



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EMILIO REYES,

Plaintiff in Pro Per,

Complaint Number:

v.

'17 CV 1188 BEN JLB

BUREAU OF INDIAN AFFAIRS
PACIFIC REGIONAL OFFICE,

Defendant.

**MEMORANDUM IN SUPPORT OF
PLAINTIFF'S COMPLAINT FOR A VAUGHN INDEX**

In this action under the Freedom of Information Act (FOIA), 5 USC §552, plaintiff seeks access to documents in the possession of the Bureau of Indian Affairs concerning FOIA BIA-2017-00136 seeking 1928 California Indian application for: Rayfield Elliott #5385, Alice Connor Elliot #5386 and Mitchell Jack #5387. The precise documents to which plaintiff seeks access are contained in an online request dated October 12, 2016 to the Indian Affairs FOIA Office.

It is well established law that a plaintiff in a FOIA case is entitled to an index of the documents and portions that have been withheld by the defendant agency. Vaughn v. Rosen, 484 F. 2d 820 (D. C. Cir. 1973) *cert. denied*, 415 U. S. 977 (1974). This index must describe each document or portion of each

document that has been withheld and provide a detailed justification of the agency's grounds for non-disclosure, correlating each exemption of FOIA upon which the agency relies with the record or portion of the record to which the exemption purportedly applies. Vaughn, 484 F. 2d 820, 827. Moreover, the description of the withheld material must be "sufficiently specific to permit a reasoned judgment as to whether the material is actually exempt under FOIA." Founding Church of Scientology v. Bell, 603 F. 2d 945, 949 (D. C. Cir. 1979).

In this case, 12 documents responsive to Plaintiff's FOIA request have been withheld in full. A *Vaughn* index would be particularly useful in sharpening the issues and permitting the plaintiff to test the bases for the government's exemption claims. Therefore, plaintiff has requested the Court to require the defendant to provide the plaintiff with an appropriate *Vaughn* index within 20 days of the date of the Court's Order.

Dated: June 13, 2017

Respectfully submitted,



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