



Homeland
Security

Privacy Office, Mail Stop 0655

11/4/2021

SENT VIA E-MAIL TO: emma.lewis@americanoversight.org

Emma Lewis
American Oversight
1030 15th Street, NW B255
Washington, DC 20005

Re: **20-cv-01367-RCL**
American Oversight v. Department of Homeland Security et al.
11th Interim Release for DHS FOIA Litigation No. 2020-HQLI-00030

Dear Ms. Lewis:

This is our 11th interim release of records related to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), received on March 19, 2020.

For this production consults from the interim 8th release, specifically from Department of Justice, the US Marshals, and Customs Border Protection, are being released to you. It has been determined that 23 pages will be withheld in part pursuant to FOIA Exemptions (b)(5), (b)(6) and (b)(7)(c). **Bates Numbers begins with DHS-PRIV – 003634 through DHS-PRIV – 003656.**

If you have any questions regarding this release, please contact Andrew Freidah, United States Department of Justice's Civil Division, Federal Programs Branch, at Andrew.f.freidah@usdoj.gov.

Sincerely,

A handwritten signature in black ink that reads "Eric A. Neuschaefer".

Eric A. Neuschaefer
Senior Director, FOIA Litigation, Appeals, Policy,
and Training (Acting)

Enclosed: 23 pages

From: (b)(6)
Sent: Tuesday, April 7, 2020 3:47 PM
To: (b)(6)
Subject: FW: COVID-19 and prisoner releases

(b)(5)

From: (b)(6)
Sent: Tuesday, April 7, 2020 11:52 AM
To: (b)(6)
Subject: Re: COVID-19 and prisoner releases

Sorry, ran into another issue here - which actually resolved part of this for now. For the moment, we are down to one prisoner that has been released that we need to talk with ICE about. (b)(6)

(b)(6)
Reg (b)(6)
A#

(b)(6)
Chief Deputy
Southern District of California
(b)(6)

On Apr 7, 2020, at 8:11 AM, (b)(6)
(b)(6) wrote:

I'll have it to you in about 10 minutes. There are only 2. Border patrol took the one that was housed in a different dorm

(b)(6)
Chief Deputy
Southern District of California
(b)(6)

On Apr 7, 2020, at 7:22 AM, (b)(6) (USMS)
(b)(6) wrote:

Chief,
Can I get the names of the 3 prisoners?

From (b)(6)

Sent: Tuesday, April 7, 2020 10:18 AM

To: Wolf, Steven (USMS) (b)(6) (b)(6)

Cc: Lowry, Heather (USMS) (b)(6) (b)(6)

(b)(6) (b)(6)

(b)(6)

(b)(6)

Subject: Re: COVID-19 and prisoner releases

Thank you Doctor. Understanding what you have provided (b)(5)

(b)(5)

I realize I am answering these out of order so maybe this is what Kelly was addressing regarding our legal basis to hold.

Keith Johnson
Chief Deputy
Southern District of California
619-546 (b)(6)

On Apr 7, 2020, at 4:31 AM, Wolf, Steven (USMS)

(b)(6) @usms.doj.gov> wrote:

Chief Johnson,

I am roping in Kelly McDonald from the Office of General Counsel into this conversation, since basically

(b)(5)

(b)(5)

I hope that answers the medical side of this.
Fundamentally this is a question of legal authorities.

Best,

(b)(6)

From: (b)(6)

Sent: Tuesday, April 7, 2020 1:19 AM

To: (b)(6)

(b)(6)

Cc (b)(6)

