

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

AMERICAN CIVIL LIBERTIES)
UNION, et al.,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES DEPARTMENT)
OF HOMELAND SECURITY, et al.,)
)
Defendants.)
_____)

Case No. 1:16-cv-221 (CKK)

DEFENDANTS’ SUPPLEMENTAL STATUS REPORT

In the parties’ First Joint Status Report, Defendant Department of Education (“DOE”) represented that it would make an interim production of non-exempt records that are responsive to Plaintiffs’ FOIA request on or before May 27, 2016. ECF No. 17. In the parties’ Second Joint Status Report filed on June 3, 2016, DOE represented that it produced all of its responsive, non-exempt records on May 24, 2016. ECF No. 18. On June 7, 2016, however, agency counsel for DOE learned that, due to an internal agency miscommunication, DOE had not mailed the records on May 24, 2016, contrary to agency counsel’s understanding at the time the Second Joint Status Report was filed. DOE deeply regrets and apologizes for this error. DOE mailed a paper copy of the responsive, non-exempt records to Plaintiffs on June 7, 2016.

DOE notes that although not previously reflected in the Second Joint Status Report, DOE’s counsel provided Plaintiffs’ counsel an electronic copy of all of DOE’s responsive, non-exempt records on May 27, 2016.

Dated: June 14, 2016 Respectfully submitted,

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

MARCIA BERMAN
Assistant Branch Director, Federal Programs Branch

/s/ Kevin M. Snell
KEVIN M. SNELL (N.Y. Bar)
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue N.W., Room 6108
Washington, D.C. 20530
Tel.: (202) 305-0924
Fax: (202) 616-8470
E-mail: Kevin.Snell@usdoj.gov

Attorneys for Defendants