

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

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

8 Plaintiffs,

9 v.

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

13 Defendants.

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

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

14 Pursuant to this Court’s Order dated July 27, 2023, the parties submit this tenth Joint
15 Status Report to update the Court on the status of the litigation and their proposed next steps.
16 Order, ECF No. 45.

17 **Background**

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

24 **Status of Litigation**

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

1 records. On August 22, Defendants provided a response to Plaintiffs' questions as well as an
2 additional record, and continue to search for one record. Plaintiffs are now reviewing
3 Defendants' responses. The parties believe their continued efforts to resolve this matter are
4 productive.

5 **Next Steps**

6 The parties propose that this Court vacate the September 7, 2023, Case Management
7 Conference and order the parties to submit another joint status report on September 28, 2023,
8 identifying what, if anything, is left to litigate.

9
10 Dated: August 31, 2023

Respectfully submitted,

11 s/ Catherine Crump
12 Catherine Crump
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Attorney for Plaintiffs

20 Dated: August 31, 2023

Respectfully submitted,

21 ISMAIL J. RAMSEY
22 United States Attorney
23 s/ Kelsey J. Helland
24 KELSEY J. HELLAND
25 Assistant United States Attorney

Attorneys for Defendants

26 **ECF ATTESTATION**

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

[PROPOSED] CASE MANAGEMENT ORDER

The September 7, 2023 Case Management Conference is VACATED. In addition, the parties are to file a Joint Status Report on September 28, 2023, informing the Court of what, if anything, is left to litigate.

IT IS SO ORDERED.

Dated:

LAUREL BEELER
UNITED STATES MAGISTRATE JUDGE

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