

Exhibit 8

**Declaration of Kathy Hsu
Litigation Attorney
Freedom of Information Act/Privacy Act Unit
Criminal Division, DOJ**

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLUMBIA

3
4 DULCIDIO QUIRINDONGO,)

5 Plaintiff,)

6 v.)

7 DRUG ENFORCEMENT)
8 ADMINISTRATION, ET. AL.)

9 Defendant.)
10

Case Number: 04-1378 (RCL)

11 DECLARATION OF KATHY HSU

12 I, Kathy Hsu, declare the following to be true and
13 correct:

14 1. I am an attorney in the Criminal Division of the
15 United States Department of Justice assigned to the Office
16 of Enforcement Operations. My specific assignment at the
17 present time is that of Litigation Attorney for the
18 Division's Freedom of Information Act/Privacy Act Unit
19 (FOIA/PA Unit).

20 2. In such capacity, my duties are, *inter alia*, to
21 review complaints in lawsuits filed under both the Freedom
22 of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, and the
23 Privacy Act (PA), 5 U.S.C. § 552a *et seq.*, and to provide
24 litigation support and assistance to Assistant United States
25 Attorneys and to Department trial attorneys litigating these
26 cases in District Court. In conjunction with these duties,
27 I review processing files that have been compiled by the

1 paralegal processors and reviewed by supervisory paralegals
2 and/or by the FOIA/PA Unit Chief in responding to FOIA/PA
3 requests received by the Unit. I also consult with the Unit
4 Chief, who supervises the Unit's processing of FOIA and PA
5 requests, and with the supervisory paralegals to confirm
6 that determinations to withhold or to release records of the
7 Criminal Division have been made in accordance with the
8 provisions of both the FOIA and the PA, and with Department
9 of Justice regulations - 28 C.F.R. 16.1 et seq.

10 3. I make this declaration on the basis of information
11 acquired through the performance of my official duties.

12 Summary of Relevant Correspondence

13 4. By letter addressed to the FOIA/PA Unit, dated
14 October 21, 2003, the plaintiff made a request for records
15 concerning himself. See Exhibit 1.

16 5. The plaintiff's request was initially routed to the
17 U.S. Department of Justice, Justice Management Division.
18 The request was not forwarded to the Criminal Division's
19 FOIA/PA Unit until on or about February 23, 2004. See
20 Exhibit 2.

21 6. By letter addressed to the plaintiff dated March 11,
22 2004, the FOIA/PA Unit acknowledged receipt of Plaintiff's
23 PA request and notified him the case had been assigned case
24 number CRM-200400372P. The plaintiff was also advised that
25 the FOIA/PA Unit was unable to search for the records
26 requested because the plaintiff had not furnished a Privacy
27 Act Identification and Request Form, and he did not indicate

1 on the Criminal Division's List of Systems of Records Form
2 which systems of records maintained by the Criminal Division
3 he wanted searched. The March 11, 2004 letter went on to
4 state that his initial October 21, 2003 request (CRM-
5 200400372P) would be closed, but when the appropriate forms
6 were completed and returned, a new case number would be
7 assigned and the request processed. The two above-mentioned
8 forms were enclosed with the March 11, 2004 acknowledgment
9 letter. See Exhibit 3.

10 7. On or about March 24, 2004, the plaintiff returned
11 the Privacy Act Identification and Request Form and the
12 Criminal Division's List of Systems of Records Form on which
13 he had indicated which systems maintained by the Criminal
14 Division he wanted searched. See Exhibit 4.

15 8. By letter dated May 22, 2004 addressed to the
16 plaintiff, the FOIA/PA Unit acknowledged receipt of the
17 plaintiff's PA request dated March 24, 2004, and assigned it
18 case number CRM-200400628P. The plaintiff was also advised
19 that the FOIA/PA Unit would conduct a search to determine
20 what records the Criminal Division had within the scope of
21 the request and that this search would encompass only
22 Criminal Division records and that he would be notified of
23 the result of the search once it was completed.¹ See

24
25 ¹ For clarification, the FOIA/PA Unit's May 22, 2004 letter
26 addressed to the plaintiff, stated that the plaintiff's PA
27 request (CRM-200400628P) was dated March 31, 2004. The request
28 was received by the Criminal Division on March 31, 2004, but was
actually dated March 24, 2004. See Exhibits 4 and 5.

1 Exhibit 5.

2 9. By a letter dated July 27, 2004, the FOIA/PA Unit
3 advised the plaintiff that the search he had requested of
4 Criminal Division files had been completed and no records
5 responsive to his request were located. The letter also
6 informed Plaintiff that he had a right to pursue an
7 administrative appeal and informed him of the procedures to
8 follow should he elect to do so. See Exhibit 6.

9 Searches for Responsive Records

10 10. The Criminal Division maintains a centralized
11 records index, JUSTICE/CRM-001, Central Criminal Division
12 Index File and Associated Records. This system was
13 originally intended to operate as a comprehensive catalogue
14 of all Criminal Division law enforcement files, similar to
15 the FBI's Central Records System (see 28 C.F.R. § 16.96).
16 Consequently, the FOIA/PA Unit conducts, when feasible, a
17 search of the JUSTICE/CRM-001 system in response to
18 requests.

