CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the

purpose of initiating the civil do	cket sheet. (SEE INSTRUCT	IONS ON NEXT PAG	E OF THIS	FORM.)				
I. (a) PLAINTIFFS				DEFENDANTS				
Jacqueline Steve	ns			United States	s Depa	rtment of Ju	stice	
(EX	f First Listed Plaintiff Coo CEPT IN U.S. PLAINTIFF CAS ddress, and Telephone Number	SES)		County of Residence NOTE: Attorneys (If Known)	(IN U.S. P.	ed Defendant LAINTIFF CASES OF CONDEMNATION CAT T OF LAND INVOLVE	ASÉS, USE THE	LOCATION OF
Pro Se				Gary S. Shar	piro			
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IX. RELATED CASE(S IF ANY	(See instructions):	JUDGE			DOCKI	ET NUMBER		
X. This case (check one box)	☑ Is not a refiling of a pre-	viously dismissed acti	on	is a refiling of case number		previously dismiss	ed by Judge	
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April 12,2013

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

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)	Civil Action No.:
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COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

- 1. Plaintiff Jacqueline Stevens ("Plaintiff") is a Professor of Political Science at Northwestern University and a journalist whose research and reporting on secrecy in deportation proceedings and illegal conduct by U.S. immigration officials has appeared in media outlets such as the *New York Times*, CNN, NPR, and *The Nation*.
- 2. Plaintiff brings this action pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552 *et seq.*, for declaratory and injunctive relief to compel the adequate search, disclosure, and release of agency records improperly withheld from Plaintiff and the public by Defendant United States Department of Justice ("DOJ") and its component, the Executive Office for Immigration Review ("EOIR").
- 3. Plaintiff seeks to compel the release of records on a matter of public concern, namely, EOIR's docket information for the individual respondent who prevailed in his *pro se* appeal in *Matter of C-B-*, 25 I&N Dec. 888 (BIA 2012) (copy attached). In *Matter of C-B-* the Board of Immigration Appeals (a component of EOIR), held:

In order to meaningfully effectuate the statutory and regulatory privilege of legal representation where it has not been expressly waived by a respondent, an

Immigration Judge must grant a reasonable and realistic period of time to provide a fair opportunity for the respondent to seek, speak with, and retain counsel. 25 I&N Dec. at 890.

- 4. To gather documentation for her research, reporting, and teaching on this important decision and its implications for detained and unrepresented immigrants and U.S. citizens who must balance their due process rights against their liberty interests, i.e., the length of time they must remain locked up before having their Constitutional rights recognized, Plaintiff filed a FOIA request with EOIR seeking individual docket information for the *pro se* individual who was the respondent in *Matter of C-B-*.
- 5. EOIR denied Plaintiff's August 16, 2012 request for the "docket information maintained by the EOIR for the respondent whose case is discussed in 25 I&N Dec. 888 (BIA 2012) Interim Decision #3764. (See attached.)" and the Office of Information Policy (OIP) affirmed that denial in her subsequent appeal. EOIR contends "EOIR does not maintain case dockets" for individual cases.
- 6. EOIR is mistaken, as clearly demonstrated by the agency's response to a prior FOIA request by Plaintiff on June 10, 2010 for "dockets for the cases assigned to William Cassidy" on specific dates. These responses included detailed docket information for individual cases:

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JURISDICTION AND VENUE

- 7. This court has jurisdiction over this matter pursuant to the FOIA, 5 U.S.C. §§ 552(a)(4)(B), and 28 USC § 1331 and 1361.
- 8. Venue is proper in this district under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1391(e) and 1402(a)(1), as Plaintiff resides in the Northern District of Illinois.
 - 9. Declaratory relief is authorized by 28 U.S.C. §§ 2201-2202 and Fed. R. Civ. P. 57.

PARTIES

10. Plaintiff Jacqueline Stevens is a professor of political science and director of the Deportation Research Clinic at Northwestern University. The office and principal place of residence of Professor Stevens are in Cook County, Illinois.

