



U.S. Immigration
and Customs
Enforcement

June 4, 2009

Carl Malamud
Public Resource
1005 Gravenstein Highway North
Sebastopol, CA 95472

Re: 2009FOIA3721

Dear Ms. Malamud:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the Immigration and Customs Enforcement (ICE), dated May 20, 2009, and to your request for a waiver of all assessable FOIA fees. Your request was received in this office on June 4, 2009. Specifically, you requested any memoranda or budgetary documents that detail the total amount actually spent or the amount budgeted to be spent by the ICE to access the PACER system run by the Administrative Office of the Courts from 2000 to the present, as well as budget items for the future fiscal periods. Any agreements, contracts or memorandum of understanding between ICE and the Administrative Office of the Courts governing access to the PACER system by ICE staff. Any memoranda or other documents from ICE management to ICE lawyers asking them to curtail, limit or otherwise ration their use of the PACER system due to cost considerations. Any contracts, memoranda, or budgetary materials detailing the specific agreements and the amount of money spent by ICE with commercial legal information providers such as Thomas Westlaw or the ReedElsiver LexisNexis service.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, DHS will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner; however, there are currently 598 open requests ahead of yours.

As it relates to your fee waiver request, your request will be held in abeyance pending the quantification of responsive records. The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns "the operations or activities of the government;" (2) Whether the disclosure is "likely to contribute" to an understanding

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of government operations or activities; (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons; (4) Whether the contribution to public understanding of government operations or activities will be "significant;" (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor. If any responsive records are located, we will consider these factors in our evaluation of your request for a fee waiver.

In the event that your fee waiver is denied, we shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to media requestors. As a media requestor you will be charged 10-cents a page for duplication, although the first 100 pages are free. You will be promptly notified once a determination is made regarding your fee waiver request.

Per section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. We will make every effort to comply with your request in a timely manner; however, there are currently 598 open requests ahead of yours. Nevertheless, please be assured that one of the processors in our office will respond to your request as expeditiously as possible.

Your request has been assigned reference number **2009FOIA3721**. Please refer to this identifier in any future correspondence. You may contact this office at (202) 732-0300 or (866) 633-1182.

Sincerely,

A handwritten signature in black ink, appearing to read "Catrina M. Pavlik-Keenan", written in a cursive style.

Catrina M. Pavlik-Keenan
FOIA Director