

Subject: RE: Freedom of Information Act Request #1424878-000

Mail

Under the Freedom of Information Act I am formally appealing this denial by the Federal Bureau of Investigations.

First, they state the b7 exemption for these records which according to the DOJ:

Exemption 7 of the FOIA, as amended, protects from disclosure "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings".

The FBI has not stated which, if any records, they have that are exempt from disclosure. They are required to produce any and all records and only withhold or redact those records which "could reasonably be expected to interfere with enforcement proceedings". The FBI has not done so in this case.

The FBI has also not demonstrated how the production of these records would "interfere with enforcement proceedings". The documents in question pertain to a person who has already been convicted of a crime. The FBI has provided any evidence that there is an ongoing law enforcement proceeding that the production of the record could "reasonably" interfere with.

Finally, we seek records between the FBI and the Cook County States Attorney Office which ultimately charged the individual in question. The FBI ultimately did not charge the individual who was ultimately charged by the States Attorney. Therefore, I believe their application of the b7 exemption should not apply as they are not the law enforcement agency that has an \_ongoing\_ law enforcement proceeding.

Thank you,  
Freddy Martinez



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From: Federal Bureau of Investigation

02/12/2019

Subject: FOIA Appeal DOJ-AP-2019-002351 Submitted

Email

This message is to notify you of a new appeal submission to the FOIAonline application. Appeal information is as follows:

- \* Appeal Tracking Number: DOJ-AP-2019-002351
- \* Request Tracking Number: 1424878
- \* Requester Name: Freddy Martinez
- \* Date Submitted: 02/08/2019
- \* Appeal Status: Submitted
- \* Description: FBI Appeal

From: Muckrock Staff

05/10/2019

Subject: RE: Freedom of Information Act Request #1424878-000, DOJ-AP-2019-002351

Email

To Whom It May Concern:

I wanted to follow up on the following request, copied below. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: Federal Bureau of Investigation

07/24/2019

Subject: Final Disposition, Request DOJ-AP-2019-002351

Portal

DOJ-AP-2019-002351 has been processed with the following final disposition: Affirmed on Appeal.

Given the nature of this request, some records are only being released to you as the requester. If you have an account in FOIAonline, you may access those records by . Otherwise, those responsive records will be sent via the method agreed upon with the FOIA processor. logging into FOIAonline (<https://www.foiaonline.gov/foiaonline/action/public/home>)



Martinez, Freddy, DOJ-AP-2019-002351, appeal response, FBI, affirm 7A

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Exhibit D