Page 3 of 7

11. Defendant United States Department of Justice ("DOJ") is the federal agency responsible for the adjudication of legal matters. EOIR is the component of DOJ responsible for the adjudication of legal matters pertaining to immigration law. DOJ is an agency within the meaning of 5 U.S.C. § 552(f).

FACTS

- 12. DOJ, through EOIR, oversees the United States immigration court system. It is responsible for deciding whether individuals charged with violating United States immigration laws should be removed from the United States or granted some form of relief or protective status and allowed to stay within the country.
- 13. In an immigration court removal proceeding, the respondent first appears before an immigration judge and either contests or admits the charges against him or her. This process typically occurs at what is called a "master calendar hearing." If the charges are contested or the respondent requests relief from removal, the immigration judge is empowered to grant an adjournment to allow the respondent to prepare for a full "individual" immigration court hearing.
- 14. Immigration hearings are presumptively open to the public and may be closed only in specific circumstances, outlined in the Immigration Court Practice Manual and at 8 CFR §§ 1003.27 et seq.
- 15. On Aug. 16, 2012, Plaintiff submitted to EOIR by mail a FOIA request for the docket information maintained by EOIR for the respondent whose case is discussed in 25 I&N Dec. 888 (BIA 2012). A copy of this request is attached as Exhibit A.
- 16. On Aug. 21, 2012, EOIR acknowledged by mail the receipt of Plaintiff's FOIA request. EOIR assigned the request the control number 2012-20677. A copy of this letter is attached as Exhibit B.

- 17. On Sep. 6, 2012, EOIR sent a final response to FOIA request 2012-20677. EOIR denied the request, noting that it does not maintain "docket" information on individual cases. A copy of this response is attached as Exhibit C.
- 18. On Oct. 3, 2012, Plaintiff properly appealed the final response to FOIA request 2012-20677. Plaintiff cited as a basis for the appeal the fact that EOIR had previously released similar dockets to the Plaintiff in different cases.
- 19. On Oct. 26, 2012, the Office of Information Policy (OIP) sent Plaintiff a letter acknowledging receipt on October 12 of Plaintiff's appeal of Oct. 3, 2012. The OIP assigned the appeal control number AP-2013-00235. A copy of this letter is attached as Exhibit D.
- 20. On Feb. 11, 2013, the OIP sent by mail a response to Plaintiff's appeal of Oct. 3, 2012. The OIP upheld EOIR's decision, reaffirming that EOIR does not maintain docket information for individual cases. A copy of this response is attached as Exhibit E
- 21. EOIR's position that it does not maintain case calendar histories in the form of what the agency refers to as "dockets for ... cases" is demonstrably inaccurate.
- 22. On June 10, 2010, Plaintiff filed a FOIA request with EOIR seeking, among other things, "dockets for the cases assigned to William Cassidy" on December 9, 2008 and April 19, 2010. A copy of this request is attached as Exhibit F.
- 23. On January 7, 2011, EOIR sent Plaintiff a partial response to the request of June 10, 2010. The EOIR response referenced the attached "dockets for the cases assigned to Immigration Judge William Cassidy..." on December 9, 2008 and April 19, 2010. These dockets included the dates for all prior master calendar and individual hearings for each respondent. This response is attached as Exhibit G.

CLAIMS FOR RELIEF

COUNT I

Defendant DOJ Failed to Conduct an Adequate Search for Records Responsive to Plaintiff's First and Second Requests

- 24. Plaintiff repeats and alleges each and every allegation contained in paragraphs 1 23 as if fully stated herein.
- 25. EOIR conducted an inadequate search for responsive records in violation of 5 USC § 552(a)(3).
- 26. Upon information and belief, Defendant possesses case dockets listing appearances for individual respondents in immigration court proceedings. *See* Exhibit H.
- 27. Defendant unreasonably excluded the databases or files including case dockets from its search.
- 28. Accordingly, EOIR's failure to adequately search for and produce the records requested by Plaintiff is improper and violates FOIA.

<u>COUNT II</u> **Defendant DOJ Improperly Withheld Agency Records**

- 29. Plaintiff repeats and alleges each and every allegation contained in paragraphs 1 –28 as if repeated and reincorporated herein.
- 30. As shown in Exhibit H, EOIR does maintain a record of all court dates for each individual case. As these hearings are open to the public, these court dates are a matter of public record.
- 31. By withholding this information, EOIR, a component of DOJ, has violated Plaintiff's rights to DOJ records under 5 U.S.C. § 552(a)(3)(A) and (a)(6)(C).

