

Freedom of Information Act Request

Pursuant to the Freedom of Information Act, 5 U.S.C. 552 and the Privacy Act 5 U.S.C. 552a, I (Babar Javed Butt A# 208 299 802. Fed# 18905479) hereby request a copy of all records pertaining to myself (Babar Javed Butt) in the possession and knowledge of EOUSA or any of its components.

I plead that my request is processed expeditely as failure to get this information can hamper me in:

- Preventing my deportation (*I am currently in removal proceedings and detained in a detention center with no access to a law library or any other legal aid*),
- Effectively adjudicate my Civil Rights Bivens claim against Federal agents
- Perfecting an appeal brief in the Court of Appeals for the Fifth Circuit of Texas.

I am currently incarcerated and Pro SE in removal proceedings and the information requested is extremely vital to fight my deportation as I face the likely outcome of being lynched to death or be killed in the event that I get deported, hence my request is extremely time sensitive.

With extremely limited assistance on the outside I am highly depending on the information that I am requesting as it will help me better litigate the numerous legal proceedings in which I am a party and representing my own self. Therefore, I request the researching party to provide as much details as possible.

In addition to requesting a copy of all records pertaining to myself (Babar Javed Butt) in the possession and knowledge of EOUSA or any of its components I specifically request the following information:

1. All emails, text messages, notes or any other form of digital or recorded oral communication between Government prosecutors AUSA Mrs Heather Winter (Southern District of Texas), AUSA Mrs Zahra Jivani Fenelon (Southern District of Texas), AUSA Miss Stephanie Bauman (Southern District of Texas) **and my previous counsels** Mr Mervyn Mosbacker and Mr Paul Schiffer that directly or indirectly discuss me in any way
2. All emails, text messages, notes or any other form of digital or recorded oral communication between Government prosecutors AUSA Mrs Heather Winter (Southern District of Texas), AUSA Mrs Zahra Jivani Fenelon (Southern District of Texas), AUSA Miss Stephanie Bauman (Southern District of Texas), AUSA Miss Elizabeth Karpati (Southern District of Texas) and United States Attorney Ryan Patrick that has my name or discuss me in any way.
3. All emails, text messages, notes or any other form of digital or recorded oral communication between Government prosecutors AUSA Mrs Heather Winter (Southern District of Texas), AUSA Mrs Zahra Jivani Fenelon (Southern District of Texas), AUSA Miss Stephanie Bauman (Southern District of Texas), AUSA Miss Elizabeth Karpati (Southern District of Texas), United States Attorney Ryan Patrick and any employee of Department of Homeland Security, ICE, USCIS, HSI, Bureau of Prisons and FBI that has my name or discuss me in anyway.
4. All documents, emails, notes, text messages, files or minutes of conversations/meetings that discusses the assault on me by Paul Skinner's (HSI) supervisor on April 13th, 2016.
5. All documents, emails, notes, or files, both digital and paper, that contains my name or refer to me in any way in the possession or knowledge of EOUSA or in the offices of Government prosecutors of the Southern District of Texas

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6. All documents, emails, notes, text messages or files that discuss the illegal seizure of \$91,267 and 452 electronic devices that were seized from me by FBI agents on April 13th 2016 and April 14th, 2016 using consents obtained under duress, by an assault and a fictitious warrant.
7. **All emails, files, text messages or records of any form of communication between Government prosecutors from the Southern District of Texas and Immigration prosecutors in Dallas, Texas handling my removal proceedings that has my name or discuss me in any way.**

FOIA provides, with certain enumerated exceptions, that upon a proper request for records a federal agency "shall make the records promptly available to any person." 5 U.S.C.552(a)(3)(A). "If an agency refuses to furnish the requested records, the requester may file suit in federal court and obtain an injunction 'order[ing] the production of any agency records improperly withheld.'" Taylor v. Sturgell, 553 U.S. 880, 885, 128 S. Ct. 2161, 2167, 171 L. Ed. 2d 155(2008) (quoting 5 U.S.C. 552(a)(4)(B)). The requester does not have to justify his or her request. North v. Walsh, 881 F.2d 1088, 1096, 279 U.S. App. D.C. 373 (D.C.Cir. 1989). Nonetheless, FOIA requests must reasonably describe the records sought, and must be made in accordance with the agency's regulations. See 5 U.S.C.552(a)(3).

