

1 CRAIG H. MISSAKIAN (CABN 125202)
United States Attorney
2 PAMELA T. JOHANN (CABN 145558)
Chief, Civil Division
3 MICHAEL T. PYLE (CABN 172954)
Assistant United States Attorney
4 60 South Market Street, Suite 1200
5 San Jose, California 95113
6 Telephone: (408) 535-5087

7 *Attorneys for Defendant,*
8 *Federal Bureau of Prisons*

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 VICTORIA LAW,

12 Plaintiff,

13 v.

14 FEDERAL BUREAU OF PRISONS,

15 Defendant.

Case No. 3:24-CV-06628-YGR

**DECLARATION OF KARA CHRISTENSON IN
SUPPORT OF DEFENDANT’S OPPOSITION TO
PLAINTIFF’S MOTION FOR ORDER TO SHOW
CAUSE AS TO WHY BOP SHOULD NOT BE HELD
IN CONTEMPT**

Date: December 26, 2025
Time: 10:00 a.m.
Courtroom: A
Hon. Alex G. Tse

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21 I, Kara Christenson, declare as follows:

22 1. I am Supervisory Government Information Specialist, with an office at the Federal
23 Bureau of Prisons’ Federal Medical Center Rochester. I am assigned to this FOIA case, although I am
24 assigned to a number of other FOIA cases in litigation. I am also assigned to FOIA matters that are not
25 in litigation, and other duties to include Acting FOIA Chief for the BOP since March 1, 2025. I have
26 personal knowledge of the facts herein, and if called upon to testify, I could and would do so.

27 2. I am familiar with the Court’s May 30, 2025 Order requiring BOP to process a minimum
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1 of 1,000 pages per month commencing on June 30, 2025. BOP complied with this order in June, July,
2 and August.

3 3. At midnight on September 30, 2025, the appropriations act that had been funding the
4 Department of Justice expired and appropriations to the Department lapsed. I, along with the rest of
5 BOP's entire FOIA staff were furloughed due to the lapse of appropriations and thus were unable to
6 work on any FOIA matters without violating the Anti-Deficiency Act.

7 4. I understand that the Anti-Deficiency Act, 31 U.S.C. §1341, as construed by the Attorney
8 General, provides that in the absence of appropriated funds no obligation can be incurred except for the
9 protection of life and property, the orderly suspension of operations, or as otherwise authorized by law.
10 Absent an appropriation, Department of Justice employees like me and my FOIA staff were prohibited
11 from working, even on a volunteer basis, "except for emergencies involving the safety of human life or
12 the protection of property." 31 U.S.C. § 1342. I understand that an officer or employee of the United
13 States who violates 31 U.S.C. § 1341(a) (obligate/expend in excess or advance of appropriation), § 1342
14 (voluntary services prohibition), or § 1517(a) (obligate/expend in excess of an apportionment or
15 administrative subdivision as specified in an agency's regulations) "**shall** be subject to appropriate
16 administrative discipline including, when circumstances warrant, suspension from duty without pay or
17 removal from office." 31 U.S.C. §§ 1349(a), 1518 (emphasis added).

18 5. While BOP FOIA staff strive to process as many FOIA requests as possible throughout
19 the year, September, as the last month of the fiscal year, puts an additional pressure and strain on
20 resources. Agencies with high backlogs, like BOP, strive to close as many overdue FOIA requests as
21 possible before October 1 when preparation of the Annual Report to Congress for the "just ended" fiscal
22 year begins. Consequently, in September, seven of BOP's 14 Government Information Specialists (GIS)
23 normally assigned to the intake team spent at least half of their day processing requests. The processed
24 requests could not be completed until one of four reviewers, including myself, reviewed the request for
25 responsiveness and accuracy. With the additional number of requests being processed, the reviewers,
26 again, including myself, worked several hours beyond regular duty hours each day to accomplish as
27 many reviews as possible to reduce the backlog. While the temporary shift of the intake team to the
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1 processing team is necessary in September, when resources are diverted, other duties suffer including
2 the management of the new requests. While requests received in the month of September will not
3 increase BOP's backlog, any request received until the close of business on September 30 must be
4 entered into the FOIA database prior to it being locked by 11:59 p.m. on September 30 to ensure
5 accurate accounting and reporting of data for the annual report. To that end, it was incumbent upon me
6 and the other Supervisory GIS to ensure all the FY25 requests were entered into the database. This
7 required us to remain on duty past our regular work schedule to review as many requests as possible, to
8 complete the data entry of all the FY25 requests. Because of the end of year requirements, and preparing
9 for the lapse in appropriations, I was unable to process any pages for the month of September.

10 6. BOP could not process any documents in October 2025 because I and the rest of BOP's
11 FOIA staff were furloughed and unable to work on any FOIA matters, as described above.

12 7. Appropriations for the Department of Justice were restored the night of November 12,
13 2025, and the first day back at work for me and my entire FOIA staff was November 13, 2025. Upon
14 returning to the office, BOP received more than 1900 emails during the lapse in appropriations,
15 requiring all FOIA staff to assist in reviewing and taking appropriate action on those emails. Significant
16 progress was made on the emails the first week after the furlough ended. As the Thanksgiving holiday
17 was the following week, however, more than half of the FOIA staff, including myself, were out of the
18 office on scheduled annual leave. Upon our return to the office on Monday, December 1, 2025, the
19 number of emails received requiring action climbed to over 1200. Review of these emails will require
20 deploying additional resources to the intake team, to the detriment of the processing team. Importantly,
21 the annual leave used by FOIA staff during the Thanksgiving holiday week was leave which would be
22 lost if not used. Termed "use or lose," leave this annual leave represents the maximum number of leave
23 carry over hours for 2025. While FOIA staff with "use or lose" leave spread their leave throughout
24 October, November, and December 2025, because of the furlough, we were unable to take the leave as
25 planned. Further, I anticipate FOIA staff, including myself, will need to also take "use or lose" leave the
26 last two weeks of the year.

27 8. With nearly every FOIA litigation I have been involved in, unforeseen events and
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1 circumstances arise which impede a monthly, and sometimes multiple-month, production. When this
2 occurs, while I make every effort to catch up with subsequent monthly productions, this may take
3 several months to accomplish. BOP, however, will make every effort to make up the processing missed
4 September through November 2025, by February 1, 2026.

5 I declare under penalty of perjury that the foregoing is true and correct. Executed this 2nd day of
6 December, 2025 at Rochester, Minnesota.

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10 KARA CHRISTENSON
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