

FREEDOM OF INFORMATION REQUEST

10-405

FROM: MARVIN LEON HOLT # 11022-007
U.S. PENITENTIARY
P.O. BOX 1000
LEAVEN WORTH, KS. 66048

DATE: _____

TO: U.S. ATTORNEY OFFICE
555 4th St. N.W.
WASHINGTON, D.C. 20001

RE: F.O.I. REQUEST FOR ALL DOCUMENTS UNDER MY NAME.
INCLUDEING ALL POLICE REPORTS, ARREST REPORTS, MEDICAL
AND PSY. REPORTS, INVESTIGATIVE REPORTS, AND COURT REPORTS.

Pursuant to Title 5 USC and any other relevant provision of your agency's regulations covering access to the right of freedom of information, I hereby identify myself as: MARVIN LEON HOLT

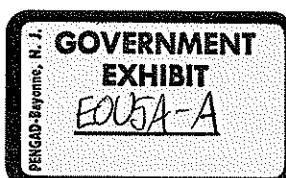
EOUSA/FL
10/13/74

I make this request for any and all materials for the entire central file that your agency and any other agency(s) under your supervision, as may be referred to below, has compiled to date, relating to me, and a list of what ever information your agency(s) or other branches thereof under your supervision may have designated in this file or any portion thereof, and the reason for each designation, and the name of the person and his or her title requesting same.

I would like for this request to be fulfilled and completed as soon as time permits, pursuant to section (d), paragraph(1) of the Privacy Act of 1974. I would also like to have a copy of the applicable regulations of your agency(s) as may be provided for by the Freedom of Information Act so that I may adhere to the approved rules and regulations for your agency(s).

As you know, investigation records compiled for law enforcement agencies are no longer generally exempted from disclosure, but may be inspected in camera by the U.S. Courts to determine whether they fall within any of the six specified accepted categories of investigatins records subscribed in the Act.

If, for any reason, it is determined that portions of the materials requested are exempted under some recognizable category under the Freedom of Information Act, or the Privacy Act of 1974, then I request that any such exempted materials be indexed and itemized with detailed justification for any exclusion made under



the authority of Vaughn v Rosen, 484 F 2d 820 (D.C. Cir. 1973), or any similar authority. However, I do request to obtain those documents as soon as possible and in no way waive my right to the entire file, which, after I have examined the material you do send, I may still choose to review by appeal with respect to any excluded portions.

**PLEASE ACKNOWLEDGE RECEIPT OF THIS REQUEST.

THANK YOU.....

P.S. I AM PARTICULARLY INTERESTED IN THE FILES OF MARK WILLIAMS, ROBERT SMITH AND NOTES AND SUMMARIES OF DET'S VIVIAN COLMAN, JAMES F. JOHNSON, MICHAEL BAYLOR
CC: files

Agency Facility _____
Control Number _____

PRIVACY ACT STATEMENT: In accordance with 28 CFR Section 16.41, personal data sufficient to identify the individual submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrong disseminated by the Department. Failure to furnish this information will result in no action being taken on the request by System Manager. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 or 5 U.S.C. Section 552a(i)(3).

FULL NAME OF REQUESTER MARVIN LEON HOLT

CURRENT ADDRESS P.O. BOX 1000

DATE OF BIRTH [redacted]

PLACE OF BIRTH CALVERT CO. Md.

EMPLOYEE IDENTIFICATION NUMBER, if applicable [redacted]
(or Social Security Number)² _____

I certify that I am the person named above and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of more than \$5,000.

Signature Marvin L. Holt

Subscribed and sworn to before me this 12 day of Feb, 192002

Signature of Notary Kevin Pardo

AUTHORIZED BY THE ACT OF
My Commission Expires JULY 7, 1955, AS AMENDED, TO
ADMINISTER OATHS (18 USC, 4094)

The bottom portion of this form to be completed by requester when he or she requests that information relating to himself or her be released to another person.

Further, pursuant to 5 U.S.C. 552a(b) I authorize the U.S. Department of Justice or any of its component organizations to receive and all information relating to me to _____, (attorney or other designee)

Signature³ _____

¹Name of individual who is the subject of the record sought.
²Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.
³Signature of individual who is the subject of the record sought.



U.S. Department of Justice

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

Request Number: 02-856 Date of Receipt: March 14, 2002

Requester: Marvin L. Holt

Subject of Request: Third parties

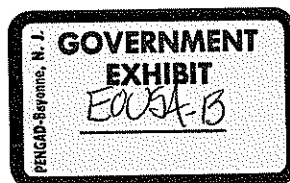
Dear Requester:

The Executive Office for United States Attorneys has received your Freedom of Information Act request and assigned the above number to the request.

You have requested records concerning a third party (or third parties). Records pertaining to a third party generally cannot be released absent express authorization and consent of the third party, proof that the subject of your request is deceased, or a clear demonstration that the public interest in disclosure outweighs the personal privacy interest and that significant public benefit would result from the disclosure of the requested records. Since you have not furnished a release, death certificate, or public justification for release, the release of records concerning a third party would result in an unwarranted invasion of personal privacy and would be in violation of the Privacy Act, 5 U.S.C. §552a. These records are also generally exempt from disclosure pursuant to sections (b)(6) and (b)(7)(C) of the Freedom of Information Act, 5 U.S.C. §552.