Please provide a reasonably detailed affidavit, setting forth the search terms and the type of search performed, the databases searched, and averring that all files databases and other resources likely to contain responsive materials were searched. In the event that my request is denied in whole or in parts, please provide me with a detailed justification for withholding records. **I also request any segregable portions that are not exempt to be disclosed.**

In addition, I also humbly request a waiver of any fees, if possible, as I have been incarcerated for two years with no source of income and my need of the above requested document on urgent basis is to save my life.

Thank you

Pursuant to 28 U.S.C 1746, I declare under penalty of perjury that the foregoing is true and correct.
Name: Babar Javed Butt. DOB: 10/22/1984. A# 208299802. Fed# 18905479

Babar Javed Butt
A# 208 299 802
111 S Alabama
Okmulgee, Ok, 74447
07/25/2018

Exhibit 2



U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

Suite 5.400, 3CON Building
175 N Street, NE
Washington, DC 20530

(202) 252-6020
FAX (202) 252-6048

September 18, 2018

Babar Javad Butt
A#208299802
Moore Detention Center
111 S. Alabama
Okmulgee, OK 74447

Re: Request Number: FOIA-2018-005679 Date of Receipt: August 3, 2018
Subject of Request: Self/Items 1-7 – USAO Southern Texas

Dear Requester:

This letter acknowledges receipt of your Freedom of Information Act/Privacy Act (FOIA) request in the Executive Office for United States Attorneys (EOUSA) on the above date, and assignment of the above Tracking Number.

Your request seeks records from one or more field offices, and involves many voluminous records and/or requires consultation with another agency/component with a substantial interest in the subject-matter and therefore falls within "unusual circumstances" as set forth in the state. See 5 U.S.C.S § 552(a)(6)(B)(i)-(iii). Accordingly, we are extending the time limit to respond to our request for ten additional days. See 5 U.S.C. § 552(a)(6)(B)(i). In addition, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in approximately 30 business days, whereas complex requests necessarily take longer. At this time, your request has been assigned to the complex track.

Under FOIA and Department of Justice regulations you may be required to pay certain costs associated with processing your request, including, searching for, reviewing, and duplicating requested records. Consequently, you may potentially incur those costs, unless you have requested and been granted a waiver or reduction in fees. In most instances, the first 100 pages to duplicate and the first two hours to search for records responsive to your request, will be provided to you free of charge. If after making those allowances, we determine that the cost to process your request will amount to more than \$25.00, we will notify you in writing at a later date.¹ Requests that are specific, concrete and of limited scope (in time and/or subject matter) generally enable us to respond to you more quickly and possibly assess less fees. To avoid delay and reduce any potential fees, we respectfully request that you modify and narrow the scope of your request (See attachment).

Exhibit 3



U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

Suite 5.400, 3CON Building
175 N Street, NE
Washington, DC 20530

(202) 252-6020
FAX (202) 252-6048

November 15, 2018

Babar Javed Butt
A#208299802-1209
Sunflower Lane
Alvarado, TX 76009

Re: Request Number: FOIA-2018-005609 Date of Receipt: August 3, 2018
Subject of Request: Self/Specific Records (Items 1-7) – USAO Southern TX

Dear Requester:

In response to your Freedom of Information Act and/or Privacy Act request, the paragraph(s) checked below apply:

1. A search for records located in EOUSA_ has revealed no responsive records regarding the above subject. [Note – records of former employees are not maintained by EOUSA following separation from employment with EOUSA or USAO.]
2. A search for records located in the United States Attorney’s Office(s) for the Southern District of Texas has revealed no responsive records regarding the above subject(s).
3. After an extensive search, the records which you have requested cannot be located.
4. Your records have been destroyed pursuant to Department of Justice guidelines.
5. Please note that your original letter was split into separate files (“requests”), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

This is the final action on this above-numbered request. If you are not satisfied with my response to this request, 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 ninety (90) days of the date of my response to your request. If

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CC: OGIS, National Archives and Records Administration
Room 2510, 8601 Adelphi Road,
College Park, Maryland 20740
Fax 202-741-5769

FOIA APPEAL

To whom this may concern,

I am writing to appeal against the denial of my FOIA request that I submitted to EOUSA on August 3rd 2018 (Request number FOIA 2018-005679).