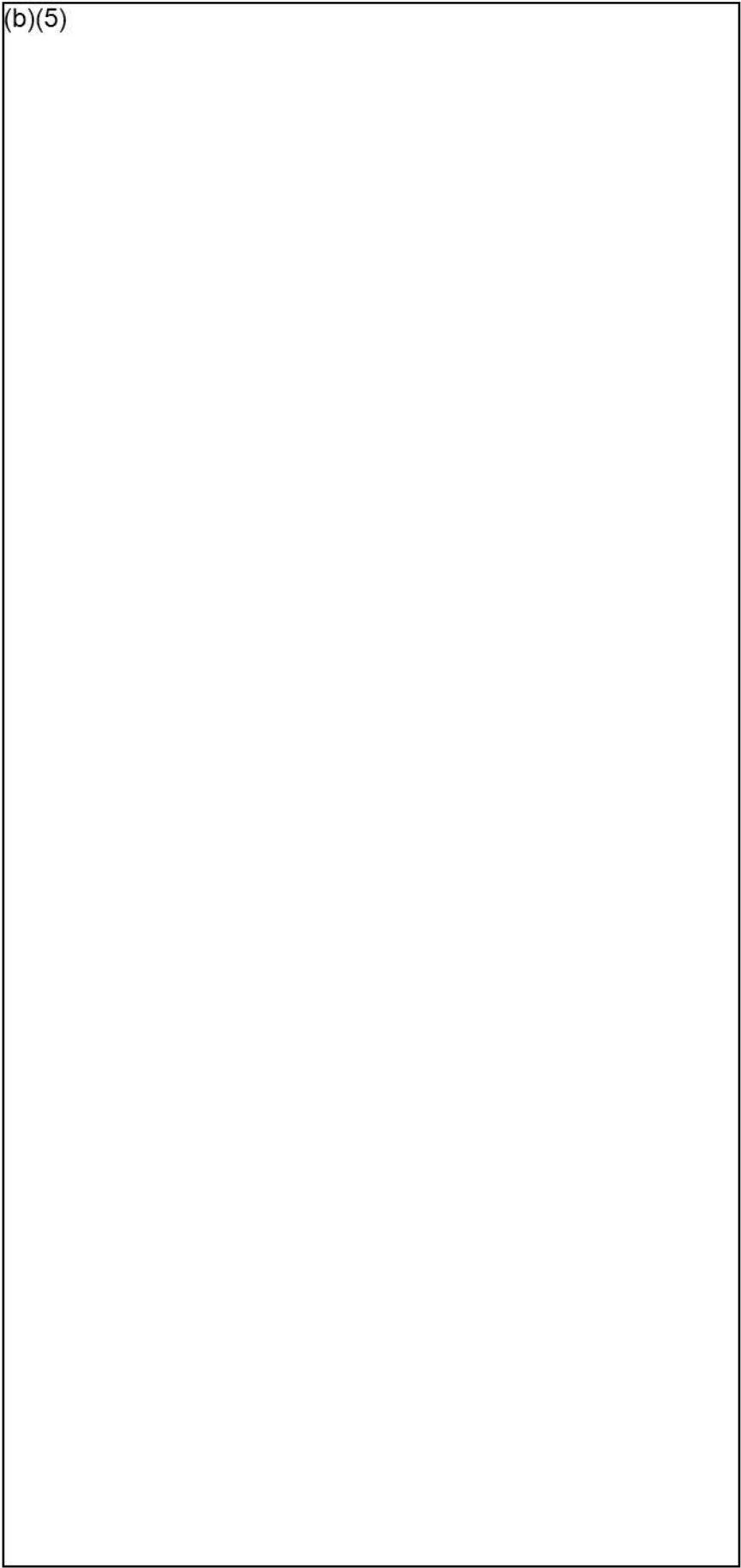
(b)(6)

Subject: COVID-19 and prisoner releases

(b)(5)

(b)(5)

(b)(5)



(b)(5)

(b)(6)

Chief Deputy United States Marshal
Southern District of California

(b)(6)

Office
Mobile

Please note that this message may contain sensitive and/or legally privileged information (attorney work product, attorney-client communication, deliberative process, personally identifiable information, law enforcement sensitive, etc.) and should be handled accordingly.

From: (b)(6); (b)(7)(C) @ice.dhs.gov>
Sent: Tuesday, April 7, 2020 9:27 AM
To: Davis, Mike P (b)(6); (b)(7)(C) @ice.dhs.gov>; Loiacono, Adam V (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: (b)(5)

FYSA.

Sent with BlackBerry Work
(www.blackberry.com)

From: Hamilton, Gene (OAG) (b)(6)
Date: Tuesday, Apr 07, 2020, 8:07 AM
To: Maher, Joseph (b)(6) > (b)(6); (b)(7)(C)
(b)(6)

(b)(6)

Mizelle, Chad (b)(6) > (b)(6); (b)(7)(C) @ice.dhs.gov>, Fishman, George (b)(6) > Browne, Rene (b)(6) > (b)(6)
(b)(6) (b)(6)

(b)(6)
Subject: (b)(5)

Hi DHS Colleagues,

(b)(5)

Page 08

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 09

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Thanks again for the opportunity to review,

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

From: Hamilton, Gene (OAG)

Sent: Monday, April 6, 2020 5:17 PM

To: Maher, Joseph (b)(6); (b)(6); (b)(7)(C)

(b)(6)

(b)(5)

Mizelle, Chad (b)(6); (b)(6); (b)(7)(C) @ice.dhs.gov>;

Fishman, George (b)(6); (b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

Subject: Re: (b)(5)

Thanks, Joe. We'll have a few things. We understand the need to get this done soon.

Thanks

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

From: Maher, Joseph (b)(6)

Sent: Monday, April 6, 2020 3:26 PM

To: Hamilton, Gene (OAG) (b)(6); (b)(6); (b)(7)(C)

(b)(6)

Cc: (b)(6)

(b)(6)

(b)(6)

Mizelle, Chad (b)(6) (b)(6); (b)(7)(C) @ice.dhs.gov;

Fishman, George (b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

Subject (b)(5)

Hi Gene,

(b)(5)

Thanks for your time in reviewing it!

