



Chad Van Cleave &lt;theonomist@gmail.com&gt;

**FOIA Request - U.S. Secret Service**

2 messages

**Chad Van Cleave** <theonomist@gmail.com>

Thu, May 11, 2017 at 12:21 PM

Reply-To: chad@drugandgunlawyer.com

To: FOIA@uss.s.dhs.gov

I am attaching documents that detail and support the request for the information contained therein from the U.S. Secret Service. Also attached is a Power of Attorney that authorizes the release of otherwise private information, potential subject to withholding and/or redaction, concerning my client, Michael Alan Berk. Please let me know if you need any further information to process this request. Expedited handling is requested.

Chad Van Cleave  
Attorney at Law  
Van Cleave Law Firm, PC  
P.O. Box 1703  
Georgetown, Texas 78627  
(512) 497-0604  
(512) 852-4755 Fax  
[chad@drugandgunlawyer.com](mailto:chad@drugandgunlawyer.com)  
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**VAN CLEAVE LAW FIRM, PC**  
NATIONWIDE FEDERAL CRIMINAL DEFENSE ATTORNEY

**4 attachments**

-  **Back up for DOJ FOIA Request.pdf**  
449K
-  **Gmail - Berk Prosecution File.pdf**  
158K
-  **Additional Detail of FOIA Request.pdf**  
42K
-  **Power of Attorney.pdf**  
457K

**Chad Van Cleave** <theonomist@gmail.com>

Tue, Feb 27, 2018 at 3:11 PM

Reply-To: chad@drugandgunlawyer.com

To: FOIA &lt;FOIA@uss.s.dhs.gov&gt;

Please email me a status on this request. It has been 9 months, and none of my requests for a status have been answered.

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Attorney at Law

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NATIONWIDE FEDERAL CRIMINAL DEFENSE ATTORNEY

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**DEPARTMENT OF HOMELAND SECURITY**  
UNITED STATES SECRET SERVICE  
WASHINGTON, D.C. 20223

Freedom of Information Act & Privacy Act Program  
Communications Center  
245 Murray Lane, SW, Building T-5  
Washington, D.C. 20223

Date: JUN 9 2017

Van Cleave Law Firm, PC  
Chad Van Cleave  
P.O. Box 1703  
Georgetown, TX 78627

File Number: 20171581

Dear Requester:

This letter is intended to acknowledge the receipt of your recent Freedom of Information Act/Privacy Acts (FOIA/PA) request received by the United States Secret Service (Secret Service) on May 11, 2017, for information pertaining to Michael Alan Berk.

You have requested expedited processing of your request under the Department of Homeland Security (DHS) standard permitting expedition when a requester demonstrates a "compelling need."

Your request, for expedited treatment, has been denied.

Under the DHS/FOIA regulation, 6 C.F.R., Chapter I, Part 5 § 5.5, expedited processing of a FOIA request is warranted if the request involves "circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual" ((d)(1)(i)), or "an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information" ((d)(1)(ii)). Requesters that seek expedited processing must submit a statement explaining, in detail, the basis for the request. Additionally, FOIA regulation, 6 C.F.R., Chapter I, Part 5 § 5.5(d)(3), requires that statements be certified, by the requester, to be "true and correct to the best of that person's knowledge and belief."

Your request has been denied because you do not qualify under either category. Clearly, you have not demonstrated that there is a threat to the life or physical safety of an individual nor have you demonstrated there is a particular urgency to inform the public about the government activity involved in the request, beyond the public's right to know about government activity, generally. Your letter was conclusory in nature and did not present any facts to justify a grant of expedited processing under the applicable standards.

Additionally, provisions of the Acts allow us to recover part of the cost of complying with your request. We shall charge you for the records in accordance with Interim FOIA regulations as they apply to "all other" requesters. The first 100 pages of duplication are free of charge. As an "all other"

requester, you will be charged .10 cents a page for the duplication of each additional page. As an "all other" requester, the first 2 hours of search time are free of charge, after which you will be charged the per quarter-hour rate (\$4.00, \$7.00, \$10.25) of the searcher.


Please be advised, the submission of your request is considered a firm commitment by you to pay all applicable duplication and search time costs charged, under 6 C.F.R., Chapter I, Part 5 § 5.11, up to \$25.00. A search for files responsive to your request is being conducted. The appropriate components of the Secret Service are being queried for responsive documents. If any responsive records are located, they will be reviewed for a disclosure determination. You will be contacted before any additional fees are accrued.

