



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Mr. Sean Kovalevich
No. 39835
North Dakota State Penitentiary
Post Office Box 5521
Bismarck, ND 58506

Re: Appeal No. DOJ-AP-2018-003789
Request No. EOUSA-2017-000948
SRO:ADF

VIA: U.S. Mail

Dear Mr. Kovalevich:

You attempted to appeal from the failure of the Executive Office for United States Attorneys (EOUSA) to respond to your Freedom of Information Act request for access to records located in the United States Attorney's Office for the District of North Dakota concerning yourself.

Department of Justice regulations provide for an administrative appeal to the Office of Information Policy only after there has been an adverse determination by a component. See 28 C.F.R. § 16.8(a) (2017). As no adverse determination has yet been made by EOUSA, there is no action for this Office to consider on appeal.

As you may know, the FOIA authorizes requesters to file a lawsuit when an agency takes longer than the statutory time period to respond. See 5 U.S.C. § 552(a)(6)(C)(i). However, I can assure you that this Office has contacted EOUSA and has been advised that your request is currently being processed. If you are dissatisfied with EOUSA's final response, you may appeal again to this Office.

This Office has forwarded a copy of your letter to EOUSA. You should contact EOUSA's Requester Service Center at (202) 252-6020 for further updates regarding the status of your request.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

6/15/2018

X

Sean R. O'Neill
Chief, Administrative Appeals Staff
Signed by OIP

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6