- 32. Plaintiff has exhausted all applicable administrative remedies as outlined in 5 U.S.C. § 552(a)(6)(C)(i), with respect to DOJ's wrongful withholding of the requested records.
- 33. Plaintiff is entitled to injunctive relief with respect to the release and disclosure of the requested records, under 5 U.S.C. § 552(a)(4)(B).

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- a) Assume jurisdiction over this matter;
- b) Order Defendant DOJ and its component, EOIR, to disclose the requested records in their entireties and make copies available to Plaintiff;
- c) Expedite this action pursuant to 28 U.S.C. § 1657(a);
- d) Award Plaintiff costs and attorneys' fees in this action as provided by 5 U.S.C. § 552(a)(4)(E);
- e) Enter an order declaring that Defendant's conduct raises questions as to whether agency personnel acted arbitrarily and capriciously in regard to the withholding, as provided by 5 U.S.C. § 552(a)(4)(F)(i);
- f) Grant such other relief as the Court may deem just and proper.

Dated: April 12, 2013

Respectfully Submitted,

Jacqueline Stevens

601 University Place, Second Floor, Evanston, IL, 60208 jacqueline-stevens@northwestern.edu

(847) 467-2093

EXHIBIT A

WEINBERG
COLLEGE OF
ARTS & SCIENCES

Department of Political Science 601 University Place Evanston, Illinois 60208-1006 USA

www.polisci.northwestern.edu

Judd A. and Marjorie Weinberg College of Arts and Sciences Northwestern University pol-sci@northwestern.edu Phone 847-491-7450 Fax 847-491-8985



August 16, 2012

United States Department of Justice Executive Office for Immigration Review Office of the General Counsel FOIA/Privacy Act Requests 5107 Leesburg Pike, Suite 2400 Falls Church, VA 22041

To Whom It May Concern:

I write under Title 5 U.S.C. § 552 to request the docket information maintained by the EOIR for the respondent whose case is discussed in 25 I&N Dec. 888 (BIA 2012) Interim Decision #3764. (See attached.)

I understand that the name and alien number of the respondent may be redacted but I nonetheless am requesting for release to me all other docket information for this case.

I am requesting this information for purposes of scholarship and journalism, and therefore request the appropriate fee waivers.

Thank you for your help with this matter. If you have any questions, I may be reached at 847-467-2093 or jacqueline-stevens@northwestern.edu/.

Sincerely,

Jacqueline Stevens Professor

EXHIBIT B



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600 Falls Church, Virginia 22041

August 21, 2012

Jacqueline Stevens NWU - Scott Hall - Political Science Dept 601 University Place Evanston, IL 60208

RE: Freedom of Information Act Request Decisions

Dear Jacqueline Stevens:

This response acknowledges receipt of your Freedom of Information Act (FOIA) request. Your request has been assigned control number: 2012-20677.

If you have filed a fee waiver request, the fee waiver will be addressed in a separate letter. Otherwise, your request constitutes an agreement to pay fees that may be chargeable up to \$25 without notice. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand. Fees may be charged for searching records at the rate of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of research time are not charged, and charges must exceed \$14.00 before we will charge a fee.

Ordinarily, FOIA requires an agency to respond within 20 working days after receipt of the request. EOIR endeavors to meet this standard, however the FOIA does permit a ten day extension of this time period. Pursuant to 5 U.S.C. § 552(a)(6)(B), we are notifying you that due to 'unusual circumstances' an additional 10 day extension will be added to the standard processing time since your request either requires the collection of records from field offices, or involves a search for numerous documents that will necessitate a thorough and wide-range search of records at headquarters. If you care to narrow the scope of your request, please contact our office.

We will give your request every consideration consistent with applicable law. If you have any further questions, please contact the FOIA Service Center at 703-605-1297.

