

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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KNIGHT FIRST AMENDMENT INSTITUTE)	
AT COLUMBIA UNIVERSITY,)	
)	
	Plaintiff,)	
)	
v.)	No. 1:17-cv-00548-TSC
)	
DEPARTMENT OF HOMELAND)	
SECURITY, et al.,)	
)	
	Defendants.)	
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TENTH JOINT STATUS REPORT

The following events have taken place in this case since the issuance of the order dated October 25, 2018, ECF No. 33:

1. Defendant Department of Homeland Security (DHS) took the following action on October 31, 2018, with respect to the 322 pages it had reviewed in October 2018: produced 91 pages in full to plaintiff Knight First Amendment Institute at Columbia University; produced 20 pages with redactions pursuant to FOIA Exemptions 5 or 6; withheld 158 pages in full pursuant to FOIA Exemption 5; and referred 53 pages to defendant U.S. Customs and Border Protection (CBP) for review and direct response to plaintiff.

2. CBP produced 220 pages to plaintiff on November 1, 2018, with redactions pursuant to FOIA Exemptions 6, 7(C) and/or 7(E). Forty three of these pages were responsive to Item 5 of the request. The other 177 pages were responsive to Item 2(b) of the request. The production of the 177 pages constituted the completion of production of CBP’s 2% sample of incident-level reports, *see* ECF No. 26 at 4.

3. DHS took the following action on November 30, 2018, with respect to the 1,603 pages it had reviewed in November 2018: produced 64 pages in full; produced 22 pages with redactions pursuant to FOIA Exemptions 5 or 6; withheld 980 pages in full pursuant to FOIA Exemption 5; withheld 24 pages as duplicates; referred 487 pages to CBP for review and direct response to plaintiff; and referred 26 pages to defendant U.S. Immigration and Customs Enforcement (ICE) for review and direct response to plaintiff.

4. CBP took the following actions on November 30, 2018, with respect to the 502 pages potentially responsive to Items 4 or 5 of the request that it had processed in November 2018: produced 423 pages with redactions pursuant to FOIA Exemptions 5, 6, 7(C), and/or 7(E) and determined that 79 pages were non-responsive to plaintiff's request.

5. CBP advised plaintiff by email of undersigned counsel dated December 6, 2018, that an estimated 106 pages of records responsive to Items 4 or 5 of the request remained to be processed and that CBP anticipated completion of its production of the remaining records responsive to those items by the end of December 2018.

6. Plaintiff asked DHS by email dated December 6, 2018, to confirm that it is "on track to complete its production by February 1 (including any records it has referred to other agencies for processing)."

7. DHS advised plaintiff by email of undersigned counsel dated December 10, 2018, that it anticipated complying with the order dated October 25, 2018, by completing "its processing of documents responsive to Items 1, 4, 5, 6, and 7 of the request by February 1, 2019," ECF No. 33 at 1, but that it marked 679 pages for referral to CBP and 36 pages for referral to ICE during the period September – November 2018 and that it anticipated in doing so that CBP and ICE would process the records and respond directly to plaintiff with respect to them. CBP and ICE both

advised plaintiff by the same email that they expected to be able to process the records within the next 60 days.

Respectfully submitted,

By: s/ Scott B. Wilkens (by email authorization)

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Attorneys for Defendants

Dated: December 10, 2018

CERTIFICATE OF SERVICE

I hereby certify that I served the within report on all counsel of record by filing it with the Court by means of its ECF system on December 10, 2018.

s/ David M. Glass

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[PROPOSED] ORDER

It is hereby ordered in view of the joint status report filed on December 10, 2018, that the parties file another joint status report on or before February 11, 2019.

Dated: _____

UNITED STATES DISTRICT JUDGE