Jordan Sagastume on July 30, 2007.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. 552). It has been assigned the following control number: NRC2007050618. Please cite this number in any further inquiry about this request.

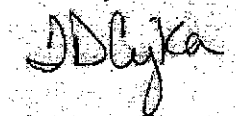
In accordance with Department of Homeland Security Regulations (6 CFR 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.

Additionally, we respond to requests on a first-in, first-out basis and on a multi-track system. With this system we consider each request according to the complexity and volume so that requesters with a simple and quick response do not wait for extended periods of time while we review complex voluminous requests. Because of the nature of your request we have placed your request on the complex track. Since your request is on the complex track, you may wish to modify it to identify a specific document(s), the exact information sought, and location if known. Upon receipt, we will reconsider your request for eligibility for the faster track.

This office is now able to offer you the option of having your records copied to a Compact Disc (CD) for use on your personal computer. This option is an alternative to paper copies. The CD is readable on all computers through the use of Adobe Acrobat software. A version of Adobe Acrobat will be included on the CD. Your records can be viewed on your computer screen and can be printed onto paper. Only records 15 pages or more are eligible for CD printing. Attorneys automatically receive CDs, unless they contact us to request paper copies. Once an attorney has requested paper copies, all future responsive records will be provided via paper – there is no need to call again. For individuals (i.e., non-attorneys) please call our office at (816) 350-5570 to order your record on CD. Once you request your records on either CD or paper, all future records will be furnished in the format you have requested.

If you have any questions concerning your pending FOIA/PA request, please address them to this office, Attention: FOIA/PA Officer, or call us at (816) 350-5570, or fax any FOIA/PA related correspondence to (816) 350-5785. If you have questions concerning the status of a pending Application or Petition or any other type of immigration matter, you must contact your local District Office or call the National Customer Service Unit at 1-800-375-5283. The National Records Center cannot assist you concerning any pending Applications or Petitions or any other type of immigration matter. You may also check the status of your FOIA request by writing to USCIS.FOIA@DHS.GOV.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Cejka", written over a light gray rectangular background.

T. Diane Cejka
Director

Exhibit B



U.S. Citizenship
and Immigration
Services

August 8, 2007

NRC2007050618

Christopher Nugent
Attorney at Law
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006

Dear Christopher Nugent:

This letter is in response to your request for expedited treatment, regarding the Freedom of Information Act request for information about the subject: Carlos Francisco Jordan Sagastume, received on July 30, 2007.

On the basis of information you provided, we have determined that expedited processing of your request is not warranted. Standards established by the Department of Homeland Security regarding expedited processing are very strict (6 CFR 5.5(d)) and permit expedited treatment only when the requester demonstrates that:

- a. Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;
- b. an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information.

In the event you can demonstrate any further showing as to the nature and degree of any of the above categories, submit this additional information to this office for reconsideration.

You have the right to appeal this determination by writing to the USCIS FOIA/PA Appeals Office, 111 Massachusetts Ave., NW, Washington, DC 20529, within 60 days of receipt of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

In the event that you would like your case processed as a Track 3 case, you must comply with the requirements set forth in the Federal Register Notice and on our website. You must provide one of the documents below or your request will not be placed in Track 3.

- Form I-862, Notice to Appear
- Form I-122 Order to Show Cause
- Form I-863 Notice of Referral to Immigration Judge
- Written notice of the continuation of a scheduled hearing before the Immigration Judge

Until such time as one of the documents listed above is received, your case will remain in its current track.

Your request is currently number 78556 on the list of 81337 pending cases to be worked.

NRC2007050618

We will answer your request as quickly as possible. If you should have any additional questions about your request, please direct your inquiries to this office at the above address. You may also call us at 816-350-5570 or fax any correspondence to 816-350-5785.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Cejka". The signature is written in a cursive style with a large initial "T" and a long, sweeping underline.

T. Diane Cejka
Director

Exhibit C

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ARLINGTON, VIRGINIA

IN THE MATTER OF:

Carlos Francisco JORDAN-SAGASTUME

Respondent

)
)
) File No.: A00-021-787

)
) IN REMOVAL PROCEEDINGS
)
)

JOINT MOTION FOR CONTINUANCE OF BRIEFING DEADLINES

Pursuant to 8 C.F.R. § 1003.29, the parties come, by and through undersigned counsel, to respectfully move this Court to continue the July 12, 2007 Order (the "Scheduling Order") deadlines by forty-five (45) days.

Background

On July 12, 2007 this Court entered the Scheduling Order that set the deadline for Respondent to file a motion to terminate for September 12, 2007, and the deadline for the Department of Homeland Security to file a response for November 9, 2007. In addition, this Court scheduled the hearing on Respondent's motion to be held on December 20, 2007.

The parties have diligently worked to comply with the deadlines under the Scheduling Order; however, for the following reasons, the parties request extra time to do so.

The Motion

On July 13, 2007, Respondent sent an Expedited Freedom of Information Act Request to the U.S. Citizenship and Immigration Services National Record Center. The July 13, 2007 G-639 "Freedom of Information/Privacy Act Request" form and accompanying letter requested the release of the following documentation:

- a) Respondent's entire Alien "A" File. (A# 00-021-787), including but not limited to Respondent's "Apprehension Record," and I-213 record of deportable alien;
- b) all documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) related to Respondents' arrest and detention on September 15, 2006 at 1000 Westpointe Drive, Apt #211, in Pittsburgh, PA; and
- c) all documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) between the Department of Homeland Security and any law enforcement agents present at 1000 Westpointe Drive in Pittsburgh, PA on September 15, 2006.

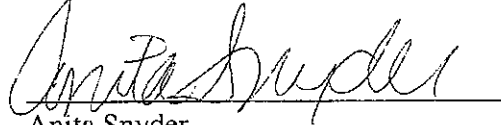
To date, Respondent has not received documents responsive to the FOIA request. Without obtaining and reviewing these documents, Respondent may not have the ability to present adequate evidence in these proceedings.

The DHS has diligently worked to locate, review and compile responsive documents. Notwithstanding, the DHS has not completed its review and compilation of responsive documents, and the DHS needs additional time to do so.

WHEREFORE, for good cause shown, the parties jointly request that this Court enter an order extending the deadlines in the Scheduling Order by forty-five (45) days each, and for such other relief as this Court deems appropriate.

Dated: September 4, 2007

Respectfully submitted,



Anita Snyder
Office of Chief Counsel
Immigration and Customs Enforcement
U.S. Department of Homeland Security
901 North Stuart Street
Seventh Floor
Arlington, VA 22203



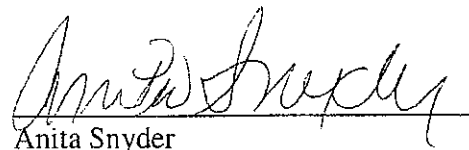
Christopher Nugent
Holland & Knight LLP
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006
Office: 202-419-2428
Fax: 202-955-5564
DC Bar Number: 489164

*Counsel for Respondent Carlos Francisco
Jordan-Sagastume*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing to be served by first-class mail, postage prepaid this 4 day of September 2007, on:

Christopher Nugent
Holland & Knight LLP
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006



Anita Snyder

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ARLINGTON, VIRGINIA

<hr/>)
IN THE MATTER OF:)
) File No.: A00-021-787
Carlos Francisco JORDAN SAGASTUME)
) IN REMOVAL PROCEEDINGS
Respondent)
<hr/>)

ORDER GRANTING MOTION FOR CONTINUANCE

This cause came to be considered on the parties Joint Motion for Continuance of Briefing Deadlines. For good cause shown, it is hereby

ORDERED and ADJUDGED that the Joint Motion is GRANTED and that the December 20, 2006 scheduling order is modified as follows:

- 1) Respondent's motion to terminate is due on or before October 29, 2007;
- 2) the DHS's response to Respondent's motion to terminate is due on or before December 26, 2007; and
- 3) the hearing on Respondent's motion to terminate shall be held on February 4, 2007.

DONE and ORDERED in Arlington, Virginia, this ___ date of September 2007.

Paul W. Schmidt
Immigration Judge

Copies to:

Anita Snyder, Esq.
Christopher Nugent, Esq.

Exhibit D

Confirmation Report - Memory Send

Page : 001
 Date & Time: 09-17-2007 14:22
 Line 1 : 2029555564
 Line 2 : 2029555564
 E-mail :
 Machine ID : HOLLAND & KNIGHT LLP/6th Floor South

Job number : 201
 Date : 09-17 14:18
 To : 72428#094100#00004#918163505785#75951#09
 5000#36000#917036458610#
 Number of pages : 016
 Start time : 09-17 14:18
 End time : 09-17 14:22
 Pages sent : 016
 Status : OK

Job number : 201 *** SEND SUCCESSFUL ***

MESSAGE:

CONFIDENTIALITY NOTICE: This message, along with any documents, files, or attachments, may contain information that is confidential, privileged, or otherwise exempt from disclosure. If you are not the intended recipient or a person responsible for delivering it to the intended recipient, you are hereby notified that any displaying, copying, printing, distribution or use of any information contained in or attached to this message is strictly prohibited. If you have received this message in error, please immediately notify us by e-mail or by telephone collect at the number stated above, and destroy the original transmittal and its attachments without making, printing or saving in any format. Your cooperation is appreciated. Thank you.

If you did not receive all of the pages or find that they are illegible, please call 202 955 3000

CONFIRMED: YES NO
 FAXED BY: _____
 DATE: _____
 URGENCY: SUPER RUSH RUSH REGULAR
 CLIENT NAME: _____
 FILE #: _____
 NAME: _____
 TELEPHONE: (202) 419-2428
 TOTAL PAGES (including Cover Sheet): _____

FROM: Christopher Nugent
 NAME: Christopher Nugent
 CITY: Leg's Summit
 STATE: MO
 TELEPHONE NUMBER: 816-350-5770
 COMPANY/FIRM: _____
 FAX NUMBER: 816-350-5785
 U.S.D.I.S.: _____

Holland & Knight LLP
 2099 Pennsylvania Avenue, N.W.
 Suite 100
 Washington, D.C. 20006-6801
 www.hkdnw.com

Tel 202 755 3000
 Fax 202 755 5564

Holland & Knight

THE
WALZ
CERTIFIED
MAILER™

FROM

WALZ™

U.S. PAT. NOS. 5,501,393; 4,368,903

TO: Ms. Diane Cejka, Director
USDHS
P.O. Box 648010
Lee's Summit, MO 64064-8010

Label #1

Label #2

Label #3

TEAR ALONG THIS LINE

SENDER: Christopher Nugent

REFERENCE: 094100-00289

PS Form 3800, June 2000

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
Total Postage & Fees		

US Postal Service

POSTMARK OR DATE

**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail

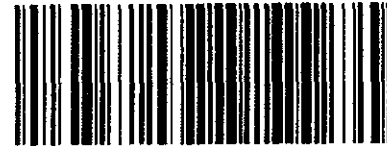
A FOLD AND TEAR THIS WAY → OPTIONAL

B Label #5

Label #6

PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS.
FOLD AT DOTTED LINE

CERTIFIED MAIL



7160 3901 9848 6002 7791

RETURN RECEIPT REQUESTED

Charge
Amount:

Charge
To:

FOLD AND TEAR THIS WAY →

Label #4

Certified Article Number

7160 3901 9848 6002 7791

SENDERS RECORD

C

Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED
USPS MAIL CARRIER
DETACH ALONG PERFORATION

2. Article Number



7160 3901 9848 6002 7791

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Ms. T. Diane Cejka
Director
U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature Agent
 Addressee

D. Is delivery address different from item 1?
If YES, enter delivery address below: Yes
 No

Thank you for using Return Receipt Service

Holland Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006
www.hklaw.com

Christopher Nugent
(202) 419-2428
christopher.nugent@hklaw.com

September 17, 2007

SENT VIA FACSIMILE AND OVERNIGHT MAIL

Ms. T. Diane Cejka
Director
U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010
Tel. 816-350-5570
Fax.816-350-5785

**Re: Request for Expedited Treatment of FOIA Request under Track 3
Carlos Francisco Jordan Sagastume, DHS A00-021-787
NRC2007050618**

Dear Director Cejka:

Thank you for your correspondence dated August 8, 2007 attached hereto for your convenience as **Exhibit A** denying expedited treatment of the Freedom of Information Act (FOIA) request of our *pro bono* client Mr. Carlos Francisco Jordan Sagastume (hereafter "Mr. Jordan Sagastume").

We write to respectfully request your reconsideration of your decision and seek expedited treatment of Mr. Jordan Sagastume's FOIA request as a Track 3 case under 6 CFR 5.5(d) by virtue of his pending immigration removal proceedings which have been continued due in part to the delay in processing Mr. Jordan Sagastume's FOIA as described below.

Mr. Jordan Sagastume's exceptional circumstances warranting Track 3 processing consist in large measure in the fact that Immigration Judge Paul W. Schmidt in Arlington, VA has had to continue the briefing schedule for Mr. Jordan Sagastume's motion to terminate immigration removal proceedings from September 12, 2007 to October 29, 2007 for good cause including because the Department of Homeland Security has yet to provide the information Mr. Jordan Sagastume has requested under FOIA. See attached Joint Motion for Continuance of Briefing Schedule attached hereto as **Exhibit B; and Order Granting Motion for Continuance signed by Judge Schmidt on September 5, 2007 attached hereto as**

Exhibit C, indicating that Respondent's motion to terminate is due on or before October 29, 2007 and that his hearing on his motion to terminate shall now be held on February 7, 2008 at 10 a.m..

As background, Mr. Jordan Sagastume has contested his alienage in these removal proceedings and thus urgently needs the information specified in his FOIA request for purposes of preparing and filing his motion to terminate his removal proceedings **now due with the Immigration Court on October 29, 2007**. If removal proceedings are ultimately terminated, Mr. Jordan Sagastume would not be deported to Guatemala, which would pose an imminent threat to his life or physical safety given its serious human rights violations and violence, thereby satisfying 6 CFR 5.5(d) and warranting expedited treatment of the FOIA unto itself.¹

Moreover, expedited treatment of this FOIA request is vital to ensuring that Mr. Jordan Sagastume can exercise his fundamental regulatory, statutory and constitutional rights in immigration removal proceedings to present evidence in his defense against removal. *See* INA § 240(b)(4)(B); 8 C.F.R. § 1240.10(a)(4); *Reno v. Flores*, 507 U.S. 292 (1993)(holding that due process protections under the 5th Amendment to the United States Constitution apply to removal proceedings); and *Colmenar v. INS*, 210 F.3d 967 (9th Cir. 2000)(finding due process violation under the 5th Amendment to the United States Constitution when alien was deprived of the opportunity of presenting evidence in support of his claim).

Additionally, expedited treatment of this FOIA request is in the interest of administrative and judicial economy at taxpayer expense to prevent any further continuance of Mr. Jordan Sagastume's removal proceedings based on the continued pendency of his FOIA request.

Mr. Jordan Sagastume's scheduled hearing on his motion to terminate has been continued by Immigration Judge Schmidt from December 20, 2007 to February 7, 2008, thereby warranting, at a minimum, Track 3 case processing of his FOIA request. *See* Exhibits B and C.

However, we respectfully request that his FOIA request be processed *immediately* so that Mr. Jordan Sagastume can receive the information he desperately needs for purposes of preparing and filing his motion to terminate due with Immigration Judge Schmidt on or before **October 29, 2007**. Under these exceptional circumstances, immediate processing of Mr. Jordan Sagastume's FOIA request is necessary in order to protect Mr. Carlos Sagastume from deportation to Guatemala through ensuring his regulatory, statutory and constitutional rights to

¹ *See, e.g.*, 2006 State Department Country Reports on Human Rights Practice for Guatemala, available at <http://www.state.gov/g/drl/rls/hrrpt/2006/78893.htm>, reporting in its introduction that "Although the government generally respected the human rights of its citizens, serious problems remained. The human rights and societal problems included the government's failure to investigate and punish unlawful killings committed by members of the security forces; widespread societal violence, including numerous killings; corruption and substantial inadequacies in the police and judicial sectors; police involvement in kidnappings; impunity for criminal activity; harsh and dangerous prison conditions; arbitrary arrest and detention; failure of the judicial system to ensure full and timely investigation, or fair trials; failure to protect judicial sector officials, witnesses, and civil society organizations from intimidation; discrimination and violence against women; discrimination and violence against gay, transvestite, and transgender persons, trafficking in persons; ethnic discrimination; and ineffective enforcement of labor laws, including child labor provisions."

present evidence on his behalf in removal proceedings. Additionally, immediate processing will help avoid another needless continuance of immigration proceedings at taxpayer expense.

