

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARVIN LEON HOLT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, et al.

Defendants.

Civil Action No. 09-01515 (RBW)

1-8-09

[date]

Cert. Mail Recp't No.:

7007 0710 0003 9115 5763

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

Federal Bureau of Investigation
FBI Washington Metropolitan Field Office
601 4th Street, N.W.
Washington, DC 20535-0002

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
Marvin Leon Holt

Attachments
cc: Retained



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 #11022-007

Citizenship Status ² US Social Security Number ³ 7768 5 U.S.C. 552(a)(1) & (f)(3)

Current Address U.S.P. McCreary PO Box 3000, Pine Knot, KY 42635

Date of Birth 1965 Place of Birth Calvert County Maryland

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 ⁴ Marvin Leon Holt Date 1-8-09

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:

n/a

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 relating to you.

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

INFORMATION SHEET

MARVIN LEON HOLT

Requester's Full Name

65

DOB

Calvert Co. Maryland

FRCP 5.2/L.R. 5.4(f)(1) &
(f)(3)

POB

-7768

SS#

11022-007

Marshal Service#

968421CA9

FBI #

Superior Court US v. HOLT, # 8825-92

Criminal Case Title and #

DC Metro. Police; FBI, JFAT, U.S. Attorneys
Agencies Involved

Det. James F. Johnson, Det. Michael Baylor
Agent Name(s)

Any Aliases of Requester

Holt was arrested by FBI/MPD JFAT under Superior Court

Misc. Request Information

arrest warrant #88A-WF-182216 and USW #1646-92. Subsequently,

Holt was prosecuted in the Superior Court of DC for Murder

and drug offenses for which he was convicted and sentenced

to 28 years to Life. Karen Thompson was convicted in the

Superior Court in relation to Holt's case. The incident in

question occurred on 5/14/92 in the NE Secture of DC and the
victim's names is LEWIS McCLAIN.

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

CERTIFIED MAIL



7007 0710 0003 9115 5763

Legal Mail

35FD

1/21/89



FBI Washington Metro. Field Office
FOIA/PA Records Division
601 4th Street, N.W.
Washington, DC 20535-0007

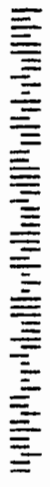
Opened & Inspected

JAN 19 2009

Mail Services #18

United States Penitentiary McCreary
Pine Knot, KY 42635

Date: *1/21/89*
The enclosed letter has processed through special mailing procedures for forwarding to you. The letter has been processed through the writer's office. If you have any further questions, you may contact the writer's office at the address above.



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARVIN LEON HOLT,)
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)
 Plaintiff,)
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 v.)
)
 UNITED STATES DEPARTMENT OF)
 JUSTICE, et al.)
)
 Defendants.)

Civil Action No. 09-01515 (RBW)

EXHIBIT FBI-B



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

February 4, 2009

MR. MARVIN LEON HOLT
**11022-007
POST OFFICE BOX 3000
U.S.P MCCREARY
PINE KNOT, KY 42635

Request No.: 1125838- 000
Subject: HOLT, MARVIN LEON

Dear Mr. Holt:

- This acknowledges receipt of your Freedom of Information-Privacy Acts (FOIPA) request to the FBI Washington Field Office. This request has been forwarded to FBI Headquarters for processing. The FOIPA number listed above has been assigned to your request.
- For an accurate search of our records, please provide the complete name, alias, date and place of birth for the subject of your request. Any other specific data you could provide such as prior addresses, or employment information would also be helpful. If your subject is deceased, please include date and proof of death.
- To make sure information about you is not released to someone else, we require your notarized signature or, in place of a notarized signature, a declaration pursuant to Title 28, United States Code 1746. For your convenience, the reverse side of this letter contains a form which may be used for this purpose.
- If you want the FBI's Criminal Justice Information System (CJIS) to perform a search for your arrest record, please follow the enclosed instructions in Attorney General Order 556-73. You must submit fingerprint impressions so a comparison can be made with the records kept by CJIS. This is to make sure your information is not released to an unauthorized person.
- We are searching the indices to our central records system at FBI Headquarters for the information you requested, and will inform you of the results as soon as possible.
- Processing delays have been caused by the large number of requests received by the FOIPA. We will process your request(s) as soon as possible.

Your request has been assigned the number indicated above. Please use this number in all correspondence with us. Your patience is appreciated.

Sincerely yours,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARVIN LEON HOLT,)
)
)
 Plaintiff,)
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 v.)
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 UNITED STATES DEPARTMENT OF)
 JUSTICE, et al.)
)
 Defendants.)

Civil Action No. 09-01515 (RBW)

EXHIBIT FBI-C



MR. MARVIN LEON HOLT
**11022-007
POST OFFICE BOX 3000
U.S.P MCCREARY
PINE KNOT, KY 42635

April 30, 2009

Subject: HOLT, MARVIN LEON

FOIPA No. 1125838- 000

Dear Mr. Holt:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section 552a

- | | | |
|--|---|--|
| <input type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input checked="" type="checkbox"/> (j)(2) |
| <input type="checkbox"/> (b)(3) _____ | <input checked="" type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) |
| _____ | <input type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
| _____ | <input type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| _____ | <input type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
| <input type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) |
| <input type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) |
| <input checked="" type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) |

24 page(s) were reviewed and 24 page(s) are being released.

- Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:
 - referred to the OGA for review and direct response to you.
 - referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

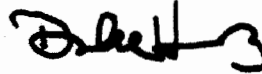
You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s).

If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

In response to your Freedom of Information/Privacy Acts request to our Washington Metropolitan field Office, enclosed is a processed copy of their file 88A-WF-182216.

One of the enclosed documents is a copy of your FBI identification record or "rap sheet". We are releasing this identification record to you as it existed when it was placed in the Central Records System file. However, it may not reflect current information. If you want a copy that is up-to-date, please comply with the instructions as set forth on the enclosed copy of Attorney General order 556-73. Fingerprint impressions are needed for comparison with records in the Criminal Justice Information Services (CJIS) Division (formerly known as the Identification Division) to ensure that an individual's identification record is not disseminated to an unauthorized person.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARVIN LEON HOLT,)
)
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 Plaintiff,)
)
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 v.)
)
)
 UNITED STATES DEPARTMENT OF)
 JUSTICE, et al.)
)
)
 Defendants.)

Civil Action No. 09-01515 (RBW)

EXHIBIT FBI-D

May 4, 2009

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

Federal Bureau of Investigation
U.S. Department of Justice
Freedom of Information Office
1425 New York Ave. NW
Washington, DC 20530-0001

Re: FOIA/PA Request to FBI #1125838-000 APPEAL

Dear Director:

This is my APPEAL of the FBI's treatment of and response to my FOIA/PA request.

I do not think the FBI conducted a "meaningful, good faith search" as required by law when processing my FOIA/PA request as submitted. See Weisberg v. U.S. Dept. of Justice, 705 F. 2d 1344 (D.C. Cir. 1983). The only material released by the FBI relates to my fugitive status and arrest on federal warrant. The FBI assisted in the investigation of murder charges against me and should therefore possess far more information than that released.

Please review my file and have the case remanded to the FBI for a "good faith" search of all the records that I specifically requested the FBI to search in my original FOIA/PA request letter.

Thank you for your time and concern in this matter.

Respectfully,


Marvin Leon Holt

cc: Retained

RECEIVED
MAY 26 2009
Office of Information Policy



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

MR. MARVIN LEON HOLT
11022-007
POST OFFICE BOX 3000
U.S.P. MCCREARY
PINE KNOT, KY 42635

April 30, 2009

Subject: HOLT, MARVIN LEON

FOIPA No. 1125838- 000

Dear Mr. Holt:

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Table with 3 columns: Section 552, Section 552a, and Section 552a. Rows list various exemption codes such as (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A-F), (b)(8), (b)(9), (d)(5), (j)(2), (k)(1-7).

24 page(s) were reviewed and 24 page(s) are being released.

- Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:
- referred to the OGA for review and direct response to you.
- referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s).

If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

In response to your Freedom of Information/Privacy Acts request to our Washington Metropolitan field Office, enclosed is a processed copy of their file 88A-WF-182216.

One of the enclosed documents is a copy of your FBI identification record or "rap sheet". We are releasing this identification record to you as it existed when it was placed in the Central Records System file. However, it may not reflect current information. If you want a copy that is up-to-date, please comply with the instructions as set forth on the enclosed copy of Attorney General order 556-73. Fingerprint impressions are needed for comparison with records in the Criminal Justice Information Services (CJIS) Division (formerly known as the Identification Division) to ensure that an individual's identification record is not disseminated to an unauthorized person.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARVIN LEON HOLT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, et al.

Defendants.

Civil Action No. 09-01515 (RBW)

EXHIBIT FBI-E



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

MAY 27 2009

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

Re: Request No. 1125838

Dear Mr. Holt:

This is to advise you that your administrative appeal from the action of the Federal Bureau of Investigation 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 **09-1829**. 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,

A handwritten signature in black ink, appearing to read "Priscilla Jones", written in a cursive style.

Priscilla Jones
Supervisory Administrative Specialist

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARVIN LEON HOLT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, et al.

Defendants.

Civil Action No. 09-01515 (RBW)

EXHIBIT FBI-F



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

JUL 07 2009

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

Re: Appeal No. 09-1829
Request No. 1125838
BVE:RMF

Dear Mr. Holt:

You appealed from the action of the Washington Field Office of the Federal Bureau of Investigation on your request for access to records pertaining to yourself.

After carefully considering your appeal, I am affirming the FBI'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. § 16.96 (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.

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

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;
and

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.

I note that you have also questioned the adequacy of the Washington Field Office's search for responsive records. Please be advised that the FBI did not locate any additional responsive records indexed according to your name and social security number. I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for records responsive to your request.

FBI

If you are dissatisfied with my action on your appeal, you may file a lawsuit in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

A handwritten signature in black ink, appearing to read "Janice Galli McLeod". The signature is written in a cursive style with a large initial "J" and "M".

Janice Galli McLeod
Associate Director