Sincerely,

Pelecia Springs-Preston

Felecia Springs-Freston

EOIR# 2012-20677

EXHIBIT C



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600 Falls Church, Virginia 22041

September 6, 2012

Jacqueline Stevens Northwestern University 601 University Place Evanston, IL 60208

RE: Freedom of Information Act Request for the Docket Information for the Respondent Whose Case is Discussed in 25 I&N Dec. 888 (BIA 2012) Interim Decision #3764

Dear Professor Stevens:

This letter is in response to your Freedom of Information Act (FOIA) request, in which you seek the docket information maintained by the Executive Office for Immigration Review (EOIR) for the respondent whose case is discussed in 25 I&N Dec. 888 (BIA 2012) Interim Decision #3764.

EOIR is denying your request because it fails to specify information possessed by EOIR. Please note that EOIR does not maintain "docket" information on its proceedings, therefore it is unable to provide the information you seek. Furthermore, any specific information about a particular individual whose case is before EOIR can only be released with proper authorization. In this matter, EOIR considers you a third-party requester of records because you are not currently the attorney of record, and you did not provide documentation authorizing the release of documents related to a specific individual to you, such as a completed form DOJ-361 signed by the subject of the request.

If you are not satisfied with this decision, you may file an appeal with the Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., N.W., Suite 11050, Washington, D.C. 20530. OIP must receive your appeal within 60 days of the date of this letter. The procedures for appeal are stated at 28 C.F.R. § 16.9.

Sincerely,

Crystal R. Souza

Supervisory FOIA Specialist

Enclosure

FOIA # 2012-20677

EXHIBIT D



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

Professor Jacqueline Stevens Northwestern University Department of Political Science 601 University Place Evanston, IL 60208-1006

Re: Request No. 2012-20677

Dear Professor Stevens:

This is to advise you that your administrative appeal from the action of the Executive Office for Immigration Review was received by this Office on October 12, 2012.

The Office of Information Policy has the responsibility of adjudicating such appeals. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number AP-2013-00235. Please mention this number in any future correspondence to this Office regarding this matter.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal you may contact me at the number above.

Sincerely,

Priscilla Jones

Supervisory Administrative Specialist

EXHIBIT E



U.S. Department of Justice Office of Information Policy Suite 11050
1425 New York Avenue, NW Washington, DC 20530-0001

Telephone: (202) 514-3642

FEB 11 2013

Professor Jacqueline Stevens Northwestern University Department of Political Science 601 University Place Evanston, IL 60208-1006

Re:

Appeal No. AP-2013-00235

Request No. 2012-20677

ADW:SVR

Dear Professor Stevens:

You appealed from the action of the Executive Office for Immigration Review (EOIR) on your request for access to records pertaining to "docket information maintained by EOIR for the respondent whose case is discussed in 25 I&N Dec. 888 (BIA 2012) Interim Decision #3764."

After carefully considering your appeal, I am affirming EOIR's action on your request. EOIR informed you that it does not maintain records such as those that you described. I have determined that EOIR's response was correct.

Please note that, in response to previous Freedom of Information Act requests, EOIR was able to provide you with a redacted copy of an Immigration Court docket. As you know, a court docket is a listing of cases heard at a specific court on a specific date, as opposed to a case docket, which is all hearing dates for a specific case. EOIR does not maintain case dockets, and thus is unable to provide you with those records.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the actions of EOIR in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information

Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 301-837-1996; toll free at 1-877-684-6448; or facsimile at 301-837-0348.

Sincerely,

Sean R. O'Neill

Chief

Administrative Appeals Staff By: annel. cor

Anne D. Work Senior Counsel

Administrative Appeals Staff

EXHIBIT F

UNIVERSITY OF CALIFORNIA, SANTA BARBARA

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

LAW and SOCIETY PROGRAM COLLEGE OF LETTERS and SCIENCE

Santa Barbara, California 93106-4015 (805) 893-2318 FAX (805) 893-5532

June 10, 2010

U.S. Department of Justice
Executive Office for Immigration Review
Office of General Counsel - FOIA Service Center
FOIA/Privacy Act Requests
5107 Leesburg Pike, Suite 2600
Falls Church, Virginia, 22041
(703) 605-1297

To Whom It May Concern:

Under the Freedom of Information Act (FOIA) and the Privacy Act I am requesting information generated by employees of the Executive Office of Immigration Review information about others as well as myself. I am requesting that your office abide by the provisions of the Privacy Act in its response to queries pertaining to me, Jacqueline Stevens. For purposes of ascertaining my identity during these searches, please be advised that I am employed as professor at the University of California and write for The Nation Magazine. I am also at present an adjunct member of the Political Science Department at Northwestern University.