From: Hamilton, Gene (OAG) (b)(6)

Sent: Monday, April 6, 2020 2:19 PM

To: (b)(6); (b)(7)(C)

(b)(6)

Cc: Maher, Joseph (b)(6); Stewart, Scott G. (CIV)

(b)(6)

(b)(6); Mizelle, Chad (b)(6)

(b)(6); (b)(7)(C)

(b)(6); @ice.dhs.gov; Fishman, George (b)(6) (b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

Subject (b)(5)

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(b)(5)

Thank you,

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

From: (b)(6); (b)(7)(C) (b)(6)

Sent: Monday, April 6, 2020 1:49 PM

To: Hamilton, Gene (OAG) (b)(6)

Cc: Maher, Joseph (b)(6) (b)(6)

(b)(6)

(b)(6)

Mizelle,

Chad (b)(6) (b)(6); (b)(7)(C) @ice.dhs.gov>; Fishman,

George (b)(6) (b)(6) (b)(6) (b)(6);

(b)(6) (b)(6) (b)(6)

(b)(6)

Subject (b)(5)

Good Afternoon Mr. Hamilton,

(b)(5)

Kind regards,

(b)(6); (b)(7)(C)

Attorney Advisor, Litigation

Legal Counsel Division

Office of the General Counsel

U.S. Department of Homeland Security

(o) (b)(6) (m) (b)(6)

(b)(6)

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From: Hamilton, Gene (OAG) (b)(6)

Sent: Monday, April 6, 2020 9:08 AM

To: (b)(6); (b)(7)(C) (b)(6)

Cc: Maher, Joseph (b)(6) (b)(6)

(b)(6)

(b)(6) Mizelle, Chad (b)(6) (b)(6); (b)(7)(C)

(b)(6); @ice.dhs.gov>; Fishman, George (b)(6) (b)(6)

(b)(6) (b)(6) (b)(6)

(b)(6)

Subject (b)(5)

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Good morning, DHS colleagues,

(b)(5)

Thank you,

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

From: (b)(6); (b)(7)(C) (b)(6)

Sent: Friday, April 3, 2020 12:15 PM

To: Hamilton, Gene (OAG) (b)(6)

Cc: Maher, Joseph (b)(6) (b)(6)

(b)(6)

(b)(6)

Chad (b)(6) (b)(6); (b)(7)(C) @ice.dhs.gov>; Fishman,

George (b)(6) (b)(6) (b)(6) (b)(6)

(b)(6) (b)(6) (b)(6)

(b)(6)

Subject (b)(5)

Thank you, Mr. Hamilton.

Kind regards,

(b)(6); (b)(7)(C)

Attorney Advisor, Litigation

Legal Counsel Division
Office of the General Counsel
U.S. Department of Homeland Security
(o)(b)(6) (m)(b)(6)

(b)(6)

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From: Hamilton, Gene (OAG)(b)(6)

Sent: Friday, April 3, 2020 11:48 AM

To: (b)(6); (b)(7)(C) (b)(6)

Cc: Maher, Joseph (b)(6) (b)(6)

(b)(6)

(b)(6)

(b)(6); Mizelle, Chad (b)(6) (b)(6); (b)(7)(C)

(b)(6); @ice.dhs.gov; Fishman, George (b)(6) (b)(6)

(b)(6) (b)(6) (b)(6)

(b)(6)

Subject: (b)(5)

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Hi (b)(6); (b)(7)(C) and DHS team,

(b)(6)

(b)(5)

(b)(5)

Thank you again for the opportunity to review.

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

From: (b)(6); (b)(7)(C) (b)(6)
Sent: Thursday, April 2, 2020 10:10 PM
To: Hamilton, Gene (OAG) (b)(6)
Cc: Maher, Joseph (b)(6) (b)(6)
(b)(6)
(b)(6) Mizelle,
Chad (b)(6) (b)(6); (b)(7)(C) @ice.dhs.gov>; Fishman,
George (b)(6) (b)(6) (b)(6)
(b)(6) (b)(6)
Subject: (b)(5)

Mr. Hamilton,

(b)(5)

Kind regards,

(b)(6); (b)(7)(C)

Attorney Advisor, OGC

Warning *** Attorney - Client Privilege *** Work Product ***
Deliberative

From: Hamilton, Gene (OAG) (b)(5)
Sent: Thursday, April 2, 2020 9:20:34 PM
To: (b)(6); (b)(7)(C) (b)(6)
Cc: Maher, Joseph (b)(6) (b)(6)
(b)(6)

(b)(6)

Mizelle, Chad (b)(6)

Fishman, George (b)(6)

(b)(6)

Subject (b)(5)

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Hi (b)(6),

(b)(5)

Thank you,

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

On Apr 2, 2020, at 5:18 PM, (b)(6)

(b)(6) wrote:

Mr. Hamilton,

(b)(5)

Many thanks and take good care!

