

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

THE TRANSPARENCY PROJECT,	§	
	§	
Plaintiff,	§	CIVIL ACTION No. 4:20CV467
	§	
v.	§	
	§	
U.S. DEPARTMENT OF JUSTICE, et al.,	§	JUDGE SEAN D. JORDAN
	§	
Defendants.	§	

**JANUARY 15<sup>TH</sup>, 2021 JOINT STATUS REPORT**

In compliance with the Court's Preliminary Scheduling Order [Dkt. 18], the parties file the following Joint Status Report concerning the status of each pending FOIA request:

**NSA  
10/29/18 & 6/12/20 Requests**

NSA has fully processed both requests, and Plaintiff should receive final responses within the next thirty days.

**DOJ-CRM  
10/26/18 & 6/11/20 Requests**

DOJ-CRM filed a Motion to Dismiss on January 7, 2021 for failure to exhaust administrative remedies. [Dkt. 20]. As to October 26, 2018 request, Plaintiff concedes exhaustion and agrees that this claim is due to be dismissed. As to the June 11, 2020 request, DOJ-CRM acknowledges that this lawsuit was filed before DOJ-CRM issued its final response that no records were found, and therefore dismissal based on

failure to exhaust is improper. DOJ-CRM issued its final response to the June 11, 2020 request on August 25, 2020.

**DOJ-NSD  
10/26/18, 6/11/20 & 6/15/20 Requests**

DOJ-NSD has asked Plaintiff for further clarity regarding the June 11, 2020 request by letter dated September 2, 2020, because DOJ-NSD does not process FBI records. Although the letter is addressed to six components, only the FBI was a party to the litigation cited in that request, so only the FBI would possess potentially responsive records to the June 11, 2020 request. To date, Plaintiff has not provided further clarity regarding this request.

The October 26, 2018 and June 15, 2020 requests seek the same records. In response to a narrowing request from DOJ-NSD to Plaintiff regarding these requests, Plaintiff indicated that “we would be willing to limit the initial search to Mr. Demers, but eventually would like to see the relevant info for other individuals.” DOJ-NSD has located records responsive to this narrowed request and is currently reviewing them for release. Several of the records are complicated and will require inter-agency consultation because they involve the equities of other federal agencies or components.

**DOJ-OIP  
10/26/18 & 6/11/20 Requests**

By letter dated July 21, 2020, DOJ-OIP issues its final response to the June 11, 2020 request.

As to the October 26, 2018 request, DOJ-OIP has completed initial keyword searches, has begun processing potentially responsive records, and has initiated its

consultation process with other equity-holders. DOJ-OIP anticipates that it will be able to complete this consultation process and issue a final response by April 15, 2021.

**CIA  
5/28/20 & 6/18/20**

Regarding the May 28, 2020 request, CIA intends to assert a Glomar response to the request outlined in paragraph 11 of the First Amended Complaint, with the exception of a portion of paragraph 11(c). [Dkt. 5]. The CIA will search for the records requested in the portion of paragraph 11(c) that seeks “all documents, records and communications that (1) identify the name and agency affiliation of each member of the task force/working group as well as (2) the dates that each such person began or ceased working for the group.” CIA has tasked out this search to the relevant office or offices it has determined are most likely to possess responsive records. CIA has requested any responsive records be returned to the Litigation Information Review Office by January 15, 2021.

Regarding the June 18, 2020 request, CIA intends to assert a Glomar response to the records sought in paragraph (a) of the request outlined in paragraph 17 of the First Amended Complaint. [Dkt. 5]. With respect to paragraph (b), CIA has tasked out the search to the relevant office or offices it has determined are most likely to possess responsive records. However, this is a complex search that will involve high-level engagement at the Agency as well as potential coordination outside the agency.

Due to the complexity of the search related to the June 18, 2020 request, in addition to the fact that the CIA does not know the volume of responsive records to the

May 28, 2020 request, the CIA is unable to provide an estimated date for producing any responsive records at this time. However, in light of the current backlog of FOIA requests, as well as reduced staffing due to the COVID-19 pandemic, the CIA does not anticipate being able to produce documents responsive to these requests before the next joint status report due to the Court on March 16, 2021. Nevertheless, the CIA anticipates that it will be able to provide the Court with a time frame for production at that time.

**ODNI  
6/11/20**

ODNI received the June 11, 2020 FOIA request from Plaintiff and sent out taskers to ODNI components who may have potentially responsive documents. While not all components tasked have responded, following cursory review of initial returns, some potentially responsive documents will require consults and coordination with other departments and agencies. ODNI is unable to provide an estimated date for producing any responsive records at this time. In light of the current backlog of FOIA requests, and reduced staffing due to the COVID-19 pandemic, ODNI does not anticipate being able to produce documents responsive to this request before the next joint status report due to the Court on March 16, 2021. Nevertheless, ODNI anticipates that it will be able to provide the Court with a time frame for production at that time.

**DOJ-EOUSA  
10/26/18 & 6/11/20**

DOJ-EOUSA has provided its final response regarding the June 11, 2020 request. DOJ-EOUSA has tasked the United States Attorney's Office for the District of Columbia to conduct a search for responsive records regarding the October 26, 2018 request. The

search is still ongoing with the district scheduled to provide responsive records by January 15, 2021. DOJ-EOUSA will conduct its substantive review upon receipt of the records.

**FBI**  
**10/26/18, 6/11/20, 6/15/20 & 6/18/20**

The FBI has identified documents responsive to the plaintiff's October 26, 2018 and June 11, 2020 requests that have been and continue to be processed for another requester. The FBI plans to make an initial release of non-exempt records to plaintiff on or about January 27, 2021 and will continue making monthly rolling productions on or about the 27th of each month thereafter until completion.

The FBI is still conducting searches for plaintiff's June 15 and June 18, 2020 requests and will have an update on those searches before the next status report is due to the Court.

**PLAINTIFF**

The Plaintiff is awaiting Defendants' responses and has nothing to report at this time beyond what the Defendants have reported.

Respectfully submitted,

STEPHEN J. COX  
UNITED STATES ATTORNEY

/s/ Andrea L. Parker  
ANDREA L. PARKER  
Assistant United States Attorney  
Texas Bar No. 00790851  
350 Magnolia Avenue, Suite 150  
Beaumont, Texas 77701-2237  
Tel: (409) 839-2538

Fax: (409) 839-2643

Email: [andrea.parker@usdoj.gov](mailto:andrea.parker@usdoj.gov)

**/s/ Ty Odell Clevenger (with permission)**

TY ODELL CLEVINGER

Attorney at Law

P.O. Box 20753

Brooklyn, NY 11202-0753

Tel: (979) 985-5289

Fax: (979) 530-9523

Email: [tyclevenger@yahoo.com](mailto:tyclevenger@yahoo.com)