According to 28 CFR16.40: "the Department processes all Privacy Act requests for access to records under the Freedom of Information Act (FOIA), 5 U.S.C. 552, following the rules contained in subpart A of this part, which gives requests the benefit of both statutes."

I have noted specifically my requests for information about me based on the Privacy Act because I am not waiving my own privacy rights to the contents of these records. Please note as well that the timeline for replies pertaining to my own records is shorter (10 days) than that provided for under the FOIA.

I am hereby requesting under the FOIA and the Privacy Act the following documents and records:

- 1) Dockets for the cases assigned to William Cassidy for the following dates and courts:
 - -December 9, 2008, Atlanta Immigration Court, detained and nondetained;
 - -April 19, 2010, Atlanta Immigration Court;
 - -April 19, 2010 Stewart Immigration Court (televideo)

Responses from your office to previous FOIA docket requests from me have been sent with and without the redaction of individuals' names and alien numbers. I am therefore specifically requesting that dockets sent in response to the above request include respondent names and alien numbers. These dockets are part of the general system of records maintained by the EOIR and

individuals for whom this docket information is posted in a public lobby have no reasonable expectation of privacy for these records. Therefore this information meets FOIA disclosure requirements.

- 2) All transcripts, memoranda, notes, including interview notes, reports, email, video and audio recordings produced by or consulted by Assistant Chief Immigration Judge Gary Smith for his investigation into a misconduct complaint against immigration Judge William Cassidy by me, Jacqueline Stevens, for which Mr. Smith sent me a letter dated June 3, 2010. (Privacy Act, for records referring to me.)
- 3) All mail correspondence from or to William Cassidy since January 1, 2005 in servers maintained by the Department of Justice or subsidiary agencies as well as any personal email accounts used for government business containing EITHER the keyword "complaint" OR "Stevens" OR "Jackie" OR "Jacqueline" or "Lyttle" or "JS". (I am enclosing a privacy waiver signed by Mark Lyttle.) Please include all attachments for emails flagged as containing these keywords.
- 4) All email from or to EOIR employee Lauren Alder Reid since January 1, 2008 held in servers maintained by the Department of Justice or subsidiary agencies as well as any personal email accounts used for government business with the keywords of EITHER "Stevens" OR "Jackie" or "Jacqueline" or "JS". (Privacy Act.) Please include all attachments for emails flagged as containing these keywords.
- 5) All email held in servers maintained by the Department of Justice or subsidiary agencies as well as any personal email accounts used for government business from or to EOIR employees Thomas Snow and Michael McGoings since January 1, 2008 with the keywords of EITHER "Stevens" or "Jackie" OR "Jacqueline" OR "Lyttle" OR "complaint" OR "Eloy" OR "Stewart" OR "Morales-Aguilar" OR "USC" OR "agreement" OR "contract" OR "media" OR "press." (I am submitting a privacy waiver signed by Mr. Wilfredo Morales-Aguilar.) Please include all attachments for emails flagged as containing these keywords.
- 6) Records of phone numbers for calls to and from Gary Smith on all of his telephones paid for by the government, especially office and cell phones since April 19, 2010.

I am requesting an expedited review of this request. Under the FOIA regulation personal safety as well as a public's urgent right to know about government activities are two grounds for granting an expedited review. I believe my request meets not just one but both of these criteria.

1) Physical Safety.

In the course of doing my research on immigration courts pursuant to my activities as a scholar and a journalist I have been subjected the threat of physical force as well as to physical force by an immigration court judge and guards in immigration court facilities, respectively. Video footage maintained by the Federal Protective Services for April 19, 2010 at 180 Spring St., SW, Atlanta, GA will confirm this.

