

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

EMILIO REYES,

17 CV 1418 BTM AGS <sup>MPL</sup>  
Complaint Number:

Plaintiff in Pro Se,

v.

UNITED STATES DEPARTMENT OF THE  
INTERIOR; BUREAU OF INDIAN AFFAIRS;  
SOUTHERN CALIFORNIA AGENCY,

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-2017-01044 seeking All records created by the Bureau of Indian Affairs between 2013 to the present day, in regards to the tribal affiliation and blood quantum correction request of Mary (Grijalva) Bega, whom is listed on the 1928 California Indian Census Roll as application number 5676. Please provide any and all related drafts between February 2013 to March 2017 prepared by the Bureau of Indian Affairs, including but not limited to; any pending and final recommendations in regards to the tribal affiliation and blood quantum correction request of Mary

(Grijalva) Bega. Please include if any; reports, correspondence, emails, and faxes by the Pacific Regional Office and the Southern California Agency of the Bureau of Indian Affairs, to the Office of the Assistant Secretary of Indian Affairs, in regards to the tribal affiliation and blood quantum correction request of Mary (Grijalva) Bega. Please provide all communication records between the Bureau of Indian Affairs Pacific Regional Office, and the Southern California Agency between February 2013 to March 2017 in regards to the tribal affiliation and blood quantum correction request of Mary (Grijalva) Bega. The precise documents to which plaintiff seeks access are contained in an online request dated March 28, 2017 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, 31 documents responsive to Plaintiff’s FOIA request have been withheld in full and 12 documents were partially redacted. 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 30 days of the date of the Court’s Order.

Dated: July 13, 2017

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'ER' or similar initials, enclosed within a circular scribble.

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