



U.S. Department of Justice
Federal Bureau of Prisons

North Central Regional Office

Office of the Regional Counsel

*400 State Avenue
Tower II, Suite 800
Kansas City, KS 66101*

September 24, 2015

Aubrey Rose
Louisiana Capital Assistance Center
636 Baroone Street
New Orleans, LA 70113

Dear Ms. Rose:

We received the above referenced Freedom of Information Act (FOIA) request wherein you seek expedited processing. A copy of the first page of your request is attached.

The Department of Justice requires all requests for records be processed on a first-in, first-out basis. The four exceptions to this requirement are: "(i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (ii) An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information; (iii) The loss of substantial due process rights; or (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence." 28 C.F.R. § 16.5(e).

Your request meets the requirement to be processed on an expedited basis and will be expedited to the best of our ability. This request will be placed on the processing track ahead of other requests and processed as soon as practicable. Processing this request may take up to six months.

If you have questions regarding the status of your request, you may contact the North Central Regional Office at 913-551-1004. You can also check the status of

EXHIBIT 03

your request on line at <http://www.bop.gov/PublicInfo/execute/foia>.

Sincerely,

E. Fenstermaker

for Richard W. Schott
Regional Counsel

September 18, 2015

Freedom of Information Act/Privacy Act Section
Office of the General Counsel, Room 841
Federal Bureau of Prisons
320 First Street NW
Washington, D.C. 20534

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Received

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FOIA/PA Section
Federal Bureau of Prisons

Louisiana
Capital
Assistance
Center

A Non-Profit Law Office

Via First Class Mail

This is a Capital Habeas Case; Expedited Processing Requested

Dear Sir/Madam:

EXPEDITED REVIEW: Our office has been appointed to represent Edgar Garcia (Reg. No. 28132-177) in federal habeas proceedings. This request is made in connection with a criminal justice purpose.¹ This request is time sensitive because it relates to current pending federal court proceedings. I am requesting information for professional use on behalf of our client.

Pursuant to the Freedom of Information Act (5 U.S.C. § 552), I request access to, and copies of, the following information pertaining to:

Any and all daily violence reports generated by the Bureau of Prisons on incidents at United States Penitentiary Beaumont, United States Penitentiary Marion, and United States Penitentiary Lee County for each year from January 1, 2000 to January 1, 2010.

A description of all Bureau of Prison referrals to the Office of the Inspector General of the Department of Justice for United States Penitentiary Beaumont, United States Penitentiary Marion, and United States Penitentiary Lee County for each year from January 1, 2000 to January 1, 2010.

The number of serious injuries sustained by guards per year at United States Penitentiary Beaumont, United States Penitentiary Marion, and United States Penitentiary Lee County from January 1, 2000 to January 1, 2010.

¹ Expedited processing of requested records is being sought pursuant to 5 U.S.C. §552(a)(6)(E)(v) (“that a failure to obtain requested records on an expedited basis under this paragraph could reasonably be expected to pose an imminent threat to the life or physical safety of an individual”). Because Mr. Garcia faces criminal prosecution and the death penalty, which very directly threatens his life and physical safety an exceptional and urgent need exists which justifies expedited processing for the records being sought. *Cleaver v. Kelley*, 427 F. Supp. 80, 81 (D.D.C. 1976) (court orders expedited processing of records for plaintiff facing multiple criminal charges carrying possible death penalty in state court).