

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, on behalf of
themselves and others similarly situated,

Plaintiffs,

v.

DONALD TRUMP, President of the United
States, *et al.*,

Defendants.

Case No. 2:17-cv-00094-RAJ

ORDER RE IN CAMERA REVIEW

This matter comes before the Court on the Parties' Joint Submission Regarding Scope and Anticipated Volume of In Camera Review. Dkt. # 394.

The parties have long disputed what types of information may be redacted for purposes of discovery. On July 9, 2019, the Court provided the following guidance:

Defendants may redact "why" information contained within the A Files that originates from law enforcement agencies external to USCIS immigration processing, such as the FBI, ICE, or CBP. Defendants may also redact communications between USCIS and these agencies relating to this information. Defendants may not redact "why" information that originated solely within USCIS, and may not redact out whether the application was subject to CARRP, and when.

Dkt. # 274 at 5. A year later, however, the parties reached yet another impasse. Plaintiffs claimed that under Defendants' "sweeping" interpretation of the above order, Defendants

1 maintained that they could withhold “any information that in any way touches on a third
2 party, even if that third party is an individual . . . or a non-law enforcement agency, and
3 even if that information is not sensitive (like public records and information already
4 known to Plaintiffs).” Dkt. # 378 at 5. Defendants, on the other hand, claimed that their
5 redactions were consistent with the July 19, 2019 order. Dkt. # 383.

6 To resolve that dispute, on July 24, 2020 following a telephone conference that
7 occurred days before, the Court stated that it would conduct an in-camera review. Dkt.
8 # 392. Specifically, the Court would determine what should be produced from the A-
9 Files of the five named Plaintiffs and what should be produced from 31 policy documents
10 identified by the parties. *Id.*

11 As instructed by the Court, the parties filed a joint submission regarding the scope
12 and volume of the in-camera review. Dkt. # 394. In that submission, they agreed to
13 produce to the Court a sample of Defendants’ larger document production: the “complete
14 Named Plaintiffs’ A-Files and complete versions of seven of the 31 challenged policy
15 documents” and one supplemental file. *Id.* at 2. The documents would be in “hard copy
16 with transparent redactions to facilitate the Court’s review.” *Id.* Since then, Defendants
17 have produced those materials to the Court, and the Court has conducted an in-camera
18 review. It has reviewed Defendants’ sample production and has considered both
19 Plaintiffs’ challenges to Defendants’ redactions and Defendants’ responses to those
20 challenges. The Court’s rulings on those challenges are set forth in a separate attachment
21 to this Order, filed under seal.

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28 ORDER – 2

1 The Court **ORDERS** Defendants to produce the A-Files and challenged
2 policy/training documents to Plaintiffs and permits Plaintiffs to redact information in a
3 manner consistent with this Order.

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5 DATED this 1st day of February, 2021.

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7 The Honorable Richard A. Jones
8 United States District Judge
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