

CAITLIN KELLY HENRY, ESQ.
ATTORNEY AT LAW, CASBN #287949
1440 Broadway # 200 Oakland, CA 94612
TEL:(510)277-2025 ckh@caitlinkellyhenry.com

Via Email to Pyle, Michael T. (USACAN), Michael.T.Pyle@usdoj.gov

February 2, 2026

Re: Request to Meet and Confer Regarding January 30, 2026 Determination Letter (10th Rolling Release)

Dear Counsel,

I write regarding the January 30, 2026, determination letter for FOIA No. 2024-04492, styled as the “10th Rolling Release – Part 1.” “Item Numbers 6, 7 and 13 of your request seeking information regarding inmates’ medical status review prior to transfer, grievances related to compassionate release and grievances related to the transfer and closure of FCI Dublin”

That letter reflects several issues that require prompt meet and confer pursuant to Judge Tse’s order (ECF No. 42). Release 10 reflects the same core defects identified throughout this litigation and is directly relevant to the Court’s evaluation of compliance and enforcement of its Production Order and Plaintiff’s Motion for Partial Judgment on the Pleadings and for Declaratory Judgment (ECF No. 45). This case involves an entrenched pattern and practice of noncompliance with FOIA’s timing, determination, expedited processing, and production requirements.

First, the letter acknowledges that the January 30, 2026, production did not satisfy the Court-ordered monthly production deadline (ECF No. 42). Judge Tse’s May 30, 2025, Order requires review of 1,000 pages and production on the last business day of each month. The letter states that only 507 pages were reviewed and that this constitutes “the first half of the required production for January 2026,” with the remainder deferred until February 3, 2026. A partial production after the deadline does not comply with the Order. Please explain.

Second, the production does not reflect production in a native, readily reproducible format as maintained in the ordinary course of business. With respect to records responsive to Item Numbers 6, 7, and 13, BOP’s production improperly merged distinct categories of records, including emails, administrative forms, and attachments, into consolidated PDF files, eliminating the separation between record types and destroying original file structure. Records concerning medical status review prior to transfer, compassionate release requests, and grievances (related to the transfer and closure of FCI Dublin or compassionate release) are different record categories, created for different purposes and maintained in different systems, and they require individualized responsiveness and exemption analysis. As our expert opined, flattening these records into merged PDFs obscures document boundaries, strips metadata, and prevents Plaintiff from determining which records correspond to which request item, whether complete records

CAITLIN KELLY HENRY, ESQ.
ATTORNEY AT LAW, CASBN #287949
1440 Broadway # 200 Oakland, CA 94612
TEL:(510)277-2025 ckh@caitlinkellyhenry.com

were produced, or whether exemptions were applied on a record-specific basis. This production approach degrades readily reproducible records, unlawfully shifts the burden of reconstruction to the requester, and frustrates FOIA's requirements of transparency, segregability, and meaningful review.

Third, the determination letter raises additional concerns regarding categorization of records as "non-responsive," "non-agency records," or withheld in full without providing sufficient record-specific explanation to permit meaningful evaluation.

Fourth, Plaintiff challenges the unjustified and excessive application of b(6) and (7)(c) to and refer you back to our December 2024 objections to this being applied to Items Numbers 6, 7, and 13, including medical status review prior to transfer, grievances related to compassionate release and grievances related to the transfer and closure of FCI Dublin.

Rather than promoting efficiency, BOP's production practices force Plaintiff to incur avoidable attorneys' fees, waste substantial time reconstructing degraded records, and all but guarantee that the parties will need to redo this work after judicial resolution.

Plaintiff requests a prompt meet and confer to discuss the January 30, 2026, determination letter, the missed January deadline, the form of production, and the steps BOP intends to take to cure these deficiencies and ensure compliance with the Court's Order going forward.

Please, by February 6, provide your availability to meet and confer by Zoom in person on a Monday, Tuesday, or Friday. Absent a productive meet and confer and a clear plan to cure the issues identified above, Plaintiff will raise these matters in her portion of a letter to the Court and potentially in motions related to ongoing compliance and enforcement proceedings.

Sincerely,

Caitlin Kelly Henry, Esq,
Attorney for Plaintiff

Enc: Proposed Agenda