

Exhibit 4

**Declaration of John W. Kornmeier
Attorney Advisor
EOUSA, DOJ**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DULCIDIO QUITRINDONGO)

Plaintiff,)

v.)

Civil Action No. 04-01378 (RCL)

DRUG ENFORCEMENT)
ADMINISTRATION ET AL. ,)

Defendants.)
_____)

DECLARATION OF JOHN W. KORNMEIER

I, John W. Kornmeier declare the following to be a true and correct statement of facts:

1) I am an attorney advisor with the Executive Office for United States Attorneys ("EOUSA"), United States Department of Justice. In that capacity, my responsibilities include: acting as liaison with other divisions and offices of the Department of Justice ("DOJ") in responding to requests and the litigation filed under both the Freedom of Information Act ("FOIA"), 5 U.S.C. §552 (1988), and the Privacy Act of 1974, 5 U.S.C. §552a (1988) ("PA"); the review of FOIA/PA requests for access to records located in this office and 94 United States Attorney's offices ("USAO's") and the case files arising therefrom; the review of correspondence related to requests; the review of searches conducted in response to requests; the location of responsive records; and preparation of responses thereto by the EOUSA to assure that determinations to withhold (or to release) such responsive records are in accordance with the provisions of both the FOIA and the PA, as well as the Department of Justice regulations (28 C.F.R. §§16.3 et. seq. and §16.40 et. seq.).

2) As an attorney advisor of the FOIA/PA Unit, EOUSA, I have authority to release and/or withhold records requested under the FOIA/PA, and to advocate the position of the EOUSA in actions brought under these Acts. The statements I make hereinafter are made on the basis of my review of the official files and records of EOUSA, on my own personal knowledge, or on the basis of information acquired by me through the performance of my official duties.

3) Due to the nature of my official duties, I am familiar with the procedures followed by this office in responding to the FOIA/PA request(s) made to EOUSA by the above-captioned Plaintiff, Dulcidio Quirindongo,

(hereinafter referred to as "Mr. Quirindongo ") . I have reviewed the complaint which Mr. Quirindongo has filed. Specifically I have reviewed Count IV which concerns EOUSA . This Declaration addresses Mr. Quirindongo's desire "to obtain expeditious processing of the requested records compiled in the Eastern and Middle districts of the EOUSA in Pennsylvania" (see Count IV, paragraph 12).

4) By letter dated September 19, 2003, Mr. Quirindongo requested a copy of all his records in the United States Attorney's Offices in the District of Puerto Rico and all the districts of Pennsylvania; Exhibit A.

5) EOUSA assigned four file numbers to his request: one for the District of Puerto Rico and one for each of the three districts of Pennsylvania. For the two districts for which he requests expeditious processing, EOUSA assigned the following numbers: the Middle District of Pennsylvania: 03-3176; the Eastern District of Pennsylvania: 03-3174.

6) By letter dated November 25, 2003, EOUSA responded to request number 03-3176 informing Mr. Quirindongo that a search for records in the Middle District of Pennsylvania had revealed no records; Exhibit B.

7) By letter dated March 22, 2004, EOUSA responded to request number 03-3174 for records from the Eastern District of Pennsylvania. EOUSA released records to Mr. Quirindongo and stated the reasons for any withheld; Exhibit C.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 25, 2004.



John W. Kommeier

To: Director
Executive Office for United States Attorney
Department of Justice
600 E Street, NW
Washington, D. C. 20530

Date: September 19, 2003

03 SEP 30 PM 3:18

Dear Sir:

This is a request under the Freedom of Information Act.

I request a copy of any and all documents, records and information that any part of your agency has or had in its possession that is in any way connected to, related to, or even remotely in reference to my name.

The following particulars may assist you in your search :
I will pay fees incurred. Please search all districts in Puerto Rico
and Pennsylvania.

My biographical data is as follows:

FULL NAME: DULCIDIO JOSE QUIRINDONGO

DATE OF BIRTH : October 28, 1954

PLACE OF BIRTH: Peñuelas, Puerto Rico

SOCIAL SECURITY NUMBER: 583-86-0469

I declare under penalty of perjury that the aforementioned data is that of my person and that the signature below is my true and correct signature under oath.

Executed this 19th day of September, 2003

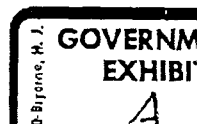
(28 USC Section 1746)

By X Dulcidio Quirindongo

DULCIDIO QUIRINDONGO

Prison Number 51943-066

United States Penitentiary
Box 26030
Beaumont, Texas 77720





Executive Office for United States Attorneys
Freedom of Information/Privacy Act Staff
600 E Street, N.W., Room 7300
Washington, D.C. 20530
202-616-6757 Fax 202-616-6478

Request Number: 03-3176 Date of Receipt: September 30, 2003

Requester: Dulcidio J. Quirindongo

Subject: Self

Dear Requester:

In response to your Freedom of Information Act and/or Privacy Act request, the paragraph(s) checked below apply:

1. [] A search for records located in this office has revealed no records.
2. [X] A search for records located in the United States Attorney's Office(s) for the Middle District of Pennsylvania has revealed no records.
3. [] The records which you have requested cannot be located.
4. [] This office is continuing its work on the other subject/districts mentioned in your request.
5. [] This is the final action my office will take on this particular request.

