



U.S. Department of Justice
Executive Office for Immigration Review
Office of the General Counsel

5107 Leesburg Pike
Falls Church, Virginia 22041

March 18, 2020

VIA FIRST CLASS MAIL

Matthew Hoppock
Hoppock Law Firm
5949 Nieman Road
PO Box 3886
Shawnee, KS 66203

Re: FOIA 2020-02386

Dear Mr. Hoppock:

Thank you for your additional comments from your e-mail correspondence dated March 16, 2020. To reiterate from our March 16, 2020 e-mail correspondence, we remind you that a component's decision to place a requester in the commercial use category is made on a case-by-case basis based on the requester's intended use of the information. *See* 28 C.F.R. §16.10(b)(1). Accordingly, a determination that you were a representative of the news media as defined in 28 C.F.R. § 16.10(b)(6) for a previous request is not applicable as relates to other requests, including this request (FOIA 2020-02386).

Your request as-filed made no reference to DocuFreedom. However, your newly-submitted request for designation as a news media requester based on your stated affiliation with DocuFreedom has been considered, but does not meet the standard. The standards for qualifying as a representative of a news media are outlined in 28 C.F.R. § 16.10(b)(6). A statement that DocuFreedom is "a non-profit open records organization" does not meet the standard. Additionally, merely posting agency records without using editorial skills to turn the raw materials into a distinct work does not meet the standard. *Id.* Furthermore, the DocuFreedom website located at <http://docufreedom.com/> does not show any posts later than March 2018, over two years ago. In that regard, you have not "demonstrate[d] a solid basis for expecting publication through that entity." 5 U.S.C. § 552(a)(4)(A); *see also* 28 C.F.R. § 16.10(b)(6).

Your newly-submitted assertion that you are a "freelance" journalist does not meet the standard to qualify as a news media requester. To reiterate, the standards for qualifying as a representative of a news media are outlined in 28 C.F.R. § 16.10(b)(6). With respect to being quoted by news organizations, the examples that you provided do not qualify you as a representative of the news media. Specifically, being quoted by a news source does not qualify you as a member of the media. Furthermore, merely posting agency records without using editorial skills to turn the raw materials into a distinct work does not meet the standard. 28 C.F.R. § 16.10(b)(6). The hyperlinks that you provided do not "demonstrate[d] a solid basis for expecting publication through that entity," which is required to qualify as a freelance journalist. 5 U.S.C.

1. The first step is to identify the problem. In this case, the problem is that the system is not working properly.

[illegible]

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains. The number of transformed cells was determined by the number of colonies on the selective medium. The results are the mean of three independent experiments. Error bars represent standard deviation.

[illegible][illegible][illegible]

The following information was obtained from the records of the Department of Health, Education and Welfare:

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

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§ 552(a)(4)(A); *see also* 28 C.F.R. § 16.10(b)(6).

Your newly-submitted request for a waiver or reduction of fees under 28 C.F.R. § 16.10(k) has been considered, but is denied. While you have identified a direct and clear operation of the Federal Government related to the information requested, namely, filing fees for matters before EOIR, disclosure of this information would not contribute significantly to public understanding of those operations or activities. 28 C.F.R. § 16.10(2)(k)(i)-(ii). Specifically, the information that you request is already in the public domain <https://www.justice.gov/eoir/pr/executive-office-immigration-review-proposes-rule-fees>. In that regard, the information that you request would not be meaningfully informative. 28 C.F.R. § 16.10(2)(k)(ii)(A). Finally, although we identified a commercial use for the requested records in our e-mail correspondence dated March 16, 2020, both requirements of 28 C.F.R. § 16.10(2)(k)(i)-(ii) have not been satisfied. In that regard, this factor was not considered any further. 28 C.F.R. § 16.10(2)(k)(iii).

The cost estimate to process your request as-filed is between \$240 and \$320 in review time. No search fees or duplication fees will be assessed. 28 C.F.R. § 16.10(e)(1). If you agree to the cost estimate, please notify EOIR is writing that you agree to pay fees within 30 days of the original notice. 28 C.F.R. § 16.10(e)(2).

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the agency's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

SHELLEY O'HARA Digitally signed by SHELLEY O'HARA
Date: 2020.03.18 17:16:55 -04'00'

Shelley M. O'Hara
Attorney Advisor (FOIA)

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. The President talks about the war with Mexico, and about the situation in the South. He also talks about the economy, and about the need for more money. The letter is written in a very formal style, and it is full of references to the Constitution and to the laws of the country.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

100-443887-100

On the 10th of January, 1900, the following was received from the
Hon. Secy. of the Interior, in relation to the proposed
purchase of the land in the State of Texas, for the purpose of
establishing a national monument, to be known as the "National
Monument of the State of Texas." The land is situated in the
County of Tarrant, State of Texas, and is owned by the
State of Texas. The land is situated in the County of Tarrant,
State of Texas, and is owned by the State of Texas. The land is
situated in the County of Tarrant, State of Texas, and is owned
by the State of Texas. The land is situated in the County of
Tarrant, State of Texas, and is owned by the State of Texas.