We have not performed a search for records and you must not assume that records concerning the third party exist. We will release, if requested, any public records maintained in our files, such as court records and news clippings, without the express of authorization of the third party, a death certificate, or public justification for release. If you desire to obtain public records, if public records exist in our files, please submit a new request for public documents.

Should you obtain the written authorization and consent of the third party for release of the records please submit a new request for the documents accompanied by the written authorization. A form is enclosed to assist you in providing us the authorization and consent of the subject of your request. The authorization must be notarized or signed under penalty of perjury pursuant to 18 U.S.C. §1001.



This is a final determination and your request for information will be closed. You may appeal my decision in this matter by writing within 60 days, to:

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

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,

LGJ

James S. Carroll III
Assistant Director

Enclosure



U.S. Department of Justice

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

Request Number: 02-857

APR - 9 1992

Subject: SELF/DDC

Requester: MARVIN L. HOLT

Dear Requester:

The Executive Office for United States Attorneys (EOUSA) has received your Freedom of Information Act/Privacy Act (FOIA/PA) request. It has been assigned the above number. Please give us this number if you write about your request. If we need additional information, we will contact you within two weeks.

Your request will be placed in the order in which it was received for processing, unless it is a very large request (Project Request). Then, it will be placed in a separate group of Project Requests, which are also processed in the order received.

EOUSA makes every effort to process most requests within a month (20 working days). There are some exceptions, for example, Project Requests take approximately nine months to process. Requests for "all information about myself in criminal case files" are Project Requests. If you have made such a request, you may either write us and narrow your request for specific items, or we will consider that you have agreed to a due date of nine months from the date of this letter.

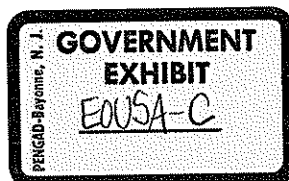
By making a FOIA/PA request, you have agreed to pay fees up to \$25, as stated in 28 CFR §16.3(c), unless you have requested a fee waiver. Please note that pursuant to 28 C.F.R. 16.11, we are required to charge fees for time used to search for the documents you have requested and for duplication of all pages released to you. Normally, search time is charged at a rate of \$28 per hour after the first two hours which are free, and duplication fees are \$0.10 per page after the first 100 pages which are free. Please do not send any payment at this time! If we anticipate that fees will exceed \$25 or the amount you have stated in your letter (if greater than \$25), we will normally notify you of our estimate of fees. After we have received your agreement to pay for the expected fees (or you have narrowed your request to reduce fees) and we have processed your request, we will require payment for the accumulated charges before we release documents to you. Without such payment, your request file will be closed without further action.

Sincerely,

James S. Carroll III
James S. Carroll III
Assistant Director
FOIA/PA Unit

COPY

Form No. 001 - 3/02





U.S. Department of Justice

Executive Office for United States Attorneys
Freedom of Information & Privacy Staff
600 E Street, N.W., Suite 7300, Bicentennial Building
Washington, DC 20530-0001
(202) 616-6757 FAX: 616-6478 (www.usdoj.gov/usao)

Requester: Marvin L. Holt
Request Number: 02-857 Date of Receipt: 01/30/07
Subject: Self/DDC

Dear Requester:

APR 18 2008

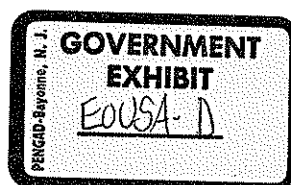
In response to your Freedom of Information Act and/or Privacy Act request, the paragraph(s) checked below apply:

1. [] A search for records located in EOUSA - _____ has revealed no responsive records regarding the above subject.
2. [X] A search for records located in the United States Attorney's Office(s) for the District of Columbia _____ has revealed no responsive records regarding the above subject.
3. [] After an extensive search, the records which you have requested cannot be located.
4. [] Your records have been destroyed pursuant to Department of Justice guidelines.
5. [] Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

This is the final action on this above-numbered request. You may appeal this decision on this request by writing within 60 days from the date of this letter to the **Office of Information and Privacy, United States Department of Justice, 1425 New York Avenue, Suite 11050, Washington, D.C. 20530-0001**. Both the letter and envelope should be marked "FOIA Appeal." If you are dissatisfied with the results of any such administrative appeal, judicial review may thereafter be available in U.S. District Court, 28 C.F.R. §16.9.

Sincerely,


William G. Stewart II
Assistant Director





United States Department of Justice

Executive Office for United States Attorneys

FOIA and Privacy Act Staff

Suite 7300, Bicentennial Building
600 E Street, N.W.
Washington, DC 20530

(202) 616-6757
FAX (202) 616-6478

Request Number: 02-857

Requester: Marvin Holt

APR 11 2007

Dear Mr. Holt:

We are currently searching for documents responsive to your FOIA/PA request, and we have reached the two hours of search time provided to you at no charge. We do not think that additional search time will be required. However, the U.S. Attorney's Office for the District of Columbia has informed us that they have about 2 boxes of documents in this case. Normally a box contains between 2000 and 4000 pages of records. Although not all of these pages are likely to be released to you, you should note that we charge \$0.10 per page for duplication of documents that are released to you after the first 100 pages, which are free. Therefore it is clear that charges will exceed \$25.

In accordance with Federal Regulation 28 CFR 16.11(e), when a requester has been notified that estimated fees amount to more than \$25.00, the request shall not be considered received and further work shall not be completed until the requester agrees to pay the anticipated fees. If you wish to reduce the amount of fees, you may reformulate your request. Records identified for release after processing will not be released until payment has been received.