Kind regards,

(b)(6)

Attorney Advisor, Litigation
Legal Counsel Division
Office of the General Counsel

U.S. Department of Homeland Security

(o)(b)(6) (m)(b)(6)

(b)(6)

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From: Maher, Joseph (b)(6)

Sent: Thursday, April 2, 2020 2:35 PM

To: Gene Hamilton (b)(6)

(b)(6)

(b)(6)

Mizelle, Chad

(b)(6)

(b)(6); (b)(7)(C)

@ice.dhs.gov>

Fishman, George (b)(6)

(b)(6)

(b)(6)

; Browne, Rene (b)(6)

(b)(6)

(b)(6)

Subject: (b)(5)

Adding (b)(6); (b)(7)(C) from our team, who will be coordinating comments/edits on this document.

From: Maher, Joseph

Sent: Thursday, April 2, 2020 2:29 PM

To: Hamilton, Gene (b)(6)

(b)(6)

(b)(6)

(b)(6) (6) Mizelle, Chad
(b)(6) (b)(6); (b)(7)(C) @ice.dhs.gov>;
Fishman, George (b)(6)
Subject: (b)(5)

Gene,

(b)(5)

Joe

From: Hamilton, Gene (OAG) (b)(6)
Sent: Thursday, April 2, 2020 9:50 AM

To: Maher, Joseph (b)(6) (b)(6)

(b)(6)

(b)(6) Mizelle, Chad
(b)(6) (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: (b)(5)

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(b)(5)

Thank you again,

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

From: Maher, Joseph (b)(6)
Sent: Thursday, April 2, 2020 9:45 AM
To: Hamilton, Gene (OAG) (b)(6)

(b)(6)

(b)(6)

(b)(6); Mizelle, Chad
(b)(6); (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: (b)(5)

Hi Gene,

(b)(5)

Joe

From: Hamilton, Gene (OAG) (b)(6)
Sent: Thursday, April 2, 2020 9:38 AM
To: Maher, Joseph (b)(6); (b)(6)

(b)(6)

(b)(6)

(b)(6); (b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: (b)(5)

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Hi DHS colleagues,

(b)(5)

Thank you,

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

From: Maher, Joseph (b)(6)
Sent: Tuesday, March 31, 2020 2:01 PM
To: (b)(6) Hamilton, Gene (OAG)
(b)(6)
(b)(6)
(b)(6) Mizelle, Chad
(b)(6) <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: (b)(5)

(b)(5)

From: (b)(6)
Sent: Tuesday, March 31, 2020 1:55 PM
To: Gene Hamilton (b)(6)
(b)(6)
(b)(6) Mizelle, Chad
(b)(6); Maher, Joseph (b)(6)
(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: (b)(5)

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(b)(5)

From: Hamilton, Gene (OAG) (b)(6)
Sent: Tuesday, March 31, 2020 1:28 PM

To: (b)(6)

(b)(6)

(b)(6)

Mizelle, Chad

(b)(6)

Maher, Joseph

(b)(6)

(b)(6); (b)(7)(C)

@ice.dhs.gov>

Subject: (b)(5)

Hello everyone,

(b)(5)

Thank you,

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

From: Hamilton, Gene (OAG)
Sent: Sunday, March 29, 2020 2:07 PM

To: (b)(6)

(b)(6)

(b)(6)

Mizelle, Chad

(b)(6)

Maher, Joseph

(b)(6)

(b)(6); (b)(7)(C)

@ice.dhs.gov>

Subject: (b)(5)

Thank you, Joe!

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

From: Maher, Joseph (b)(6)
Sent: Sunday, March 29, 2020 2:00 PM
To: (b)(6)
(b)(6)
Cc: (b)(6)
(b)(6)
Mizelle, Chad (b)(6) (b)(6)
(b)(6) (b)(7)(C) ice.dhs.gov>
Subject: (b)(5)

Attorney Work Product

Here is a bullet list of the attachments, in case it's helpful:

- (b)(5)
- (b)(5)

From: Maher, Joseph

Sent: Sunday, March 29, 2020 1:59 PM

To: Hamilton, Gene (OAG) (b)(6)

(b)(6)

Mizelle, Chad (b)(6)

(b)(6); (b)(7)(C) (b)(6)

Subject: (b)(5)

Attorney Work Product

Gene, (b)(6)

(b)(5)

(b)(5)

Joe

Joseph B. Maher
Principal Deputy General Counsel
U.S. Department of Homeland Security

(b)(6)