

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF COLUMBIA

MARVIN LEON HOLT, *pro se*
Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, et al,
Defendants,

Civil Action No. 09-1515

Declaration of Ron Hill

1. I, Ron Hill, do hereby declare and state the following:
I am the Administrator for the Federal Bureau of Prisons (BOP),
Freedom of Information Act/Privacy Act (FOIA/PA) Section, in the
Bureau's Central Office. In this position, I have access to the
records of requests made under the FOIA/PA. I also have access
to the computer database records containing sentencing
information on federal inmates. I base this declaration on my
review of those records.

BOP FOIA REQUEST 2010-01367

2. A review of the FOIA/PA request records reveals that while
responding to a request from Plaintiff, the Federal Bureau of
Investigation (FBI) discovered a three (3) page document that
originated with the BOP. In accordance with 28 C.F.R. 16.4(C),
on October 21, 2009, the FBI referred those (3) pages to the BOP

for a release determination. This referral was assigned request number 2010-01367.

3. On November 4, 2009, a review of the 3 pages referred in request number 2010-01367, revealed that all 3 pages could be released with some redactions. The statutory basis for the redactions was 5 U.S.C. § 552(b)(7)(C) and (b)(7)(F). On November 4, 2009, the 3 pages of documents were mailed to Plaintiff. Attached hereto is a true and accurate copy of the October 21, 2009 FBI referral of Plaintiff's request and the BOP's November 4, 2009 response. (See Exhibits BOP-A and BOP-B)

EXEMPTION 5 U.S.C. Section 552(b)(7)(C)

4. Exemption (b)(7)(C) of the FOIA exempts from mandatory release records or information compiled for law enforcement purposes if such release could reasonably be expected to constitute an unwarranted invasion of personal privacy. All information reviewed by the BOP was compiled for law enforcement purposes and pertained to the investigation of an inmate-on-inmate assault.

5. Exemption (b)(7)(C) was applied to withhold the identities and personal information about third party individuals, the release of which could subject such persons to an unwarranted invasion of their personal privacy. Release of the identifying

information could result in unwanted and even unlawful efforts to gain further access to such persons or to personal information about them, or cause them harassment, harm, or exposure to unwanted and derogatory publicity arising from their connection to the investigation.

6. The BOP determined that there was no public interest in the release of this information because dissemination of the information would not help explain the activities and operations of the BOP. No public interest would counterbalance the protected individuals' privacy right in the information withheld under this exemption.

7. Furthermore, Mr. Holt provided this office with no ~~authorizations or consents to release personal privacy protected materials pertaining to any third party individual.~~

8. The BOP asserted exemption (b)(7)(C) to withhold the names of persons and personal information, falling within this category, in both of the redacted documents.

EXEMPTION 5 U.S.C. §552(b)(7)(F)

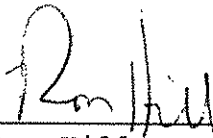
9. Exemption (b)(7)(F) of the FOIA permits the withholding of records or information compiled for law enforcement purposes, if the release could reasonably be expected to endanger the life or

physical safety of an individual. No balancing of interests is required for withholding.

11. The BOP applied this exemption to portions of specific documents, in conjunction with (b) (7) (C), to third parties connected to the investigation of an inmate-on-inmate assault in a prison setting. In a correctional setting, revealing anything about third parties in an investigation, particularly one involving acts of violence, are likely to lead to additional violence if information about the actions of the third parties is revealed.

Pursuant to Title 28 U.S.C. Section 1746, I certify under penalty of perjury that the foregoing is true and correct.

Executed this day, November 4, 2009.



Ron Hill
FOIA/PA Administrator
Federal Bureau of Prisons



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

October 16, 2009

VIA FEDERAL EXPRESS - URGENT PENDING LITIGATION

To: Wanda M. Hunt, Chief, FOIA/PA Section
FOIA/Privacy Act Requests
Federal Bureau of Prisons
Department of Justice
Room 841, HOLC Building
320 First Street, N.W.
Washington, D.C. 20534

2010-01367

From: David M. Hardy, Section Chief
Record/Information Dissemination Section
Records Management Division
170 Marcel Drive
Winchester, VA 22602-4843

Subject: FOI/PA Request of Marvin Leon Holt
FBI FOIA #1125838-000 Re: Marvin Leon Holt
Pending Litigation: United States District Court for DC
Civil Action Number: 09-01515
Marvin Leon Holt v. United States Department of Justice. et. al.

In connection with review of FBI files responsive to the above litigation, the enclosed unclassified Bureau of Prisons documents (3 pages) were located (Attachment A). Please review this information and provide a direct response to the requester. In the event exemptions are claimed it will be necessary for your office to provide a declaration supporting the claimed exemptions. The Court deadline for filing of the declarations is November 13, 2009; consequently, we will need the BOP's declaration no later than November 6, 2009.

