

From: [Eric Bolinder](#)
To: [Krebs, Kevin \(USAEO\)](#)
Cc: [USAEO-FOIA Requests](#)
Subject: Possible Erroneous Response -- EOUSA-2020-002269
Date: Monday, April 6, 2020 12:17:19 PM
Attachments: [EOUSA-2020-002269 -Bolinder 006 Third Party Denialpdf.pdf](#)
[2020.04.01 AFPF WV FOIA.pdf](#)

Mr. Krebs,

I hope you are healthy and well during this chaotic time.

I think an error may have been made in replying to a recent request and before I put us through the appeal process, I wanted to reach out and see if we could work it out internally.

I FOIA'd (attached) for a number of records from the office of Michael Stuart, who is the U.S. Attorney for the Southern District of West Virginia. This request includes items that specify search terms for emails during a certain time period, emails to and from his office and other offices, other office records, etc. As a U.S. Attorney, that office is plainly subject to FOIA. It's also difficult to imagine any other exemptions apply, as your office has not conducted a records search yet.

However, I received the attached response, which said that the request was denied because the request concerns a third party. I believe this was a scrivener's error, as Mr. Stuart is a U.S. Attorney and many items of the request plainly ask for governmental records. I believe the request should be re-opened by your office, with a records search to follow.

Happy to talk over the phone, but just thought it would be helpful to you and me if I reached out to figure this out before appealing, particularly if it's just a simple error. Just to disclaim: this email is **not** a FOIA appeal, and I preserve all appeal rights through the proper channels.

Best,

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