19 11. Because, over the years, a number of components have
20 established their own, individualized records retrieval
21 systems, a search sheet with a copy of the requester's
22 Privacy Act Identification and Request Form is transmitted
23 to all sections that may have records responsive to the
24 requester's request. A search sheet with a copy of
25 requester's request is also sent to all the components which
26 the requester checks on the Criminal Division's List of
27 Systems Form.

1 As stated above, Plaintiff was sent a copy of the
2 Criminal Division's List of Systems of Records Form. See
3 Exhibit 3. The FOIA/PA Unit sent a search sheet to all
4 components responsible for the systems of records Plaintiff
5 checked on his System of Records Form. See Paragraph 12
6 below. Designated personnel employed by the pertinent
7 sections undertake a search for responsive materials and
8 report the results by means of individual, signed forms to
9 the Criminal Division FOIA/PA Unit. Searches are to be
10 undertaken in the same manner as if the Criminal Division
11 were seeking the information for its own, official purposes.
12 By this means, the Criminal Division aims to ensure that its
13 searches fully meet the criteria established under the
14 Freedom of Information Act and the Privacy Act and
15 interpretative decisional law.

16 12. In this case the FOIA/PA Unit's search for records
17 pertaining to Plaintiff in the CRM-001 Central Criminal
18 Division System of Records produced no responsive records.
19 The Criminal Division FOIA/PA Unit also relies on its many
20 years of experience in searching for records responsive to
21 FOIA and PA requests. Based on that expertise, and the List
22 of Systems Form returned by Plaintiff, the FOIA/PA Unit also
23 requested that the Narcotic and Dangerous Drug Section,
24 Computer Crime and Intellectual Property Section, Organized
25 Crime and Racketeering Section, Witness Immunity Unit,
26 Policy and Statutory Enforcement Unit (for records that
27 might be contained in the system titled "General Litigation
28

1 and Legal Advice Section"), Tax Disclosure Index, and the
2 Office of Enforcement Operations Title III Unit conduct a
3 search for any records responsive to Plaintiff's request.
4 As mentioned above, to assist in properly directing their
5 search the FOIA/PA Unit attached a copy of the plaintiff's
6 request to the search sheets sent to all of the
7 aforementioned sections/units. All of the aforementioned
8 sections/units advised that they did not locate any records
9 responsive to the plaintiff's request.

10 13. I have personally reviewed all of the original,
11 signed search responses in this case, and have verified that
12 no records responsive to Plaintiff's request were located.

13 14. Finally, I would note that this response is entirely
14 consistent with my experiences as an attorney in the
15 Criminal Division FOIA/PA Unit. There is a common
16 misperception that the Criminal Division maintains records
17 on all prosecutions conducted by the United States. In
18 general, however, the Criminal Division maintains records
19 only pertaining to those cases it actually prosecutes, which
20 represent a small proportion of the total number of federal,
21 criminal prosecutions. The great majority of cases are
22 prosecuted by the United States Attorney's Offices, whose
23 records are processed under FOIA by the Executive Office for
24 United States Attorneys, not the Criminal Division.

25 15. According to plaintiff's own information, he was
26 prosecuted by the United States Attorney's Office for the
27 Eastern District of Pennsylvania. See Exhibit 4. In light

1 of this, it would have been surprising if responsive records
2 had been located in Criminal Division files.

3 I declare under penalty of perjury that the foregoing
4 is true and correct.

5 Executed on:

January 13, 2005

6
7
8 
KATHY HSU

FOIA

To: Director

Date: October 21, 2003

CRIMINAL DIVISION

United States Department of Justice

950 Pennsylvania Ave, NW

Washington, D. C. 20530

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 :

Search-All components.

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 21st day of October, 2003.

(28 USC Section 1746)

By X Dulcideo Quirindongo

DULCIDIO QUIRINDONGO

Peison Number 51943-066

United States Penitentiary
Box 26030
Beaumont, Texas 77720

FEB 23 2004

Clerk: White

Organization: JMD/FASS

Building & Room: LOC, Room 113

To From

☐ ☐ Office of Information & Privacy
 ___ The Attorney General
 ___ Deputy Attorney General
 ___ Associate Attorney General
 ___ Public Affairs, Office of
 ___ Legislative Affairs, Office of
 ___ Policy & Development, Office of
 ___ Intergovernmental Affairs, Office of

☐ ☐ Antitrust Division

☐ ☐ Bureau of Prisons

☐ ☐ Civil Division

☐ ☐ Civil Rights Division

☐ ☐ Community Relations Service

☐ ☐ Community Oriented Policing Services

☒ ☐ Criminal Division

☐ ☐ Drug Enforcement Administration

☐ ☐ Environment & Natural Resources Division

☐ ☐ Federal Bureau of Investigation

☐ ☐ Foreign Claims Settlement Commission

☐ ☐ Immigration & Naturalization Service

To From

☐ ☐ Immigration Review, Executive Office for

☐ ☐ Inspector General, Office of

☐ ☐ Intelligence Policy, and Review, Office of

☐ ☐ INTERPOL, U.S. National Central Bureau

☐ ☐ Justice Management Division
Staff: _____

☐ ☐ Justice Programs, Office of

☐ ☐ Legal Counsel, Office of

☐ ☐ Pardon Attorney, Office of

☐ ☐ Professional Responsibility, Office of

☐ ☐ Solicitor General, Office of

☒ ☐ Tax Division

☐ ☐ U.S. Attorneys, Executive Office for

☐ ☐ U.S. Marshals Service

☐ ☐ U.S. Parole Commission

☐ ☐ U.S. Trustees, Executive Office for

☐ ☐ _____

Requester: Dulcidio Quirindongo

Ref: _____

Date of Request: October 21, 2003

Received By: FOIA/PA Referral Unit

Type of Request: FOI/PA

Remarks: Requester advised of this referral.

