## 1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA 3 SAN FRANCISCO DIVISION 4 5 COMMUNITY JUSTICE EXCHANGE, JUST FUTURES LAW, MIJENTE SUPPORT COMMITTEE,

Plaintiffs,
v.
U.S. IMMIGRATION & CUSTOMS
ENFORCEMENT and U.S. DEPARTMENT
OF HOMELAND SECURITY,

Defendants.

Pursuant to this Court's Order dated March 17, 2023, the parties submit this sixth Joint Status Report to update the Court on the status of the litigation and their proposed next steps. Order, ECF No. 35.

## **Background**

Plaintiffs brought this action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.* They seek nine categories of records related to Defendant U.S. Immigration and Customs Enforcement's ("ICE") use of BI, Incorporated's SmartLINK App as part of its Intensive Supervision and Appearance Program ("ISAP"). Plaintiffs filed this lawsuit against ICE and the U.S. Department of Homeland Security (collectively, "Defendants") on April 14, 2022. ECF No. 1. Defendants filed an Answer on May 23, 2022. ECF No. 10.

## **Status of Litigation**

Since the updates presented in the parties' Fifth Joint Status Report, ECF No. 34, the parties have continued negotiating about the scope of future summary judgment briefing. On April 10, 2023, ICE provided Plaintiffs with additional information about the searches for records. The parties are still working together to try to identify and narrow any disputed issues, as well as a proposed briefing schedule.

Sixth Joint Status Report

Case No. 3:22-cy-02328-LB

SIXTH JOINT STATUS REPORT &

[PROPOSED] ORDER

1 Next Steps 2 The parties propose that this Court vacate the April 20, 2023 Case Management 3 Conference and order the parties to file a Joint Status Report on May 4, 2023 informing the 4 Court of what, if anything, is left to litigate. 5 6 Dated: April 13, 2023 Respectfully submitted, 7 s/ Megan Graham Megan Graham 8 Erik Stallman Areeba Jibril 9 Samuelson Law, Technology & 10 Public Policy Clinic UC Berkeley School of Law 11 353 Law Building, Clinical Program Berkeley, CA 94720-7200 12 (510) 664-4381 mgraham@clinical.law.berkeley.edu 13 14 Attorneys for Plaintiffs 15 Dated: April 13, 2023 Respectfully submitted, 16 ISMAIL J. RAMSEY 17 United States Attorney 18 s/ Kelsey J. Helland 19 KELSEY J. HELLAND Assistant United States Attorney 20 Attorneys for Defendants 21 22 ECF ATTESTATION 23 In accordance with Civil Local Rule 5-1(h)(3), I, Megan Graham, attest that I have 24 obtained concurrence in the filing of this document from all other signatories listed here. 25 26 27 28

[PROPOSED] CASE MANAGEMENT ORDER The April 20, 2023 Case Management Conference is VACATED. The parties are ORDERED to file a Joint Status Report on or before May 4, 2023. IT IS SO ORDERED. Dated: LAUREL BEELER UNITED STATES MAGISTRATE JUDGE