I believe that Gary Smith's factually inaccurate statement of events leading to my being removed from the federal building at 180 Spring Street, SW on April 19, 2010 is part of a pattern of EOIR

employees attempting to hide from public scrutiny misconduct of their colleagues. This also is misconduct in violation of federal regulations requiring courts to be open to the public, respondents to be treated in accordance with published rules, and the First Amendment. Criminal violations also may have occurred.

In sum, EOIR agency supervisor cover-ups of colleagues' misconduct conveys to immigration judges and court staff the message that they may violate the law without fear of punishment. The EOIR's systemic flaunting of the rule of law has directly jeopardized my physical safety in conducting research on immigration courts. An expedited response to this FOIA will provide the information I need to share with the public, the Department of Justice, and members of Congress in order to enforce immigration court regulations so that I may pursue my work on immigration courts without fear for my personal safety.

2) Public's Urgent Right to Know.

Immigration law enforcement is of great importance to the U.S. public; by extension, the misconduct of government employees in this system also is of great interest to the public. Mr. Cassidy presides over the fate of thousands of individuals whose cases he adjudicates, including cases involving U.S. citizens. His integrity and commitment to the rule of law is therefore of the utmost public concern.

I have first-hand knowledge of Mr. Cassidy lying about events in his court room. I believe that the documents I have requested will corroborate this. The public has an urgent interest in learning about EOIR and immigration judge misconduct for the purpose of making informed decisions on immigration policy, a matter now under Congressional consideration, and for to protect their friends and relatives who may appear before Mr. Cassidy.

Fee Waiver.

Under the FOIA I meet several of the criteria for a fee wavier: 1) I have no commercial interest in using the content I may receive; 2) I am a published journalist and will be disseminating information from these documents through my articles for *The Nation* magazine and my blog States Without Nations; 3) I am a university professor, and will be disseminating this information in my teaching and scholarship.

The Nation has a print circulation of 200,000. In addition, my publications in that venue have been reproduced online and in other print publications, and I have had my work cited and myself been interviewed on immigration law enforcement, including unlawful immigration court closures by reporters across the country. I have also been a guest on various national and local radio shows, including those aired on National Public Radio and Public Radio International. Postings from my blog are widely disseminated through direct traffic and links on other immigration blogs, especially Bender's Immigration Blog.

As further evidence of the impact of my publications, please note that an international media monitoring organization, Project Uncensored, recently recognized my publications for the Top 25 News Stories of the Year award (from which they will be selecting the Top 10).

FOIA Reponse Time Concern

Previous responses from this office to my FOIA requests have fallen well outside the regulation guidelines. I request that in responding to this reply your office follow the timelines indicated in the FOIA regulations.

I would appreciate it if you could mail the response to this request to me at: Jackie Stevens, 85 Eighth Ave., #4S, New York City, NY 10011. Please feel free to call me at 805-637-4696 if you have any questions. I may also be reached by email at jacqueline-stevens@northwestern.edu. Thank you for your assistance.

Sincerely,

Jacqueline Stevens Professor

EXHIBIT G



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600 Falls Church, Virginia 22041 January 7, 2011

Professor Jacqueline Stevens Northwestern University 601 University Place Evanston, IL 60208

RE:

FOIA Request for Dockets Assigned to William Cassidy on

December 9, 2008; April 19, 2010; and April 19, 2010; and Other Information

Dear Professor Stevens:

This letter is a partial response to your Freedom of Information Act (FOIA) request, in which you seek, among other things, the dockets for the cases assigned to Immigration Judge William Cassidy at the Atlanta Immigration Court on December 9, 2008, and April 19, 2010, and at the Stewart Detention Facility on April 19, 2010. In your FOIA request, you state that the dockets should include the names of the aliens and the alien numbers because the Executive Office for Immigration Review (EOIR) posted this information in a public lobby, and, therefore, the aliens have no reasonable expectation of privacy regarding that information.