DULCIDIO QUIRINDONGO v. DEA, et. al.
Kathy Hsu Declaration
Civil Action No. 04-1378 (RCL) Exhibit 2



U. S. Department of Justice
Criminal Division
Washington, D.C. 20530

CRM-200400372P

Dulcidio Quirindongo
Reg. No. 51943-066
United States Penitentiary
Box 26030
Beaumont, TX 77720

MAR 11 2004

Dear Mr. Quirindongo:

This will acknowledge receipt of your letter of October 21, 2003, requesting records relating to you.

We were unable to search for the records you requested because you have not furnished the following item(s) in compliance with 28 C.F.R. 16.41.

- [] Certification of Identification Form. Notarized signature or Declaration pursuant to 28 U.S.C. Section 1746.
- [X] Privacy Act Identification and Request Form. This form is requested because our experience indicates that many persons throughout the country have the same or similar names.
- [X] CURRENT Descriptive List of Systems of Records Maintained by the Criminal Division. Please review this list and indicate which systems you wished searched.

A copy of each requested form is enclosed.

We are closing out this request. Upon receipt of the completed form(s), we will assign a new number to your request and process it. Please return the requested form(s) to:

Thomas J. McIntyre, Chief
FOIA/PA Unit, Criminal Division
DOJ, Keeney Building, Suite 1127
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530.

If you treat this response as a denial, you have a right to an administrative appeal. The appeal should be in writing and addressed to: Assistant Attorney General, Office of Legal Policy (Attention:

DULCIDIO QUIRINDONGO v. DEA, et. al.
Kathy Hsu Declaration
Civil Action No. 04-1378 (RCL) Exhibit 3

FILE COPY

Handwritten: 3/16/04 JJS

Office of Information and Privacy) United States Department of Justice, Washington, D.C. 20530. The envelope and letter should be clearly marked, "FOIA/PA Appeal". If you exercise this right and your appeal is denied, you also have the right to seek judicial review of this action in the federal judicial district (1) in which you reside, (2) in which you have your principal place of business, (3) in which the records denied are located, or (4) for the District of Columbia.

Sincerely,

Thomas J. McIntyre, Chief
Freedom of Information Act/Privacy Act Unit
Office of Enforcement Operations
Criminal Division

PRIVACY ACT IDENTIFICATION AND REQUEST FORM

TO: FOIA/PA UNIT, CRIMINAL DIVISION
DOJ, KEENEY BUILDING, SUITE 1127
950 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20530.

FILE NO. 200X006281

DATE: 3/24/04

PRIVACY ACT NOTICE: The following information is requested pursuant to Department of Justice Regulations (28 C.F.R. 16.41) in order to verify your identity and to assist in locating your records. False information may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

I request access to records or information pertaining to me in the system(s) of records checked on the attached list.

1. FULL NAME (Please print):

QUIRINDONGO
(LAST)

DULCIDI
(FIRST)

RECEIVED
JOSMAR 31 2004
(MIDDLE, IN FULL)

2. Date of Birth: 10/28/54 Place of Birth: PEWEE, T.R.
mo./day/year

3. Present address: Box 26030 - USP - BEAUMONT, TX 77720

4. Prior addresses: 239 W GREENWICH ST
READING, PA

5. The approximate year or years during which you believe that a record about you may have been created: 1980 TO DATE

6. The judicial district(s) or state(s) where the events occurred about which you believe a record may have been created:
PENNSYLVANIA - ALL DISTRICTS

7. If married or divorced or separated, the full name of your spouse (if wife, please include maiden name): MARIA ACOSTA

8. If the record you believe to exist about you includes arrest, trial or conviction records:

(a) The date of arrest, indictment or complaint against you:
November, 1998

(b) Approximate date of conviction: 1999

(c) Federal court and district in which trial or proceeding took place:
EASTERN DISTRICT OF PENNSYLVANIA

(d) Federal offense(s) involved: CONTROLLED SUBSTANCES

(e) Names of codefendant(s) (if any): ALFREDO ACOSTA

In accordance with Title 28, United States Code, Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

DULCIDI QUIRINDONGO v. DEA, et. al.
Kathy Hsu Declaration
Civil Action No. 04-1378 (RCL) Exhibit 4

Signature: X Dulcidio Quirindongo Date: 3/24/04

CRIMINAL DIVISION

PRIVACY ACT SYSTEMS OF RECORDS

REQUESTER'S NAME QUIRINDONG, D PA/CRM NO. 2004006284TO EXPEDITE YOUR REQUEST

Please read the description of the information contained in each system of records before requesting a search of that system. Feel free to request a search of any system you reasonably think may contain records relating to you. However, if you have no reason to believe that a particular system of records will contain information about you, requesting that system may cause unnecessary delays in our response. Please be aware that most Federal prosecutions are conducted by the local United States Attorney's Office, whose records may be requested from the Justice Department's Executive Office for United States Attorneys. Also, if you are seeking records of other components of the United States Department of Justice (such as the FBI or the Drug Enforcement Administration) or of other agencies of the United States government, you should address your request directly to those components or agencies. A listing of addresses of FOIA contacts for all Federal agencies may be found at <http://www.usdoj.gov/foia/foiacontacts.htm>.