If you have any questions or need further information, please do not hesitate contacting me at (202) 419-2428. I anticipate and thank you for your kind consideration of this urgent matter and hope to hear from your office as soon as possible.

Sincerely,

Holland & Knight LLP

A handwritten signature in black ink, appearing to read "Christopher Nugent", written over the printed name of the firm.

Christopher Nugent

Enclosures: Exhibits A-C

EXHIBIT

A



**U.S. Citizenship
and Immigration
Services**

August 8, 2007

NRC2007050618

Christopher Nugent
Attorney at Law
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006

Dear Christopher Nugent:

This letter is in response to your request for expedited treatment, regarding the Freedom of Information Act request for information about the subject: Carlos Francisco Jordan Sagastume, received on July 30, 2007.

On the basis of information you provided, we have determined that expedited processing of your request is not warranted. Standards established by the Department of Homeland Security regarding expedited processing are very strict (6 CFR 5.5(d)) and permit expedited treatment only when the requester demonstrates that:

- a. Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;
- b. an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information.

In the event you can demonstrate any further showing as to the nature and degree of any of the above categories, submit this additional information to this office for reconsideration.

You have the right to appeal this determination by writing to the USCIS FOIA/PA Appeals Office, 111 Massachusetts Ave., NW, Washington, DC 20529, within 60 days of receipt of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

In the event that you would like your case processed as a Track 3 case, you must comply with the requirements set forth in the Federal Register Notice and on our website. You must provide one of the documents below or your request will not be placed in Track 3.

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- Form I-122 Order to Show Cause
- Form I-863 Notice of Referral to Immigration Judge
- Written notice of the continuation of a scheduled hearing before the Immigration Judge

Until such time as one of the documents listed above is received, your case will remain in its current track.

Your request is currently number 78556 on the list of 81337 pending cases to be worked.

NRC2007050618

We will answer your request as quickly as possible. If you should have any additional questions about your request, please direct your inquiries to this office at the above address. You may also call us at 816-350-5570 or fax any correspondence to 816-350-5785.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Cejka". The signature is written in a cursive style with a large, prominent initial "T".

T. Diane Cejka
Director

EXHIBIT

B

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ARLINGTON, VIRGINIA

IN THE MATTER OF:

Carlos Francisco JORDAN-SAGASTUME

Respondent

)
)
) File No.: A00-021-787
)
) IN REMOVAL PROCEEDINGS
)
)

JOINT MOTION FOR CONTINUANCE OF BRIEFING DEADLINES

Pursuant to 8 C.F.R. § 1003.29, the parties come, by and through undersigned counsel, to respectfully move this Court to continue the July 12, 2007 Order (the "Scheduling Order") deadlines by forty-five (45) days.

Background

On July 12, 2007 this Court entered the Scheduling Order that set the deadline for Respondent to file a motion to terminate for September 12, 2007, and the deadline for the Department of Homeland Security to file a response for November 9, 2007. In addition, this Court scheduled the hearing on Respondent's motion to be held on December 20, 2007.

The parties have diligently worked to comply with the deadlines under the Scheduling Order; however, for the following reasons, the parties request extra time to do so.

The Motion

On July 13, 2007, Respondent sent an Expedited Freedom of Information Act Request to the U.S. Citizenship and Immigration Services National Record Center. The July 13, 2007 G-639 "Freedom of Information/Privacy Act Request" form and accompanying letter requested the release of the following documentation:

- a) Respondent's entire Alien "A" File. (A# 00-021-787), including but not limited to Respondent's "Apprehension Record," and I-213 record of deportable alien;
- b) all documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) related to Respondents' arrest and detention on September 15, 2006 at 1000 Westpointe Drive, Apt #211, in Pittsburgh, PA; and
- c) all documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) between the Department of Homeland Security and any law enforcement agents present at 1000 Westpointe Drive in Pittsburgh, PA on September 15, 2006.

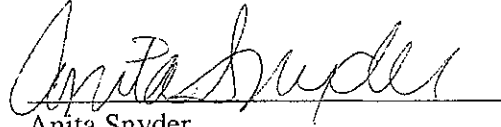
To date, Respondent has not received documents responsive to the FOIA request. Without obtaining and reviewing these documents, Respondent may not have the ability to present adequate evidence in these proceedings.

The DHS has diligently worked to locate, review and compile responsive documents. Notwithstanding, the DHS has not completed its review and compilation of responsive documents, and the DHS needs additional time to do so.

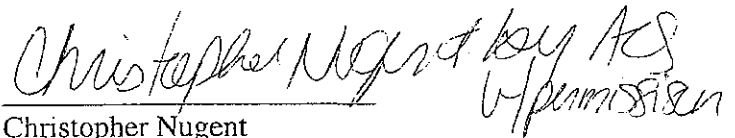
WHEREFORE, for good cause shown, the parties jointly request that this Court enter an order extending the deadlines in the Scheduling Order by forty-five (45) days each, and for such other relief as this Court deems appropriate.

Dated: September 4, 2007

Respectfully submitted,



Anita Snyder
Office of Chief Counsel
Immigration and Customs Enforcement
U.S. Department of Homeland Security
901 North Stuart Street
Seventh Floor
Arlington, VA 22203



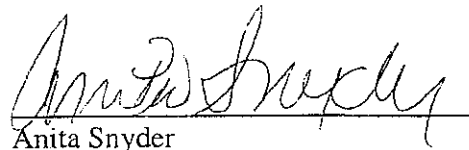
Christopher Nugent
Holland & Knight LLP
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006
Office: 202-419-2428
Fax: 202-955-5564
DC Bar Number: 489164

*Counsel for Respondent Carlos Francisco
Jordan-Sagastume*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing to be served by first-class mail, postage prepaid this 4 day of September 2007, on:

Christopher Nugent
Holland & Knight LLP
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006



Anita Snyder

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ARLINGTON, VIRGINIA

IN THE MATTER OF: Carlos Francisco JORDAN SAGASTUME Respondent))) File No.: A00-021-787)) IN REMOVAL PROCEEDINGS)))
--	---

ORDER GRANTING MOTION FOR CONTINUANCE

This cause came to be considered on the parties Joint Motion for Continuance of Briefing Deadlines. For good cause shown, it is hereby

ORDERED and ADJUDGED that the Joint Motion is GRANTED and that the December 20, 2006 scheduling order is modified as follows:

- 1) Respondent's motion to terminate is due on or before October 29, 2007;
- 2) the DHS's response to Respondent's motion to terminate is due on or before December 26, 2007; and
- 3) the hearing on Respondent's motion to terminate shall be held on February 4, 2007.

DONE and ORDERED in Arlington, Virginia, this ___ date of September 2007.

Paul W. Schmidt
Immigration Judge

Copies to:

Anita Snyder, Esq.
Christopher Nugent, Esq.

EXHIBIT

C

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
901 NORTH STUART ST., STE.1300
ARLINGTON, VA 22203

NUGENT, CHRISTOPHER
2099 PENN., AVENUE, STE.,#100
WASHINGTON, DC 20006

Date: Sep 7, 2007

File A00-021-787

In the Matter of:
JORDAN-SAGASTUME, CARLOS FRANCISCO

____ Attached is a copy of the written decision of the Immigration Judge. This decision is final unless an appeal is taken to the Board of Immigration Appeals. The enclosed copies of FORM EOIR 26, Notice of Appeal, and FORM EOIR 27, Notice of Entry as Attorney or Representative, properly executed, must be filed with the Board of Immigration Appeals on or before _____. The appeal must be accompanied by proof of paid fee (\$110.00).

____ Enclosed is a copy of the oral decision.

____ Enclosed is a transcript of the testimony of record.

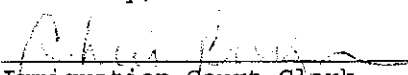
____ You are granted until _____ to submit a brief to this office in support of your appeal.

____ Opposing counsel is granted until _____ to submit a brief in opposition to the appeal.

✓ ____ Enclosed is a copy of the order/decision of the Immigration Judge.

All papers filed with the Court shall be accompanied by proof of service upon opposing counsel.

Sincerely,



Immigration Court Clerk

UL

cc: DAVID ORLAND, DHS CHIEF COUNSEL
901 N. STUART STREET, STE. 708
ARLINGTON, VA 22203

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT

901 NORTH STUART ST., STE.1300
ARLINGTON, VA 22203

RE: JORDAN-SAGASTUME, CARLOS FRANCISCO
FILE: A00-021-787

DATE: Sep 7, 2007

TO:

NUGENT, CHRISTOPHER
2099 PENN., AVENUE, STE.,#100
WASHINGTON, DC 20006

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on Feb 7, 2008 at 10:00 A.M. at:

901 NORTH STUART ST., STE.1300
ARLINGTON, VA 22203

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT ARLINGTON, VA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 703-305-1662.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL PERSONAL SERVICE (P)
TO: [] ALIEN [] ALIEN c/o Custodial Officer [] ALIEN's ATT/REP [] DHS
DATE: 9/7/07 BY: COURT STAFF C. De... V3
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

Exhibit E

Pursuant to the Order Granting Motion for Continuance, this Court modified the Scheduling Order and set the deadline for Respondent to file a motion to terminate for October 29, 2007, and the deadline for the Department of Homeland Security to file a response for December 26, 2007. In addition, this Court scheduled the hearing on Respondent's motion to be held on February 7, 2008.

The parties have diligently worked to comply with the deadlines under the Scheduling Order; however, for the following reasons, the parties request extra time to do so.

The Motion

As explained above, on July 13, 2007, Respondent sent an Expedited Freedom of Information Act Request to the U.S. Citizenship and Immigration Services National Record Center. The July 13, 2007 G-639 "Freedom of Information/Privacy Act Request" form and accompanying letter requested the release of the following documentation:

- a) Respondent's entire Alien "A" File. (A# 00-021-787), including but not limited to Respondent's "Apprehension Record," and I-213 record of deportable alien;
- b) all documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) related to Respondents' arrest and detention on September 15, 2006 at 1000 Westpointe Drive, Apt #211, in Pittsburgh, PA; and
- c) all documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) between the Department of Homeland Security and any law enforcement agents present at 1000 Westpointe Drive in Pittsburgh, PA on September 15, 2006.

To date, Respondent has still not received documents responsive to the FOIA request. Without obtaining and reviewing these documents, Respondent may not have the ability to present adequate evidence in these proceedings.

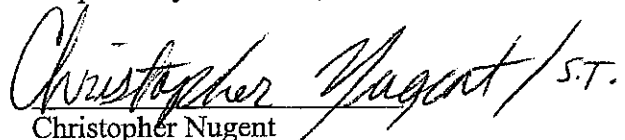
Upon information and belief, the DHS has diligently worked to locate, review and compile responsive documents. In addition, in an attempt to avoid delay, Respondent's counsel has followed up with the DHS and asked the DHS to provide expedited treatment to Respondent's FOIA request. Notwithstanding, to date, the DHS has still not provided Respondent with responsive documents, and Respondent needs additional time to continue its efforts to obtain responsive documents from the DHS.

Respondent's counsel certifies that it has made repeated attempts (via telephone and email) to confer with counsel for the DHS regarding this motion, but, to date, Respondent's counsel has been unable to confer with counsel for the DHS regarding this motion.

WHEREFORE, for good cause shown, Respondent respectfully requests that this Court enter an order extending the deadlines in the Scheduling Order by forty-five (45) days each, and for such other relief as this Court deems appropriate.

Dated: October 26, 2007

Respectfully submitted,

Handwritten signature of Christopher Nugent in cursive, followed by the initials "S.T." in the upper right corner of the signature.

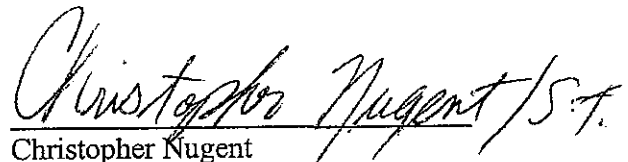
Christopher Nugent
Holland & Knight LLP
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006
Office: 202-419-2428
Fax: 202-955-5564
DC Bar Number: 489164

*Pro Bono Counsel for Respondent Carlos
Francisco Jordan-Sagastume*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing to be served by first-class mail, postage prepaid this 26 day of October 2007, on:

Anita Snyder
Office of Chief Counsel
Immigration and Customs Enforcement
U.S. Department of Homeland Security
901 North Stuart Street
Seventh Floor
Arlington, VA 22203



Christopher Nugent
Holland & Knight LLP
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006
Office: 202-419-2428
Fax: 202-955-5564
DC Bar Number: 489164

Exhibit F

Confirmation Report - Memory Send

Page : 001
 Date & Time: 11-23-2007 13:41
 Line 1 : 2029555564
 Line 2 : 2029555564
 E-mail :
 Machine ID : HOLLAND & KNIGHT LLP/6th Floor South

Job number : 343
 Date : 11-23 13:37
 To : 72428#094100#00289#918163505785#
 Number of pages : 017
 Start time : 11-23 13:37
 End time : 11-23 13:41
 Pages sent : 017
 Status : OK

Job number : 343 *** SEND SUCCESSFUL ***

Holland + Knight

Tel 202 955 3000
 Fax 202 955 5564

Holland & Knight LLP
 2099 Pennsylvania Avenue, N.W.
 Suite 190
 Washington, D.C. 20006-6801
 www.hklaw.com

TO:	
T. Diane Cejka NAME	Dept of Homeland Security - USCIS - Natl Records Center 816-350-5785 COMPANY/FIRM FAX NUMBER
Lee's Summit CITY	MO 816-350-5570 STATE (TELEPHONE NUMBER)
FROM:	
Christopher Nugent NAME	202-419-2428 17 TELEPHONE TOTAL PAGES (including Cover Sheet)
FOR THE RECORD:	
DATE: November 23, 2007	URGENCY: <input checked="" type="checkbox"/> SUPER RUSH <input type="checkbox"/> RUSH <input type="checkbox"/> REGULAR
FAXED BY:	FILE #:
CONFIRMED: <input type="checkbox"/> YES <input type="checkbox"/> NO	CLIENT NAME:
If you did not receive all of the pages or find that they are illegible, please call 202 955 3000	TIME: CONFIDENTIALITY NOTICE: This facsimile, along with any documents, files, or attachments, may contain information that is confidential, privileged, or otherwise exempt from disclosure. If you are not the intended recipient or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, printing, distribution or use of any information contained in or attached to this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by facsimile or by telephone collect at the number stated above, and destroy the original facsimile and its attachments without reading, printing, or saving in any manner. Your cooperation is appreciated. Thank you.

MESSAGE:

Please find enclosed documents. Originals to follow in the mail.

Holland+Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006-6801
www.hklaw.com

Christopher Nugent
202 419 2428
christopher.nugent@hklaw.com

November 23, 2007

Ms. T. Diane Cejka
Director
Department of Homeland Security
U.S. Citizen and Immigration Services
National Record Center (NRC)
P.O. Box 648010
Lee's Summit, MO 64064-8010

Re: **NRC2007050618**

Request for Expedited Freedom of Information/ Privacy Act Request sent July 13, 2007 to the Department of Homeland Security U.S. Citizenship and Immigration Services, concerning **Carlos Francisco Jordan-Sagastume's Alien File (DHS A# 00-021-787)** and any other information about his arrest on September 15, 2006.

Director Cejka:

We are writing on behalf of our *pro bono* client Carlos Francisco Jordan-Sagastume to reiterate the exigency of our Expedited Freedom of Information Act Request sent to the U.S. Citizenship and Immigration Services National Record Center. Our July 13, 2007 request respectfully **sought expedited processing** on the grounds that a compelling need exists. Mr. Jordan-Sagastume is currently in immigration removal proceedings before Immigration Judge Paul W. Schmidt in Arlington, VA. He needs the requested "A" file and other documents in order to meet an Executive Office for Immigration Review - "Immigration Court" **filing deadline on December 13, 2007** when his Motion to Terminate Removal Proceedings is due.