Enclosed is the information pertaining to item number one of your FOIA request which consists of the dockets requested. EOIR has redacted information pursuant to 5 U.S.C. § 552(b)(6) of the FOIA to prevent the disclosure of information that would constitute a clearly unwarranted invasion of personal privacy. In accordance with the principle of practical obscurity, EOIR notes that the posting outside the courtroom on the date of the proceeding did not vitiate the privacy interests related to the alien numbers. Therefore, EOIR has redacted the alien numbers. EOIR has also redacted information pursuant to 5 U.S.C. § 552(b)(2) (high) of the FOIA, which protects internal agency records related to agency practices.

EOIR is processing documents responsive to item 4 of your FOIA request and continues to search for documents pertaining to items 2, 3, 5, and 6 of your FOIA request. If you have any further questions, you may contact Cecelia M. Espenoza, Senior Associate General Counsel at (703) 305-0470.

Sincerely,

Crystal Souza

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: NOV-24-2010 13:20	ATLANTA IMMIGRATION COURT	(b) (2) P.014	page 4
(212)(a)(06)(h)(i)() (212)(a)(02)(h)(i)(E)	M 02/10/2010 02 M 02/23/2016 02 M 03/17/2010 02 M 04/19/2010 BA I 03/22/2010 BA		
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(b) (6) • WAG LED ENG BERNARD, P. NORLOER	02/15/2010 02/25/2010 Ge 5 99	Type: O Cik: Code: 04. Code: X Exp: Code: N	/19/2010
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(212) (a) (96) (A) (i) () CAP Information: Inmate *	M 04/19/2010 SA Facility Type Warli at Possible Molosso	Housing Indicator	
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NOV-24-2010 13:21	ATLANTA IMMIGRATIO	N COURT	(b) (2)	P.018
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NOV-24-2010 13:21	ATLANTA IMMIGRATION	COURT	(b) (2)	P.019
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b) (6) WAC LOD SP	02/23/2010 03/11/2010 Ga 8	39	Type: 0 Clk: Code: X Esp:	Code: 04/19/2 Code: W
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(212) (a) (06) (a) (1) ()	И 04/19/2010 8A			
CAP Information: Inmate #	1001-4-17-	st Possible Relgamo	Housing Indicator	
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(b) (6) WAC LGD SP BOLGHUANY, MEQ., CAR	03/05/2010		Type: O Clk: Code: V Exp:	Code: N
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1313) (m) (06) (y) (g);)	H 04/19/2010 8A I 03/19/2010 8A		6	
CAP Information: Inmate 9		st Possible Release	Rousing Indicator	
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(b) (6) NAC LGD OP DAXTOR, DUSTIN R.	03/07/2010 03/15/2010 C e		7ypo: 0 Clk: Code: X Sxp:	Code: N
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NOV-24-2010	13:21	ATLANTA IMMIGRATIO	N COURT	(b) (2)	P.0	20 page IU
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page 11

11/17/2016 Codes Type: 0 Clk: 03/12/2010 (b) (6) Code: V DO: Cocn: N 03/15/2010 Gad 99 WAG LGD OF Application/Date/Decision Typo/Date/Reason Charge(s) 11/17/2010 4 VOLUMEARY DEPARTURE x 04/19/2010 01 (237) (a) (01) (b) () () N 05/24/2010 01 I 04/27/2010 8A I 04/30/2010 8A M 06/23/2010 02 K 07/29/2010 17 I 09/15/2010 46 I 11/17/2010 8A Pacility Type Earlight Possible Release Housing Indicator CAP Information: Code 04/19/2010 Type: 0 (b) (6) 03/11/2010 Code: X Mg1 Code: M 03/15/2010 Geals 09 WAC LGD BP Application/Oato/Decision Type/Dato/Roason Charge(a) M 06/19/2010 8A (212) (a) (06) (A) (i) () Housing Indicator regility Type Parliest Possible Release Inmate # CAP Information:

ATLANTA IMMIGRATION COURT

(b) (2)

P.022

page I

Junigration Judge Marier Calendar June William A. Cassi Y. (1840) From 04/19/2010 to 4/19/2010

: TIME: 12:55 PM

DATE: 11/24/2010

Mearing Date: 04/19/2010 - Monday

	Start Time	2ml		E.	Alien Mane	a-musber	1/d 1/d	7/7 tos	la t	Alien	Reps.	Lon	Comp. Date		adj Ren			pe
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Total Case(s) for Judge MAG: 2

