



**U.S. Department of Justice
Federal Bureau of Prisons**

APR 06 2016

*South Central Regional Office
U.S. Armed Forces Reserve Complex
344 Marine Forces Drive
Grand Prairie, Texas 75051*

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

Dear Aubrey Rose:

The Federal Bureau of Prisons (BOP) received your Freedom of Information Act/Privacy Act (FOIA/PA) request. Your request has been assigned a number and forwarded to the processing office noted below. Please make a note of the request number and processing office as you will need to include it in any correspondence or inquiry regarding your request. A copy of the first page of your request is attached to help you more easily keep track of your request.

FOIA/PA Request Number: 2016-03719
Processing Office: SCR

The time needed to complete our processing of your request depends on the complexity of our records search and the volume and complexity of any records located. Each request is assigned to one of three tracks: simple, complex, or expedited. Due to the large number of FOIA/PA requests received by BOP and the limited resources available to process such requests, BOP handles each request on a first-in, first-out basis in relation to other requests in the same track. Your request was assigned to the complex track and placed in chronological order based on the date of receipt.

We determined exceptional circumstances exist as the documents responsive to your request must be searched for and collected from a field office, and/or the documents responsive to your request are expected to be voluminous and will require significant time to review, and/or your request requires consultation with at least one other agency with a substantial interest in your request. Because of these unusual circumstances, we are extending the time limit to respond to your request beyond the ten additional days provided by the statute. Processing complex requests may take up to nine months. Pursuant to 28 C.F.R. § 16.5(b) and (c), you may narrow or modify your request in an effort to reduce the processing time.

You have requested expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E)(v), as the records you have requested pertain to a habeas case involving Edgar Garcia, register number 28132-177, who has been sentenced to death. 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.

EXHIBIT 15

Pursuant to 28 C.F.R. § 16.10, in certain circumstances we are required to charge fees for time spent searching for or duplicating responsive documents. If we anticipate your fees will be in excess of \$25.00 or the amount you have indicated you are willing to pay, we will notify you of the estimated amount. At that time, you will have the option to reformulate your request to reduce the fees. If you requested a fee waiver, we will make a decision whether to grant your request after we determine whether fees will be assessed for this request.

If you have questions regarding the status of your request or anything discussed in this letter, you may contact the SCR at 972-730-8924 or the BOP FOIA Public Liaison, Mr. C. Darnell Stroble at (202) 616-7750 or BOP FOIA Section, 320 First Street, NW, Room 936, Washington, D.C. 20534. You can also check the status of your request online at <http://www.bop.gov/PublicInfo/execute/foia>.

Sincerely,



B Ben Brieschke, for
Jason A. Sickler
Regional Counsel

March 23, 2016

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

SCRO
Received

MAR 28 2016

FOIA/PA Section
Federal Bureau of Prisons

Louisiana

Capital

Assistance

Center

Via First Class Mail

A Non-Profit Law Office

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 any and all documents constituting or referencing:

Reports of all Code 100 (Killing) and Code 100A, Code 101 (Assault with Serious Injury) and Code 101A, Code 104 (Possession of Weapon), Code 201 (Fighting), Code 224 (Assault) and Code 224A, Code 212 (Engaging in Group Demonstration) and Code 222 (Possession of Intoxicants) violations, **with personally identifiable information redacted**, at USP Beaumont from January 2001 to December 2008. In this request, "Reports" includes, without limitation, the incident reports, Form 583s reports for serious incidents, written reports prepared by a Unit Discipline Committee, Disciplinary Hearing Officer (DHO) reports, entries in SENTRY regarding any of these reports, and any email correspondence regarding these reports. This request includes, but is not limited to, reports from an incident on October 22, 2008 at USP Beaumont where five staff members were injured in a gang disturbance on the recreation yard and an inmate disturbance on January 25, 2008. The request also includes, but is not limited to, reports related to the large-scale disturbance involving over twenty inmates in a conflict between the DC car and the Gangsta Disciplines (GD) on the recreation yard at USP Beaumont in 2002 or

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).