

U.S. Department of Homeland Security
500 12th St. SW; STOP 5009
Washington, D.C. 20536-5009



U.S. Immigration
and Customs
Enforcement

October 23, 2017

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

RE: 2018-ICAP-00004, 2017-ICFO-32679

Dear Mr. Free:

This is in response to your letter dated September 25, 2017, received October 5, 2017, appealing the U.S. Immigration and Customs Enforcement (ICE) Freedom of Information Act (FOIA) Office's response to your FOIA request, dated June 1, 2017, seeking records pertaining to Jeancarlo Alfonso Jimenez-Joseph, A204-603-723.

On September 11, 2017, the ICE FOIA Office issued its final response. The ICE FOIA Office determined that the information you requested is withholdable in its entirety pursuant to FOIA Exemption (b)(7)(A) due to the open status of ongoing investigations. You have appealed the withholdings applied to your FOIA request.

Your request was considered under the FOIA, 5 U.S.C. §552. ICE applied FOIA Exemption (b)(7)(A) because of the open status of an ongoing criminal investigation and the nature of the documents, specifically, that they are records or information compiled for a law enforcement purpose, the disclosure of which could reasonably be expected to interfere with ongoing enforcement proceedings. ICE has confirmed with the ICE Office of Professional Responsibility that the investigation, as of October 12, 2017, is still ongoing. Therefore, the original application of FOIA Exemption (b)(7)(A) to withhold the records from disclosure was proper in all respects. ICE reserves the right to assert FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E), and (b)(7)(F) when FOIA Exemption (b)(7)(A) no longer applies.

Upon a complete review of the information withheld by ICE in the initial determination on your FOIA request, the withholding of this information was proper in all respects, and the information is exempt from disclosure under the applicable provisions of 5 U.S.C. § 552.

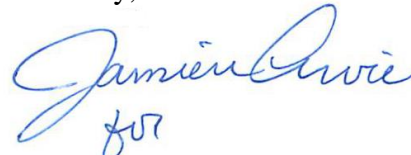
This decision is the final action of ICE concerning your FOIA request. Inasmuch as you consider this to be a denial of your appeal, you may obtain judicial review of this decision pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B) in the United States District Court in the district in which you reside or have a principal place of business, or in which the agency records are situated, or in the District of Columbia.

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The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Should you have any questions regarding this appeal closure, please contact ICE at ice-foia@dhs.gov. In the subject line of the email, please include the word "appeal," the appeal number, which is **2018-ICAP-00004**, and the FOIA case number, which is **2017-ICFO-32679**.

Sincerely,

A handwritten signature in blue ink that reads "Erin J. Clifford" with a stylized flourish at the end.

Erin J. Clifford
Chief
Government Information Law Division
ICE Office of the Principal Legal Advisor
U.S. Department of Homeland Security