JUSTICE/CRM - 001Central Criminal Division Index File and Associated Records

This system contains information on persons referred to in potential or actual cases and matters of concern to the Criminal Division and correspondence on subjects directed or referred to the Criminal Division. This system also contains records which were maintained by the former Internal Security Division (now a Section of the Criminal Division).

This system also contains records which are maintained by the Narcotics & Dangerous Drug Section. If you have reason to believe records concerning you may be retrieved from that Section please check here ✓.

N.A. JUSTICE/CRM - 002Criminal Division Witness Security File (Not Available Under FOIA/P.A.)

This system contains information on persons who are potential or actual witnesses and/or informants for whom federal protection has been considered or authorized. This system also contains information concerning relatives and associates of those individuals.

PLEASE NOTE: All information pertaining to Witness Security matters is exempt from disclosure under the Privacy Act pursuant to 5 U.S.C. § 552a(j)(2), and from the FOIA pursuant to Exemption 3 of the FOIA, 5 U.S.C. § 552(b)(3), in conjunction with 18 U.S.C. § 3521(b)(1)(G), a provision of the Witness Security Reform Act of 1984. Consequently, this information is not available through the FOIA/PA Unit. Information from this system can be requested only by writing directly to:

United States Department of Justice, Office of Enforcement Operations, Witness Security Unit, P.O. Box 7600, Washington, D.C. 20044-7600

Pursuant to the Witness Security Reform Act, the Attorney General is required to evaluate each request on its merits, after weighing (1) the danger such a disclosure would pose to the witness, (2) the detriment it would cause to the general effectiveness of the witness security program, and (3) the benefit such disclosure would afford to the public or to the person seeking the disclosure. Therefore, you must include a detailed explanation of the purpose for which you are seeking the information and a statement of how you intend to use the material, if released.

✓ **JUSTICE/CRM - 003**

File of Names Checked to Determine if Those Individuals have been the Subject of an Electronic Surveillance

This system contains information concerning grand jury witnesses, defendants, and potential defendants in criminal cases and their attorneys whose names have been submitted in response to, or anticipation of, discovery motions, to inquire whether they have ever been the subjects of electronic surveillance.

✓ **JUSTICE/CRM - 004**

General Litigation and Legal Advice Section, Criminal Division, Central Index File and Associated Records

This system contains information on persons referred to in potential or actual cases and matters of concern to the General Litigation and Legal Advice Section, Criminal Division, and correspondence on subjects directed or referred to the Criminal Division.

✓ **JUSTICE/CRM - 012**

Organized Crime and Racketeering Section, General Index File and Associated Records

This system consists of records created and/or maintained by the National Office, Organized Crime and Racketeering Section in Washington, D.C. It contains information on persons who have been prosecuted or are under investigation for potential or actual federal criminal prosecution as well as persons allegedly involved in organized criminal activity and those alleged to be associated with the subject, who are or were of sufficient interest to the Division to warrant the compilation of records in Washington.

NOTE: Should you desire a search of records of the Organized Crime and Racketeering Strike Force Field Offices for records created after January 1, 1990, you should address your request to the Executive Office for United States Attorneys, FOIA Unit, U.S. Department of Justice, Room 7100 BICN, Washington, D.C. 20530.

JUSTICE/CRM - 017

Registration and Propaganda Files Under the Foreign Agents Registration Act of 1938, as amended

This system contains the statement of the registrant and other documents filed under the Foreign Agents Registration Act of 1938, 22 U.S.C. § 611 et seq.

JUSTICE/CRM - 018

Registration Files of Individuals who have Knowledge of, or have Received Instruction or Assignment in Espionage, Counterespionage, or Sabotage Service or Tactics of a Foreign Government or of a Foreign Political Party

This system contains the statement of the registrant and other documents filed under 50 U.S.C. § 851.

☒ **JUSTICE/CRM - 019**

Requests to the Attorney General for Approval of Applications to Federal Judges for Electronic Interceptions

This system contains information on individuals who have been the subject of requests by federal investigative agencies for electronic surveillance.

JUSTICE/CRM - 021

The Stocks and Bonds Intelligence Control Card File System

This system contains information on individuals, and their known associates, who are actual, potential, or alleged violators, of statutes dealing with stocks, bonds, and other securities.

☒ **JUSTICE/CRM - 022**

Witness Immunity Records

This system contains information on potential or actual witnesses for whom immunity (pursuant to 18 U.S.C. §§ 6001-6004 and 18 U.S.C. § 2514) is proposed.

JUSTICE/CRM - 024

Freedom of Information/Privacy Act Records

This system contains copies of correspondence and internal memoranda related to Freedom of Information and Privacy Act requests received by the Criminal Division and related records necessary to the processing of such requests; files are arranged alphabetically under the name of the requester.

NOTE: In the event you check the system of records designated as JUSTICE/CRM - 024, we will deem your request to be only for documents pertaining to the processing of records prior to your present request.

☒ **JUSTICE/CRM - 025**

Tax Disclosure Index File and Associated Records

This system contains information concerning taxpayers about whom the Criminal Division has requested and/or obtained disclosure of tax material from the Internal Revenue Service pursuant to 26 U.S.C. § 6103, on or after January 1, 1977.

