

EXHIBIT 10



U.S. Department of Justice

Office of Legal Counsel

Washington, D.C. 20530

July 3, 2018

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Re: FOIA Tracking No. FY18-152

Dear Messrs. Saenz, Dinielli, and Soto, and Ms. Gordon:

This letter acknowledges receipt of your June 22, 2018 Freedom of Information Act ("FOIA") request to the Office of Legal Counsel ("OLC"), among others, on behalf of the Southern Poverty Law Center and Lambda Legal Education and Defense Fund, Inc.. Your request seeks thirty-nine categories of records of various date ranges "concerning the Federal Bureau of Prison[]'s ("BOP") changes to the Transgender Offender Manual." We received your request on June 22, 2018, and it has been assigned tracking number **FY18-152**. For your information, for the categories of your request where the date range is through "the date on which [your] request is closed," consistent with 28 C.F.R. § 16.4(a), we will construe your request as seeking records to the date a search is begun. Based on our preliminary review of your request, and pursuant to 28 C.F.R. § 16.5(b), your request has been tentatively assigned to the "complex" processing track. If you would like to narrow your request so that it can be transferred to the "simple" track and processed more quickly, please contact Melissa Golden at the address and phone number provided below.

I have determined that your request for expedited processing under 28 C.F.R. § 16.5(e)(1)(i), (ii), and (iii), should be denied. All requests for expedited processing must "explain[] in detail the basis" for the request. *Id.* § 16.5(e)(2). The one sentence, summary argument that you have provided does not satisfy this requirement.

You also requested expedited treatment of your request under 28 C.F.R. § 16.5(e)(1)(iv). On June 22, 2018, we referred your request to the Director of the Office of Public Affairs ("OPA"), who determines whether a request pertains to "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence." 28 C.F.R. § 16.5(e)(1)(iv); *see id.* § 16.5(e)(2). On June

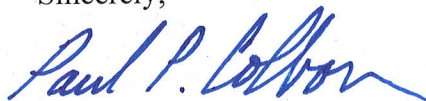
28, 2018, we were informed that OPA has denied your request for expedited processing under standard (iv) because, in the judgment of the Director of OPA, the topic of your request is neither a “matter of widespread and exceptional media interest” nor “[a] matter . . . in which there exist possible questions about the government’s integrity that affect public confidence.” *Id.* § 16.5(e)(1)(iv). Accordingly, your request for expedited processing under section 16.5(e)(1)(iv) is denied.

Because of the considerable number of FOIA requests received by OLC before your request, our staff has not yet been able to complete a search to determine whether there are documents within the scope of your request. Please note that it also is likely that we will be unable to respond to your request within the twenty-day statutory deadline. I regret the necessity of this delay, but I assure you that your request will be given priority and processed as soon as practicable. In the meantime, if you have any questions or wish to discuss your request, you may contact Melissa Golden, OLC’s FOIA Public Liaison, at usdoj-officeoflegalcounsel@usdoj.gov, (202) 514-2053, or at Office of Legal Counsel, United States Department of Justice, 950 Pennsylvania Ave., N.W., Room 5511, Washington, DC 20530.

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.

You have the right to an administrative appeal. You may administratively appeal by writing to the Director, Office of Information Policy (“OIP”), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP’s FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.”

Sincerely,



Paul P. Colborn
Special Counsel