A copy of the requester's initial letter and complaint is enclosed for your convenience (Attachment B). If you have any questions concerning this referral, please contact LAS Ann Lindengren at (540) 868-4845. FBI FOIA Number 1125838-000 should be utilized during any consultation with the FBI concerning this referral.

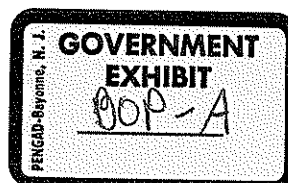
This matter involves pending litigation (case referenced above). We thank you in advance for your immediate attention to this matter.

Enclosures (2)

Received

OCT 21 2009

FOIA/PA Section
Federal Bureau of Prisons



INFORMATION SHEET

MARVIN LEON HOLT

Requester's Full Name

11/12/65

DOB

Calvert Co. Maryland

POB

578-84-7768

SS#

11022-007

Marshal Services#

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 Sector of DC and the

victim's name is LEWIS McCLAIN.



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(j)(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 ³ 578-84-7768

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

Date of Birth November 12, 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(j)(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 in:

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.

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

REGISTERED MAIL SERVICE TO THE PRISON
U.S. PENITENTIARY McCREARY
CERTIFIED MAIL

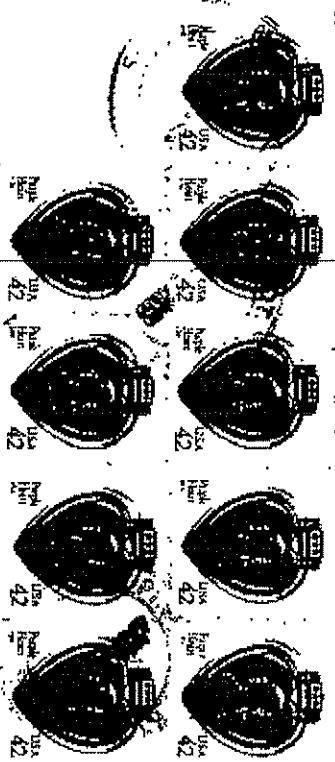


7807 0710 0003 9115 5763

Legal Mail

WFO

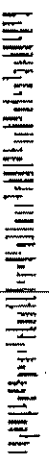
1/21/69



FBI Washington Metro. Field Office
FOIA/PA Records Division
601 4th Street, N.W.
Washington, DC 20535-0002

Opened & Inspected
JAN 19 2009
Mail Services #18

United States Penitentiary, McCreary
Pine Knot, KY 42635
Date: 1/21/69
The enclosed letter has been processed through special mailing procedures for forwarding to you. The letter has been processed by the writer prison a cession number 11022-007. A certified letter has jurisdiction. You





U.S. Department of Justice

Federal Bureau of Prisons

Washington, D.C. 20534

November 4, 2009

Leon Holt, Reg. No. 11022-007
USP McCreary
P.O. Box 3000
Pine Knot, KY 42635

For Further Inquiry Contact:
Federal Bureau of Prisons
320 First Street, N.W.
Room 738, HOLC Building
Washington, D.C. 20534
Attn: FOI/Privacy Office

RE: Request for Information, FOIA Request No. 2010-01367

Dear Mr. Holt:

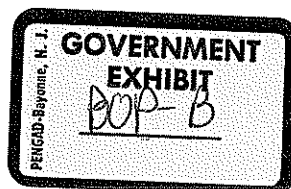
While the Federal Bureau of Investigation (FBI) was processing your Freedom of Information Act request, a three (3) page document that originated with the Federal Bureau of Prisons (BOP) was found. Those 3 pages were referred to the BOP for a release determination.

After a careful review, it has been determined that one (1) page can be released in its entirety and two (2) pages can be released with third party information redacted. These 3 pages are enclosed. The release of this information could constitute an unwarranted invasion of the third party's personal privacy and could put them at risk for physical harm. The statutory basis for this decision is 5 U.S.C. §552(b)(7)(C) and (b)(7)(E).

No appeals rights are being provided as this decision is currently in litigation.

