

EXHIBIT “C”



**U.S. Customs and
Border Protection**

1300 Pennsylvania Avenue NW
Washington, DC 20229

October 19, 2019

Barry Walker
Walker Trial Lawyers LLP
31504 Railroad Canyon Rd, Suite 2
Canyon Lake, CA 92587

Re: FOIA Request CBP-2019-072432

Dear Barry Walker,

This is the final response to your July 31, 2019 Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) requesting any video and/or audio of your client, Mr. Kelly James Eiswerth, at the Andrade Port of Entry on March 26, 2019.

We conducted a comprehensive search of CBP databases, within the San Diego Field Office, for records that would be responsive to your request. Unfortunately, we were unable to locate or identify any responsive records, based upon the information you provided in your request. Please note: the retention period for video or audio footage is 90 days from the date of the incident.

This completes the CBP response to your request. You may contact CBP's FOIA Public Liaison, Charlyse Hoskins, by sending an email via your FOIAonline account, mailing a letter to 90 K St, NE MS 1181, Washington DC, 20229 or by calling 202-325-0150. The FOIA Public Liaison is able to assist in advising on the requirements for submitting a request, assist with narrowing the scope of a request, assist in reducing delays by advising the requester on the type of records to request, suggesting agency offices that may have responsive records and receive questions or concerns about the agency's FOIA process. Please notate file number **CBP-2019-072432** on any future correspondence to CBP related to this request.

If you are not satisfied with the response to this request, you have a right to appeal the final disposition. Should you wish to do so, you must file your appeal within 90 days of the date of this letter following the procedures outlined in the DHS regulations at Title 6 C.F.R. §5.8. Please include as much information as possible to help us understand the grounds for your appeal. You should submit your appeal via FOIAonline by clicking on the "Create Appeal" button that appears when you view your initial request. If you do not have computer access, you may send your appeal and a copy of this letter to: FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 90 K Street, NE, 10th Floor, Washington, DC 20229-1177. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia. Additional information can be found at the following link <https://www.cbp.gov/document/guidance/exemption-definitions>.

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Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS), which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, 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. Please note that contacting the CBP FOIA Public Liaison or OGIS **does not** stop the 90-day appeal clock and **is not** a substitute for filing an administrative appeal.

Sincerely,



Jennifer R Davis
Government Information Specialist, Team Lead/SME
U.S. Customs and Border Protection/FOIA Division
Privacy & Diversity Office