

EXHIBIT E

U.S. Department of Homeland Security
500 12th St. SW; STOP 5009
Washington, D.C. 20536-5009



U.S. Immigration
and Customs
Enforcement

July 22, 2019

David Donatti
ACLU of Texas
P.O. Box 8306
Houston, TX 77288-8306

RE: 2019-ICAP-00466, 2019-ICFO-35986

Dear Mr. Donatti:

This is in response to your letter dated June 26, 2019, appealing the U.S. Immigration and Customs Enforcement (ICE) Freedom of Information Act (FOIA) Office's response to your FOIA request. Your April 16, 2019, FOIA request sought administrative and criminal warrants relating to the ICE enforcement operation conducted on April 3, 2019, at 915 Enterprise Blvd, Allen, Texas.

By a letter dated May 23, 2019, the ICE FOIA Office advised you that the information you requested would be withheld in its entirety pursuant to 5 U.S.C. § 552(b)(7)(A) (FOIA Exemption 7(A)), because the records you requested relate to an ongoing criminal law enforcement investigation, the release of which could reasonably be expected to interfere with ongoing law enforcement proceedings. You are now appealing ICE's application of FOIA Exemption 7(A) to the records you requested.

ICE has confirmed that as of July 16, 2019, the requested records continue to relate to an open and ongoing law enforcement investigation. Accordingly, ICE has determined that the withholding of the records in full is proper pursuant to Exemption 7(A) of the FOIA. The disclosure of information prior to the completion of the investigation could reasonably be expected to interfere with law enforcement proceedings. Once all pending matters are concluded and FOIA Exemption 7(A) is no longer applicable, please be advised that there may be other FOIA exemptions that may be asserted to protect certain information from disclosure, including but not limited to Exemptions 6, 7(C), and 7(E).

This decision is the final action of ICE concerning your FOIA request. Inasmuch as you consider this to be a denial of your appeal, you may obtain judicial review of this decision pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B) in the United States District Court in the district in which you reside or have a principal place of business, or in which the agency records are situated, or in the District of Columbia.

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With regards to the request for the creation of a *Vaughn* index, this request is premature as requestors are not entitled to a complete list of responsive documents and explanation of withholdings during the administrative process. The creation of a *Vaughn* index is generally required in connection with a motion for summary judgment filed by a defendant in a civil action pending in court. *Schwarz v. U.S. Dep't of Treasury*, 131 F.Supp.2d 142, 147 (D.D.C. 2000).

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Should you have any questions regarding this appeal closure, please contact ICE at ice-foia@dhs.gov. In the subject line of the email please include the word "appeal," your appeal number, which is **2019-ICAP-00466**, and the FOIA case number, which is **2019-ICFO-35986**.

Sincerely,



for Shiraz Panthaky

Chief

Government Information Law Division
ICE Office of the Principal Legal Advisor
U.S. Department of Homeland Security