



OFFICE *of* GOVERNMENT INFORMATION SERVICES

April 14, 2016—Sent via U.S. mail

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

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
OGIS
COLLEGE PARK, MD
20740-6001

web: www.ogis.archives.gov
e-mail: ogis@nara.gov
phone: 202-741-5770
toll-free: 1-877-684-6448
fax: 202-741-5769

Re: Case No.: 201600437
NG: CM

Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on January 27, 2016 via U.S. mail. Your request for assistance pertains to your Freedom of Information Act (FOIA) request to the Executive Office for U.S. Attorneys (EOUSA).

Congress created OGIS to complement existing 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.

Your submission to OGIS included only a copy the response to your administrative appeal from the Department of Justice Office of Information Policy. In response to your request for assistance, we contacted EOUSA to discuss your request and the agency's initial response to you.

You made a request to EOUSA for public records regarding [REDACTED]. EOUSA informed OGIS that it initially informed you that it found no records responsive to your request. You appealed that response, and on appeal, OIP released a copy of [REDACTED]. OIP further informed you that EOUSA was unable to locate other, potentially responsive records. You asked for OGIS's assistance with this matter.

In our discussion with EOUSA, the agency confirmed that they could not locate the potentially responsive file after multiple searches. Federal courts have long settled that in regard to a search 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



April 14, 2016

Page 2 of 2

documents. *Weisberg v. Dep't of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983). It may be helpful to know that while the agency could not locate the official file, information concerning [REDACTED] criminal case (such as the Second Superseding Indictment, and official press release concerning his sentencing) is publicly available on the internet.

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