(Check

Below) **JUSTICE/CRM - 026**

Index of Prisoners Transferred and/or Extradited Under International Prisoner Transfer Treaties

(Please check which portion applies to you, International Transfer, International Extradition, or both).

**International
Transfer**

This system consists of alphabetical indices bearing individual names of prisoners involved in international transfers, and the tape recordings and occasional verbatim transcripts of consent verification hearing held pursuant to 18 U.S.C. §§ 4107 and 4108, as well as copies of consent verification forms.

_____ The **JUSTICE/CRM - 026** system also contains files concerning international extradition and **International** mutual assistance agreements between the United States and foreign countries.
Extradition

_____ **JUSTICE/CRM - 027** Displaced Persons Listings (Concerning the years 1948 - 1952)

This system consists of visa investigation files assembled by the United States Army Counterintelligence Corps for individuals who applied for entry visa into the United States under the Displaced Persons Acts in force from 1948 to 1952.

A search of this system will not be conducted unless you indicate that you applied for a visa as a displaced person during the period 1948 to 1952.

NOTE: THE FOLLOWING SYSTEM OF RECORDS CONTAINS ONLY THE NAMES OF, OR INFORMATION CONCERNING CURRENT OR PAST EMPLOYEES OF THE CRIMINAL DIVISION OF THE DEPARTMENT OF JUSTICE

A search of this system will be conducted only if you advise us that you are, or were employed by the Criminal Division of the Justice Department, and provide the dates of your employment.

_____ **JUSTICE/CRM - 008** Name Card File on Department of Justice Personnel Authorized to have Access to Classified Files of the Department of Justice

This system contains the names of current personnel of the Department of Justice, generally attorneys, authorized to have access to records classified as Confidential, Secret and Top Secret.



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

MAY 22 2004

CRM-200400628P

Mr. Dulcidio Jose' Quirindongo
Reg. No. 51943-066
United States Penitentiary
Box 26030
Beaumont, TX 77720

Dear Mr. Quirindongo:

This will acknowledge receipt of your Privacy Act request dated March 31, 2004, for Criminal Division records concerning you. Your request has been assigned file number 200400628P. Please refer to this number in any future correspondence with this Unit.

We will search the appropriate records system(s) and will respond to you further after we complete our searches. If you have any questions regarding the status of this request, you may contact Denise Kennedy on 202-616-0307.

Sincerely,

Thomas J. McIntyre, Chief
Freedom of Information/Privacy Act Unit
Office of Enforcement Operations
Criminal Division

Handwritten signature
5/4/04

KH 5/11/04

FILE COPY

DULCIDIO QUIRINDONGO v. DEA, et. al.
Kathy Hsu Declaration
Civil Action No. 04-1378 (RCL) Exhibit 5



U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

TJM:FC:db
typed 7/6/04

JUL 27 2004

CRM-200400628P

Mr. Dulcidio Jose' Quirindongo
Reg. No. 51943-066
United States Penitentiary
Box 26030
Beaumont, TX 77720

Dear Mr Quirindongo:

This is in response to your request of March 24, 2004, pursuant to the Privacy Act, for access to records concerning you.

We did not find any Criminal Division records pertaining to you in our search of the indexes for the Criminal Division systems you designated.

If you consider this response to be a denial of your request, you have a right to an administrative appeal of this determination. Department regulations provide that such appeals must be filed within sixty days of your receipt of this letter. 28 C.F.R. 16.45. Your appeal should be addressed to: Co-Director, Office of Information and Privacy, Flag Building, Suite 570, United States Department of Justice, Washington, D.C. 20530. Both the envelope and the letter should be clearly marked with the legend "FOIA Appeal." If you exercise this right and your appeal is denied, you also have the right to seek judicial review of this action in the federal judicial district (1) in which you reside, (2) in which you have your principal place of business, (3) in which the records denied are located, or (4) for the District of Columbia. If you elect to file an appeal, please include, in your letter to the Office of Information and Privacy, the Criminal Division file number that appears above your name in this letter.

Sincerely,

Thomas J. McIntyre, Chief
Freedom of Information/Privacy Act Unit

DULCIDIO QUIRINDONGO v. DEA, et. al.
Kathy Hsu Declaration
Civil Action No. 04-1378 (RCL) Exhibit 6

KH
7/26/04

FILE COPY

h

FOIA

To: Director

Date: October 21, 2003

CRIMINAL DIVISION

United States Department of Justice

950 Pennsylvania Ave, NW

Washington, D. C. 20530

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 :

Search-All components.