You may appeal my decision in this matter by writing within sixty (60) days, to:

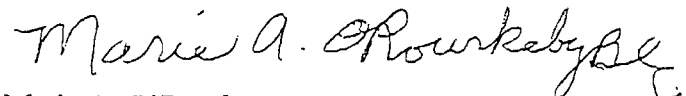
Office of Information and Privacy
United States Department of Justice
Flag Building, Suite 570
Washington, D.C. 20530

NOV 25 2003

Both the envelope and the letter of appeal must be clearly marked "Freedom of Information Act/Privacy Act Appeal."

After the appeal has been decided, you may have judicial review by filing a complaint in the United States District Court for the judicial district in which you reside or have your principal place of business; the judicial district in which the requested records, if any, are located; or in the District of Columbia.

Sincerely,


Marie A. O'Rourke
Assistant Director

Form No. 005 - 11/02





U.S. Department of Justice

Executive Office for United States Attorneys
Freedom of Information/Privacy Act Staff
610 E Street, N.W., Room 7300
Washington, D.C. 20530
202-616-6757 Fax 202-616-6178

Requester: Dulcidio Quirindongo Request Number: 03-3174

Subject of Request: Self

Dear Requester:

Your request for records under the Freedom of Information Act/Privacy Act has been processed. This letter constitutes a reply from the Executive Office for United States Attorneys, the official record-keeper for all records located in this office and the various United States Attorneys' Offices.

To provide you the greatest degree of access authorized by the Freedom of Information Act and the Privacy Act, we have considered your request in light of the provisions of both statutes.

The records you seek are located in a Privacy Act system of records that, in accordance with regulations promulgated by the Attorney General, is exempt from the access provisions of the Privacy Act. 28 C.F.R. §16.81. We have also processed your request under the Freedom of Information Act and are making all records required to be released, or considered appropriate for release as a matter of discretion, available to you. This letter is a [**XX**] partial [] full denial.

Enclosed please find:

82 page(s) are being released in full (RIF);
19 page(s) are being released in part (RJP);
134 page(s) are withheld in full (WIF). **The redacted/withheld documents were reviewed to determine if any information could be segregated for release.**

July 22 1993

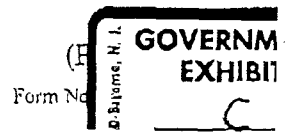
The exemption(s) cited for withholding records or portions of records are marked below. An enclosure to this letter explains the exemptions in more detail.

Section 552

Section 552a

[] (b)(1)	[] (b)(4)	[] (B)(7)(B)	[XX] (j)(2)
[] (b)(2)	[XX] (b)(5)	[XX] (b)(7)(C)	[] (k)(2)
[XX] (b)(3)	[] (b)(6)	[XX] (b)(7)(D)	[] (k)(5)
<u>FRCR Rule 6(e)</u>	[] (b)(7)(A)	[] (b)(7)(E)	[] _____
		[] (b)(7)(F)	

[XX] This office is withholding grand jury material which is retained in the District.



In addition, a review of the material revealed:

382 page(s) originated with another government component. **These records were found in the U.S. Attorney's Office files and may or may not be responsive to your request.** Once we have received the above payment, these records will be referred to the following component(s) listed for review and direct response to you: DEA 380 pages; U.S. Marshal Service 2 pages.

In this file we located 92 pages of legal research in the form of printed opinions and law review articles from the Westlaw Computer Legal Database Service. These records may be obtained from any law library. However, if you wish to obtain a copy of these records, please send us a check in the amount of \$9.20 ($92 \times .10 = \9.20) for the cost of duplicating these records. Please send a check or money order for \$ 9.20, payable to the Treasury of the United States, within thirty (30) days. Payment should be mailed to the Freedom of Information Act/Privacy Act Unit, Room 7300, BICN Bldg., Washington D.C. 20530. **Upon receipt of your payment, this office will supplement its response by sending you the published case law referred above.**

There are public records which may be obtained from the clerk of the court or this office, upon specific request. If you wish to obtain a copy of these records, you must submit a new request. These records will be provided to you subject to copying fees.

See additional information attached.

This is the final action this office will take concerning your request.

You may appeal my decision to withhold records in this matter by writing within sixty (60) days from the date of this letter, to:

Office of Information and Privacy
United States Department of Justice
Flag Building, Suite 570
Washington, D.C. 20530

Both the envelope and letter of appeal must be clearly marked "Freedom of Information Act/Privacy Act Appeal."

After the appeal has been decided, you may have judicial review by filing a complaint in the United States District Court for the judicial district in which you reside or have your principal place of business; the judicial district in which the requested records are located; or in the District of Columbia.

Sincerely,

Marie A. O'Rourke/MBU

Marie A. O'Rourke
Assistant Director

Continuation Sheet

A copy of Government's correction/clarification to your Presentence Report was found in the material located in the United States Attorney's Office. Since you are an inmate in a Federal correctional facility, which is under the jurisdiction of the Bureau of Prisons, access to these documents will be granted in accordance with the enunciated policy of the Bureau of Prisons.

The Bureau of Prisons' policy with respect to the above-referenced documents is that effective November 2, 2002, for safety and security reasons, inmates in Federal correctional facilities may not obtain or possess photocopies of these records (See Reissued Program Statement No. 1351.05, Release of Information (September 19, 2002)). However, their policy provides you with a reasonable opportunity to access and review your PSR and its derivative records locally. The procedure is to make a request through your Unit Team to access and review your records, as provided by the above-referenced Program Statement. If you have any further questions about the Bureau of Prisons policy, please contact your Unit Team.