

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

PUB. EMP. FOR ENV'T RESPONSIBILITY

Plaintiff

V.

BUREAU OF INDIAN EDUCATION,

Defendant.

**Civil Action No. 23-2194 (ABJ)
(ECF)**

DEFENDANT'S STATUS REPORT

The Bureau of Indian Education (“Defendant”), by and through undersigned counsel, respectfully submit this Status Report in response to the Court’s Minute Order dated October 5, 2023. In support hereof, Defendant respectfully proffers the following good cause:

1. Public Employees for Environmental Responsibility (“Plaintiff”) commenced this action under the Freedom of Information Act, 5 U.S.C. § 552, *et seq.* (“FOIA”), “seeking the report of investigation compiled by BIE in the latter half of 2022 concerning wide-ranging improprieties, ranging from sexual assaults on students to embezzlement and theft of property at Haskell [Indian Nations University].” *See* ECF No. 1 at 3 ¶ 11.

2. Earlier today, Defendant released the report of investigation requested with redactions only for FOIA Exemption 6. Although Plaintiff has indicated that they do not intend to challenge this exemption, they also indicated that they need more time to review the release before they can dismiss this action.

3. Defendant's position is that, given that the only responsive record is the report of investigation that has now been released and Plaintiff does not intend to challenge any Exemption 6 withholdings, Defendant has satisfied its FOIA obligations and this action is now moot.

4. However, Defendant understands that Plaintiff may need some additional time to consider its next steps.

Wherefore, Defendant respectfully requests that permit Defendant to file another status report no later than December 5, 2023. A proposed Order reflecting the requested relief is attached for the Court's consideration, but a Minute Order would be just a welcome if the Court prefers.

November 2, 2023

Respectfully submitted,

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United States Attorney

BRIAN P. HUDAK
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By: _____/s/_____
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ORDER

After considering this motion, the record herein, and applicable law,

it is this _____ day of _____, 202_, hereby

ORDERED, that the Defendant's proposal is hereby ADOPTED; and it is

FURTHER ORDERED, that Defendant shall file another Status Report no later than December 5, 2023.

HON. AMY BERMAN JACKSON
UNITED STATES DISTRICT JUDGE