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 21st day of October, 2003

(28 USC Section 1746)

By X Dulcidio Quirindongo

DULCIDIO QUIRINDONGO

Peison Number 51943-066

United States Penitentiary
Box 26030
Beaumont, Texas 77720

Department of Justice
Management Division

144 2004003,
Freedom of Information Act/Privacy Act
Referral/Action Slip

FEB 23 2004

Clerk: White

Organization: JMD/FASS

Building & Room: LOC, Room 113

To From

☐ ☐ Office of Information & Privacy
 ___ The Attorney General
 ___ Deputy Attorney General
 ___ Associate Attorney General
 ___ Public Affairs, Office of
 ___ Legislative Affairs, Office of
 ___ Policy & Development, Office of
 ___ Intergovernmental Affairs, Office of

☐ ☐ Antitrust Division

☐ ☐ Bureau of Prisons

☐ ☐ Civil Division

☐ ☐ Civil Rights Division

☐ ☐ Community Relations Service

☐ ☐ Community Oriented Policing Services

☒ ☐ Criminal Division

☐ ☐ Drug Enforcement Administration

☐ ☐ Environment & Natural Resources Division

☐ ☐ Federal Bureau of Investigation

☐ ☐ Foreign Claims Settlement Commission

☐ ☐ Immigration & Naturalization Service

To From

☐ ☐ Immigration Review, Executive Office

☐ ☐ Inspector General, Office of

☐ ☐ Intelligence Policy, and Review, Office

☐ ☐ INTERPOL, U.S. National Central Bureau

☐ ☐ Justice Management Division
Staff: _____

☐ ☐ Justice Programs, Office of

☐ ☐ Legal Counsel, Office of

☐ ☐ Pardon Attorney, Office of

☐ ☐ Professional Responsibility, Office of

☐ ☐ Solicitor General, Office of

☒ ☐ Tax Division

☐ ☐ U.S. Attorneys, Executive Office for

☐ ☐ U.S. Marshals Service

☐ ☐ U.S. Parole Commission

☐ ☐ U.S. Trustees, Executive Office for

☐ ☐ _____

Requester: Dulcidio Quirindongo

Ref: _____

Date of Request: October 21, 2003

Received By: FOIA/PA Referral Unit

Type of Request: FOI/PA

Remarks: Requester advised of this referral.

DULCIDIO QUIRINDONGO v. DEA, et. al.
Kathy Hsu Declaration
Civil Action No. 04-1378 (RCL) Exhibit 2



U. S. Department of Justice

Criminal Division

Washington, D.C. 20530

CRM-200400372P

Dulcidio Quirindongo
Reg. No. 51943-066
United States Penitentiary
Box 26030
Beaumont, TX 77720

MAR 11 2004

Dear Mr. Quirindongo:

This will acknowledge receipt of your letter of October 21, 2003, requesting records relating to you.

We were unable to search for the records you requested because you have not furnished the following item(s) in compliance with 28 C.F.R. 16.41.

- [] Certification of Identification Form. Notarized signature or Declaration pursuant to 28 U.S.C. Section 1746.
- [X] Privacy Act Identification and Request Form. This form is requested because our experience indicates that many persons throughout the country have the same or similar names.
- [X] CURRENT Descriptive List of Systems of Records Maintained by the Criminal Division. Please review this list and indicate which systems you wished searched.

A copy of each requested form is enclosed.

We are closing out this request. Upon receipt of the completed form(s), we will assign a new number to your request and process it. Please return the requested form(s) to:

Thomas J. McIntyre, Chief
FOIA/PA Unit, Criminal Division
DOJ, Keeney Building, Suite 1127
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530.

If you treat this response as a denial, you have a right to an administrative appeal. The appeal should be in writing and addressed to: Assistant Attorney General, Office of Legal Policy (Attention:

DULCIDIO QUIRINDONGO v. DEA, et. al.
Kathy Han Declaration

ENC COPY

Office of Information and Privacy) United States Department of Justice, Washington, D.C. 20530. The envelope and letter should be clearly marked, "FOIA/PA Appeal". If you exercise this right and your appeal is denied, you also have the right to seek judicial review of this action in the federal judicial district (1) in which you reside, (2) in which you have your principal place of business, (3) in which the records denied are located, or (4) for the District of Columbia.

Sincerely,

Thomas J. McIntyre, Chief
Freedom of Information Act/Privacy Act Unit
Office of Enforcement Operations
Criminal Division

PRIVACY ACT IDENTIFICATION AND REQUEST FORM

TO: FOIA/PA UNIT, CRIMINAL DIVISION
DOJ, KEENEY BUILDING, SUITE 1127
950 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20530.

FILE NO. 200400620

DATE: 3/24/04

PRIVACY ACT NOTICE: The following information is requested pursuant to Department of Justice Regulations (28 C.F.R. 16.41) in order to verify your identity and to assist in locating your records. False information may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

I request access to records or information pertaining to me in the system(s) of records checked on the attached list.

1. FULL NAME (Please print):

QUIRINDONGO DULCIDIO JOSMAR 31 2004
(LAST) (FIRST) (MIDDLE, IN FULL)

2. Date of Birth: 10/28/54 Place of Birth: PEWEE, I.R.
mo./day/year

3. Present address: Box 26030 - USP - BEAUMONT, TX 77721

4. Prior addresses: 239 W GREENWICH ST
READING, PA

5. The approximate year or years during which you believe that a record about you may have been created: 1980 TO DATE

6. The judicial district(s) or state(s) where the events occurred about which you believe a record may have been created: PENNSYLVANIA - ALL DISTRICTS

7. If married or divorced or separated, the full name of your spouse (if wife, please include maiden name): MARIA ACOSTA

8. If the record you believe to exist about you includes arrest, trial or conviction records:

(a) The date of arrest, indictment or complaint against you:

November, 1998

(b) Approximate date of conviction: 1999

(c) Federal court and district in which trial or proceeding took place

EASTERN DISTRICT OF PENNSYLVANIA

(d) Federal offense(s) involved: CONTROLLED SUBSTANCES

(e) Names of codefendant(s) (if any): ALFREDO ACOSTA

In accordance with Title 28, United States Code, Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

DULCIDIO QUIRINDONGO v. DEA, et. al.

