

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

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

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13 Pursuant to this Court’s Order dated October 27, 2023, the parties submit this Thirteenth
14 Joint Status Report to update the Court on the status of the litigation and their proposed next
15 steps. Order, ECF No. 51.

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 August 22, Defendants provided a response to Plaintiffs' questions as well as an
2 additional record, and continue to search for one record. Plaintiffs have reviewed Defendants'
3 responses and, on September 22, 2023, followed up with additional questions and requests.
4 Defendants provided a response on November 22, 2023, which Plaintiffs are reviewing. The
5 parties believe their continued efforts to resolve this matter are productive.

6 **Next Steps**

7 The parties propose that this Court vacate the December 14, 2023, Case Management
8 Conference and order the parties to submit another joint status report on January 18, 2024,
9 identifying what, if anything, is left to litigate.

10
11 Dated: November 30, 2023

Respectfully submitted,

12 s/ Catherine Crump
13 Catherine Crump
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Attorney for Plaintiffs

21 Dated: November 30, 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

Attorneys for Defendants

ECF ATTESTATION

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

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[PROPOSED] CASE MANAGEMENT ORDER

The December 14, 2023 Case Management Conference is VACATED. In addition, the parties are to file a Joint Status Report on January 18, 2024, 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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