

From: Seabrook, April (USADC) [mailto:April.Seabrook@usdoj.gov]
Sent: Monday, May 23, 2016 12:42 PM
To: Lee, Clarence Y. **Cc:** Hay, Thomas S.
Subject: RE: Second Interim Release for FOIA 16-00039

Hi Clarence:

I write in response to your May 9 email in which you request that the Agency re-run searches at certain US Attorney's Offices using newly suggested search terms. I cannot ask (or instruct) the Agency to re-run these searches for multiple reasons.

First, the assertion that the first searches were not adequate is inaccurate. The searches were conducted based on the specific criteria that were provided in the FOIA request. Additionally, on January 12, 2016, I emailed you to confirm the search terms that we should use. You responded by letter, dated February 4, 2016, stating that "Mr. Negley believes that his July 2015 Freedom of information Act ("FOIA") request is clear and provides the Agency adequate guidance" and you then reiterated the terms listed in the July 2015 letter. Accordingly, we ran the search based on what you and your client said was sufficient.

Second, as we stated in our status report, the search that you ask to be run is unrelated to the litigation FOIA request, because it is unrelated to any search for materials concerning a Unabomber investigation. It is related to the July 2015 FOIA request, which is not the subject of this lawsuit. As such, any objection to the adequacy of the search will need to be appealed administratively, and I am unable to direct the Agency on the issue of whether it can or should re-run the search.

Third, the additional time allotted to Defendant by the Court was not an allotment provided so that Defendant could run additional searches. It was explicitly granted to permit Defendant additional time to review and produce relevant, non-exempt portions of documents from the searches that it had already conducted. Unless Mr. Negley can identify a state/city whose US Attorney's Office would reasonably have documents related to an investigation of him as the Unabomber (e.g., locations where he has lived, worked), then we do not have any additional searches to run in connection the litigation and are now working to review the materials collected from the searches thus far conducted.

If Mr. Negley would like searches conducted using the new terms you propose, then he will need to submit a new FOIA request. Please let me know if you have any further questions or need additional information.

Thank you,
April D.S.