(H/U Type - (Nearing and Cast Types) Mearing Types a I - Initial, A - Adjournment, to - wond) (Case Type = DEF - Deportation, EUR - Bestunive, REC - Respinsion, The - News al, ADC - Anylum Unity, COM - Claim Status Review, CVM - Credible Pros Neview) (2 - Tolophenia/V - Video Massing/9 - Th-Person) (4 - Mot brid filter) (7 - A mediated Hearing, Sond, Metion to Re-open) (8 - Megadited Asylum Case)

DATE: 11/24/2010 TIME: 12:55 PM Temigration Judge Det ince Calendar Junes William A. Cassiw. (MAC) Zrom, 04/19/2010 to 14/19/2010

Hearing Date: 04/19/2010 - Monday

(b)(2)

	Start Time	-		E. Lod	Alten Home	3-Harber	E/C Type	T/ Ad	BAE	Alien Reps.	Zava	Comp. Date	Comp.	A4j Rata	Adjourn To	C# 77	pe
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Total Case(s) for Judge MAC: 16

IM/C Type a (Hearing and Case Types) Hearing Types - T - Initial, A - Adjournment, B - Bood)

(Case Type - DEF - Deportation, IDES - Incolusive, MAC - Merclasion, MAY - Remark, ACC - Anylon Only, CSK - Claim Status Review, CFK - Credible Mean Meriew, ACC - Anylon Only, CSK - Claim Status Review, CFK - Credible Mean Merclasion, MAY - Remarks (* - Merclasion, MAY - Remarks (* - Applicated Meaning, Bend, Molion to Mo-open) (* - Applicated Anylon Case)

ATLANTA IMMIGRATION COURT

(b) (2)

P.025

page !

DATE: 11/24/2016 TROS: 12:57 PM Temigration Judge Master Calendar JUDGE WILLIAM A. CASSIN W. (1840) From 12/09/2008 to 2/09/2008

Hearing Date: 12/09/2008 - Tuesday

	Start Time				Alien Humo	mber Ty	/C T	4	Mat.	Alica Rops.		Comp. Date.		naj Nan		Cal. Type	
v	08:30	09:00	1	LGD	(b) (6)	375	ERCA H	4	MX	MINIMON, JERUTER	AP	03/12/2009	C	01	01/13/2009	н р	
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Total Case(s) for Judge MAC: 2

IN/C type = (Newting and Case Types) Hearing Types = 2 - Emissis, A - Adjournment, B - Model)

(Case Type = DEF - Expertation, ENS - Emissive, FEC - Exectmates, ENV - Human al, NOC - Anylow Only, CER - Claim Stratum Terriew, CFR - Credible Fear Reviews

(F - Telephonics/V - Video Maaring/P - Em-Person) (* - Not Lead Alies) (* - A completed Massing, Road, Metion to Re-egen) (F - Expedited Anylow Curv)

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page 2

DATE: 11/24/2010

TING: 12:57 TK

. 4 * Transgration Judge Determoe Calendar JUDGE WILLIAM A. CASSI T. (VAC) From 12/09/2008 to 2/09/2008

Henring Date: 12/09/2008 - Tuesday

	Start Time				Alies Peno	A-Husbar	1/C 1/P0	T/ Ad	Bet	Alien Repu.	Lan	Comp. Page			adj Xor		Ca Ty	11. 700
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٧	01:00	01:30	3	T@0			ZRONV	MA.	3436	DAVID S.	as	01/26/2009	0	×	01.	01/13/2009	ĸ	D
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Total Case(s) for Judge MAC: 3

(R/C Type - (Hat/(AS and Case Types) Mearing Types - L - Initial, A - Adjournment, N - Bond)

(Case Type - Deportation, RUR - Exclusive, REC - Rescission, ANV - News 11, ACC - Asylum Only, CUR - Claim Status Review, CVR - Credible Four Review)

(T - Talephonts/V - Video Association - In-Passen) (+ - Not Level Alice) (* - A suppleted Newsing, Sond, Notion Io Re-open) (* - Expedited Anylum Case)