The July 13, 2007 G-639 "Freedom of Information/Privacy Act Request" form and accompanying letter requested the release of the following documentation:

- Carlos Francisco Jordan-Sagastume's entire Alien "A" File. (A# 00-021-787), including but not limited to Mr. Jordan-Sagastume's "Apprehension Record," and I-213 record of deportable alien.
- All documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) related to Mr. Jordan-Sagastume's arrest and detention on September 15, 2006 at 1000 Westpointe Drive, Apt #211 in Pittsburgh, PA,

- All documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) between the Department of Homeland Security and any law enforcement agents present at 1000 Westpointe Drive in Pittsburgh, PA on September 15, 2006.

On **October 26, 2007**, we were compelled to file a Motion for Continuance on behalf of our client. This is the second Motion for Continuance that we file on the ground that the Department of Homeland Security has not produced our client's FOIA request. The Honorable Judge Paul W. Schmidt kindly granted our client's motion. As previously indicated, Mr. Sagastume's Motion to Terminate is now due on or before **December 13, 2007**.

Without production of his documents, Mr. Jordan-Sagastume will be unable to comply with the deadline, necessitating a continuance at needless taxpayer expense. As your enclosed correspondence dated November 2, 2007 from U.S. Citizenship and Immigration Services indicates, Mr. Jordan-Sagastume's FOIA request is number **29** on a list of **418** pending cases. We provided both the Immigration Court and the Department of Homeland Security's Office of Chief Counsel with a copy of the USCIS letter.

Any assistance in expediting our *pro bono* client's request would be greatly appreciated. If you have any questions about this request, I can be reached by phone at 202/419-2428 or email at christopher.nugent@hkllaw.com. Thank you for your prompt attention to this matter.

Sincerely

Holland & Knight LLP



Christopher Nugent

Enclosures

- (1) Copy of the letter dated July 13, 2007
- (2) Copy of Form G-28 "Notice of Entry of Appearance as Attorney or Representative"
- (3) Copy of Form G-639 "Freedom of Information/Privacy Act Request"
- (4) Copy of the letter from USCIS dated November 2, 2007
- (5) Copy of the Notice of Previously Unavailable Material and Relevant Evidence filed with the U.S. Department of Justice's Executive Office of Immigration Review on 11/21/2007.

Christopher Nugent
202 419 2428
christopher.nugent@hklaw.com

July 13, 2007

Department of Homeland Security
U.S. Citizen and Immigration Services
National Record Center (NRC)
P.O. Box 648010
Lee's Summit, MO 64064-8010

Re: *Expedited Freedom of Information/ Privacy Act Request* to the Department of Homeland Security U.S. Citizenship and Immigration Services, concerning Carlos Francisco Jordan-Sagastume's Alien File (DHS A# 00-021-787) and any other information about his arrest on September 15, 2006.

Dear Public Information Officer:

This is a formal request for information pursuant to the Freedom of Information Act. Please find attached 1) form G-28, "Notice of Entry of Appearance as Attorney or Representative" and 2) form 6-639, Freedom of Information/Privacy Act Request. As indicated on attached form G-639, we are requesting copies of the following:

- Carlos Francisco Jordan-Sagastume's entire Alien "A" File. (A# 00-021-787), including but not limited to Mr. Jordan-Sagastume's "Apprehension Record," and I-213 record of deportable alien.
- All documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) related to Mr. Jordan-Sagastume's arrest and detention on September 15, 2006 at 1000 Westpointe Drive, Apt #211 in Pittsburgh, PA,
- All documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) between the Department of Homeland Security and any law enforcement agents present at 1000 Westpointe Drive in Pittsburgh, PA on September 15, 2006.

The Freedom of Information Act provides that if some parts of a requested document are exempt, "reasonably segregable" portions shall be provided. See 5 U.S.C. § 552(b). Consequently, if you determine that some or all of the information we have requested is exempt, please specify the exemption you believe applies and provide me a copy of the remainder of the information. We reserve the right to appeal any such decisions.

Department of Homeland Security

July 13, 2007

Page 2

We are prepared to pay reasonable costs for locating the requested material and reproducing it. If, however, the cost of location and reproduction exceeds \$150.00 please contact us so that we can make arrangements to view document and determine which we want copied.

We respectfully seek expedited processing for this request on the grounds that a compelling need exists. Mr. Jordan-Sagastume is currently in immigration removal proceedings before Immigration Judge Paul W. Schmidt in Arlington, VA. He needs the requested "A" file and other documents in order to meet an Executive Office for Immigration Review - "Immigration Court" **filing deadline on September 10, 2007**. Without these documents, Mr. Jordan-Sagastume will be unable to comply with the deadline, necessitating a continuance at needless taxpayer expense. The compelling need of Mr. Jordan-Sagastume to meet his Immigration Court deadline warrants the expedited processing of this request. As you know, the statute affords us the right to pursue federal judicial review if we have not received a response within 20 days of filing the request. See 5 U.S.C. § 552(a)(6)(A)(i).

We further note that provision of the information requested on the G-639 form is voluntary. We have provided all information needed by USCIS to comply with this request for Mr. Jordan-Sagastume's "A" file and all information regarding his arrest and detention.

If you have any questions about this request, I can be reached by phone at 202/419-2428 or email at christopher.nugent@hklaw.com. Thank you in advance for your prompt attention to this matter.

Sincerely

Holland & Knight LLP



Christopher Nugent

Enclosures

- (1) G-28 "Notice of Entry of Appearance as Attorney or Representative"
- (2) G-639 "Freedom of Information/Privacy Act Request"

Appearances - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8 CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.

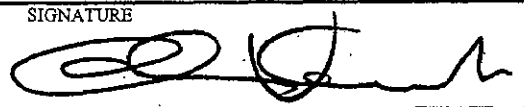
In re: Carlos Francisco Jordan Sagastume Date: 7/12/2007
File No. A 00-021-787

I hereby enter my appearance as attorney for (or representative of), and at the request of the following named person(s):

Name: <u>Carlos Francisco Jordan-Sagastume</u>	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
	<input type="checkbox"/> Beneficiary	
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)		
<u>769 Cordell Way</u> <u>Herndon</u> <u>VA</u> <u>20170-4477</u>		
Name:	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
	<input type="checkbox"/> Beneficiary	
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)		

Check Applicable Item(s) below:

1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia: District of Columbia D.C. Court of Appeals and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.
Name of Court
2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
3. I am associated with _____ the attorney of record previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)
4. Others (Explain Fully.)

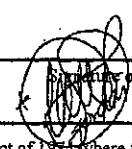
SIGNATURE 	COMPLETE ADDRESS <u>2099 Pennsylvania Avenue NW Suite 100</u> <u>Washington, D.C. 20006</u>
NAME (Type or Print) <u>Christopher Nugent</u>	TELEPHONE NUMBER <u>(202) 419-2428</u>

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

Christopher Nugent

(Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:

Name of Person Consenting <u>Carlos Francisco Jordan-Sagastume</u>	Signature of Person Consenting 	Date <u>7/12/2007</u>
---	---	--------------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

Department of Homeland Security
U.S. Citizenship and Immigration Services

**G-639, Freedom of Information/
Privacy Act Request**

NOTE: The completion of this form is optional. Any written format for a Freedom of Information or Privacy Act request is acceptable.

START HERE - Please type or print in black ink. Read instructions before completing this form.

1. Type of request: (Check appropriate box.)

- Freedom of Information Act (FOIA). (Complete all items except Number 6.)
 Privacy Act (PA). (Number 6 must be completed in addition to all other applicable items.)
 Amendment. (PA only. Number 5 must be completed in addition to all other applicable items.)

2. Requester information.

Name of Requester: (Last, First and Middle Names) Nugent, Christopher	Date (mm/dd/yyyy) 7/12/2007	Daytime Telephone: 202-419-2428
Address (Street Number and Name): 2099 Pennsylvania Avenue NW		Apt. Number: Suite 100
City: Washington	State: D.C.	Zip Code: 20006

By my signature, I consent to the following:

Pay all costs incurred for search, duplication and review of materials up to \$25.00, when applicable. (See Instructions.)

Signature of requester:

- Deceased Subject - Proof of death must be attached. (Obituary, Death Certificate or other proof of death required.)

3. Consent to release information. (Complete if name is different from Requester). (Numbers 7 and 8 must be completed.)

Print Name of Person Giving Consent: Carlos Francisco Jordan-Sagastume	Signature of Person Giving Consent: (Original signature required.) 
---	---

By my signature, I consent to the following: (Check applicable boxes.)

- Allow the Requester named in Number 2 above to review: All of my records, or A portion of my records. (If a portion, specify below what part, i.e. copy of application.)

(Consent is required for records of U. S. citizens (USC) and Lawful Permanent Residents (LPR).)

4. Information needed to search for record(s).

Specific information, document(s) or record(s) desired: (Identify by name, date, subject matter and location of information.)

Mr. Jordan Sagastume's entire Alien ("A") File, including but not limited to his "Apprehension Record," I-213 record of deportable alien, and any other information*

Purpose: (Optional: You are not required to state the purpose of your request. However, doing so may assist USCIS to locate the records needed to respond to your request.) * regarding his arrest on September 15, 2006 at 1000 Westpointe Drive in Pittsburgh, PA.

5. Data needed on subject of record. (If data marked with an asterisk (*) is not provided, records may not be located.)

* Family Name: Jordan-Sagastume	Given Name: Carlos	Middle Name: Francisco
* Other names used, if any:	* Name at time of entry into the U.S.:	I-94 Admission #:
* Alien Registration Number: (A#) 00-021-787	* Petition or Claim Receipt #:	* Country of Birth:
		* Date of Birth (mm/dd/yyyy) 11/20/1977
Names of other family members that may appear on requested record(s) (i.e., Spouse, Daughter, Son):		
Father's Name	First	Middle
		Last
Mother's Name	First	Middle
		Last (Include Maiden Name)

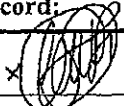
Country of Origin: <i>(Place of Departure)</i>	Port-of-Entry Into the U.S.:	Date of Entry:
Manner of Entry: <i>(Air, Sea, Land)</i>	Mode of Travel: <i>(Name of Carrier)</i>	U.S. Social Security Number:
Name on Naturalization Certificate:	Certificate #:	Naturalization Date:
Address on Date of Naturalization:	Court and Location:	

6. Verification of subject's identity: *(See Instructions for explanation. Check one box.)*

In-Person With ID Notarized Affidavit of Identity Other *(Specify)* _____

7. Signature of subject of record:

(Original signature required) X



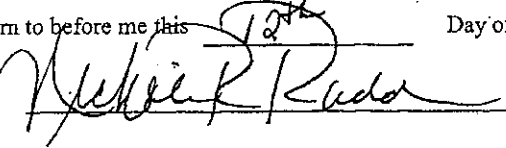
Date: 7/12/2007

Telephone No.: (614) 206-9191

8. Notary: *(Normally needed from persons who are the subject of the record sought or for a sworn declaration under penalty of perjury. See below.)*

Subscribed and sworn to before me this 12th Day of July in the Year 2007

Signature of Notary



My Commission Expires

Nicholas R. Mudd
Notary Public, District of Columbia
My Commission Expires 1/14/2012

OR

NOTE: *If a declaration is provided in lieu of a notarized signature, it must state at a minimum the following: (Include Notary Seal or Stamp in the appropriate space below.)*

Executed outside U.S.

If executed outside the United States: "I declare (certify, verify or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature: _____

Executed in U.S.

If executed within the United States, its territories, possessions or commonwealths: "I declare (certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Signature: _____

(Seal/Stamp)

(Seal/Stamp)



U.S. Citizenship
and Immigration
Services

November 2, 2007

NRC2007050618

Christopher Nugent
Attorney at Law
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006

Dear Christopher Nugent:

This letter is in response to your status request, regarding the Freedom of Information Act request for information about the subject: Carlos Francisco Jordan Sagastume, received on July 30, 2007.

Your request is currently number 29 on the list of 418 pending cases to be worked.

We will answer your request as quickly as possible. If you should have any additional questions about your request, please direct your inquiries to this office at the above address. You may also call us at 816-350-5570 or fax any correspondence to 816-350-5785.

Sincerely,

T. Diane Cejka
Director

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ARLINGTON, VIRGINIA

IN THE MATTER OF:

Carlos Francisco JORDAN-SAGASTUME

Respondent

)
)
) File No.: A00-021-787

)
) IN REMOVAL PROCEEDINGS
)
)

**RESPONDENT'S NOTICE OF PREVIOUSLY UNAVAILABLE MATERIAL AND
RELEVANT EVIDENCE**

Respondent, Carlos Francisco Jordan Sagastume, by and through his undersigned *pro bono* counsel hereby files this Notice of Previously Unavailable Material and Relevant Evidence. Respondent respectfully moves for the Court's permission to submit the following item of additional evidence that was previously unavailable:

Exhibit A: Letter from USCIS dated November 2, 2007 indicating that Carlos Francisco Jordan Sagastume's Freedom of Information Act request is number 29 of a list of 418 pending cases.

WHEREFORE, Respondent Carlos Francisco Jordan Sagastume respectfully requests that this Honorable Court take notice of the above. Enclosed, also find a copy of this Court's order granting respondent's Motion for Continuance (Exhibit B), graciously granted by this Court on November 7, 2007, predicated on the delay in DHS' production of documentation under the Freedom of Information Act. Counsel reasonably hopes and anticipates DHS' Freedom of Information Act response prior to December 13, 2007, the due date of Respondent's Motion to Terminate. Counsel will alert the Court and opposing counsel of any unanticipated delays.

Dated: November 21, 2007

Respectfully submitted,



Christopher Nugent
Holland & Knight LLP
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006
Office: 202-419-2428
Fax: 202-955-5564
DC Bar Number: 489164

*Pro Bono Counsel for Respondent Carlos
Francisco Jordan-Sagastume*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing to be served
VIA FEDERAL EXPRESS GOVERNMENT MAIL his 21st day of November 2007, to:

Office of Chief Counsel
Immigration and Customs Enforcement
U.S. Department of Homeland Security
901 North Stuart Street
Seventh Floor
Arlington, VA 22203



Christopher Nugent

A



U.S. Citizenship
and Immigration
Services

November 2, 2007

NRC2007050618

Christopher Nugent
Attorney at Law
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006

Dear Christopher Nugent:

This letter is in response to your status request, regarding the Freedom of Information Act request for information about the subject: Carlos Francisco Jordan Sagastume, received on July 30, 2007.

Your request is currently number 29 on the list of 418 pending cases to be worked.

We will answer your request as quickly as possible. If you should have any additional questions about your request, please direct your inquiries to this office at the above address. You may also call us at 816-350-5570 or fax any correspondence to 816-350-5785.

Sincerely,

T. Diane Cejka
Director

Enclosure

B

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
901 NORTH STUART ST., STE. 1300
ARLINGTON, VA 22203

NUGENT, CHRISTOPHER
2099 PENN., AVENUE, STE., #100
WASHINGTON, DC 20006

Date: Nov 8, 2007

File A00-021-787

In the Matter of:
JORDAN-SAGASTUME, CARLOS FRANCISCO

Attached is a copy of the written decision of the Immigration Judge. This decision is final unless an appeal is taken to the Board of Immigration Appeals. The enclosed copies of FORM EOIR 26, Notice of Appeal, and FORM EOIR 27, Notice of Entry as Attorney or Representative, properly executed, must be filed with the Board of Immigration Appeals on or before _____. The appeal must be accompanied by proof of paid fee (\$110.00).

Enclosed is a copy of the oral decision.

Enclosed is a transcript of the testimony of record.

You are granted until _____ to submit a brief to this office in support of your appeal.

Opposing counsel is granted until _____ to submit a brief in opposition to the appeal.

✓ Enclosed is a copy of the order/decision of the Immigration Judge.

All papers filed with the Court shall be accompanied by proof of service upon opposing counsel.