My original request was received and processed by the EOUSA office on August 3rd 2018 however till September 18th 2018 I was never provided with any update on the receipt of the request. It was only after I reached out to the EOUSA on 18th September 2018 I was provided with a request number approximately 45 days later. Please see Exhibit 1

On November 15th 2018 the EOUSA office declined my FOIA request citing that “no responsive records regarding the above subjects” were found. Please see Exhibit 2. Also on this letter my original FOIA request FOIA 2018-005679 was typed as FOIA 2018-005609. I am assuming that this was just a typographical error.

I am completely baffled as to how is it possible that the United States Attorney’s Office for the Southern District of Texas does not have any records of mine. I was prosecuted in a criminal investigation in the Southern District of Texas, criminally indicted in the same District on October 11th 2016 and sentenced in the same District as well on July 17th 2017.

From April 14th 2016 till October 11th 2016 I assisted the FBI in an operation called “Operation Seven Eleven” in which the Federal Agents discussed regular updates with regards to me with the prosecutors in the Southern District of Texas.

In addition, I am still contesting forfeiture in which prosecutors from the Southern District of Texas are involved and I am a party to multiple appeals in the 5th Circuit of Texas, again in which prosecutors from the Southern District of Texas are directly involved.

I am personally in possession of multiple emails sent by AUSA Zahra Jivani and AUSA Heather Winter to my previous counsel. In addition, I have a Bivens complaint against Federal Agents filed in the Southern District of Texas that too directly involve prosecutors from the Southern District of Texas.

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It appears that the concerned department knowingly and willingly refuse to conduct a legally adequate search responsive to my FOIA request, refuse to produce all responsive agency records in their possession, purposely did not produce a legally adequate *Vaughn* index and failed to provide a detailed affidavit setting forth the search terms, the data bases searched and the type of search performed as requested in my FOIA request.

I respectfully request this office takes the necessary steps and direct any department involved in withholding the information that I requested in my FOIA request to be released as soon as possible. I hope and pray that my appeal gets addressed within the statutory timelines as mandated by the FOIA to avoid any further litigation in District Court.

Respectfully Submitted

Babar Butt
A# 208 299 802
1209 Sunflower lane
Alvarado, Texas, 76009
12/05/2018

Exhibit # 5



NATIONAL ARCHIVES and RECORDS ADMINISTRATION
8601 ADELPHI ROAD, OGIS | COLLEGE PARK, MD 20740-6001
www.archives.gov/ogis | ogis@nara.gov | o: 202.741.5770 | f: 202.741.5769 | 877.684.6448

February 1, 2019 -- Sent via U.S. mail

Mr. Babar Butt
A#208299802
1209 Sunflower Lane
Alvarado, TX 76009

Re.: Case No. 19-01034

Dear Mr. Butt:

Thank you for contacting the Office of Government Information Services (OGIS). Congress created OGIS to serve as the Federal Freedom of Information Act (FOIA) Ombudsman. We assist the public and Federal agencies by helping them resolve their FOIA disputes, and by addressing their questions and concerns about the FOIA process. Our jurisdiction is limited to assisting with the FOIA process.

An OGIS facilitator will review your submission. If we must contact the agency for the status of your request or appeal, we will do so immediately and contact you again once we receive that information.

We look forward to assisting you.

Sincerely,

The OGIS Staff

OFFICE OF GOVERNMENT INFORMATION SERVICES

National Archives and Records Administration
8601 Adelphi Road (OGIS)
College Park, MD 20740-6001
Email: ogis@nara.gov
Phone: 202-741-5770 (local) or 1-877-684-6448 (toll-free)
Fax: 202-741-5769
Website: www.archives.gov/ogis
Blog: <http://foia.blogs.archives.gov/>

Babar Butt
386 C2

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

EXHIBIT 6

Track Another Package +

Tracking Number: 9505513019528347173653

Remove X

Your item was delivered at 5:09 am on December 26, 2018 in WASHINGTON, DC 20530.

 **Delivered**

December 26, 2018 at 5:09 am
Delivered
WASHINGTON, DC 20530

Feedback

Tracking History



Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)