



September 25, 2017

Via Certified U.S. Mail

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th St SW Mail Stop 5900
Washington, D.C. 20536-5900

Re: FOIA Appeal
2017-ICFO-32679

Dear Counsel:

By this letter, I hereby appeal ICE's September 11, 2017 denial of the above-referenced FOIA request in full bases on Exemption 7(A). In your letter, you state "ICE has determined that the information you are seeking relates to ongoing criminal law enforcement investigations." No such investigation was ongoing as of September 11, 2017. The Georgia Bureau of Investigation ("GBI") concluded its investigation into Mr. Jimenez's death in August. And neither OIG nor OPR has taken any steps consistent with the initiation of or engagement in a criminal investigation. Accordingly, I request that you immediately release the agency records requested.

Thank you,

A handwritten signature in black ink, appearing to read "R. Andrew Free". The signature is fluid and cursive, with a long horizontal stroke at the end.

R. Andrew Free

Freedom of Information Act Office

U.S. Department of Homeland Security
500 12th St SW, Stop 5009
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

September 11, 2017

Robert Free
Law Office of R Andrew Free
P.O. Box 90568
Nashville, TN 37209

RE: ICE FOIA Case Number 2017-ICFO-32679

Dear Mr. Free:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated June 1, 2017. You have requested all records, including medical, pertaining to Jeancarlo Alfonso Jimenez-Joseph A#204-603-723.

Due to the open status of ongoing investigations, ICE has determined that the information you are requesting is withholdable in its entirety pursuant to Title 5 U.S.C. § 552 (b)(7)(A). FOIA Exemption 7(A) protects from disclosure records or information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings. ICE has determined that the information you are seeking relates to ongoing criminal law enforcement investigations. Therefore, ICE is withholding all records, documents, and/or other material, which if disclosed prior to completion, could reasonably be expected to interfere with law enforcement proceedings and final agency actions related to those proceedings. Please be advised that once all pending matters are resolved and FOIA Exemption 7(A) is no longer applicable, there may be other exemptions which could protect certain information from disclosure, such as FOIA Exemptions 6, 7(C), 7(D), 7(E) and/or 7(F).

If you are not satisfied with the response to this request, you have the right to appeal following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to:

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th Street, S.W., Mail Stop 5900
Washington, D.C. 20536-5900

Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Freedom of Information Act Office

U.S. Department of Homeland Security
500 12th St SW, Stop 5009
Washington, DC 20536



**U.S. Immigration
and Customs
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Provisions of the FOIA and Privacy Act allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.¹

If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office and refer to FOIA case number **2017-ICFO-32679**. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Matthias Headland
for

Catrina M. Pavlik-Keenan
FOIA Officer

¹ 6 CFR § 5.11(d)(4).

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Andrew Free <andrew@immigrantcivilrights.com>

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