Sincerely,


Immigration Court Clerk

UL

cc: DAVID ORLAND, DHS CHIEF COUNSEL
901 N. STUART STREET, STE. 708
ARLINGTON, VA 22203

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT

901 NORTH STUART ST., STE.1300
ARLINGTON, VA 22203

RE: JORDAN-SAGASTUME, CARLOS FRANCISCO
FILE: A00-021-787

DATE: Nov 8, 2007

TO:

NUGENT, CHRISTOPHER
2099 PENN., AVENUE, STE., #100
WASHINGTON, DC 20006

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on Mar 20, 2008 at 10:00 A.M. at:

901 NORTH STUART ST., STE.1300
ARLINGTON, VA 22203

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT ARLINGTON, VA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 703-305-1662.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: [] ALIEN [] ALIEN c/o Custodial Officer [] ALIEN's ATT/REP [] DHS
DATE: 11/8/07 BY: COURT STAFF V3
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ARLINGTON, VIRGINIA

IN THE MATTER OF:

Carlos Francisco JORDAN-SAGASTUME

Respondent

)
)
) File No.: A00-021-787
)
) IN REMOVAL PROCEEDINGS
)

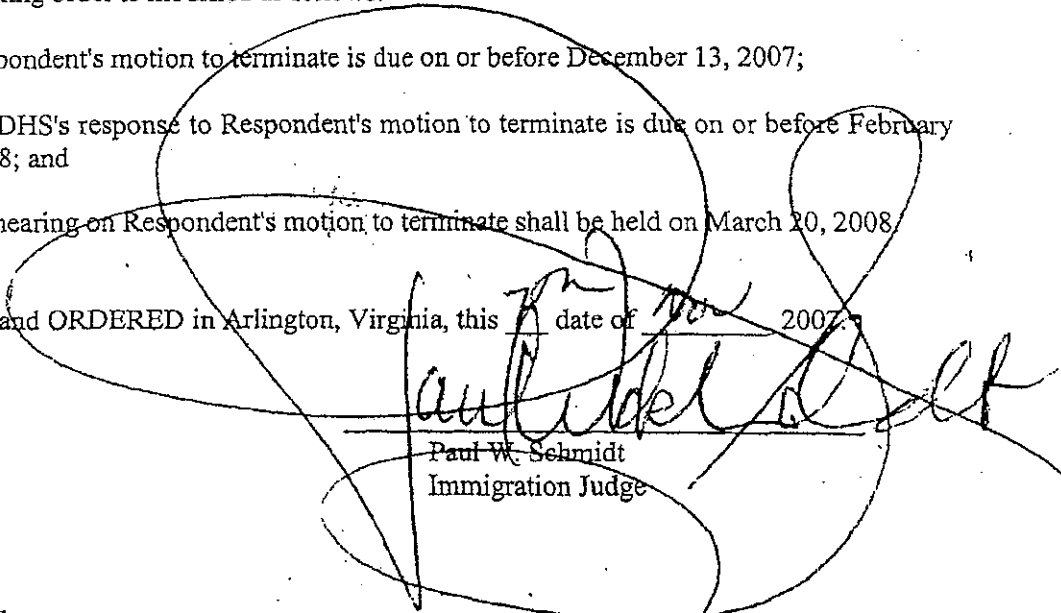
ORDER GRANTING RESPONDENT'S MOTION FOR CONTINUANCE

This cause came to be considered on the Respondent's Motion for Continuance of Briefing Deadlines. For good cause shown, it is hereby

ORDERED and ADJUDGED that the Joint Motion is GRANTED and that the September 5, 2007 scheduling order is modified as follows:

- 1) Respondent's motion to terminate is due on or before December 13, 2007;
- 2) the DHS's response to Respondent's motion to terminate is due on or before February 11, 2008; and
- 3) the hearing on Respondent's motion to terminate shall be held on March 20, 2008.

DONE and ORDERED in Arlington, Virginia, this 7th date of Jan 2007.



Paul W. Schmidt
Immigration Judge

Copies to:

Anita Snyder, Esq.
Christopher Nugent, Esq.

4887072_v1

Exhibit G



U.S. Citizenship
and Immigration
Services

November 28, 2007

NRC2007050618

Christopher Nugent
Attorney at Law
2099 Pennsylvania Ave NW Ste 100
Washington DC 20006-6801

Dear Christopher Nugent:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office July 30, 2007, regarding Carlos Francisco Jordan Sagastume.

We have completed the review of all documents and have identified 172 pages which are responsive to your request. Enclosed are 132 pages released in their entirety, and 29 pages released in part. We are withholding 11 pages in full. In our review of these pages we have determined that they contain no reasonably segregable portion(s) of non-exempt information. We have reviewed and have determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552 (b)(2), (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E) of the FOIA.

- ✦ Exemption (b)(2) provides protection for records that are related solely to the internal personnel rules and practices of an agency. The types of documents and/or information we have withheld under this exemption may relate to internal matters of a relatively trivial nature, such as internal personnel rules and practices which could consist of employee identification codes, computer login codes, policies regarding the use of parking facilities and break rooms, employee leave policies and dress codes or internal matters of a more substantial nature, the disclosure of which would risk circumvention of a legal requirement, such as operating rules, guidelines and manuals of procedures for examiners or adjudicators.
- ✦ Exemption (b)(5) provides protection for inter-agency or intra-agency memoranda or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information we have withheld under this exemption may consist of documents containing predecisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.
- ✦ Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information we have withheld may consist of birth certificates, naturalization certificates, drivers license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

NRC2007050618

- 4 Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy. We have withheld various information relating to third-party individuals. The types of documents and/or information we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.
- 4 Exemption (b)(7)(E) provides protection for records or information for law enforcement purposes which would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. The types of documents and/or information we have withheld could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques, and various other documents.

The enclosed record consists of the best reproducible copies available. Certain case law documents included in the file appear to have blacked out portions. These blacked out portions are not a result of exempt information under the FOIA, but are the result of highlighting that produced a blackened area when photocopied.

If you wish to appeal this determination, you may write to the USCIS FOIA/PA Appeals Office, 111 Massachusetts Ave., NW, Washington, DC 20529, within 60 days of receipt of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

The National Records Center does not process petitions, applications or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a pending matter, you must address these issues with your nearest district office.

If you should have any additional questions about your request, please direct your inquiries to this office at the above address. You may also call us at (816) 350-5570 or fax any correspondence to (816) 350-5785.

Sincerely,



T. Diane Cejka
Director

Enclosure(s)

Exhibit H

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ARLINGTON, VIRGINIA

DEPARTMENT OF JUSTICE
2007 DEC 10 PM 3:56
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ARLINGTON, VIRGINIA

IN THE MATTER OF:)
)
 Carlos Francisco JORDAN-SAGASTUME)
)
 Respondent)

File No.: A00-0212787
IN REMOVAL PROCEEDINGS

RESPONDENT'S MOTION FOR CONTINUANCE OF BRIEFING DEADLINES

Pursuant to 8 C.F.R. § 1003.29, Respondent Carlos Francisco Jordan-Sagastume comes, by and through undersigned *pro bono* counsel, to respectfully move this Court to continue the November 7, 2007 Order (the "Scheduling Order") deadlines by forty-five (45) days.

Background

On July 12, 2007, this Court entered the Scheduling Order which set the hearing date and the briefing deadlines in the above-captioned matter. On September 4, 2007, the parties moved this Court to continue the briefing deadlines and the hearing date. The basis for the joint motion was that Respondent had not received documents responsive to an Expedited Freedom of Information Act request submitted to the U.S. Citizenship and Immigration Services National Record Center on July 13, 2007. At the time of the filing of the joint motion, the DHS had not completed its review and compilation of documents responsive to Respondent's FOIA request. Accordingly, on or about September 5, 2007, this Court granted the joint motion for continuance and set a new hearing date and new briefing deadlines.

On October 26, 2007, the parties again moved this Court to continue the briefing deadlines and the hearing date on the same grounds as the first motion (i.e., the DHS had not

completed its review and compilation of documents responsive to Respondent's FOIA request). On or November 7, 2007, this Court granted the second joint motion for continuance and modified the Scheduling Order by setting the deadline for Respondent to file a motion to terminate for December 13, 2007, the deadline for the Department of Homeland Security to file a response for February 11, 2008, and the hearing on Respondent's motion to be held on March 20, 2008.

Respondent has diligently worked to comply with the deadlines under the Scheduling Order; however, for the following reasons, Respondent respectfully requests and needs additional time to do so given DHS' inadequate FOIA response.

The Motion

As explained above, on July 13, 2007, Respondent sent an Expedited Freedom of Information Act Request to the U.S. Citizenship and Immigration Services National Record Center. The July 13, 2007 G-639 "Freedom of Information/Privacy Act Request" form and accompanying letter requested the release of the following documentation:

- a) Respondent's entire Alien "A" File. (A# 00-021-787), including but not limited to Respondent's "Apprehension Record," and I-213 record of deportable alien;
- b) all documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) related to Respondents' arrest and detention on September 15, 2006 at 1000 Westpointe Drive, Apt #211, in Pittsburgh, PA; and
- c) all documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) between the Department of Homeland Security and any law enforcement agents present at 1000 Westpointe Drive in Pittsburgh, PA on September 15, 2006.

After waiting almost five months, on December 4, 2007, Respondent finally received 172 pages of documents from the DHS purportedly responsive to the FOIA request. Many of the

documents, however, contain redactions of what appears to be pertinent information, and eleven pages of documents are redacted in their entirety. See DHS correspondence dated November 28th, 2007 attached hereto as Exhibit "A". This was received by counsel on December 4, 2007. See Affidavit of Christopher Nugent attached hereto as Exhibit "B".

Accordingly, on December 10, 2007, Respondent diligently submitted an administrative appeal of the DHS's decision to redact certain documents including withholding eleven pages of documents *in toto* which were responsive to the FOIA request. See Administrative Appeal attached hereto as Exhibit "C". In its appeal, Respondent reminds DHS that FOIA requires full disclosure as a necessary ingredient for public participation. See *Stone v F.B.I.*, 727 F. Supp. 662, 666 (D.D.C. 1990). Indeed, it has been stated that the purpose of FOIA is to "pierce the veil of administrative secrecy and open agency action to the light of public scrutiny . . . FOIA reflects a general philosophy of full agency disclosure unless information is exempted under clearly delineated statutory language." See *Nat'l Ass'n of Home Builders v. Norton*, 309 F.3d 26 (D.C. Cir. 2002).

The DHS unfortunately has failed to provide full disclosure contrary to the spirit of FOIA. Specifically, the DHS failed to provide any of the reasonably segregable portions of the eleven pages of records in question as required by 5 U.S.C. § 552(b), providing that "[a]ny reasonably segregable portion of a record shall be provided to any requesting such record after deletion of the portions which are exempt under this subsection." It defies logic that none of the eleven pages of records in question contained any segregable, releasable information even accounting for the need for redactions.

In addition, among other things, Respondent is concerned about the adequacy of the underlying search procedures implemented by the DHS. The letter and spirit of FOIA demands

reasonably calculated search procedures to produce relevant documents and document production, conducted in good faith. The DHS has fulfilled neither the letter nor the spirit of this vital statute. Indeed, Respondent is aware of numerous electronic communications between undersigned counsel and counsel for the DHS that surprisingly were not included in the FOIA response. *See* Exhibit B.

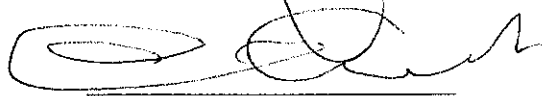
Respondent needs the opportunity to receive and review a complete DHS file. Indeed, the documents obtained from the DHS thus far appear to contain information inconsistent with the actual state and federal law enforcement actors and sequence of events that lead to the wrongful arrest of Respondent arguably based on racial profiling in violation of the Fourth Amendment to the United States Constitution. Without the opportunity to obtain and review a more complete DHS file, Respondent will not have the ability to present adequate evidence these proceedings pursuant to his rights under the United States Constitution, the Immigration and Nationality Act and federal regulations to present evidence in his defense in these administrative immigration removal proceedings. Accordingly, Respondent respectfully requests the continuance of the November 7, 2007 Scheduling Order in order to have adequate time to continue its efforts to obtain necessary, responsive documents from the DHS. The Court and opposing counsel also should realize that Respondent is ready and prepared to bring federal litigation under FOIA if DHS does not commit to expediting the adjudication of its administrative appeal in order to comply with the Immigration Court's deadlines.

On December 10, 2007, undersigned counsel duly notified DHS ICE counsel Silvia Wang acting as duty attorney in Arlington, VA of this motion and awaits to hear DHS' position.

WHEREFORE, for requisite good cause shown, Respondent respectfully requests that this Court enter an order extending the deadlines in the Scheduling Order by forty-five (45) days each, and for such other relief as this Court deems appropriate.

Dated: December 10, 2007

Respectfully submitted,



Christopher Nugent
Holland & Knight LLP
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006
Office: 202-419-2428
Fax: 202-955-5564
DC Bar Number: 489164

*Pro Bono Counsel for Respondent Carlos
Francisco Jordan-Sagastume*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing to be served
by first-class mail, postage prepaid this 10th day of December 2007, on:

HAND DELIVERED

Silvia Wang
Office of Chief Counsel
Immigration and Customs Enforcement
U.S. Department of Homeland Security
901 North Stuart Street
Seventh Floor
Arlington, VA 22203



Christopher Nugent

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ARLINGTON, VIRGINIA

)	
IN THE MATTER OF:)	
)	File No.: A00-021-787
Carlos Francisco JORDAN-SAGASTUME)	
Respondent)	IN REMOVAL PROCEEDINGS
)	

ORDER GRANTING RESPONDENT'S MOTION FOR CONTINUANCE

This cause came to be considered on the Respondent's Motion for Continuance of Briefing Deadlines. For good cause shown, it is hereby

ORDERED and ADJUDGED that the Joint Motion is GRANTED and that the November 7, 2007 scheduling order is modified as follows:

- 1) Respondent's motion to terminate is due on or before January 28, 2008;
- 2) the DHS's response to Respondent's motion to terminate is due on or before March 27, 2008; and
- 3) the hearing on Respondent's motion to terminate shall be held on May 5, 2008.

DONE and ORDERED in Arlington, Virginia, this ___ date of _____ 2007.

Paul W. Schmidt
Immigration Judge

Copies to:

Silvia Wang, DHS ICE Office of Chief Counsel
Christopher Nugent, Esq.

#4988919_v1

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ARLINGTON, VIRGINIA

IN THE MATTER OF:)
)
 Carlos Francisco JORDAN-SAGASTUME) File No.: A00-021-787
)
 Respondent) IN REMOVAL PROCEEDINGS
)
)

Table of Exhibits

Tab A	FOIA Response	Pages	1 - 2
Tab B	Affidavit of Christopher Nugent	Pages	3 - 4
Tab C	Expedited Notice of Freedom of Information Act Appeal	Pages	5 - 43

Exhibit

A

U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

November 28, 2007

NRC2007050618

Christopher Nugent
Attorney at Law
2099 Pennsylvania Ave NW Ste 100
Washington DC 20006-6801

Dear Christopher Nugent:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office July 30, 2007, regarding Carlos Francisco Jordan Sagastume.

We have completed the review of all documents and have identified 172 pages which are responsive to your request. Enclosed are 132 pages released in their entirety, and 29 pages released in part. We are withholding 11 pages in full. In our review of these pages we have determined that they contain no reasonably segregable portion(s) of non-exempt information. We have reviewed and have determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552 (b)(2), (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E) of the FOIA.

- + Exemption (b)(2) provides protection for records that are related solely to the internal personnel rules and practices of an agency. The types of documents and/or information we have withheld under this exemption may relate to internal matters of a relatively trivial nature, such as internal personnel rules and practices which could consist of employee identification codes, computer login codes, policies regarding the use of parking facilities and break rooms, employee leave policies and dress codes or internal matters of a more substantial nature, the disclosure of which would risk circumvention of a legal requirement, such as operating rules, guidelines and manuals of procedures for examiners or adjudicators.
- + Exemption (b)(5) provides protection for inter-agency or intra-agency memoranda or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information we have withheld under this exemption may consist of documents containing predecisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.
- + Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information we have withheld may consist of birth certificates, naturalization certificates, drivers license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

NRC2007050618

- † Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy. We have withheld various information relating to third-party individuals. The types of documents and/or information we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.
- † Exemption (b)(7)(E) provides protection for records or information for law enforcement purposes which would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. The types of documents and/or information we have withheld could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques, and various other documents.

