
Subject: RE: FOIA request to U.S. Marshal, Western District of Texas 2016USMS30070

From: Robinson, Nancy (USMS) (Nancy.Robinson@usdoj.gov)

To: tyclevenger@yahoo.com;

Date: Wednesday, March 30, 2016 12:56 PM



U.S. Department of Justice

United States Marshals Service

Office of General Counsel

CS-4, 10th Floor

Washington, DC 20530-0001

March 30, 2016

Ty Clevenger

21 Bennett Avenue #62

New York, NY 10033

Re: Freedom of Information Act Request No. 2016USMS30070

Subject: Judge Walter Smith

Dear Requester:

The United States Marshals Service (USMS) is responding to your request for “1. all emails between Judge Smith and U.S. Marshals Service personnel as far back as those records are available; 2.

all records or emails concerning whether Judge Smith made derogatory or threatening comments to or about U.S. District Judge Robert Pitman or any other judge; this request includes, but is not limited to, any emails or records suggesting that Judge Pitman was not welcome in Waco; this request further includes, but is not limited to, added security costs related to Judge Pitman's travel to Waco; 3. all emails to or from Judge Smith that were forwarded to the U.S. Marshals Service by other parties, 4. all records maintained by Deputy Arthur Thomas or any other Marshals Service personnel concerning incidents of misconduct, threats, complaints or inappropriate comments by Judge Smith; this request includes, but is not

limited to, (1) suggestions that a particular deputy should be fired or transferred; (2) problems related to Judge Smith's alcohol consumption; or (3) sexual advances toward female courthouse employees; 5. all emails or correspondence to or from other judges concerning Judge Smith; and 6. All records or emails concerning whether Marshals Service personnel were interviewed during the 2014-2015 judicial misconduct investigation of Judge Smith. This request includes, but is not limited to, records or emails concerning whether the judicial misconduct investigators attempted to contact former Marshals Service employee Linda Kay Lusk, a.k.a. Linda Kay Stringer, or whether the investigators attempted to interview any other personnel concerning Ms. Lusk's experiences with Judge Smith.”

Your request is denied pursuant to exemptions (b)(6) and (b)(7)(C) of the Freedom of Information Act, 5 U.S.C. § 552(b). Exemption 6 allows an agency to withhold personnel, medical and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Exemption 7(C) protects records or information compiled for law enforcement purposes to the extent that the production of such records or information could reasonably be expected to constitute an unwarranted invasion of personal privacy. A discretionary release of such records is not appropriate. See also United States Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989).

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 60 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.”

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006), & Supp. IV (2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Sincerely,

William E. Bordley
Associate General
Counsel/ FOIPA Officer
Office of General Counsel

From: Ty Clevenger [mailto:tyclevenger@yahoo.com]
Sent: Monday, March 28, 2016 1:54 PM
To: USMS FOIA
Subject: FOIA request to U.S. Marshal, Western District of Texas

Please see attachment.

Attachments

- image001.jpg (134.71KB)
- image002.jpg (2.68KB)