

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ADHAM AMIN HASSOUN,

Petitioner,

v.

Case # 1:19-cv-00370-EAW

JEFFREY SEARLS, in his official capacity
as Acting Assistant Field Office Director and
Administrator, Buffalo Federal Detention
Center,

Respondent.

BRIEF REGARDING OUTSTANDING DISCOVERY DISPUTES

Consistent with the Court's scheduling order (ECF No. 58), Respondent files this brief advising the Court of outstanding discovery disputes.

I. Confidential Informant Privilege

Many of Respondent's objections to Petitioner's discovery requests involve the government's assertion of the confidential informant privilege. Respondent has briefed his position regarding why this privilege is appropriate and should be granted in the contemporaneously-filed responsive brief on the parameters of the evidentiary hearing. Resp. to Pet'r's Mem., ECF No. 63.

II. Other Privileges

Respondent has raised additional privilege objections, including the deliberative process privilege, the law-enforcement privilege, and the attorney-client privilege. However, Respondent will not be able to fairly assess the applicability of any given privilege until the

Court rules on the parameters of the evidentiary hearing and on the other outstanding discovery disputes.

III. Protective Order

Some of the responsive material may require the disclosure of personally identifiable information and other confidential material subject to protection. Respondent asks that any responsive information be produced pursuant to a protective order to protect personally identifiable information and other confidential material subject to protection.

IV. Petitioner's Inadequate Responses

Petitioner responded to much of Respondent's discovery requests by stating, "Petitioner objects to this interrogatory to the extent that it requests information Petitioner is unable to provide before Respondent has provided all evidence underlying the decision to certify him pursuant to 8 U.S.C. § 1226a." This is not a valid basis to object, and Petitioner has no ground to refuse to produce information simply because he has not received all documents in discovery. The Court should order Petitioner to produce all responsive information now.

Dated: January 13, 2020

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