The enclosed record consists of the best reproducible copies available. Certain case law documents included in the file appear to have blacked out portions. These blacked out portions are not a result of exempt information under the FOIA, but are the result of highlighting that produced a blackened area when photocopied.

If you wish to appeal this determination, you may write to the USCIS FOIA/PA Appeals Office, 111 Massachusetts Ave., NW, Washington, DC 20529, within 60 days of receipt of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

The National Records Center does not process petitions, applications or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a pending matter, you must address these issues with your nearest district office.

If you should have any additional questions about your request, please direct your inquiries to this office at the above address. You may also call us at (816) 350-5570 or fax any correspondence to (816) 350-5785.

Sincerely,



T. Dianc Cejka
Director

Enclosure(s)

B

EXHIBIT 1914

8. On December 10, 2007, counsel contacted Ms. Silvia Wang, DHS/ICE Arlington VA Duty Attorney alerting her of our intention to file this motion but have not heard back from her.

I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct and that I have executed this declaration at Washington, D.C. this tenth day of December, 2007.



Christopher Nugent
Holland & Knight LLP
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006
Office: 202-419-2428
Fax: 202-955-5564
DC Bar Number: 489164

*Pro Bono Counsel for Respondent Carlos
Francisco Jordan-Sagastume*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing to be served by hand-delivery this 10th day of December 2007, on:

Sylvia Wang
Office of Chief Counsel
Immigration and Customs Enforcement
U.S. Department of Homeland Security
901 North Stuart Street
Seventh Floor
Arlington, VA 22203



Christopher Nugent

#4989114_v1

Exhibit

C



Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006-6801
www.hklaw.com

Christopher Nugent
202 419 2428
christopher.nugent@hklaw.com

December 10, 2007

VIA HAND-DELIVERY

United States Citizens and Immigration Service
FOIA/PA Appeals
111 Massachusetts Ave. NW, Second Floor
Washington, DC 20529

Re: *Expedited Notice of Freedom of Information Act Appeal*
Mr. Carlos Francisco Jordan Sagastume
NRC2007050618

Dear Appeal Officer:

Holland & Knight LLP ("Holland & Knight"), pursuant to the Freedom of Information Act, as amended, 5 U.S.C. § 552 ("FOIA"), on behalf of our *pro bono* client Mr. Carlos Francisco Jordan Sagastume, hereby submits this appeal of the decision dated November 28, 2007 of the Department of Homeland Security ("DHS") attached hereto as Exhibit A, which was in response to the FOIA request submitted by undersigned *pro bono* counsel on July 13, 2007 seeking all information possessed by the Department regarding the DHS apprehension of Mr. Carlos Francisco Jordan Sagastume, A00-021-787 on September 15, 2006. Specifically, we requested the following documentation:

- a) Respondent's entire Alien "A" File. (A# 00-021-787), including but not limited to Respondent's "Apprehension Record," and I-213 record of deportable alien;
- b) all documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) related to Respondents' arrest and detention on September 15, 2006 at 1000 Westpointe Drive, Apt #211, in Pittsburgh, PA; and
- c) all documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) between the Department of Homeland Security and any law enforcement agents present at 1000 Westpointe Drive in Pittsburgh, PA on September 15,

FOIA/PA Appeals
December 10, 2007
Page 2

2006. See FOIA Request letter dated July 13, 2007 attached hereto as Exhibit B.

However, DHS has refused to provide unredacted copies of 11 pages of Mr. Jordan-Sagastume's file. This appeal is filed within sixty days of receiving DHS' response on Tuesday December 4, 2007.

We respectfully seek expedited processing for this request on the grounds that a compelling need exists. Mr. Jordan-Sagastume is currently in immigration removal proceedings before Immigration Judge Paul W. Schmidt in Arlington, VA. He needed the requested "A" file and other documents in order to meet an Executive Office for Immigration Review - "Immigration Court" filing deadline on **December 13, 2007**. Without these documents, Mr. Jordan-Sagastume will be unable to comply with the deadline, necessitating a continuance in the interest of judicial economy but at needless taxpayer expense. The compelling need of Mr. Jordan-Sagastume to meet his Immigration Court deadlines warrants the expedited processing of this request. As you know, the statute affords us the right to pursue federal judicial review if we have not received a response within 20 days of filing the FOIA request. See 5 U.S.C. § 552(a)(6)(A)(i).

After review of the released documents, we respectfully appeal DHS' decision and release of documents including but not limited to the withholding (via redaction) a total of 11 pages of our client Mr. Jordan-Sagastume's records in their entirety. See chart indicating the relevant page numbers, numbers of pages withheld in full and exemptions cited attached hereto for your convenience as Exhibit C. **We in fact count 13 pages redacted in their entirety, 2 of which, pages 118 and 142 appear unintelligible but do not include any redactions as required under FOIA.**

As you are aware, the Freedom of Information Act (FOIA) requires full disclosure as a necessary ingredient for public participation. See *Stone v F.B.I.*, 727 F.Supp.662,666 (D.D.C.1990). It has been stated that the purpose of FOIA is to "pierce the veil of administrative secrecy and open agency action to the light of public scrutiny...FOIA reflects a general philosophy of full agency disclosure unless information is exempted under clearly delineated statutory language." See *National Association of Home Builders v. Norton*, 309 F.3d 26 (D.C.Cir.2002).

As our first ground for appeal, we respectfully contend that by withholding 11 pages of records in their entirety, DHS has failed to provide full disclosure contrary to the spirit of FOIA. Specifically, DHS failed to provide any of the reasonably segregable portions of the 11 pages of records in question as required by 5 U.S.C. § 552(b), providing that "Any reasonably segregable portion of a record shall be provided to any requesting such record after deletion of the portions which are exempt under this subsection." It defies logic that none of the 11 pages of records in question contained any segregable, releasable information even accounting for the need for redactions.

FOIA/PA Appeals
December 10, 2007
Page 3

As our second and related ground for appeal, we challenge DHS' improper use of exemptions to withhold the 11 pages of records in their entirety (and for their related failure to identify any exemptions for pages 118 and 142 which appear unintelligible). DHS invokes a wide variety of exemptions under 5 U.S.C. 552 § (b)(2), (b)(5), (b)(7)(c) and (b)(7)(e) to justify withholding the records in their entirety. However, DHS has failed to provide a sufficient basis to assert any of these exemptions. Indeed, DHS has failed to provide any explanation as to how the withholding of a particular document in its entirety correlates specifically and unambiguously to a corresponding exemption. Absent an index under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973) or a suitable equivalent, let alone DHS' release of reasonably segregable portions of the 11 pages of records in question with corresponding redactions, we are left to guess as to the specific basis for the redaction of the document *in toto* and therefore cannot fully address whether the redaction was in fact justified by the corresponding exemption(s). Thus, by withholding 11 pages of records in their entirety, in a veritable sleight of hand, DHS has effectively vitiated our ability to contest the exemptions invoked in this administrative appeal in contravention of our statutory and regulatory rights under FOIA and our due process rights under the Fifth Amendment to the United States Constitution.

Our third ground for appeal is based on the lack of adequate search procedures pursuant to our initial request. The letter and spirit of FOIA demands reasonably calculated search procedures to produce relevant documents and document production, conducted in good faith. DHS fulfills neither the letter nor the spirit of this vital statute. Attached as Exhibit D are repeated electronic communications with the Immigration and Customs Enforcement Arlington, VA trial attorney Anita Snyder of the U.S. Department of Homeland Security dating from September 13-25, 2007, that inexplicably were not included in the FOIA response received from DHS on November 28, 2007.

If the sufficiency of a search is challenged, the government must demonstrate beyond material doubt that the search was reasonable and calculated to uncover all relevant documents. *Kronberg v. Department of Justice*, 875 F. Supp. 861, 869 (D.D.C.1995). See also *Truitt v. Department of State*, 897 F.2d 540, 542 (D.C. Cir. 1990); *Weisberg v. Department of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983); *Campbell v. Department of Justice*, 164 F.3d 20, 27 (D.C. Cir. 1998). The agency must make a good faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested. *Oglesby v. United States Dep't of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990). While the agency is not required to search every record system, nor to do a perfect search per *Truitt v. Dept. of State*, 897 F.2d 540, 542-45 (D.C. Cir. 1990); and *Metropol v. Meese*, 790 F.2d 942, 956 (1986), the agency will be held to a standard of reasonableness, accounting for the prevailing circumstances. *Truitt at 542*; *Kronberg v. Dept. of Justice*, 875 F.Supp. 861, 869 (D.D.C.1995).

Communications such as these found in Exhibit D fall well within the standard of "reasonableness," considering that counsel's own email dated September 4, 2007 to Ms. Snyder were included in the production. See attached hereto at Exhibit E, pages 101-102 of DHS' production. This blatant, unexplained omission of communications from DHS to undersigned counsel casts significant doubt that DHS has implored adequate and sufficient search procedures, particularly since the production did not include all documents, memoranda, and correspondence

FOIA/PA Appeals
December 10, 2007
Page 4

(including emails and documents memorializing telephone conversations) between the Department of Homeland Security and any law enforcement agents present at 1000 Westpointe Drive in Pittsburgh, PA on September 15, 2006. Based on this fact and the vital need for us to know what type of information is being withheld, we respectfully appeal DHS' decision to withhold these 11 pages of documents and request that the initial FOIA request be conducted *de novo* to produce all unredacted documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) related to Respondents' arrest and detention on September 15, 2006 at 1000 Westpointe Drive, Apt #211, in Pittsburgh, PA.

If you have any questions about this request, I can be reached by phone at 202/419-2428 or email at christopher.nugent@hkllaw.com. Thank you in advance for your prompt attention to this matter.

Sincerely

Holland & Knight LLP

A handwritten signature in black ink, appearing to read "Christopher Nugent", written over a horizontal line.

Christopher Nugent

Enclosures: Exhibits A-C

4987603_v3

**UNITED STATES CITIZENS AND IMMIGRATION SERVICES
FOIA/PA APPEALS
WASHINGTON, DC**

IN THE MATTER OF:)
)

Carlos Francisco JORDAN-SAGASTUME)
_____)

) File No.: NRC200750618
)
)

AFFIDAVIT OF CHRISTOPHER NUGENT

I, Christopher Nugent, hereby depose under penalty of perjury under the laws of the United States that the following statements are true and correct to the best of my knowledge and recollection:

1. I am a licensed attorney at law admitted to practice before this court and am counsel for the Respondent with the law firm of Holland & Knight LLP;
2. This affidavit is in support of Respondent's FOIA Request Appeal and his Motion for Continuance dated December 10, 2007;
3. Attached hereto as Exhibit A is a true and correct copy of the U.S. Department of Homeland Security's (DHS) Response to our initial FOIA Request letter, dated November 28, 2007, which was received by this office on December 4, 2007;
4. Attached hereto as Exhibit B is a true and correct copy of the original FOIA Request letter prepared by my office dated July 13, 2007;
5. Attached hereto as Exhibit C is a chart that I prepared describing in detail the page numbers withheld as well as the exemptions cited by DHS to withhold them;
6. Attached hereto as Exhibit D are true and correct copies of three email communications between myself and the Immigration and Customs Enforcement Arlington, VA trial attorney, Anita Snyder, of the U.S. Department of Homeland Security dated September 13, 2007, September 13, 2007, and September 25, 2007, respectively; and
7. Attached hereto as Exhibit E is a true and correct copy of pages 101-102 of DHS' production of documents in response to my initial July 13, 2007 FOIA Request dated November 28, 2007, which is an email dated September 4, 2007, from Christopher Nugent to Anita Snyder titled "22 illegal immigrants arrested in local sweep."
8. On December 10, 2007, counsel contacted Ms. Silvia Wang, DHS/ICE Arlington VA Duty Attorney alerting her of our intention to file this motion but have not heard back from her.

I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct and that I have executed this declaration at Washington, D.C. this tenth day of December, 2007.



Christopher Nugent
Holland & Knight LLP
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006
Office: 202-419-2428
Fax: 202-955-5564
DC Bar Number: 489164

*Pro Bono Counsel for Respondent Carlos
Francisco Jordan-Sagastume*

Exhibit A

U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

November 28, 2007

NRC2007050618

Christopher Nugent
Attorney at Law
2099 Pennsylvania Ave NW Ste 100
Washington DC 20006-6801

Dear Christopher Nugent:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office July 30, 2007, regarding Carlos Francisco Jordan Sagastume.

We have completed the review of all documents and have identified 172 pages which are responsive to your request. Enclosed are 132 pages released in their entirety, and 29 pages released in part. We are withholding 11 pages in full. In our review of these pages we have determined that they contain no reasonably segregable portion(s) of non-exempt information. We have reviewed and have determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552 (b)(2), (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E) of the FOIA.

- + Exemption (b)(2) provides protection for records that are related solely to the internal personnel rules and practices of an agency. The types of documents and/or information we have withheld under this exemption may relate to internal matters of a relatively trivial nature, such as internal personnel rules and practices which could consist of employee identification codes, computer login codes, policies regarding the use of parking facilities and break rooms, employee leave policies and dress codes or internal matters of a more substantial nature, the disclosure of which would risk circumvention of a legal requirement, such as operating rules, guidelines and manuals of procedures for examiners or adjudicators.
- + Exemption (b)(5) provides protection for inter-agency or intra-agency memoranda or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information we have withheld under this exemption may consist of documents containing predecisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.
- + Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information we have withheld may consist of birth certificates, naturalization certificates, drivers license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

NRC2007050618

- † Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy. We have withheld various information relating to third-party individuals. The types of documents and/or information we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.
- † Exemption (b)(7)(E) provides protection for records or information for law enforcement purposes which would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. The types of documents and/or information we have withheld could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques, and various other documents.

The enclosed record consists of the best reproducible copies available. Certain case law documents included in the file appear to have blacked out portions. These blacked out portions are not a result of exempt information under the FOIA, but are the result of highlighting that produced a blackened area when photocopied.

If you wish to appeal this determination, you may write to the USCIS FOIA/PA Appeals Office, 111 Massachusetts Ave., NW, Washington, DC 20529, within 60 days of receipt of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

The National Records Center does not process petitions, applications or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a pending matter, you must address these issues with your nearest district office.

If you should have any additional questions about your request, please direct your inquiries to this office at the above address. You may also call us at (816) 350-5570 or fax any correspondence to (816) 350-5785.

Sincerely,



T. Diane Cejka
Director

Enclosure(s)

Exhibit B

Holland+Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006
www.hklaw.com

Christopher Nugent
202 419 2428
christopher.nugent@hklaw.com

July 13, 2007

Department of Homeland Security
U.S. Citizen and Immigration Services
National Record Center (NRC)
P.O. Box 648010
Lee's Summit, MO 64064-8010

Re: *Expedited Freedom of Information/ Privacy Act Request* to the Department of Homeland Security U.S. Citizenship and Immigration Services, concerning Carlos Francisco Jordan-Sagastume's Alien File (DHS A# 00-021-787) and any other information about his arrest on September 15, 2006.

Dear Public Information Officer:

This is a formal request for information pursuant to the Freedom of Information Act. Please find attached 1) form G-28, "Notice of Entry of Appearance as Attorney or Representative" and 2) form 6-639, Freedom of Information/Privacy Act Request. As indicated on attached form G-639, we are requesting copies of the following:

- Carlos Francisco Jordan-Sagastume's entire Alien "A" File. (A# 00-021-787), including but not limited to Mr. Jordan-Sagastume's "Apprehension Record," and I-213 record of deportable alien.
- All documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) related to Mr. Jordan-Sagastume's arrest and detention on September 15, 2006 at 1000 Westpointe Drive, Apt #211 in Pittsburgh, PA,
- All documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) between the Department of Homeland Security and any law enforcement agents present at 1000 Westpointe Drive in Pittsburgh, PA on September 15, 2006.

The Freedom of Information Act provides that if some parts of a requested document are exempt, "reasonably segregable" portions shall be provided. See 5 U.S.C. § 552(b). Consequently, if you determine that some or all of the information we have requested is exempt, please specify the exemption you believe applies and provide me a copy of the remainder of the information. We reserve the right to appeal any such decisions.

Department of Homeland Security
July 13, 2007
Page 2

We are prepared to pay reasonable costs for locating the requested material and reproducing it. If, however, the cost of location and reproduction exceeds \$150.00 please contact us so that we can make arrangements to view document and determine which we want copied.