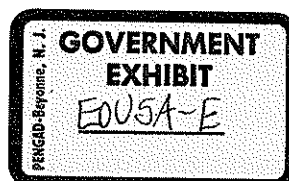
In order for your request to be processed, we must hear from you within 30 days of the date of this letter or we will close your request. Please complete the attached form and return to the above address. If you have any questions about this letter or the form to be completed, or if you wish to discuss the possible narrowing of your request you may call Attorney-Advisor Garry Stewart at 202-616-3450.

Sincerely,

WGS

William G. Stewart II
Assistant Director

Note: You may appeal this response by writing within 60 days to the Office of Information and Privacy, United States Department of Justice, 1425 New York Avenue, Suite 11050, Washington D.C. 20530-0001.



Requester Marvin L. Holt

Request Number 02-857

CHOOSE ONE

Please do not search any longer. **I understand that I am entitled to the first 100 pages free.** If you have found releasable documents, send me the free documents and close my case.

Please do not search any longer. I wish to withdraw my request.

I agree to pay the fee indicated above.

I wish to reformulate my request in an attempt to reduce fees. Please limit my request to the following documents, and notify me of any revised fee amount. _____

(Please note that a search for specific records may require more search time and fees).

Name

Date

Please return to:

EOUSA
FOIA/PA
600 E. Street, N.W., Room 7300
Washington D.C., 20530

Requester Marvin L. Holt

Request Number 02-857

RECEIVED

2007 MAY -2 AM 10:57

DEPT. OF JUSTICE/EOUSA
FOIA/PRIVACY

DC

CHOOSE ONE

Please do not search any longer. I understand that I am entitled to the first 100 pages free. If you have found releasable documents, send me the free documents and close my case.

Please do not search any longer. I wish to withdraw my request.

I agree to pay the fee indicated above.

I wish to reformulate my request in an attempt to reduce fees. Please limit my request to the following documents, and notify me of any revised fee amount. I was indicted no Novemer 12, 1992, criminal No: F-8825-92. I am requesting the testimony of Janet, Lawence, Irving Miller, Edith Diane Moye, Qugustine Williams, Tracy Locks, Karen Thompson, Curtis Dixon, Tyrone Thomas, Rober Smith, Mark Williams, Michael Williams and Jake. I am requesting every thing pertaining to this case, with the exception of the trial transcript, Michael Baylor and Carolyn grand jury statements. I am requesting the investigators notes of Michael Baylor, Jame F. Johnson, Vivan Coleman and Charles Culver. Thank you for your assistance in this matter.

(Please note that a search for specific records may require more search time and fees).

Leon Holt

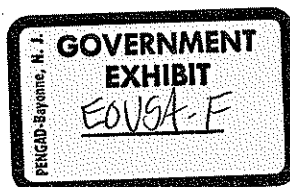
Name

4/20/07

Date

Please return to:

EOUSA
FOIA/PA
600 E. Street, N.W., Room 7300
Washington D.C., 20530





U.S. Department of Justice

Executive Office for United States Attorneys
Freedom of Information & Privacy Staff
600 E Street, N.W., Suite 7300, Bicentennial Building
Washington, DC 20530-0001
(202) 616-6757 FAX: 616-6478 (www.usdoj.gov/usao)

APR 2 - 2008

Requester: Leon Holt Request No.: 08-869

Subject: Self (all)

The Executive Office for United States Attorneys (EOUSA) has received your Freedom of Information Act/Privacy Act (FOIA/PA) request. It has been assigned the above number. Please give us this number if you write about your request. If we need additional information, we will contact you within two weeks.

Your request will be placed in the order in which it was received for processing, unless it is a very large request (Project Request). Then, it will be placed in a separate group of Project Requests, which are also processed in the order received.

EOUSA makes every effort to process most requests within a month (20 working days). There are some exceptions; for example, Project Requests usually take approximately nine months to process. Requests for "all information about myself in criminal case files" are usually Project Requests. If you have made such a request, you may either write us and narrow your request for specific items, or you may expect that the processing of your request may take nine months from the date of this letter.

By making a FOIA/PA request, you have agreed to pay fees up to \$25, as stated in 28 CFR § 16.3(c), unless you have requested a fee waiver. Please note that pursuant to 28 CFR § 16.11, if you have not been granted a fee waiver, we are required to charge fees for time used to search for the documents you have requested and for duplication of all pages released to you. Normally, search time is charged at a rate of \$28 per hour after the first two hours which are free, and duplication fees are \$0.10 per page after the first 100 pages which are free. Please do not send any payment at this time! If we anticipate that fees will exceed \$25 or the amount you have stated in your letter (if greater than \$25), we will normally notify you of our estimate of fees. After we have received your agreement to pay for the expected fees (or you have narrowed your request to reduce fees) and we have processed your request, we will require payment for the accumulated charges before we release documents to you. Without such payment, your request file will be closed without further action.

If you wish to revise your request to try to reduce fees, you may use the attached form. If you do not wish to incur fees for your request as it is now stated, please submit this form (or your letter revising your request) to us immediately so that your request, and fees, can be limited.

Sincerely,

William G. Stewart II
Assistant Director

Form No. 001 - 3/07



Requester: Leon Holt

Request Number: 08-869

CHOOSE ONE

I understand that I am entitled to the first 100 pages and 2 hours of search time free. Please search only up to 2 hours and process only up to 100 pages that can be released to me.

