

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4
5 COMMUNITY JUSTICE EXCHANGE,
6 JUST FUTURES LAW,
MIJENTE SUPPORT COMMITTEE,

7 Plaintiffs,

8 v.

9 U.S. IMMIGRATION & CUSTOMS
10 ENFORCEMENT and U.S. DEPARTMENT
OF HOMELAND SECURITY,

11 Defendants.

) Case No. 3:22-cv-02328-LB

) **NINTH JOINT STATUS REPORT &**
) **[PROPOSED] ORDER**

12
13 Pursuant to this Court’s Order dated June 8, 2023, the parties submit this ninth Joint
14 Status Report to update the Court on the status of the litigation and their proposed next steps.
15 Order, ECF No. 42.

16 **Background**

17 Plaintiffs brought this action under the Freedom of Information Act (“FOIA”), 5 U.S.C.
18 § 552 *et seq.* They seek nine categories of records related to Defendant U.S. Immigration and
19 Customs Enforcement’s (“ICE”) use of BI, Incorporated’s SmartLINK App as part of its
20 Intensive Supervision and Appearance Program (“ISAP”). Plaintiffs filed this lawsuit against
21 ICE and the U.S. Department of Homeland Security (collectively, “Defendants”) on April 14,
22 2022. ECF No. 1. Defendants filed an Answer on May 23, 2022. ECF No. 10.

23 **Status of Litigation**

24 As of January 2023, ICE had completed production of responsive records. Fourth Joint
25 Status Report, ECF No. 31. Plaintiffs have indicated the subset of records for which they plan to
26 challenge withholdings of information, as well as the exemptions at issue. Fifth Joint Status
27 Report, ECF No. 34. In March and May 2023, Plaintiffs sought additional information from
28 Defendants to help Plaintiffs determine the adequacy of Defendants’ search for responsive

1 records. On July 26, Defendants agreed to provide a response to Plaintiffs' questions in 30 days.
2 The information is necessary to help Plaintiffs determine whether to challenge the adequacy of
3 Defendants' search.

4 **Next Steps**

5 The parties propose that this Court vacate the August 3, 2023, Case Management
6 Conference and order the parties to submit another joint status report on September 7, 2023,
7 identifying what, if anything, is left to litigate.

8
9 Dated: July 27, 2023

Respectfully submitted,

10 s/ Catherine Crump
11 Catherine Crump
12 Samuelson Law, Technology &
13 Public Policy Clinic
14 UC Berkeley School of Law
15 353 Law Building, Clinical Program
16 Berkeley, CA 94720-7200
17 (510) 642-5049
18 ccrump@clinical.law.berkeley.edu

19 *Attorney for Plaintiffs*

20
21 Dated: July 27, 2023

Respectfully submitted,

22 ISMAIL J. RAMSEY
23 United States Attorney

24 s/ Kelsey J. Helland
25 KELSEY J. HELLAND
26 Assistant United States Attorney

27 *Attorneys for Defendants*

28 **ECF ATTESTATION**

In accordance with Civil Local Rule 5-1(h)(3), I, Catherine Crump, attest that I have
obtained concurrence in the filing of this document from all other signatories listed here.

[PROPOSED] CASE MANAGEMENT ORDER

The August 3, 2023 Case Management Conference is VACATED. In addition, the parties are to file a Joint Status Report on September 7, 2023, informing the Court of what, if anything, is left to litigate.

IT IS SO ORDERED.

Dated:

LAUREL BEELER
UNITED STATES MAGISTRATE JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28