If you deem the decision to deny expedited treatment to your request an adverse determination, you may exercise your appeal rights. Should you wish to file an administrative appeal, your appeal should be made in writing and received within sixty (60) days of the date of this letter, by writing to: Freedom of Information Appeal, Deputy Director, U.S. Secret Service, Communications Center, 245 Murray Lane, S.W., Building T-5, Washington, D.C. 20223. If you choose to file an administrative appeal, please explain the basis of your appeal and reference the case number listed above.

Your request has been assigned FOIA/PA File No. 20171581. We solicit your cooperation and assure you that the search will be conducted as expeditiously as possible. To check the status of your FOIA request, please contact this office at (202) 406-6370.

Please use the file number indicated above in all future correspondence with this office.

Sincerely,

  
Kim E. Campbell  
for Special Agent In Charge  
Freedom of Information Act & Privacy Act Officer



Chad Van Cleave &lt;theonomist@gmail.com&gt;

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**FOIA/PA File Number 20171581/Acknowledgement Letter**

5 messages

**FOIA** <Foia@uss.s.dhs.gov>

Fri, Jun 9, 2017 at 11:15 AM

To: "theonomist@gmail.com" &lt;theonomist@gmail.com&gt;

Dear Requester,

Please see the attached letter regarding your recent FOIA/PA request. If you have any questions in regard to this matter, please contact this office at (202) 406-6370.

Thank You,

Freedom of Information Act &amp; Privacy Act Program

United States Secret Service

245 Murray Lane, SW, Building T-5

Washington, DC 20223


Phone: (202) 406-6370

Fax: (202) 406-5586

Email: [FOIA@USSS.DHS.GOV](mailto:FOIA@USSS.DHS.GOV)

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 **20171581.pdf**  
91K

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**Chad Van Cleave** <theonomist@gmail.com>

Wed, Aug 9, 2017 at 2:05 PM

Reply-To: chad@drugandgunlawyer.com

To: FOIA &lt;Foia@uss.s.dhs.gov&gt;

I am following up with your office as it has been 60 days since we submitted this request. Please let me know if you need anything. Thank you.

Chad Van Cleave  
Attorney at Law  
Van Cleave Law Firm, PC  
P.O. Box 1703  
Georgetown, Texas 78627

Case 3:18-cv-01350-M-BN Document 1-1 Filed 05/29/18 Page 6 of 7 PageID 9

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To: FOIA <[Foia@usss.dhs.gov](mailto:Foia@usss.dhs.gov)>

Fri, Oct 6, 2017 at 10:46 AM

Dear FOIA Staff,

I filed this FOIA request on May 11. On June 9, you notified me that my request for expedited handling was denied. Since then, I have inquired into the status of this request and have had no response from your office. We are coming up on 5 months since this request was filed. Can you please inform me of the status? Thank you.

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NATIONWIDE FEDERAL CRIMINAL DEFENSE ATTORNEY

On Fri, Jun 9, 2017 at 11:15 AM, FOIA <[Foia@usss.dhs.gov](mailto:Foia@usss.dhs.gov)> wrote:

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Reply-To: [chad@drugandgunlawyer.com](mailto:chad@drugandgunlawyer.com)  
To: FOIA <[Foia@usss.dhs.gov](mailto:Foia@usss.dhs.gov)>

Tue, May 22, 2018 at 12:43 PM

I have been trying to follow up on this for some time. The request has been pending for over one year. The phone number in the acknowledgement letter (which assures me that the request will be conducted as expeditiously as

possible) Case 3:18-cv-01250-M-BN Document 1-1 Filed 05/29/18 Page 7 of 7 PageID 10  
 not functioning properly, and had to be resubmitted. Please contact us by email on your earliest opportunity.

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 [Quoted text hidden]

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 Reply-To: [chad@drugandgunlawyer.com](mailto:chad@drugandgunlawyer.com)  
 To: FOIA <[Foia@uss.s.dhs.gov](mailto:Foia@uss.s.dhs.gov)>

Tue, May 22, 2018 at 1:18 PM

I am following up with your office as it has been 60 days since we submitted this request. Please let me know if you need anything. I am preparing the Complaint for Injunctive Relief now, in which I am requesting attorney's fees. Thank you.

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 [Quoted text hidden]