

EXHIBIT 8



U.S. Department of Justice

Civil Division

Via Email

Washington, DC 20530

June 28, 2018

Mr. David C. Dinielli
Southern Poverty Law Center
400 Washington Avenue
Montgomery, Ala. 36104
(334) 956-8200
david.dinielli@splcenter.org

Request No. 145-FOI-16168
HDK

Dear Dinielli:

This letter acknowledges that on June 28, the Civil Division received your Freedom of Information Act (FOIA) request in which you requested records concerning "the Federal Bureau of Prisons' ("BOP") changes to the Transgender Offender Manual."

In your request letter, you requested expedited treatment pursuant to the first, second, third and fourth standards enumerated in the Department of Justice's regulations. Under the first standard, you must show that the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. See 28 C.F.R. § 16.5(e)(1)(i) (2015). Under the second standard, you must show that there is "[a]n urgency to inform the public about an actual or alleged Federal Government activity, if made by a person primarily engaged in disseminating information." 5 U.S.C. § 552(a)(6)(E)(v)(II). See also 28 C.F.R. § 16.5(e)(1)(ii) (2015). Under the third standard, you must show that the request involves "[t]he loss of substantial due process rights." 28 C.F.R. § 16.5(e)(1)(iii) (2015). Under the fourth standard, you must show that the subject matter of your request is a "matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." Id. at § 16.5(e)(1)(iv). This Office makes determinations regarding the first three standards, while the Department's Director of Public Affairs makes determinations regarding the fourth standard. See id. at § 16.5(e)(2).

You have requested expedited processing of your request pursuant to the Department's standard permitting expedition for requests based on 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. See 28 C.F.R. § 16.5(e)(1)(i) (2015).

Based on the information you have provided, I have determined that your request for expedited processing under this standard should be denied. This Office cannot identify an imminent threat to the life or physical safety of an individual.

You also requested expedited processing of your request pursuant to the Department's standard permitting expedition for requests involving "[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information." 28 C.F.R. § 16.5(e)(1)(ii) (2015).

Based on the information you have provided, I have determined that your request for expedited processing under this standard should be denied. This Office cannot identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activities generally.

In addition, you requested expedited processing of your request pursuant to the Department's standard involving the "loss of substantial due process rights." 28 C.F.R. § 16.5(e)(1)(iii) (2015). Based on the information you have provided, I have determined that your request for expedited processing under this standard should be denied. Courts only grant expedited processing if a requester can show (1) "that [he] is facing grave punishment [in a criminal proceeding], and (2) that there is reason to believe information will be produced to aid the individual's defense." Freedman v. DOJ, No. 92-0557, slip op. at 4 (D.D.C. Oct. 2, 1992). You have not satisfied these requirements.

Finally, you requested expedited processing of your request pursuant to the Department's standard involving "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." 28 C.F.R. § 16.5(e)(1)(iv) (2015). Pursuant to Department policy, we directed your request to the Director of the Department's Office of Public Affairs, who makes the decision whether to grant or deny expedited processing under this standard. See id. at § 16.5(e)(2).

The Director has determined that your request for expedited processing should be denied. He has determined that your request does not pertain to a matter "in which there exist possible questions about the [federal] government's integrity which affect public confidence." Please be advised that, although your request for expedited processing has been denied; it has been assigned to a Government Information Specialist in this Office and records searches have been initiated.

For your information, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Simple requests usually receive a response in approximately one month, whereas complex requests necessarily take longer. At this time your request has been assigned to the complex track. You may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing, should records be located; or you may wish to await the completion of our records search to discuss either of these options.

We have not yet made a decision on your request for a fee waiver. We will do so after we determine whether fees will be assessed for this request.

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact me by telephone at 202-514-2319 or you may write to me at the FOIA, Records, and E-Discovery Office, Civil Division, Department of Justice, Room 8020, 1100 L Street NW, Washington, DC 20530. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer.

The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, 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,

A handwritten signature in blue ink, appearing to read "Hirsh D. Kravitz". The signature is fluid and cursive, with a large initial "H" and "K".

Hirsh D. Kravitz
Senior Supervisory FOIA Counsel
Office of FOIA, Records, and E-discovery