

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



U.S. Immigration
and Customs
Enforcement

March 5, 2020

Peter King
3756 W Ave 40
Suite K Unit #201
Los Angeles, CA 90065
peterbking@gmail.com

RE: 2020-ICAP-00188, 2020-ICFO-06936

Dear Mr. King:

This letter is in response to your e-mail dated February 4, 2020, received by ICE the following day, appealing the U.S. Immigration and Customs Enforcement (ICE) Freedom of Information Act (FOIA) Office's response to your FOIA/Privacy Act (PA) request dated November 6, 2019, seeking a copy of the complete audio recording described in Bureau of Immigration and Customs Enforcement memo dated August 25, 2003 - File ENF-1:OI:EP:LG regarding the debrief of SA-913-EP on August 6, 2003 in El Paso, Texas. You further provided that the audio was recorded by an ICE informant on August 5, 2003 and it documents a murder related to an ICE investigation.

By a letter dated November 6, 2019, the ICE FOIA Office advised you that "[w]ith respect to the individual(s) named in your request, lacking explicit consent from the individual(s) or an overriding public interest, an official acknowledgement of an investigation of them, even to acknowledge the existence of such records pertaining to the individual(s) could reasonably be expected to constitute an unwarranted invasion of their personal privacy. Accordingly, I have determined to neither confirm nor deny the existence of responsive records on the individual(s) identified in your request. If any records exist, they would be exempt from disclosure pursuant to Exemptions 6 and/or 7(C) of the FOIA."

Upon a complete review of the administrative record, ICE affirms the determination on your FOIA request.

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.

Exhibit E

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 **2020-ICAP-00188**, and the FOIA case number, which is **2020-ICFO-06936**.

Sincerely,

Alexandra Ellis

for Shiraz Panthaky
Chief
Government Information Law Division
ICE Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security