

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AL OTRO LADO, INC.,

Plaintiff,

v.

IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Defendant.

Case No. 23-CV-01525 (JMC)

SCHEDULING ORDER

I. CASE DEADLINES

It is hereby **ORDERED** that the Parties shall file a joint status report on March 25, 2024, and every 60 days thereafter until further order of the Court. It is further

ORDERED that Defendant will finish production of all forms under 5 U.S.C. § 552(a)(2)(D), and all FOIA logs under 5 U.S.C. § 552(a)(2)(E), by January 31, 2024. It is further

ORDERED that Defendant shall immediately direct the four offices that Defendant identified as “reasonably likely to have . . . additional records . . . potentially responsive to Plaintiff’s request,” ECF 24-1 ¶ 7, to conduct comprehensive searches for records consisting of unpublished statements of policy and interpretation, *see* 5 U.S.C. § 552(a)(2)(B), and to provide those records to the ICE FOIA Office for processing. The four offices are: (1) Enforcement and Removal Operations, (2) Homeland Security Investigations, (3) the Office of Human Capital, and (4) the Office of the chief Financial Officer. ECF 24-1 ¶ 7. It is further

ORDERED that, by February 29, 2024, Defendant shall begin processing its policies, *see* 5 U.S.C. § 552(a)(2)(B), at a rate no lower than 750 pages per month, and Defendant shall begin

processing its staff manuals and instructions, *see* 5 U.S.C. § 552(a)(2)(C), at a rate no lower than 500 pages per month. It is further

ORDERED that, by October 31, 2024, regardless of the rate of processing and production required, Defendant must have processed and produced all 5 U.S.C. § 552(a)(2) records, either directly to Plaintiff or, at Defendant's discretion, by posting those records in its online FOIA reading room. If, however, the aforementioned search for policies under (a)(2)(B) uncovers documents so voluminous that compliance with the deadline would require processing more than 1,500 pages of policies under (a)(2)(B) per month, Defendant may file a motion asking this Court to reconsider the production schedule. Otherwise, Defendant must comply with the October 31, 2024, deadline at whatever processing rate that deadline so requires. It is further

ORDERED that, after completing production of all 5 U.S.C. § 552(a)(2) records, Defendant shall file with this Court a sworn declaration by an appropriate official averring that Defendant has searched all files likely to contain responsive materials, finished production of all current 5 U.S.C. § 552(a)(2) records, and will continue to fulfill its statutory duty to regularly update its FOIA reading room. This declaration shall be filed no later than November 30, 2024.

II. COMMUNICATIONS WITH CHAMBERS

The Parties are to communicate with the Court by motion, opposition, reply, or notice, including for requests for extensions or to reschedule hearing dates. The Parties should not call Chambers about pending case matters.

III. MEDIATION

The Court encourages the Parties to mediate their case with a Magistrate Judge or through the Mediation Program of the Circuit Executive's Office. If, at any point, the Parties desire to

engage in mediation, the Parties should file a joint request captioned “Joint Motion for Mediation,” and the Court will make the requested referral.

SO ORDERED.

JIA M. COBB
U.S. District Court Judge

Date: January 23, 2024