We respectfully seek expedited processing for this request on the grounds that a compelling need exists. Mr. Jordan-Sagastume is currently in immigration removal proceedings before Immigration Judge Paul W. Schmidt in Arlington, VA. He needs the requested "A" file and other documents in order to meet an Executive Office for Immigration Review - "Immigration Court" **filing deadline on September 10, 2007**. Without these documents, Mr. Jordan-Sagastume will be unable to comply with the deadline, necessitating a continuance at needless taxpayer expense. The compelling need of Mr. Jordan-Sagastume to meet his Immigration Court deadline warrants the expedited processing of this request. As you know, the statute affords us the right to pursue federal judicial review if we have not received a response within 20 days of filing the request. See 5 U.S.C. § 552(a)(6)(A)(i).

We further note that provision of the information requested on the G-639 form is voluntary. We have provided all information needed by USCIS to comply with this request for Mr. Jordan-Sagastume's "A" file and all information regarding his arrest and detention.

If you have any questions about this request, I can be reached by phone at 202/419-2428 or email at christopher.nugent@hkllaw.com. Thank you in advance for your prompt attention to this matter.

Sincerely

Holland & Knight LLP



Christopher Nugent

Enclosures

- (1) G-28 "Notice of Entry of Appearance as Attorney or Representative"
- (2) G-639 "Freedom of Information/Privacy Act Request"

U.S. Department of Justice
Immigration and Naturalization Service

**Notice of Entry of Appearance
as Attorney or Representative**

Appearances - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8 CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.

In re: Carlos Francisco Jordan Sagastume Date: 7/12/2007
File No. A 00-021-787

I hereby enter my appearance as attorney for (or representative of), and at the request of the following named person(s):

Name: <u>Carlos Francisco Jordan-Sagastume</u>	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
	<input type="checkbox"/> Beneficiary	
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)		
<u>769 Cordell Way Herndon VA 20170-4477</u>		
Name:	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
	<input type="checkbox"/> Beneficiary	
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)		


Check Applicable Item(s) below:

1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia
District of Columbia D.C. Court of Appeals and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.

2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

3. I am associated with _____ the attorney of record previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

4. Others (Explain Fully.)

SIGNATURE 	COMPLETE ADDRESS <u>2099 Pennsylvania Avenue NW Suite 100 Washington, D.C. 20006</u>
NAME (Type or Print) <u>Christopher Nugent</u>	TELEPHONE NUMBER <u>(202) 419-2428</u>

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

Christopher Nugent

(Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:
FOIA request to the Department of Homeland Security

Name of Person Consenting <u>Carlos Francisco Jordan-Sagastume</u> *	Signature of Person Consenting 	Date <u>7/12/2007</u>
---	---	--------------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is contained in 8CFR 103.10 and 103.20 Et. SEQ.

OMB No. 1653-0030; Expires 11/30/08

Department of Homeland Security
U.S. Citizenship and Immigration Services**G-639, Freedom of Information/
Privacy Act Request****NOTE:** The completion of this form is optional. Any written format for a Freedom of Information or Privacy Act request is acceptable.**START HERE - Please type or print in black ink. Read instructions before completing this form.****1. Type of request: (Check appropriate box.)**

- Freedom of Information Act (FOIA). (Complete all items except Number 6.)
 Privacy Act (PA). (Number 6 must be completed in addition to all other applicable items.)
 Amendment. (PA only. Number 5 must be completed in addition to all other applicable items.)

2. Requester information.

Name of Requester: (Last, First and Middle Names)	Date (mm/dd/yyyy)	Daytime Telephone:
Nugent, Christopher	7/12/2007	202-419-2428
Address (Street Number and Name): 2099 Pennsylvania Avenue NW		Apt. Number: Suite 100
City: Washington	State: D.C.	Zip Code: 20006

By my signature, I consent to the following:

Pay all costs incurred for search, duplication and review of materials up to \$25.00, when applicable. (See Instructions.)

Signature of requester:

- Deceased Subject - Proof of death must be attached. (Obituary, Death Certificate or other proof of death required.)

3. Consent to release information. (Complete if name is different from Requester). (Numbers 7 and 8 must be completed.)

Print Name of Person Giving Consent:	Signature of Person Giving Consent: (Original signature required.)
Carlos Francisco Jordan-Sagastume	

By my signature, I consent to the following: (Check applicable boxes.)

- Allow the Requester named in Number 2 above to review: All of my records, or A portion of my records. (If a portion, specify below what part, i.e. copy of application.)

(Consent is required for records of U. S. citizens (USC) and Lawful Permanent Residents (LPR).)

4. Information needed to search for record(s).

Specific information, document(s) or record(s) desired: (Identify by name, date, subject matter and location of information.)

Mr. Jordan Sagastume's entire Alien ("A") File, including but not limited to his "Apprehension Record," I-213 record of deportable alien, and any other information*

Purpose: (Optional: You are not required to state the purpose of your request. However, doing so may assist USCIS to locate the records needed to respond to your request.) * regarding his arrest on September 15, 2006 at 1000 Westpointe Drive in Pittsburgh, PA.

5. Data needed on subject of record. (If data marked with an asterisk (*) is not provided, records may not be located.)

* Family Name: Jordan-Sagastume	Given Name: Carlos	Middle Name: Francisco
* Other names used, if any:	* Name at time of entry into the U.S.:	I-94 Admission #:
* Alien Registration Number: (A#) 00-021-787	* Petition or Claim Receipt #:	* Country of Birth:
		* Date of Birth (mm/dd/yyyy) 11/20/1977
Names of other family members that may appear on requested record(s) (i.e., Spouse, Daughter, Son):		
Father's Name	First	Middle
		Last
Mother's Name	First	Middle
		Last (Include Maiden Name)

Form G-639 (Rev. 11/13/06)Y

Country of Origin: <i>(Place of Departure)</i>	Port-of-Entry Into the U.S.:	Date of Entry:
Manner of Entry: <i>(Air, Sea, Land)</i>	Mode of Travel: <i>(Name of Carrier)</i>	U.S. Social Security Number:
Name on Naturalization Certificate:	Certificate #:	Naturalization Date:
Address on Date of Naturalization:	Court and Location:	

6. Verification of subject's identity: *(See Instructions for explanation. Check one box.)*

In-Person With ID Notarized Affidavit of Identity Other *(Specify)* _____

7. Signature of subject of record:

(Original signature required) X 

Date: 7/12/2007

Telephone No.: (614) 206-9191

8. Notary: *(Normally needed from persons who are the subject of the record sought or for a sworn declaration under penalty of perjury. See below.)*

Subscribed and sworn to before me this 12th Day of July in the Year 2007

Signature of Notary



My Commission Expires

Wendell M. Rudd
Notary Public, District of Columbia
My Commission Expires 1/14/2012

OR

NOTE: *If a declaration is provided in lieu of a notarized signature, it must state at a minimum the following: (Include Notary Seal or Stamp in the appropriate space below.)*

Executed outside U.S.

If executed outside the United States: "I declare (certify, verify or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature: _____

Executed in U.S.

If executed within the United States, its territories, possessions or commonwealths: "I declare (certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Signature: _____

(Seal/Stamp)

(Seal/Stamp)

Holland+Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006-6801
www.hklaw.com

Christopher Nugent
202 419 2428
christopher.nugent@hklaw.com

U.S. Overnight, Certified, Return Receipt Request

August 1, 2007

Department of Homeland Security
U.S. Citizen and Immigration Services
National Record Center (NRC)
P.O. Box 648010
Lee's Summit, MO 64064-8010

Re: *Renewed Request for Expedited Freedom of Information/ Privacy Act Request sent July 13, 2007 to the Department of Homeland Security U.S. Citizenship and Immigration Services, concerning Carlos Francisco Jordan-Sagastume's Alien File (DHS A# 00-021-787) and any other information about his arrest on September 15, 2006.*

Dear Public Information Officer:

We are writing pursuant to our attached correspondence dated July 13, 2007. On behalf of our *pro bono* client Carlos Francisco Jordan-Sagastume we reiterate our Expedited Freedom of Information Act Request sent to the U.S. Citizenship and Immigration Services National Record Center. To date, we have received no communications from your office regarding this request. Pursuant to 5 U.S.C. § 522 (a)(6)(E)(ii)(I), we should have received a respond from you within ten days from our initial expedited FOIA request, dated July 13, 2007.

The July 13, 2007 G-639 "Freedom of Information/Privacy Act Request" form and accompanying letter requested the release of the following documentation:

- Carlos Francisco Jordan-Sagastume's entire Alien "A" File. (A# 00-021-787), including but not limited to Mr. Jordan-Sagastume's "Apprehension Record," and I-213 record of deportable alien.
- All documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) related to Mr. Jordan-Sagastume's arrest and detention on September 15, 2006 at 1000 Westpointe Drive, Apt #211 in Pittsburgh, PA,
- All documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) between the Department of Homeland Security and any law enforcement agents present at 1000 Westpointe Drive in Pittsburgh, PA on September 15, 2006.

Department of Homeland Security
August 1, 2007
Page 2

The July 13, 2007 request respectfully **sought expedited processing** for this request on the grounds that a compelling need exists. Mr. Jordan-Sagastume is currently in immigration removal proceedings before Immigration Judge Paul W. Schmidt in Arlington, VA. He needs the requested "A" file and other documents in order to meet an Executive Office for Immigration Review - "Immigration Court" **filing deadline on September 10, 2007**. Without these documents, Mr. Jordan-Sagastume will be unable to comply with the deadline, necessitating a continuance at needless taxpayer expense. The compelling need of Mr. Jordan-Sagastume to meet his Immigration Court deadline warrants the expedited processing of this request.

The July 13, 2007 request further noted that provision of the information requested on the G-639 form is voluntary. We provided all information needed by USCIS to comply with this request for Mr. Jordan-Sagastume's "A" file and all information regarding his arrest and detention.

Your prompt response to this request will obviate the need for litigation pursuant to 5 U.S.C. § 552(a)(6)(A)(i). We anticipate and thank you for your consideration and look forward to receiving the documents as soon as possible.

If you have any questions about this request, I can be reached by phone at 202/419-2428 or email at christopher.nugent@hklaw.com. Thank you for your prompt attention to this matter.

Sincerely

Holland & Knight LLP



Christopher Nugent

Enclosures

- (1) A Copy of the letter dated July 13, 2007
- (2) A copy of the Form G-28 "Notice of Entry of Appearance as Attorney or Representative"
- (3) A copy of the Form G-639 "Freedom of Information/Privacy Act Request"

Holland+Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006
www.hklaw.com

Christopher Nugent
202 419 2428
christopher.nugent@hklaw.com

July 13, 2007

Department of Homeland Security
U.S. Citizen and Immigration Services
National Record Center (NRC)
P.O. Box 648010
Lee's Summit, MO 64064-8010

Re: *Expedited Freedom of Information/ Privacy Act Request* to the Department of Homeland Security U.S. Citizenship and Immigration Services, concerning Carlos Francisco Jordan-Sagastume's Alien File (DHS A# 00-021-787) and any other information about his arrest on September 15, 2006.

Dear Public Information Officer:

This is a formal request for information pursuant to the Freedom of Information Act. Please find attached 1) form G-28, "Notice of Entry of Appearance as Attorney or Representative" and 2) form 6-639, Freedom of Information/Privacy Act Request. As indicated on attached form G-639, we are requesting copies of the following:

- Carlos Francisco Jordan-Sagastume's entire Alien "A" File. (A# 00-021-787), including but not limited to Mr. Jordan-Sagastume's "Apprehension Record," and I-213 record of deportable alien.
- All documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) related to Mr. Jordan-Sagastume's arrest and detention on September 15, 2006 at 1000 Westpointe Drive, Apt #211 in Pittsburgh, PA,
- All documents, memoranda, and correspondence (including emails and documents memorializing telephone conversations) between the Department of Homeland Security and any law enforcement agents present at 1000 Westpointe Drive in Pittsburgh, PA on September 15, 2006.

The Freedom of Information Act provides that if some parts of a requested document are exempt, "reasonably segregable" portions shall be provided. See 5 U.S.C. § 552(b). Consequently, if you determine that some or all of the information we have requested is exempt, please specify the exemption you believe applies and provide me a copy of the remainder of the information. We reserve the right to appeal any such decisions.

Department of Homeland Security
July 13, 2007
Page 2

We are prepared to pay reasonable costs for locating the requested material and reproducing it. If, however, the cost of location and reproduction exceeds \$150.00 please contact us so that we can make arrangements to view document and determine which we want copied.

We respectfully seek expedited processing for this request on the grounds that a compelling need exists. Mr. Jordan-Sagastume is currently in immigration removal proceedings before Immigration Judge Paul W. Schmidt in Arlington, VA. He needs the requested "A" file and other documents in order to meet an Executive Office for Immigration Review - "Immigration Court" **filing deadline on September 10, 2007**. Without these documents, Mr. Jordan-Sagastume will be unable to comply with the deadline, necessitating a continuance at needless taxpayer expense. The compelling need of Mr. Jordan-Sagastume to meet his Immigration Court deadline warrants the expedited processing of this request. As you know, the statute affords us the right to pursue federal judicial review if we have not received a response within 20 days of filing the request. See 5 U.S.C. § 552(a)(6)(A)(i).

We further note that provision of the information requested on the G-639 form is voluntary. We have provided all information needed by USCIS to comply with this request for Mr. Jordan-Sagastume's "A" file and all information regarding his arrest and detention.

If you have any questions about this request, I can be reached by phone at 202/419-2428 or email at christopher.nugent@hklaw.com. Thank you in advance for your prompt attention to this matter.

Sincerely

Holland & Knight LLP



Christopher Nugent

Enclosures

- (1) G-28 "Notice of Entry of Appearance as Attorney or Representative"
- (2) G-639 "Freedom of Information/Privacy Act Request"

U.S. Department of Justice
Immigration and Naturalization Service

**Notice of Entry of Appearance
as Attorney or Representative**

Appearances - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8 CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.


In re: Carlos Francisco Jordan Sagastume Date: 7/12/2007
File No. A 00-021-787

I hereby enter my appearance as attorney for (or representative of), and at the request of the following named person(s):

Name: <u>Carlos Francisco Jordan-Sagastume</u>	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
	<input type="checkbox"/> Beneficiary	
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)		
<u>769 Cordell Way Herndon VA 20170-4477</u>		
Name:	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
	<input type="checkbox"/> Beneficiary	
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)		

Check Applicable Item(s) below:

- 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia District of Columbia D.C. Court of Appeals and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.
Name of Court
- 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
- 3. I am associated with the attorney of record previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)
- 4. Others (Explain Fully.)

SIGNATURE 	COMPLETE ADDRESS <u>2099 Pennsylvania Avenue NW Suite 100 Washington, D.C. 20006</u>
NAME (Type or Print) <u>Christopher Nugent</u>	TELEPHONE NUMBER <u>(202) 419-2428</u>

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

Christopher Nugent

(Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:

FOIA request to the Department of Homeland Security

Name of Person Consenting <u>Carlos Francisco Jordan-Sagastume</u> *	Signature of Person Consenting 	Date <u>7/12/2007</u>
---	---	--------------------------

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is contained in 8CFR 103.10 and 103.20 EISEQ.

OMB No. 1653-0030; Expires 11/30/08

Department of Homeland Security
U.S. Citizenship and Immigration Services

**G-639, Freedom of Information/
Privacy Act Request**

NOTE: The completion of this form is optional. Any written format for a Freedom of Information or Privacy Act request is acceptable.

START HERE - Please type or print in black ink. Read instructions before completing this form.

1. Type of request: (Check appropriate box.)

- Freedom of Information Act (FOIA). (Complete all items except Number 6.)
- Privacy Act (PA). (Number 6 must be completed in addition to all other applicable items.)
- Amendment. (PA only, Number 5 must be completed in addition to all other applicable items.)

2. Requester information.

Name of Requester: (Last, First and Middle Names)	Date (mm/dd/yyyy)	Daytime Telephone:
Nugent, Christopher	7/12/2007	202-419-2428
Address (Street Number and Name):	Apt. Number: Suite 100	
2099 Pennsylvania Avenue NW		
City: Washington	State: D.C.	Zip Code: 20006

By my signature, I consent to the following:

Pay all costs incurred for search, duplication and review of materials up to \$25.00, when applicable. (See Instructions.)

