



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Exhibit 5

Telephone: (202) 514-3642

Katherine Jack, Esq.
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740 West Green Meadows Drive
Greenfield, IN 46140
kjack@overhauser.com

Re: Appeal No. AP-2015-05705
Request No. 2015-03815
DRC:PJA

VIA: E-Mail

Dear Ms. Jack:

You attempted to appeal from the failure of the Federal Bureau of Prisons (BOP) to respond to your Freedom of Information Act request for access to records concerning specific contracts with Pepperball Technologies, Inc.

Department of Justice regulations provide for an administrative appeal to the Office of Information Policy only after there has been an adverse determination by a component. See 28 C.F.R. § 16.8(a) (2015). As no adverse determination has yet been made by BOP, there is no action for this Office to consider on appeal.

As you may know, the FOIA authorizes requesters to file a lawsuit when an agency takes longer than the statutory time period to respond. See 5 U.S.C. § 552(a)(6)(C)(i). However, I can assure you that this Office has contacted BOP and has been advised that your request is currently being processed. If you are dissatisfied with BOP's final response, you may appeal again to this Office.

This Office has forwarded a copy of your letter to BOP. You should contact BOP's Requester Service Center at (202) 616-7750 for further updates regarding the status of your request.

Sincerely,

11/24/2015

X 

Sean R. O'Neill
Chief, Administrative Appeals Staff
Signed by: SEAN O'NEILL