I wish to withdraw my request.

I wish to revise my request to try to reduce fees. Please limit my request to the following documents:

(Please note that a search for specific records may sometimes require more search time and fees).

Please search only up to the following number of hours: _____

I understand that search payment will be required even if no documents are located or released to me. In the event that documents are located and released to me, I understand that I may be charged duplication fees in addition to search fees.

Name

Date

Please return to:

EOUSA
FOIA/PA
600 E. Street, N.W., Room 7300
Washington D.C., 20530

ADDENDUM FOR SPLIT REQUESTS

This request has been split into 2 separate files ("requests"), as noted below, for the separate districts and/or subjects mentioned in the request letter. We have assigned the 2 requests the following numbers:

<u>File ("Request") Number</u>	<u>Subject</u>
<u>08-869</u>	<u>Self (all)</u>
<u>08-870</u>	<u>Third parties (witness statements)</u>

Requester will receive separate correspondence (acknowledgment letter or closing letter) for each file ("request") above. We will process each file ("request") separately and send a response on each as soon as it is finished.



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

Requester: Leon Holt Request Number: 08-869

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 CFR § 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 [] partial [] full denial.

Enclosed please find:

APR 17 2009

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

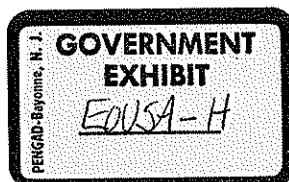
The exemption(s) cited for withholding records or portions of records are marked below. An enclosure to this letter explains the exemptions in more detail.

Section 552

Section 552a

- | | | | |
|---------------------------------|------------------------------------|---|--|
| <input type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(7)(B) | <input checked="" type="checkbox"/> (j)(2) |
| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(5) | <input checked="" type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(2) |
| <input type="checkbox"/> (b)(3) | <input type="checkbox"/> (b)(6) | <input checked="" type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(5) |
| <u> </u> | <input type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> <u> </u> |
| <u> </u> | | <input checked="" type="checkbox"/> (b)(7)(F) | |

In addition, this office is withholding grand jury material which is retained in the District.



A review of the material revealed:

15 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.** These records will be referred to the following component(s) listed for review and direct response to you: DC Pre Trial Services.

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.

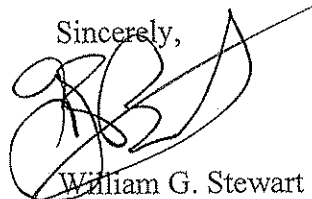
Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

08-869 & 08-870

See additional information attached.

This is the final action on this above-numbered request. You may appeal this decision on this request by writing within 60 days from the date of this letter to the **Office of Information and Privacy, United States Department of Justice, 1425 New York Avenue, Suite 11050, Washington, D.C. 20530-0001**. Both the letter and envelope should be marked "FOIA Appeal." If you are dissatisfied with the results of any such administrative appeal, judicial review may thereafter be available in U.S. District Court, 28 C.F.R. §16.9.

Sincerely,



William G. Stewart II
Assistant Director

Enclosure(s)

09-1F28

PA
A
EOUSA

May 4, 2009

Marvin Leon Holt #11022-007
U.S.P. McCreary
P.O. Box 3000
Pine Knot, KY 42635

RECEIVED

MAY 26 2009

U.S. Dept. of Justice
Office of Information & Privacy
1425 New York Ave., N.W. Suite 11050
Washington, DC 20530-0001

Office of Information Policy

Re: EOUSA FOIA #08-869

Dear Director:

This is my APPEAL of the Executive Office of U.S. Attorney's handling of my FOIA request in the above case file.

First, the EOUSA sent the records to my former address despite the fact that I notified them of address change and have had numerous communications with the EOUSA since moving.

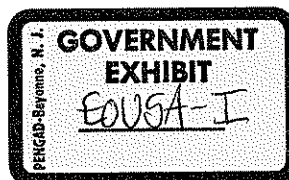
Secondly, the EOUSA has been working on my request since my initial FOIA request in 2002. They have since then created three (3) different FOIA case file numbers for my single FOIA request. (See #'s 02-857, 08-869, 08-870). The EOUSA has done nothing but waste my time, government tax dollars, and delay, delay, delay my FOIA request. Now they have released some documents (after 7 years), however, the records released are far short of what I am entitled to under the law. The agency must conduct a "meaningful, good faith search" for records requested under the FOIA/PA. see Oglesby v. Dept. of Army, 920 F.2d 57, 68 (D.C. Cir. 1990); Weisberg v. Dept. of Justice, 705 F.2d 1344, 1351 (D.C. Cir. 1983). The EOUSA has certainly not conducted any sort of "good faith" search or handling of my FOIA request.

Finally, the EOUSA claims that they only possess a total of 26 documents which they released 6 in full and 20 redacted. I find it incredulous that the EOUSA only maintains 26 pages when they prosecuted my D.C. Code murder case in the Superior Court. There simply is no way a prosecuting entity could conduct an investigation and prosecution of someone with only 26 documents. Therefore, I suggest that the EOUSA has not made a "good faith" effort searching for records that are responsive to my request. Please look into my case and remand to the EOUSA for a proper search and lawful release of records as required under the law. 5 USC §§ 552a, 552.

Thank you for your time and concern in this matter.

