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April 7, 2014

VIA FIRST-CLASS MAIL AND E-MAIL

FOIA/PA Mail Referral Unit
Department of Justice
Room 115
LOC Building
Washington, DC 20530-0001
MRUFOIA.Requests@usdoj.gov

Re: FOIA Request for James Lutcher Negley

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 ("FOIA"), and on behalf of our client James L. Negley, we request that you provide us with a copy of the file referenced in the handwritten notes of Attachment A (which Mr. Negley received in response to a prior FOIA request). Specifically, the document appears to be a facsimile cover sheet sent by Daniel M. Castillo, Assistant U.S. Attorney, to the Chief Division Counsel of the Sacramento Division of the Federal Bureau of Investigation on January 22, 2002. Towards the right margin of this document is a handwritten note that states (without emphasis):

1/17/02
case is still pending
500,000 pp. in file
42,000 miss
evidence

Accordingly, we request the contents of the file referenced in this document. If any additional information would assist in the production of the requested information, please notify us and we will provide that information promptly. In this regard, if you believe it is needed, we expect that you will forward the Request to other Components within the Department of Justice. *See, e.g., Truesdale v. U.S. Dep't of Justice*, 731 F. Supp. 2d 3, 8-9 (D.D.C. 2010) ("If a DOJ component receives a request for records in its possession and determines that another component, or another agency of the Federal Government, is better able to determine whether the record is exempt from disclosure under FOIA, it may refer responsibility for responding to the request...to the component best able to determine whether to disclose it, or to another agency

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FOIA Officer
FOIA/PA Mail Referral Unit
Department of Justice
April 7, 2014
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that originated the record (but only if that agency is subject to the FOIA).”) (citing 28 C.F.R. § 16.4(f)).

We understand there may be fees incurred as a result of this Request and confirm our client’s obligation to reimburse any charges and fees payable in accordance with FOIA and the applicable regulations. In the event that the costs may exceed \$2,500, please contact us prior to proceeding to fulfill this Request.

As provided under FOIA, we would appreciate a reply within twenty (20) business days. In the event that determination is made that some or all of the documents requested are exempt from disclosure under FOIA, please identify those documents withheld and the basis for the agency’s exemption in each instance. Additionally, if for any reason the requested information is not in your possession, please so advise and indicate, if possible, where such information can be obtained.

If you have any questions regarding this request, please contact us at 202-274-2916. We greatly appreciate your assistance with this matter.

Sincerely,

TROUTMAN SANDERS LLP



Prashant K. Khetan
Thomas S. Hay

Enclosure

Certification of Identity



FORM APPROVED OMB NO. 1103-0016
EXPIRES 03/31/17

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹ James Litcher Negley

Citizenship Status ² U.S.A. Social Security Number ³ 457-76-8235

Current Address 3905 Laguna Vista Cove, Austin Texas 78746

Date of Birth 12 Feb 45 Place of Birth New Orleans, LA

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Thomas Hay
Print or Type Name

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature ⁴ James James J Negley Date 3 April 2014

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

Attachment A

JAN-22-2002 18:28

ATTY

512 916 5854

P. 01/03



U.S. Department of Justice

United States Attorney
Western District of Texas

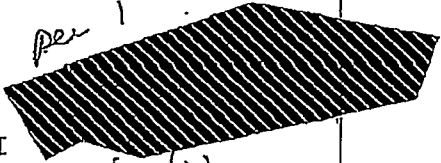
816 Congress Avenue, Suite 1000
Austin, Texas 78701

(512)916-5858
Fax: (512)916-5854



FACSIMILE TRANSMISSION

DATE: January 22, 2002

FROM: Daniel M. Castillo, Assistant U.S. Attorney
U. S. Attorney's Office
Western District of Texas
816 Congress Avenue, Suite 1000
Austin, Texas 78701
ph: (512) 916-5858
fax: (512) 916-5854



b6 per FBI
b7C

TO: 
Chief Division Counsel
Sacramento Division
Federal Bureau of Investigation
Sacramento, CA 95841
ph: 

FAX NO. (916) 971-1629

*1/17/02
case is still pending
500,000 pp - in file
42,000 mtr
evidence*

PAGE NO.: 3

RE: *John Litcher Negley v. U.S. Dep't of Justice and F.B.I.*
No. A-01-CA-57-JN (W.D. Tex. — Austin Division)

NOTES: *(b5)*

Negley-437-FOIPA

*nc 6
b2*

197A-SC-35435 - 25