Signature of requester:

- Deceased Subject - Proof of death must be attached. (Obituary, Death Certificate or other proof of death required.)

3. Consent to release information. (Complete if name is different from Requester). (Numbers 7 and 8 must be completed.)

Print Name of Person Giving Consent:	Signature of Person Giving Consent: (Original signature required.)
Carlos Francisco Jordan-Sagastume	

By my signature, I consent to the following: (Check applicable boxes.)

- Allow the Requester named in Number 2 above to review:
 - All of my records, or
 - A portion of my records. (If a portion, specify below what part, i.e. copy of application.)

(Consent is required for records of U. S. citizens (USC) and Lawful Permanent Residents (LPR).)

4. Information needed to search for record(s).

Specific information, document(s) or record(s) desired: (Identify by name, date, subject matter and location of information.)

Mr. Jordan Sagastume's entire Alien ("A") File, including but not limited to his "Apprehension Record," I-213 record of deportable alien, and any other information*

Purpose: (Optional: You are not required to state the purpose of your request. However, doing so may assist USCIS to locate the records needed to respond to your request.) * regarding his arrest on September 15, 2006 at 1000 Westpointe Drive in Pittsburgh, PA.

5. Data needed on subject of record. (If data marked with an asterisk (*) is not provided, records may not be located.)

* Family Name: Jordan-Sagastume	Given Name: Carlos	Middle Name: Francisco
* Other names used, if any:	* Name at time of entry into the U.S.:	I-94 Admission #:
* Alien Registration Number: (A#) 00-021-787	* Petition or Claim Receipt #:	* Country of Birth:
		* Date of Birth (mm/dd/yyyy) 11/20/1977
Names of other family members that may appear on requested record(s) (i.e., Spouse, Daughter, Son):		
Father's Name	First	Middle
		Last
Mother's Name	First	Middle
		Last (Include Maiden Name)

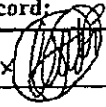
Country of Origin: <i>(Place of Departure)</i>	Port-of-Entry Into the U.S.:	Date of Entry:
Manner of Entry: <i>(Air, Sea, Land)</i>	Mode of Travel: <i>(Name of Carrier)</i>	U.S. Social Security Number:
Name on Naturalization Certificate:	Certificate #:	Naturalization Date:
Address on Date of Naturalization:	Court and Location:	

6. Verification of subject's identity: *(See Instructions for explanation. Check one box.)*

In-Person With ID Notarized Affidavit of Identity Other *(Specify)* _____

7. Signature of subject of record:

(Original signature required) X



Date: 7/12/2007

Telephone No.: (614) 206-9191

8. Notary: *(Normally needed from persons who are the subject of the record sought or for a sworn declaration under penalty of perjury. See below.)*

Subscribed and sworn to before me this 12th Day of July in the Year 2007

Signature of Notary Nicholas A. Rudd

My Commission Expires Nicholas A. Rudd
 Notary Public, District of Columbia
 My Commission Expires 1/14/2012

OR

NOTE: *If a declaration is provided in lieu of a notarized signature, it must state at a minimum the following: (Include Notary Seal or Stamp in the appropriate space below.)*

Executed outside U.S.

If executed outside the United States: "I declare (certify, verify or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature: _____

Executed in U.S.

If executed within the United States, its territories, possessions or commonwealths: "I declare (certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Signature: _____

(Seal/Stamp)

(Seal/Stamp)

U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

July 30, 2007

NRC2007050618

Christopher Nugent
Attorney at Law
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006

Dear Christopher Nugent:

We received your request for information relating to Carlos Francisco Jordan Sagastume on July 30, 2007.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. 552). It has been assigned the following control number: NRC2007050618. Please cite this number in any further inquiry about this request.

In accordance with Department of Homeland Security Regulations (6 CFR 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.

Additionally, we respond to requests on a first-in, first-out basis and on a multi-track system. With this system we consider each request according to the complexity and volume so that requesters with a simple and quick response do not wait for extended periods of time while we review complex voluminous requests. Because of the nature of your request we have placed your request on the complex track. Since your request is on the complex track, you may wish to modify it to identify a specific document(s), the exact information sought, and location if known. Upon receipt, we will reconsider your request for eligibility for the faster track.

This office is now able to offer you the option of having your records copied to a Compact Disc (CD) for use on your personal computer. This option is an alternative to paper copies. The CD is readable on all computers through the use of Adobe Acrobat software. A version of Adobe Acrobat will be included on the CD. Your records can be viewed on your computer screen and can be printed onto paper. Only records 15 pages or more are eligible for CD printing. Attorneys automatically receive CDs, unless they contact us to request paper copies. Once an attorney has requested paper copies, all future responsive records will be provided via paper - there is no need to call again. For individuals (i.e., non-attorneys) please call our office at (816) 350-5570 to order your record on CD. Once you request your records on either CD or paper, all future records will be furnished in the format you have requested.

www.uscis.gov

If you have any questions concerning your pending FOIA/PA request, please address them to this office, Attention: FOIA/PA Officer, or call us at (816) 350-5570, or fax any FOIA/PA related correspondence to (816) 350-5785. If you have questions concerning the status of a pending Application or Petition or any other type of immigration matter, you must contact your local District Office or call the National Customer Service Unit at 1-800-375-5283. The National Records Center cannot assist you concerning any pending Applications or Petitions or any other type of immigration matter. You may also check the status of your FOIA request by writing to USCIS.FOIA@DHS.GOV.

Sincerely,



T. Diane Cejka
Director

U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

August 8, 2007

NRC2007050618

Christopher Nugent
Attorney at Law
2099 Pennsylvania Avenue, Suite 100
Washington, DC 20006

Dear Christopher Nugent:

This letter is in response to your request for expedited treatment, regarding the Freedom of Information Act request for information about the subject: Carlos Francisco Jordan Sagastume, received on July 30, 2007.

On the basis of information you provided, we have determined that expedited processing of your request is not warranted. Standards established by the Department of Homeland Security regarding expedited processing are very strict (6 CFR 5.5(d)) and permit expedited treatment only when the requester demonstrates that:

- a. Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;
- b. an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information.

In the event you can demonstrate any further showing as to the nature and degree of any of the above categories, submit this additional information to this office for reconsideration.

You have the right to appeal this determination by writing to the USCIS FOIA/PA Appeals Office, 111 Massachusetts Ave., NW, Washington, DC 20529, within 60 days of receipt of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

In the event that you would like your case processed as a Track 3 case, you must comply with the requirements set forth in the Federal Register Notice and on our website. You must provide one of the documents below or your request will not be placed in Track 3.

- Form I-862, Notice to Appear
- Form I-122 Order to Show Cause
- Form I-863 Notice of Referral to Immigration Judge
- Written notice of the continuation of a scheduled hearing before the Immigration Judge

Until such time as one of the documents listed above is received, your case will remain in its current track.

Your request is currently number 78556 on the list of 81337 pending cases to be worked.

www.uscis.gov

NRC2007050618

We will answer your request as quickly as possible. If you should have any additional questions about your request, please direct your inquiries to this office at the above address. You may also call us at 816-350-5570 or fax any correspondence to 816-350-5785.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Cejka". The signature is written in a cursive, somewhat stylized font.

T. Diane Cejka
Director

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Exhibit C

**DEPARTMENT OF HOMELAND SECURITY
 UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE
 FOIA/PA APPEAL
 WASHINGTON, D.C.**

**IN THE FOIA APPEAL OF CARLOS FRANCISCO JORDAN SAGASTUME
 A00 021 787
 NRC 2007050618**

**TABLE OF PAGES NUMBERS WITHHELD IN THEIR ENTIRETY AND EXEMPTIONS CITED
 BY DHS FOR THE WITHHOLDING**

Page Number of Documents Withheld in Entirety in DHS FOIA Response	Number of Pages of Document Withheld in Entirety in DHS FOIA	Exemption(s) Cited for Withholding Documents in Entirety in DHS FOIA
108	1	(b)(5)
118	1	NONE
135	1	(b)(5), (b)(7)(c)
137	1	(b)(5)
138	1	(b)(2), (b)(5)
139	1	(b)(2), (b)(5), (b)(7)(c)
140	1	(b)(5)
141	1	(b)(5), (b)(7)(c)
142	1	NONE
145	1	(b)(5), (b)(7)(c)
146	1	(b)(5), (b)(7)(c)
149	1	(b)(7)(c), (b)(7)(e)
Total	12	

Exhibit D

Nichols, Kevin L (SFR - X56971)

From: Snyder, Anita C [Anita.Snyder@dhs.gov]
Sent: Tuesday, September 25, 2007 6:53 AM
To: Nugent, Christopher (WAS - X72428)
Subject: RE: IJ GDM Decision

Just found out last night that I was accepted to Newark, start date 10/28/07! I'm working on the I-213. These officers are impossible to track down. Very busy.

-----Original Message-----

From: christopher.nugent@hklaw.com [mailto:christopher.nugent@hklaw.com]
Sent: Tuesday, September 25, 2007 9:30 AM
To: Snyder, Anita C
Subject: Re: IJ GDM Decision

Thanks anita! This is great! In baltimore court today. Any news from nj or az?

----- Original Message -----

From: Snyder, Anita C <Anita.Snyder@dhs.gov>
To: Nugent, Christopher (WAS - X72428)
Sent: Tue Sep 25 09:15:08 2007
Subject: FW: IJ GDM Decision

FYI

All: pls find attached a favorable decision from IJ Malphrus on an issue that is borderline frivolous in most circumstances: motion to suppress and terminate based on alleged constitutional violations. IJ Malphrus is on point here with the general non applicability of the exclusionary rule in removal proceedings.

RE: Carlos Francisco Jordan-Sagastume- continuance motion granted- thanks to all and particularly Anita... Page 1 of 1

Nichols, Kevin L (SFR - X56971)

From: Snyder, Anita C [Anita.Snyder@dhs.gov]
Sent: Thursday, September 13, 2007 6:35 PM
To: Nugent, Christopher (WAS - X72428); Briz, Brian A (MIA - X27723); CSTDCIntern; Snyder, Anita C
Subject: RE: Carlos Francisco Jordan-Sagastume- continuance motion granted- thanks to all and particularly Anita!

Hey Chris-

I'm so sorry, my back went out, today was my first day in the office. I'm still working on the I-213.

-----Original Message-----

From: christopher.nugent@hklaw.com [mailto:christopher.nugent@hklaw.com]
Sent: Wednesday, September 12, 2007 4:41 PM
To: brian.briz@hklaw.com; CSTDCIntern@hklaw.com; Snyder, Anita C
Subject: FW: Carlos Francisco Jordan-Sagastume- continuance motion granted- thanks to all and particularly Anita!

<< File: Carlos Jordan-Sagastume.Joint Motion for Continuance of Briefing Deadlines.PDF >>

12/10/2007

Nichols, Kevin L (SFR - X56971)

From: Snyder, Anita C [Anita.Snyder@dhs.gov]
Sent: Tuesday, September 25, 2007 6:15 AM
To: Nugent, Christopher (WAS - X72428)
Subject: FW: IJ GDM Decision
Attachments: 2007_09_24_21_07_11.pdf

FYI

All: pls find attached a favorable decision from IJ Malphrus on an issue that is borderline frivolous in most circumstances: motion to suppress and terminate based on alleged constitutional violations. IJ Malphrus is on point here with the general non applicability of the exclusionary rule in removal proceedings.

12/10/2007

2

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
United States Immigration Court
901 North Stuart Street, Suite 1300
Arlington, Virginia 22203**

IN THE MATTER OF:)	In Removal Proceedings
)	
)	
ALCALA SALVATIERRA, Teodomiro)	File No. A# 72-720-864
)	
Respondent)	
<hr style="border: 0.5px solid black;"/>		

CHARGE: Section 212(a)(6)(A)(i) of the Immigration and Nationality Act ("INA" or "Act"), as amended, as an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

APPLICATIONS: Motion to terminate removal proceedings.

APPEARANCES

FOR THE RESPONDENT:

Ivan Yacub, Esq.
307 East Annandale Road, Suite 201
Falls Church, Virginia 22042

FOR THE DHS:

Anita C. Snyder, Esq.
Adam Goldman, Esq.
U.S. Department of Homeland Security
901 North Stuart Street, Suite 708
Arlington, VA 22203

DECISION AND ORDER

Respondent is a 44-year-old native and citizen of Bolivia who entered the United States without inspection. The Department of Homeland Security ("DHS") issued a Notice to Appear on August 12, 2005.

On December 13, 2006, Respondent filed a motion to suppress evidence and terminate removal proceedings. Respondent alleges in a written statement that on August 12, 2005, a Baltimore County police officer properly pulled him over in a routine traffic stop after he changed lanes unlawfully. He states that the officer then asked for his drivers license, which he provided. He states the officer then asked for

his social security card, which Respondent said he did not have. The officer then arrested him and transferred him to Immigration and Customs Enforcement ("ICE") custody. Respondent was then placed into removal proceedings. Respondent claims that the request for the social security card establishes that the officer engaged in racial profiling, and thus violated his equal protection rights. Respondent seeks to have the Court subpoena the police officer who stopped him so the officer can be asked whether his request for Respondent's social security card, and his subsequent arrest and transfer of the Respondent to ICE, was racially motivated.

For the following reasons, the Court will deny Respondent's motion for a subpoena, motion to suppress evidence, and motion to terminate removal proceedings. The Court also finds Respondent removable as charged and orders him removed to Bolivia.

DISCUSSION

In removal proceedings, it is the responsibility of DHS to establish identity and alienage, and the burden then shifts to the Respondent to prove the time, place, and manner of entry, and show eligibility for relief from removal. INA § 291; 8 U.S.C. 1361; INA § 240(c)(4)(A); 8 U.S.C. § 1229a. The Respondent claims that DHS cannot meet its burden in this case because the officer's request for the Respondent's social security number went beyond the scope of the lawful arrest, constituted racial profiling, and accordingly the evidence must be suppressed under the exclusionary rule. The court does not agree.

The Supreme Court has held that the exclusionary rule does not apply in civil removal proceedings. INS v. Lopez-Mendoza, 468 U.S. 1302, 104 S.Ct. 3479 (1984). An exception may exist for egregious violations of Fourth Amendment or other liberties that might transgress notions of fundamental fairness and undermine the probative value of the evidence obtained. Id. at 1050-51. However, the reach of the exclusionary rule outside of the criminal context is not clear. Id. at 1041. In determining where the exclusionary rule is applicable, the Supreme Court conducts a complex balancing analysis to determine whether its deterrence benefits outweigh its substantial social costs to truth-seeking and law enforcement. Hudson v. Michigan, 126 S.Ct. 2159, 2163-64 (2006).

This court does not believe that the exclusionary rule applies when a law enforcement officer asks for a social security card after he has made a lawful traffic stop, and then transfers to person to ICE, and this court does not believe that further inquiry through subpoena or other manner is appropriate in this case. The identity of a respondent in civil proceedings, or even a defendant in criminal proceedings, is never suppressible as a fruit of an unlawful arrest, even if an unlawful arrest, search, or interrogation occurred. Lopez, at 1048. Interrogation by a police officer relating to one's identity or a request for identification does not itself constitute a Fourth Amendment seizure. I.N.S. v. Delgado, 466 U.S. 210, 216 (1984) (citation omitted). It is not disputed that the Respondent was properly stopped for a traffic violation, and a police officer clearly has the right to request identity documents in such circumstances. See I.N.S. v. Lopez-Mendoza, 468 U.S. 1032, 1043 (1984). A person who is arrested is not protected by a presumption of citizenship; authorities may draw an adverse inference from someone's silence. Id. at 1043.

Relying on Lopez, the Ninth Circuit has held that questions about identity -- including where the person was born -- may not be suppressed as a result of an illegal arrest. United States v. Guzman-Bruno, 27 F.3d 420 (9th Cir. 1994). The request for Respondent's identification information, including his social security number, was a reasonable request for identity documents and may not be suppressed.