Respectfully,

Marvin Leon Holt
Marvin Leon Holt App
cc: Retained





U.S. Department of Justice

Office of Information Policy

DC RECEIVED

Telephone: (202) 514-3642

Washington, D.C. 20530

MAY 27 2009

2009 MAY 28 AM 10:42
DEPT. OF JUSTICE/EOUSA
FOIA/PRIVACY STAFF

Mr. Marvin Leon Holt
Register No. 11022-007
United States Penitentiary
P.O. Box 3000
Pine Knot, KY 42635

Re: Request No. 08-869 *OK'S*

Dear Mr. Holt:

This is to advise you that your administrative appeal from the action of the Executive Office for United States Attorneys was received by this Office on May 26, 2009.

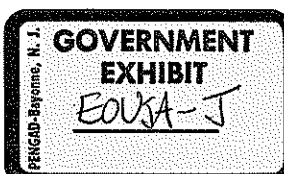
The Office of Information Policy, which has the responsibility of adjudicating such appeals, has a substantial backlog of pending appeals received prior to yours. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number **09-1828**. Please mention this number in any future correspondence to this Office regarding this matter.

We will notify you of the decision on your appeal as soon as we can. We regret the necessity of this delay and appreciate your continued patience.

Sincerely,

Priscilla Jones
Supervisory Administrative Specialist

C. DUSAIX





U.S. Department of Justice

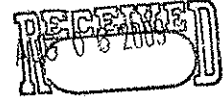
Office of Information and Privacy

DC

Telephone: (202) 514-3642

Washington, D.C. 20530

AUG 05 2009



Mr. Marvin L. Holt
Register No. 11022-007
United States Penitentiary
Post Office Box 3000
Pine Knot, KY 42635

Re: Appeal No. 09-1828
Request No. 08-869 *ors*
ADW:RMF

Dear Mr. Holt:

You appealed from the action of the Executive Office for United States Attorneys (EOUSA) on your request for access to records located in the United States Attorney's Office for the District of Columbia pertaining to yourself.

After carefully considering your appeal, I am affirming EOUSA's action on your request. The records responsive to your request are exempt from the access provision of the Privacy Act of 1974 pursuant to 5 U.S.C. § 552a(j)(2). See 28 C.F.R. § 16.81 (2008). Because these records are not available to you under the Privacy Act, your request has been reviewed under the Freedom of Information Act in order to afford you the greatest possible access to them.

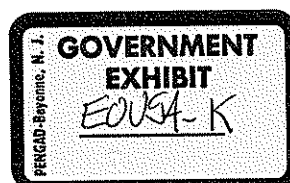
EOUSA properly withheld certain information that is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources; and

5 U.S.C. § 552(b)(7)(F), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to endanger the life or personal safety of an individual.

EOUSA





U.S. Department of Justice

Executive Office for United States Attorneys
Freedom of Information & Privacy Staff
600 E Street, N.W., Suite 7300, Bicentennial Building
Washington, DC 20530-0001
(202) 616-6757 FAX: 616-6478 (www.usdoj.gov/usao)

FEB - 4 2009

Requester: Leon Holt

Request Number: 08-870

Subject of Request: Third parties (witness statements)

Dear Requester:

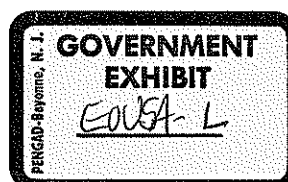
The Executive Office for United States Attorneys has received your Freedom of Information Act request and assigned the above number to the request.

You have requested records concerning a third party (or third parties). Records pertaining to a third party generally cannot be released absent express authorization and consent of the third party, proof that the subject of your request is deceased, or a clear demonstration that the public interest in disclosure outweighs the personal privacy interest and that significant public benefit would result from the disclosure of the requested records. Since you have not furnished a release, death certificate, or public justification for release, the release of records concerning a third party would result in an unwarranted invasion of personal privacy and would be in violation of the Privacy Act, 5 U.S.C. § 552a. These records are also generally exempt from disclosure pursuant to sections (b)(6) and (b)(7)(C) of the Freedom of Information Act, 5 U.S.C. § 552.

We will release, if requested, any public records maintained in our files, such as court records and news clippings, without the express authorization of the third party, a death certificate, or public justification for release. If you desire to obtain public records, if public records exist in our files, please reply with a letter asking for the public documents. **Please send your letter to the address above.**

Should you obtain the written authorization and consent of the third party for release of the records to you, please submit a new request for the documents accompanied by the written authorization. A form is enclosed to assist you in providing us the authorization and consent of the subject of your request. Your name should appear in the section titled "Optional." The authorization must be notarized or signed under penalty of perjury pursuant to 18 U.S.C. § 1001. **Please send your new request to the address above.**

[] Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what of what you sought. Each file will have a separate Request Number (listed below), for which you will receive a separate response:
08-869/Self



COPY

This is our final action on this above-numbered request. You may appeal my decision in this matter by writing within 60 days from the date of this letter, to the **Office of Information and Privacy, Department of Justice, 1425 New York Avenue, Suite 11050, Washington, D.C. 20530-0001**. Both the envelope and the letter of appeal should be marked "FOIA Appeal." If you are dissatisfied with the results of any such administrative appeal, judicial review may thereafter be available in U.S. District Court. 28 C.F.R. § 16.9.