Kathy Hsu Declaration

Civil Action No. 04-1378 (RCL) Exhibit 4

CRIMINAL DIVISION

PRIVACY ACT SYSTEMS OF RECORDS

REQUESTER'S NAME QUIRINDONGO, D PA/CRM NO. 200400628TO EXPEDITE YOUR REQUEST

Please read the description of the information contained in each system of records before requesting a search of that system. Feel free to request a search of any system you reasonably think may contain records relating to you. However, if you have no reason to believe that a particular system of records will contain information about you, requesting that system may cause unnecessary delays in our response. Please be aware that most Federal prosecutions are conducted by the local United States Attorney's Office, whose records may be requested from the Justice Department's Executive Office for United States Attorneys. Also, if you are seeking records of other components of the United States Department of Justice (such as the FBI or the Drug Enforcement Administration) or of other agencies of the United States government, you should address your request directly to those components or agencies. A listing of addresses of FOIA contacts for all Federal agencies may be found at <http://www.usdoj.gov/foia/foiacontacts.htm>.

JUSTICE/CRM - 001Central Criminal Division Index File and Associated Records

This system contains information on persons referred to in potential or actual cases and matters of concern to the Criminal Division and correspondence on subjects directed or referred to the Criminal Division. This system also contains records which were maintained by the former Internal Security Division (now a Section of the Criminal Division).

This system also contains records which are maintained by the Narcotics & Dangerous Drug Section. If you have reason to believe records concerning you may be retrieved from that Section please check here

✓N.A. JUSTICE/CRM - 002Criminal Division Witness Security File (Not Available Under FOIA/P.A.)

This system contains information on persons who are potential or actual witnesses and/or informants for whom federal protection has been considered or authorized. This system also contains information concerning relatives and associates of those individuals.

PLEASE NOTE: All information pertaining to Witness Security matters is exempt from disclosure under the Privacy Act pursuant to 5 U.S.C. § 552a(j)(2), and from the FOIA pursuant to Exemption 3 of the FOIA, 5 U.S.C. § 552(b)(3), in conjunction with 18 U.S.C. § 3521(b)(1)(G), a provision of the Witness Security Reform Act of 1984. Consequently, this information is not available through the FOIA/PA Unit. Information from this system can be requested only by writing directly to:

United States Department of Justice, Office of Enforcement Operations, Witness Security Unit, P.O. Box 7600, Washington, D.C. 20044-7600

Pursuant to the Witness Security Reform Act, the Attorney General is required to evaluate each request on its merits, after weighing (1) the danger such a disclosure would pose to the witness, (2) the detriment it would cause to the general effectiveness of the witness security program, and (3) the benefit such disclosure would afford to the public or to the person seeking the disclosure. Therefore, you must include a detailed explanation of the purpose for which you are seeking the information and a statement of how you intend to use the material, if released.

✓ JUSTICE/CRM - 003

File of Names Checked to Determine if Those Individuals have been the Subject of an Electronic Surveillance

This system contains information concerning grand jury witnesses, defendants, and potential defendants in criminal cases and their attorneys whose names have been submitted in response to, or anticipation of, discovery motions, to inquire whether they have ever been the subjects of electronic surveillance.

✓ JUSTICE/CRM - 004

General Litigation and Legal Advice Section, Criminal Division, Central Index File and Associated Records

This system contains information on persons referred to in potential or actual cases and matters of concern to the General Litigation and Legal Advice Section, Criminal Division, and correspondence on subjects directed or referred to the Criminal Division.

✓ JUSTICE/CRM - 012

Organized Crime and Racketeering Section, General Index File and Associated Records

This system consists of records created and/or maintained by the National Office, Organized Crime and Racketeering Section in Washington, D.C. It contains information on persons who have been prosecuted or are under investigation for potential or actual federal criminal prosecution as well as persons allegedly involved in organized criminal activity and those alleged to be associated with the subject, who are or were of sufficient interest to the Division to warrant the compilation of records in Washington.

NOTE: Should you desire a search of records of the Organized Crime and Racketeering Strike Force Field Offices for records created after January 1, 1990, you should address your request to the Executive Office for United States Attorneys, FOIA Unit, U.S. Department of Justice, Room 7100 BICN, Washington, D.C. 20530.

____ JUSTICE/CRM - 017

Registration and Propaganda Files Under the Foreign Agents Registration Act of 1938, as amended

This system contains the statement of the registrant and other documents filed under the Foreign Agents Registration Act of 1938, 22 U.S.C. § 611 et seq.

____ JUSTICE/CRM - 018

Registration Files of Individuals who have Knowledge of, or have Received Instruction or Assignment in Espionage, Counterespionage, or Sabotage Service or Tactics of a Foreign Government or of a Foreign Political Party

This system contains the statement of the registrant and other documents filed under 50 U.S.C. § 851.

☒ JUSTICE/CRM - 019

Requests to the Attorney General for Approval of Applications to Federal Judges for Electronic Interceptions

This system contains information on individuals who have been the subject of requests by federal investigative agencies for electronic surveillance.

