

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

PRISON LEGAL NEWS,)	
)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-1812 (RBW)
)	
HARLEY G. LAPPIN, DIRECTOR, FEDERAL)	
BUREAU OF PRISONS,)	
)	
Defendant.)	
)	

DEFENDANT’S RESPONSE TO THE COURT’S JUNE 26, 2006 ORDER

On June 26, 2006, this Court issued its Memorandum Opinion and Order which denied defendant’s Motion for Summary Judgment, granted plaintiff’s Motion for Summary Judgment and ordered that “defendant should process the plaintiff’s request for documents without payment of the costs associated with the search and duplication of the documents.” The Order did not specify a date that the documents were to be processed.

Defendant has now determined that it will not appeal this case. Accordingly, defendant requests that it be permitted to advise the Court by September 15, 2006, of the time that will be required to process plaintiff’s FOIA request. Plaintiff has no objection to defendant’s request.

Plaintiff requested a “copy of all documents showing all money paid by the Bureau of Prisons (BOP) for lawsuits and claims against it. This is all funds paid out to claimants/litigants between January 1, 1996 through and including July 31, 2003.” In addition, plaintiff also requested:

a copy of the verdict, settlement or claim in each case showing the dollar amount paid, the identity of the plaintiff/claimant and the legal identifying information for each lawsuit or claim or

attorney fee award . . . [and] a copy of the complaint (if it was a lawsuit) or the claim (if it was not) in each incident which describes the facts underlying each lawsuit and claim.

Plaintiff explained that he was “seeking this information for all lawsuits and claims where the BOP has paid money damages and/or attorney fees to litigants or claimants, this includes prisoners, employees, contractors, crime victims, etc.”

It is anticipated that the search for records responsive to plaintiff’s request will produce a substantial number of documents and will consume a large amount of staff time. Declaration of Wilson J. Moorer, Paralegal Specialist, Federal Bureau of Prisons, ¶ 6. As the Moorer Declaration sets forth, a copy of plaintiff’s FOIA request has been forwarded to “all branches of the Office of General Counsel which consists of Commercial Law, Discrimination Complaints and Ethics (which encompasses Equal Employment Opportunity), Labor Law, Legal Administrative Branch, Legislative and Correctional Issues Branch, Litigation Branch, and Real Estate and Environmental Branch. Id at ¶ 4. In addition, “a copy of the request has also been forwarded to the six (6) BOP Regional Offices, the Administrative Division of the BOP (which consists of Contracts) and the Labor Management Relations Branch. Each section/branch has been instructed to identify any/all documents they may have that are responsive to the FOIA Request and the length of time it would take to search, gather, and process the responsive documents.” Id at ¶ 5.

Accordingly, because of the substantial number of entities that will be involved in the search for documents herein, defendant requests that it be permitted to advise the Court by September 15, 2006 as to the time that will be required to process plaintiff’s FOIA request.

Respectfully submitted,

/s/
KENNETH L. WAINSTEIN, D.C. Bar # 451058
Assistant United States Attorney

/s/
RUDOLPH CONTRERAS, D.C. Bar # 434122
Assistant United States Attorney

/s/
WYNEVA JOHNSON, DC Bar #278515
Assistant United States Attorney
Judiciary Center Bldg.
555 4th Street, N.W., Civil Division
Washington, D.C. 20530
(202) 514-7224

OF COUNSEL:
Wanda Hunt
Chief FOIA/PA Section
Federal Bureau of Prisons