Sincerely,

WGS

William G. Stewart II
Assistant Director

Enclosure

ADDENDUM FOR SPLIT REQUESTS

This request has been split into 2 separate files ("requests"), as noted below, for the separate districts and/or subjects mentioned in the request letter. We have assigned the 2 requests the following numbers:

File ("Request") Number

08-869

08-870

Subject

Self/(all)DC

Third parties (witness statements)

Requester will receive separate correspondence (acknowledgment letter or closing letter) for each file ("request") above. We will process each file ("request") separately and send a response on each as soon as it is finished.

April 21, 2009

RECEIVED

Marvin L. Holt #11022-007
USP McCreary
POB 3000
Pine Knot, KY 42635

2009 MAY -7 PM 5: 23

DEPT. OF JUSTICE/EOUSA
FOIA/PRIVACY STAFF

2009 MAY -4 P 3: 54

RECEIVED

U.S. Attorney's Office
District of Columbia
555 4th Street NW
Washington, DC 20001

Re: FOIA Follow-up

Dear U.S. Attorney:

This letter is written to find out why your office has not made a response to my FOIA/PA request to your office dated 1/19/09. (See attached request and cert, mail recp't)

I trust your office will look into the matter and make a response to my request as is required by the law. 5 USC § 552a

Thank you for your time and concern in this matter.

Respectfully,

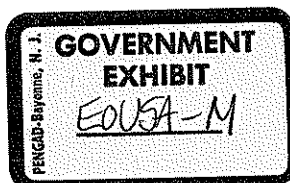


Marvin L. Holt

Attachment

cc: Retained

2009 MAY -7 AM 11: 57



Copy

U.S. Postal Service
CERTIFIED MAIL RECEIPT 3b
 (Domestic Mail Only, No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 1.85
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.55

Holt 7007
 PINE KNIGHTS 3-B
 42635-3908
 USPS

Sent To: US Attorney District of Columbia
 Street, Apt. No., or PO Box No. 555 4th Street N.W.
 City, State, ZIP+4 Washington, DC 20001

Cert. Mail Recp't No.:

7007 0710 0003 9115 4964

4964 STTB E000 DT10 2001

Re: Freedom of Information Request

Dear Records Custodian:

This is a Freedom of Information/Privacy Act (FOIA/PA) request made to your agency pursuant to Title 5 U.S.C. §§ 552a, 552 and D.C. Code Ann. § 2-531 et. seq.

In this case, I am requesting that your agency please make available to me any and all records, information, reports, or other files that relate to me specifically and/or make reference to me indirectly in regards to a homicide that occurred on or about May 14, 1992, in the Northeastern sector of Washington, DC, at about 1:30 AM. The victim's name is LEWIS McCLAIN, but this request should not be construed as requesting information of personal nature related to Mr. McCLAIN. I was tried and convicted of Mr. McCLAIN's murder in the Superior Court for the District of Columbia. This request is made to discover any evidence that may serve to exonerate me of Mr. McCLAIN's death, or serve to support my post-conviction litigation.

I have attached herewith an "Information Sheet" that provides all the information your agency will need to effect my request. If any further information is required, please contact me at the address indicated above. I agree to pay any reasonable costs associated with this request, however request fee waiver and do expect to get any complimentary copies and service provided for under the law. If your agency denies any part of this request I would expect a statutory reference and information to file an administrative appeal. Finally, it serves the Public's interest to ensure that miscarriages of Justice are corrected; therefore, I trust my case will receive the measure of effort entitled in this situation.

Thank you for your time & concern in this matter.

Respectfully,

Marvin Leon Holt
 Attachments
 cc: Retained



U.S. Department of Justice

Jeffrey A. Taylor
United States Attorney

District of Columbia

Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530
May 7, 2009

RECEIVED
2009 MAY -7 PM 5:23
DEPT. OF JUSTICE/EOUSA
FOIA/PRIVACY STAFF

Mr. Marvin L. Holt
11022-007
US Penitentiary - McCreary
P.O. Box 3000
Pine Knot, Kentucky 42635

Re: Freedom of Information Act Request for Marvin L. Holt

Dear Mr. Holt:

The United States Attorney's Office for the District of Columbia received your Freedom of Information Act ("FOIA") request on May 7, 2009. Your FOIA request will be forwarded to the Executive Office for United States Attorneys ("EOUSA") on May 7, 2009. EOUSA is the official record keeper for the records maintained in all United States Attorneys offices, and will respond to your request directly. Please direct all future correspondence to the following address:

Department of Justice
EOUSA/FOIA/PA Staff
BICN Bldg.
600 E Street, N.W., Suite 7300
Washington, D.C. 20530-0001
(202) 616-6757

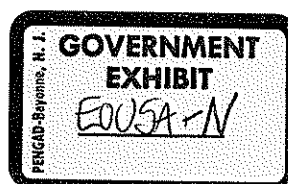
Sincerely,

JEFFREY A. TAYLOR
United States Attorney

By: Annette Dennis

Annette L. Dennis
FOIA Paralegal Specialist
Civil Division
555 4th Street, N.W.
Washington, D.C. 20530
(202) 616-1775

cc: Department Of Justice
EOUSA/FOIA/PA Staff





U.S. Department of Justice

Executive Office for United States Attorneys
Freedom of Information & Privacy Staff
600 E Street, N.W., Suite 7300, Bicentennial Building
Washington, DC 20530-0001
(202) 616-6757 FAX: 616-6478 (www.usdoj.gov/usao)

MAY 18 2009

Requester: Marvin L. Holt Request Number: 09-1701

Subject of Request: Self

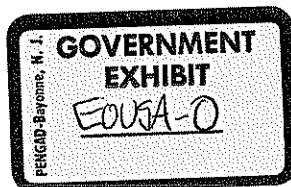
Dear Requester:

