



OFFICE *of* GOVERNMENT INFORMATION SERVICES

March 14, 2016—Sent via U.S. mail

NATIONAL  
ARCHIVES  
*and* RECORDS  
ADMINISTRATION

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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Re: Case No.: 201600210  
NG: CM

Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on November 23, 2015 via U.S. mail. Thank you for your interest in OGIS.

Congress created OGIS to complement existing Freedom of Information Act (FOIA) practice and procedure; we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

In your submission to OGIS, you explain that you made a request to the Executive Office for U.S. Attorneys (EOUSA) for a copy of [REDACTED]. In response to your request, EOUSA released 22 pages to you in full. You appealed that response, and the Department of Justice Office of Information Policy (OIP) upheld EOUSA's action on your request. You dispute this response, asserting that the records you received are not the authentic [REDACTED] that you believe were provided to the prosecution. You asked for OGIS's assistance with this matter.

In response to your submission, OGIS staff contacted EOUSA FOIA staff to discuss your dispute. EOUSA FOIA staff affirmed the agency's search for responsive records. Federal courts have long settled that in regard to a search

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for documents, the crucial issue is whether an agency conducted an adequate search for a document, not whether a document *might* exist. An adequate search is conducted when the search is reasonably calculated to uncover all relevant documents. *Weisberg v. Dep't of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983).

In cases such as this where an agency is firm in its position, there is little for OGIS to do beyond providing more information about the agency's actions. I hope that this information about your request is useful to you. Thank you for contacting OGIS; we will now consider this matter closed.

Sincerely,

/s/

JAMES V.M.L. HOLZER  
Director

cc: EOUSA FOIA