



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

October 20, 2016

Hon. Colleen McMahon
Chief United States District Judge
Daniel P. Moynihan United States Courthouse
500 Pearl Street, Room 1640
New York, NY 10007

Re: *ACLU v. Department of Justice*, 12 Civ. 794 (CM), *appeals pending*,
Nos. 15-2956(L), 15-3122 (XAP) (2d Cir.)

ACLU v. Department of Justice, 15 Civ. 1954 (CM)

Dear Chief Judge McMahon:

At the request of Your Honor's chambers, we write to provide the Court with the status of appellate proceedings in the above-referenced Freedom of Information Act cases.

ACLU v. Department of Justice, 12 Civ. 794 (CM): Following entry of judgment on July 23, 2015 (ECF No. 132), the parties filed notices of appeal (ECF Nos. 134-135). Those appeals were docketed as Second Circuit Dkt. Nos. 15-2956(L) and 15-3122 (XAP). On August 30, 2016, after the appeals had been fully briefed, the Second Circuit issued the enclosed mandate remanding the appeals for the limited purpose of clarifying certain aspects of this Court's Order filed on July 16, 2015, a copy of which is also enclosed. The Second Circuit has scheduled oral argument on the appeals for October 25, 2016, at 2:30 p.m.

ACLU v. Department of Justice, 15 Civ. 1954 (CM): Following this Court's Memorandum Decision and Order filed on August 8, 2016 (ECF No. 83), the Court entered a Joint Stipulation and Order on September 13, 2016 (ECF No. 93), dismissing plaintiffs' remaining claims with prejudice. Judgment has not yet been entered, and no notices of appeal have been filed by either party.

Respectfully,

BENJAMIN C. MIZER
Principal Deputy Assistant
Attorney General

PREET BHARARA
United States Attorney for the
Southern District of New York

By: /s/ Elizabeth J. Shapiro
ELIZABETH J. SHAPIRO
AMY POWELL
STEPHEN ELLIOTT
Attorneys, Federal Programs Branch
Civil Division, U.S. Dept. of Justice

By: /s Sarah S. Normand
SARAH S. NORMAND
Assistant United States Attorney
Telephone: (212) 637-2709
sarah.normand@usdoj.gov

Encls.

cc: Counsel of Record (by ECF)