Your recent request for records from the Executive Office for United States Attorneys (EOUSA) has been received. Before the Executive Office can begin processing your request, it is necessary for you to correct one or more deficiencies. Please comply with the paragraphs checked below:

- 1. [X] A requester must provide a notarized example of his/her signature or a certification of identity under penalty of perjury. This insures that information pertaining to an individual is released only to that person. A form is enclosed for your use.
2. [] The files and records of United States Attorneys are maintained in over one hundred separate offices throughout the United States. Please identify the specific United States Attorney's office(s) where you believe records may be located. This would be primarily the district(s) in which a prosecution or litigation occurred.
3. [] To insure that records are properly identified, provide subject's full name, current address, and date and place of birth.
4. [] A request must describe the records sought in sufficient detail to allow location of the records with a reasonable amount of effort (i.e., processing the request should not require an unduly burdensome effort or be disruptive of Department operations). Please provide more specific information about the records you seek, such as appropriate dates, locations, names, nature of the records, etc.
5. [] Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

NOT SPLIT

By making a FOIA/PA request, you agree to pay fees up to \$25, as stated in 28 C.F.R. § 16.3(c), unless you request a waiver of fees (according to requirements in 28 C.F.R. § 16.11(k)). Indigency does not constitute a basis for a fee waiver. Please note that pursuant to 28 C.F.R. § 16.11, we are required to charge fees for time used to search for the documents you have requested and for duplication of all pages released to you. Normally, search time is charged at a rate of \$28 the expected fees (or you have narrowed your request to reduce fees) and we have



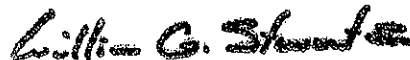
MAY 18 2009

processed your request, we will require payment for the accumulated charges before we release any documents to you (in excess of 100 free pages). Without such payment, your request file will be closed without further action.

Once you have corrected the above deficiencies, please submit a new request for the documents. This is a final determination and your request for information has been closed. When we have received your new, corrected request, we will open a new file for you. **Please send your new, corrected request to the address above.**

This is the final action on this above-numbered request. You may appeal this decision on this request by writing to the **Office of Information Policy, United States Department of Justice, 1425 New York Avenue, Suite 11050, Washington, D.C. 20530-0001**. Both the letter and envelope should be marked "FOIA Appeal." Your appeal must be received by OIP within 60 days from the date of this letter. If you are dissatisfied with the results of any such administrative appeal, judicial review may thereafter be available in U.S. District Court, 28 C.F.R. §16.9.

Sincerely,



William G. Stewart II
Assistant Director

Enclosure(s)



U.S. Department of Justice

Executive Office for United States Attorneys
Freedom of Information & Privacy Staff
600 E Street, N.W., Suite 7300, Bicentennial Building
Washington, DC 20530-0001
(202) 616-6757 FAX: 616-6478 (www.usdoj.gov/usao)

Requester: Marvin L. Holt Request No.: 09-2392

JUL 1 6 2009

Subject: Self/DDC

The Executive Office for United States Attorneys (EOUSA) has received your Freedom of Information Act/Privacy Act (FOIA/PA) request. It has been assigned the above number. Please give us this number if you write about your request. If we need additional information, we will contact you within two weeks.

Your request will be placed in the order in which it was received for processing, unless it is a very large request (Project Request). Then, it will be placed in a separate group of Project Requests, which are also processed in the order received.

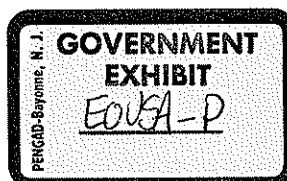
EOUSA makes every effort to process most requests within a month (20 working days). There are some exceptions; for example, Project Requests usually take approximately nine months to process. Requests for "all information about myself in criminal case files" are usually Project Requests. If you have made such a request, you may either write us and narrow your request for specific items, or you may expect that the processing of your request may take nine months from the date of this letter.

By making a FOIA/PA request, you have agreed to pay fees up to \$25, as stated in 28 CFR § 16.3(c), unless you have requested a fee waiver. Please note that pursuant to 28 CFR § 16.11, if you have not been granted a fee waiver, we are required to charge fees for time used to search for the documents you have requested and for duplication of all pages released to you. Normally, search time is charged at a rate of \$28 per hour after the first two hours which are free, and duplication fees are \$0.10 per page after the first 100 pages which are free. Please do not send any payment at this time! If we anticipate that fees will exceed \$25 or the amount you have stated in your letter (if greater than \$25), we will normally notify you of our estimate of fees. After we have received your agreement to pay for the expected fees (or you have narrowed your request to reduce fees) and we have processed your request, we will require payment for the accumulated charges before we release documents to you. Without such payment, your request file will be closed without further action.

Sincerely,


William G. Stewart II
Assistant Director

Form No. 001 - 1/09



RECEIVED

2009 JUN 18 PM 3:57

DEPT. OF JUSTICE/EOUSA
FOIA/PRIVACY STAFF

June 8, 2009

Marvin Leon Holt #11022-007
E.S.P. McCreary
P.O. Box 3000
Pine Knot, KY 42635

U.S. Dept. of Justice
Executive office of US Attorneys
600 E Street, NW Suite 7300
Washington, DC 20530-0001

Re: EOUSA FOIA #09-1701; 08-869; 08-870; 02-857

Dear General Counsel:

This letter is written to make a record of how your office has handled my FOIA/PA case and advise the EOUSA that I have appealed this entire request project to the Director's Office. (See APPEAL letter dated 5/4/09).