☐ JUSTICE/CRM - 021

The Stocks and Bonds Intelligence Control Card File System

This system contains information on individuals, and their known associates, who are actual, potential, or alleged violators, of statutes dealing with stocks, bonds, and other securities.

☒ JUSTICE/CRM - 022

Witness Immunity Records

This system contains information on potential or actual witnesses for whom immunity (pursuant to 18 U.S.C. §§ 6001-6004 and 18 U.S.C. § 2514) is proposed.

☐ JUSTICE/CRM - 024

Freedom of Information/Privacy Act Records

This system contains copies of correspondence and internal memoranda related to Freedom of Information and Privacy Act requests received by the Criminal Division and related records necessary to the processing of such requests; files are arranged alphabetically under the name of the requester.

NOTE: In the event you check the system of records designated as JUSTICE/CRM - 024, we will deem your request to be only for documents pertaining to the processing of records prior to your present request.

☒ JUSTICE/CRM - 025

Tax Disclosure Index File and Associated Records

This system contains information concerning taxpayers about whom the Criminal Division has requested and/or obtained disclosure of tax material from the Internal Revenue Service pursuant to 26 U.S.C. § 6103, on or after January 1, 1977.

(Check
Below) JUSTICE/CRM - 026

Index of Prisoners Transferred and/or Extradited Under International Prisoner Transfer Treaties

(Please check which portion applies to you, International Transfer, International Extradition, or both).

☐ International Transfer This system consists of alphabetical indices bearing individual names of prisoners involved in international transfers, and the tape recordings and occasional verbatim transcripts of consent verification hearing held pursuant to 18 U.S.C. §§ 4107 and 4108, as well as copies of consent verification forms.

_____ The JUSTICE/CRM - 026 system also contains files concerning international extradition and International mutual assistance agreements between the United States and foreign countries.
Extradition

_____ JUSTICE/CRM - 027 Displaced Persons Listings (Concerning the years 1948 - 1952)

This system consists of visa investigation files assembled by the United States Army Counterintelligence Corps for individuals who applied for entry visa into the United States under the Displaced Persons Acts in force from 1948 to 1952.

A search of this system will not be conducted unless you indicate that you applied for a visa as a displaced person during the period 1948 to 1952.

NOTE: THE FOLLOWING SYSTEM OF RECORDS CONTAINS ONLY THE NAMES OF, OR INFORMATION CONCERNING CURRENT OR PAST EMPLOYEES OF THE CRIMINAL DIVISION OF THE DEPARTMENT OF JUSTICE

A search of this system will be conducted only if you advise us that you are, or were employed by the Criminal Division of the Justice Department, and provide the dates of your employment.

_____ JUSTICE/CRM - 008 Name Card File on Department of Justice Personnel Authorized to have Access to Classified Files of the Department of Justice

This system contains the names of current personnel of the Department of Justice, generally attorneys, authorized to have access to records classified as Confidential, Secret and Top Secret.



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

MAY 22 2004

CRM-200400628P

Mr. Dulcideo Jose' Quirindongo
Reg. No. 51943-066
United States Penitentiary
Box 26030
Beaumont, TX 77720

Dear Mr. Quirindongo:

This will acknowledge receipt of your Privacy Act request dated March 31, 2004, for Criminal Division records concerning you. Your request has been assigned file number 200400628P. Please refer to this number in any future correspondence with this Unit.

We will search the appropriate records system(s) and will respond to you further after we complete our searches. If you have any questions regarding the status of this request, you may contact Denise Kennedy on 202-616-0307.

Sincerely,

Thomas J. McIntyre, Chief
Freedom of Information/Privacy Act Unit
Office of Enforcement Operations
Criminal Division

Handwritten signature
7/8/04

Handwritten initials
KH 5/11/04

FILE COPY

DULCIDIO QUIRINDONGO v. DEA, et. al.
Kathleen Kennedy Declaration



U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

TJM:FC:db
typed 7/6/04

JUL 27 2004

CRM-200400628P

Mr. Dulcidio Jose' Quirindongo
Reg. No. 51943-066
United States Penitentiary
Box 26030
Beaumont, TX 77720

Dear Mr Quirindongo:

This is in response to your request of March 24, 2004, pursuant to the Privacy Act, for access to records concerning you.

We did not find any Criminal Division records pertaining to you in our search of the indexes for the Criminal Division systems you designated.

If you consider this response to be a denial of your request, you have a right to an administrative appeal of this determination. Department regulations provide that such appeals must be filed within sixty days of your receipt of this letter. 28 C.F.R. 16.45. Your appeal should be addressed to: Co-Director, Office of Information and Privacy, Flag Building, Suite 570, United States Department of Justice, Washington, D.C. 20530. Both the envelope and the letter should be clearly marked with the legend "FOIA Appeal." If you exercise this right and your appeal is denied, you also have the right to seek judicial review of this action in the federal judicial district (1) in which you reside, (2) in which you have your principal place of business, (3) in which the records denied are located, or (4) for the District of Columbia. If you elect to file an appeal, please include, in your letter to the Office of Information and Privacy, the Criminal Division file number that appears above your name in this letter.

Sincerely,

Thomas J. McIntyre, Chief
Freedom of Information/Privacy Act Unit

DULCIDIO QUIRINDONGO v. DEA, et. al.
Kathy Hsu Declaration
Civil Action No. 04-1378 (RCL) Exhibit 6

KH
7/26/04

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