## 1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA 3 SAN FRANCISCO DIVISION 4 5 COMMUNITY JUSTICE EXCHANGE, Case No. 3:22-cv-02328-LB JUST FUTURES LAW, 6 MIJENTE SUPPORT COMMITTEE. **ELEVENTH JOINT STATUS REPORT &** 7 Plaintiffs, [PROPOSED] ORDER 8 v. 9 U.S. IMMIGRATION & CUSTOMS ENFORCEMENT and U.S. DEPARTMENT 10 OF HOMELAND SECURITY, 11 Defendants. 12 13 Pursuant to this Court's Order dated September 1, 2023, the parties submit this Eleventh 14 Joint Status Report to update the Court on the status of the litigation and their proposed next 15 steps. Order, ECF No. 47. 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

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Eleventh Joint Status Report

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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 additional record, and continue to search for one record. Plaintiffs have reviewed Defendants' 2 3 responses and, on September 22, 2023, followed up with additional questions and requests. The parties believe their continued efforts to resolve this matter are productive. 4 5 Next Steps 6 The parties propose that this Court vacate the October 5, 2023, Case Management 7 Conference and order the parties to submit another joint status report on October 26, 2023, 8 identifying what, if anything, is left to litigate. 9 10 Dated: September 28, 2023 Respectfully submitted, 11 s/ Catherine Crump Catherine Crump 12 Samuelson Law, Technology & **Public Policy Clinic** 13 UC Berkeley School of Law 353 Law Building, Clinical Program 14 Berkeley, CA 94720-7200 (510) 642-5049 15 ccrump@clinical.law.berkeley.edu 16 Attorney for Plaintiffs 17 18 Dated: September 28, 2023 Respectfully submitted, 19 ISMAIL J. RAMSEY United States Attorney 20 21 s/ Kelsey J. Helland KELSEY J. HELLAND 22 **Assistant United States Attorney** 23 Attorneys for Defendants 24 **ECF ATTESTATION** 25 In accordance with Civil Local Rule 5-1(h)(3), I, Catherine Crump, attest that I have 26 obtained concurrence in the filing of this document from all other signatories listed here. 27 28

## [PROPOSED] CASE MANAGEMENT ORDER

The October 5, 2023 Case Management Conference is VACATED. In addition, the parties are to file a Joint Status Report on October 26, 2023, informing the Court of what, if anything, is left to litigate.

IT IS SO ORDERED.

Dated:

LAUREL BEELER
UNITED STATES MAGISTRATE JUDGE