Your office's most recent obstruction of my request for public information is a form letter asking for a certificate of identity. I have sent your office numerous such forms and will not again be party to this non-sense. I have each and every letter from the EOUSA and every response I have made since I began this project back in 2002. These records paint a grim picture of the EOUSA's handling of my FOIA/PA request. I shall file a lawsuit as soon as the Director answers my appeal--assuming the Director wants to be party to your office's shenanigans.

Thank you for your time and concern in this matter.

Respectfully,


Marvin Leon Holt

Attachments

cc: Retained

P.S. Enclosed Certificate
of Identity ~~again~~

U.S. Department of Justice

Certification of Identity

09-1701



Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹ Marvin Leon Holt

Citizenship Status ² US Social Security Number ³ [redacted]

Current Address USP McCreary, PO Box 3000, Pine Knot, KY 42635

Date of Birth ⁴ [redacted] Place of Birth Calvert Co. MD

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature Leon Holt Date 6/8/09

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Print or Type Name

¹ Name of individual who is the subject of the record sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

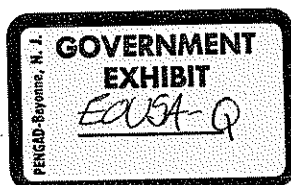
MARVIN LEON HOLT,)
)
 Plaintiff,)
)
 v.) Civil Action No. 09-1515 (RBW)
)
 U.S. DEPT. OF JUSTICE, et. al.,)
 Defendants.)
 _____)

DECLARATION OF ANNETTE L. DENNIS

I, Annette L. Dennis pursuant to Title 28, United States Code, Section 1746, declare and state as follows:

1. I am the FOIA Coordinator for the Civil Division, United States Attorney's Office for the District of Columbia (USAO DDC) and my office is located in Washington, D.C. One of my responsibilities is coordinating Freedom of Information Act/Privacy Act (hereinafter FOIA/PA) requests for access to records located the USAO DDC with the Executive Office for United States Attorneys (EOUSA). Specifically, I identify records responsive to FOIA/PA requests that are maintained in the USAO DDC, I discuss any related issues with EOUSA, and I ship copies of the responsive records to EOUSA for processing. I do not make any determinations regarding the release or withholding of responsive documents. I have been the FOIA contact person for the USAO DDC since 2008. The statements I make herein are made on the basis of my own personal knowledge or on the knowledge that I have acquired through the performance of my official duties.

2. Due to the nature of my official duties, I have become familiar with the procedures that were followed by this office in coordinating the FOIA request of Marvin Leon Holt.



3. In April 2008, EOUSA faxed the FOIA/PA request, number 08-869, of Leon Holt to the USAO DDC and requested that a search be conducted for responsive records.


4. The Civil Division for the USAO DDC has a computerized docketing/case management system known as Master Index System (MI). The MI system allows the user to search all USAO matters using a specific name. If the name for which the search is done was not included in the information entered into the MI system for a particular matter, the search would not identify that matter as containing potentially responsive information. The MI system is capable of cross-referencing other related cases if such related case information is entered into the system.

5. On or about February 27, 2009, Theresa Jones, Paralegal Supervisor, who at that time was the FOIA Coordinator for the USAO DDC, conducted a search in our MI system of all cases relating to Marvin Leon Holt. Ms. Jones used the search terms "Leon Holt" and "Marvin Holt." Ms. Jones also used Mr. Holt's date of birth and criminal case number "F-8825-92" as search terms. Ms. Jones also searched the Federal Records Center criminal case records. As a result of this search, Ms. Jones located the case file for criminal case F-8825-92. (See Exhibit USAO DDC-A.)

6. I retrieved the file and reviewed all of the documents contained therein, and then I forwarded the completed package to EOUSA. The USAO DDC handled Mr. Holt's request in full compliance with EOUSA and USAO procedures.

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

Executed this 20th day of November, 2009.


ANNETTE L. DENNIS
FOIA Coordinator

Certification of Search

Requester Name: Marvin Leonard Holt

Request Number: 08-869

I certify that I conducted a search for records responsive to the above-referenced FOI/PA request as follows:

1a. Names searched under Leon Holt,
Any other names searched, A.K.A. etc. Marvin

1b. Subject searched under name, DOB, Case Number.

1c. Case files searched CR#, CIV# F-8825-92

2. Computer Systems Searched: Master Index
PROMIS; TALON; LIONS;
Other, List:

3. I searched all card file indexes for n/a Criminal; n/a Civil;
n/a Asset Forfeiture cases; n/a other files index
for our office.

4. I searched the Federal Records Center ✓ Criminal; n/a Civil;
n/a other files index for our office.

5. Records were destroyed. Attached is a copy of evidence to prove that records were
destroyed. n/a

6. I e-mailed/faxed/phoned n/a Criminal AUSAs; n/a Civil
AUSAs regarding whether they have any files in their offices on subject(s).

7. I took other search measures, as follows: n/a

8. I have attached all written documentation indicating dates I searched, where, who I called,
etc. Nothing to attach.

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

Executed on 2/27/2009, 2009 Phone Number: 202-307-0268

Typed Name: Theresa Jones

Signature: Theresa D. Jones