Moreover, there is no allegation that the initial traffic stop was unlawful, and there is insufficient evidence here that the traffic was unlawful to warrant further inquiry. It is not disputed that the traffic stop itself was not racially motivated, as the Respondent admits he was improperly changing lanes. Instead, the Respondent assumes that the request for his social security card after having been provided a drivers license must have been racially motivated. The Respondent's speculation about the motivation of the officer's request for additional identification in the form of a social security card is not sufficient to warrant the searching expedition the Respondent wants the court to undertake, particularly where as here it is not disputed that the initial traffic stop was valid. Cf. U.S. v. Pratt, 239 F.3d 640, 645 (4th Cir. 2001) (valid stop for a traffic offense without evidence of racial profiling does not create a reasonable inference that the stop was racially motivated).

Another very practical hurdle the Respondent faces in these proceedings is that DHS can prove alienage using evidence gathered independently of the initial arrest or attenuated from it. Lopez at 1043. DHS has independent ways it could proceed in this proceedings (or by terminating these proceedings and immediately issuing a new charging document). For example, the relevant facts can be established by statements made by the Respondent at the hearing, see Matter of Cervates-Torres, 21 I&N Dec. 351, 353 (BIA 1996), although that was not necessary here because the Respondent does not dispute removability.

In removal proceedings, it is the duty of the Immigration Judge to require the Respondent to plead to the charges and admit or deny the allegations regarding his removability. 8 C.F.R. § 240.10(c). The Immigration Judge can subpoena testimony or documents "concerning any matter which is material and relevant to the enforcement" of the INA. INA § 235(d)(4). It is the duty of the Immigration Court to determine whether someone is removable and whether they have any relief from removability so they may remain legally in the United States, not shield someone who is illegally in the United States from the application of the immigration laws. "Applying the exclusionary rule in proceedings that are intended not to punish past transgressions but to prevent their continuance or renewal would require the courts to close their eyes to ongoing violations of the law." Lopez, at 1046. It "would compel the courts to release from custody persons who would then immediately resume their commission of a crime through their continuing, unlawful presence in this country." Id. at 1050.

If the Respondent wishes to challenge his arrest, the proper avenue would be to bring a constitutional claim in the U.S. District Court. It is not appropriate to use the limited jurisdiction of the immigration administrative proceedings to conduct this inquiry. Rather than aiding the court in its duties, permitting such an inquiry under the facts and circumstances of this case would substantially impede adjudication of an immigration case in an already overburdened Immigration Court system. Cf. Matter of Sandoval, 17 I&N Dec. 17 I&N Dec. 70 (BIA 1979). In the case at hand, the only defense is delay, see id., and "as a

general matter, every delay works to the advantage of the deportable alien who wishes merely to remain in the United States." INS v. Doherty, 502 U.S. 314, 323 (1992).

This Court will deny Respondent's motion to suppress evidence and terminate removal proceedings, as well as his request for a subpoena.

REMOVABILITY

The Respondent does not dispute his removability, and does not seek any relief from removal (including voluntary departure). DHS has presented the I-261, which establishes removability and is inherently reliable to meet the DHS burden regarding removability. See Matter of Ponce-Hernandez, 22 I&N Dec. 784 (BIA 1999). The Court finds that removability has been established by clear and convincing evidence. See 8 C.F.R. § 1240.8(a).

ORDER

IT IS THEREFORE ORDERED that Respondent's motion to suppress evidence be DENIED.

IT IS FURTHER ORDERED that Respondent's motion to terminate proceedings be DENIED.

IT IS FURTHER ORDERED that Respondent's request for a subpoena be DENIED.

IT IS FURTHER ORDERED that Respondent be removed from the United States to BOLIVIA pursuant to the charge contained in the Notice to Appear.

September 14, 2007



Garry D. Malphrus
United States Immigration Judge

Exhibit E

22 illegal immigrants arrested in local sweep (Pittsburgh)

Page 1 of 2

Snyder, Anita C

From: christopher.nugent@hklaw.com
Sent: Tuesday, September 04, 2007 7:11 PM
To: Snyder, Anita C
Subject: 22 illegal immigrants arrested in local sweep (Pittsburgh)

Anita, great to catch up with you and thanks for filing the joint motion! FYI below is the article mentioned which I think pertains to Carlos' arrest. This was the only article I could find on this operation. Hopefully DHS folks will be able to explain the role and responsibilities of Pittsburgh police in this action absent 287(g) agreement. Thanks again for your help with the motion! Aloha!

Chris

22 illegal immigrants arrested in local sweep

Thursday, September 21, 2006

By Paula Reed Ward, Pittsburgh Post-Gazette

Federal immigration and local law enforcement officers arrested 22 people in the Pittsburgh region who are in this country illegally as part of a five-day sweep across the state and in Delaware called "Operation Return to Sender."

The operation resulted in the arrests of 115 people, including fugitives and other immigration violators. In this area, people were arrested in Robinson, Glassport and Aliquippa.

In Aliquippa, officers went to a home on Spring Street about 6 a.m. Monday, looking for a fugitive who had an outstanding warrant. That man wasn't there, said Aliquippa Officer John Gable, but there were five other illegal Mexican immigrants in the house who were arrested.

In addition, agents found four loaded guns in the house, said Marc Raimondi, a spokesman with U.S. Immigration and Customs Enforcement.

Since Operation Return to Sender began in late May, there have been more than 12,000 arrests nationally. Although federal agents specifically target fugitives, any other immigration violators found can be arrested as well.

"This isn't a random sweep," Mr. Raimondi said. "We're targeting people who have already had their day in court." They are immigration violators who have been arrested at least once before -- often in traffic stops -- and whose deportation has been ordered by immigration courts.

Vic Walczak, legal director for the ACLU of Pennsylvania, said he doesn't have a problem with federal agents picking up those who have been found guilty. But he questioned the process used in getting illegal immigrants to court in the first place. "We're concerned the police may be stopping and questioning people without having probable cause," he said. "Simply being Latino is not probable cause; there has to be a legitimate basis for a stop." Otherwise, it's "ethnic profiling," Mr. Walczak said.

The 115 arrested this week are from 29 different countries. ICE officials were not able to say how many were fugitives, but did say, that just 16 had criminal records. "There are far more non-criminal fugitive aliens than criminal," Mr. Raimondi said.

10/17/2007

101

42

22 illegal immigrants arrested in local sweep (Pittsburgh)

Page 2 of 2

In fiscal year 2006, which concludes at the end of the month, ICE fugitive teams have arrested more than 23,000 people. There are now 52 such teams, up from 18 last year.

In all, 65 law enforcement officers worked on the most recent operation, including ICE agents and local police officers.

"Although the operation lasted just five days, the planning for it spanned 65 days," Mr. Raimondi said. In this fiscal year, the U.S. attorney's office has prosecuted 60 defendants on immigration violations, up from 35 last year and 22 in 2004.

The vast majority have involved illegal Mexican immigrants, said U.S. Attorney Mary Beth Buchanan. "In the aftermath of the events of September 2001, we have had a greater focus on cases involving our borders," she said.

(Paula Reed Ward can be reached at pward@post-gazette.com or 412-263-2620.)

From: Nugent, Christopher (WAS - X72428)

Sent: Tuesday, September 04, 2007 6:59 PM

To: CSTDCIntern; Briz, Brian A (MIA - X27723)

Subject: Re- Carlos Jordan - can someone email me Pittsburgh PA news article I circulated re enforcement operation so that I can send it to Anita? Thx!

Importance: High

10/17/2007

102

017

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
901 NORTH STUART ST., STE.1300
ARLINGTON, VA 22203

NUGENT, CHRISTOPHER
2099 PENN., AVENUE, STE., #100
WASHINGTON, DC 20006

Date: Dec 14, 2007

File A00-021-787

In the Matter of:
JORDAN-SAGASTUME, CARLOS FRANCISCO

____ Attached is a copy of the written decision of the Immigration Judge. This decision is final unless an appeal is taken to the Board of Immigration Appeals. The enclosed copies of FORM EOIR 26, Notice of Appeal, and FORM EOIR 27, Notice of Entry as Attorney or Representative, properly executed, must be filed with the Board of Immigration Appeals on or before _____. The appeal must be accompanied by proof of paid fee (\$110.00).

____ Enclosed is a copy of the oral decision.

____ Enclosed is a transcript of the testimony of record.


____ You are granted until _____ to submit a brief to this office in support of your appeal.

____ Opposing counsel is granted until _____ to submit a brief in opposition to the appeal.

✓
____ Enclosed is a copy of the order/decision of the Immigration Judge.

All papers filed with the Court shall be accompanied by proof of service upon opposing counsel.

Sincerely,



Immigration Court Clerk; UL

cc: DAVID ORLAND, DHS CHIEF COUNSEL
901 N. STUART STREET, STE. 708
ARLINGTON, VA 22203

Exhibit I

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT

901 NORTH STUART ST., STE.1300
ARLINGTON, VA 22203

RE: JORDAN-SAGASTUME, CARLOS FRANCISCO
FILE: A00-021-787

DATE: Dec 14, 2007

TO:

NUGENT, CHRISTOPHER
2099 PENN., AVENUE, STE.,#100
WASHINGTON, DC 20006

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on May 8, 2008 at 10:00 A.M. at:

901 NORTH STUART ST., STE.1300
ARLINGTON, VA - 22203

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT ARLINGTON, VA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 703-305-1662.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL PERSONAL SERVICE (P)
TO: [] ALIEN [] ALIEN c/o Custodial Officer [x] ALIEN's ATT/REP [] DHS
DATE: 12-11-07 BY: COURT STAFF V3
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ARLINGTON, VIRGINIA

IN THE MATTER OF: Carlos Francisco JORDAN-SAGASTUME Respondent)))))))))))	File No.: A00-021-787 IN REMOVAL PROCEEDINGS
--	---	---

ORDER GRANTING RESPONDENT'S MOTION FOR CONTINUANCE

This cause came to be considered on the Respondent's Motion for Continuance of Briefing Deadlines. For good cause shown, it is hereby

ORDERED and ADJUDGED that the Joint Motion is GRANTED and that the November 7, 2007 scheduling order is modified as follows:

- 1) Respondent's motion to terminate is due on or before January 28, 2008;
- 2) the DHS's response to Respondent's motion to terminate is due on or before March 27, 2008; and
- 3) the hearing on Respondent's motion to terminate shall be held on May 8, 2008 ⁸ @ 10:00 AM, _n ^{Master}

DONE and ORDERED in Arlington, Virginia, this 11th date of Dec 2007

[Handwritten Signature]
 Paul W. Schmidt
 Immigration Judge

Copies to:

Silvia Wang, DHS ICE Office of Chief Counsel
Christopher Nugent, Esq.

Exhibit J

DHS, USCIS, NRC
FOIA Appeals Office
150 Space Center Loop, Suite 500
Lee's Summit, MO 64064-2139



**U.S. Citizenship
and Immigration
Services**

December 18, 2007

APP2007001196

Christopher Nugent
Attorney at Law
2099 Pennsylvania Ave NW Ste 100
Washington, DC 20006-6801

Dear Christopher Nugent:

Re: NRC2007050618

This is to advise you that we received your administrative appeal regarding the action by the National Records Center relating to Carlos Francisco Jordan Sagastume, on December 13, 2007.

We have the responsibility of adjudicating appeals and will make every effort to respond to your request as quickly as possible. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. We have assigned control number APP2007001196 to your appeal. Please mention this number in any future correspondence to this office regarding this matter.

We will notify you of the decision on your appeal as quickly as possible. However, we must first contact the National Records Center and obtain the background material on your request. If you have further questions, please direct your inquiry to this office.

Sincerely,

A handwritten signature in black ink that reads "Tracy A. Bellisime".

Tracy A. Bellisime
Chief, FOIA Appeals

Exhibit K

Confirmation Report - Memory Send

Page : 001
 Date & Time: 01-09-2008 12:37
 Line 1 : 2029555564
 Line 2 : 2029555564
 E-mail :
 Machine ID : HOLLAND & KNIGHT LLP/6th Floor South

Job number : 443
 Date : 01-09 12:36
 To : 71897#094000#02849#918163505785#75951#09
 5000#36000#917036458610#
 Number of pages : 003
 Start time : 01-09 12:36
 End time : 01-09 12:37
 Pages sent : 003
 Status : OK

Job number : 443 *** SEND SUCCESSFUL ***

MESSAGE:

CONFIRMED: YES NO
 If you did not receive all of the pages or find that they are illegible, please call 202 955 3000

USPDHS, USCIS, NRC, FOIA
 Appeals Office
 COMPANY/PHONE
 816-350-5785
 FAX NUMBER

Lee's Summit
 CITY
 STATE

FROM: Christopher Nugent
 NAME
 (202) 419-2428
 TELEPHONE

TOTAL PAGES (including Cover Sheet)
 3

DATE: January 9, 2008
 URGENCY: SUPER RUSH RUSH REGULAR

FILE #:
 CLIENT NAME:

NAME:
 TIME:

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Holland & Knight LLP
 2099 Pennsylvania Avenue, N.W.
 Suite 100
 Washington, D.C. 20004-6601
 www.hkllw.com

Tel 202 955 3000
 Fax 202 955 5564

Holland & Knight

Holland Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801
www.hklaw.com

TO:

Tracy A. Bellisime	USDHS, USCIS, NRC, FOIA Appeals Office	816-350-5785
NAME	COMPANY/FIRM	FAX NUMBER
Lee's Summit	MO	
CITY	STATE	(TELEPHONE NUMBER)

FROM:

Christopher Nugent	(202) 419-2428	3
NAME	TELEPHONE	TOTAL PAGES (Including Cover Sheet)

FOR THE RECORD:

DATE: January 9, 2008 URGENCY: SUPER RUSH RUSH REGULAR

FAXED BY: FILE #: CLIENT NAME:

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MESSAGE:

Holland Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006-6801
www.hklaw.com

Christopher Nugent
202 419 2428
christopher.nugent@hklaw.com

January 9, 2008

VIA FEDERAL EXPRESS AND FACSIMILE

Tracy A. Bellisime
Chief, FOIA Appeals
U.S. Department of Homeland Security
DHS, USCIS, NRC
FOIA Appeals Office
150 Space Center Loop, Suite 500
Lee's Summit, MO 64064-2139

Re: NRC2007050618
APP2007001196

Dear Ms. Bellisime:

This is in response to your letter dated December 18, 2007 regarding Mr. Carlos Francisco Jordan Sagastume's administrative appeal which has been assigned control number APP2007001196. The appeal was filed in response to the decision dated November 28, 2007 of the DHS, regarding a FOIA request submitted by undersigned *pro bono* counsel, on behalf of Mr. Jordan Sagastume, on July 13, 2007.

In your letter, you indicated that you received the appeal on December 13, 2007, and that you would notify us of the decision on the appeal "as quickly as possible." We note that, under 5 U.S.C. § 552(a)(6)(A), the USCIS has 20 days, or until January 13, 2008, to make a determination with respect to the appeal.

In this instance, however, as we have already advised the DHS and the USCIS, we respectfully seek expedited processing of the appeal because Mr. Jordan Sagastume is currently in immigration removal proceedings before Immigration Judge Paul W. Schmidt in Arlington, VA. In connection with the removal proceedings, through the subject FOIA request, Mr. Jordan Sagastume requested his "A" file and other documents in order to meet an Executive Office for Immigration Review - "Immigration Court" filing deadline, which is now set for **January 28, 2008**. Without these documents, Mr. Jordan Sagastume will be unable to comply with the deadline, necessitating a continuance in the interest of judicial economy but at needless taxpayer expense.

Tracy A. Bellisime
January 9, 2008
Page 2

For the foregoing reasons, we respectfully request that a decision be made on the appeal on or (preferably) before January 13, 2008. As you know, Mr. Jordan Sagastume is afforded the right to pursue federal judicial review if a decision is not made by this date (i.e., 20 days of filing the FOIA request). *See* 5 U.S.C. § 552(a)(6)(A)(i). Accordingly, if we do not receive a decision by the close of business on January 13, 2008, we stand ready to bring a complaint for declaratory and injunctive relief before the appropriate U.S. District Court.

If you have any questions, I can be reached by phone at 202/419-2428 or email at christopher.nugent@hkllaw.com. Thank you in advance for your prompt attention to this matter.

Sincerely

Holland & Knight LLP

A handwritten signature in black ink, appearing to read "C. Nugent", written over a horizontal line.

Christopher Nugent

5042368_v1