Sincerely,

Wanda M. Hunt, Chief
FOIA/PA Section



Referral of an Inmate Criminal Matter for Investigation

P. S. 138C.0
DRAFT 12/11/9
Attachment

Agency referred to: FBI Referral Date: 01/29/2003 Referral Time: 2:38
 Agent/Deputy: SA T. Snapp SIS name: M. Hatfield, A/SIA
 BQP Case # 103013 Incident Date: 01/29/2003
 Incident location: D Unit
 Reason for referral (class of incident): Assault_Weapon

Primary Victim/Suspects

	Last name	First name	Register #	Suspect	Victim
1.	(b)(7)(C), (b)(7)(F)	(b)(7)(C), (b)(7)(F)		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.	HOLT	JEON	11022-007	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.				<input type="checkbox"/>	<input type="checkbox"/>
4.				<input type="checkbox"/>	<input type="checkbox"/>

(If additional inmates are involved you may enter that information in the synopsis)

Brief synopsis of offense: The G-Unit Officer observed Inmate Bethea #14039-050 chasing inmate Holt #11022-007 with an unidentified object believed to be a weapon in his right.

Law Enforcement Action

Please return (or Fax) this form to the above noted SIS, indicating as appropriate:

1. Actions by FBI/USM/DEA/other: No Action (examples: case opened, surveillance initiated, monitoring requested, etc.)
 2. Case presented to AUSA: Eric Hurr Date: 1/31/02
 Presented by: Thomas R Snapp Case control # _____
 Case accepted, notes: _____
 Case declined, reason: Ref to U.S.P. for Admin. proceedings
 Decision deferred pending further investigation

(FOR SIS USE ONLY)

-Referral logged: _____ SIS investigative case file. _____ Database by: _____
 -Referral follow-up inquiries (every 30 days): Date: _____ Date: _____ Date: _____
 -Decision logged: _____ SIS investigative case file. _____ Database by: _____
 -Information copy provided to institution paralegal/attorney advisor: _____

AB
4/28/03

900-RH-50644-1
 SEARCHED _____
 SERIALIZED
 INDEXED
 FILED
 (C#5)

LEEAG 535.03 *
PAGE 001 OF 001

INMATE PROFILE

* 01-29-2003
11:12:58

REGNO: [REDACTED] REG
 NAME: [REDACTED] FUNCTION: PRT DOB/AGE.: (b)(7)(C), (b)(7)(F)
 RSP.: LEE-LEE USP R/S/ETH.:
 PHONE: 276-546-0150 FTS: N/A MILEAGE.:
 PROJ REL METHOD: [REDACTED] FBI NO.: (b)(7)(C), (b)(7)(F)
 PROJ REL DATE...: [REDACTED] INS NO.:
 PAR ELIG DATE...: [REDACTED] SSN...:
 PAR HEAR DATE...: [REDACTED] DETAINER:
 OFFEN/CHG RMKS: [REDACTED]
 OFFEN/CHG RMKS: [REDACTED]

FACI	CATEGORY	CURRENT ASSIGNMENT	EFF DATE	TIME
LEE	ADM-REL			
LEE	CARE LEVEL			
LEE	CCR COUNSL			
LEE	CASE MGT			
LEE	CASE MGT			
LEE	CASE MGT			
LEE	CASE MGT			
LEE	CMC			
LEE	CORR SVCS			
LEE	CORR SVCH			
LEE	CASEWORKSR			
LEE	CUSTODY			
LEE	DRUG PGMS			
LEE	EDUC INFO			
LEE	EDUC INFO			
LEE	FIN RESP			
LEE	LEVEL			
LEE	MED BY ST			
LEE	MED BY ST			
LEE	PGM REVIEW			
LEE	QUARTERS			
LEE	RELIGION			
LEE	SECUR THRT			
LEE	SECUR THRT			
LEE	STATUS			
LEE	UNIT			
LEE	WRK DETAIL			

G0000

TRANSACTION SUCCESSFULLY COMPLETED

LEEBAU 535.03 *
 PAGE 001 OF 002
 11022-007
 REGNO: 11022-007
 NAME: HOLT, LEON
 RSP: LEE-LEE USP
 PHONE: 276-546-0150
 PROJ REL METHOD: LIFE
 PROJ REL DATE: N/A
 PAR ELIG DATE: 08-20-2030
 PAR HEAR DATE: 02-2030
 INMATE PROFILE
 REG
 FUNCTION: PRT DOB/AGE: 11-12-1965 / 37
 R/S/ETH: B/M/O
 MILEAGE: 321 MILES
 FTS: N/A
 FBI NO: 968421CA9
 INS NO:
 SSN: 578847758
 DETAINER: NO
 CMC: YES
 OFFN/CHG RMKS: DC CODE ATT DIST OF COCAINE, MURDER I W/ARMED, POSS OF P/A
 OFFN/CHG RMKS: DURING CRIME OF VIOLENCE, CPWD - 38 YRS TO LIFE

FACIL CATGORY	-----	CURRENT ASSIGNMENT	-----	EFF DATE	TIME
LEE ADM-REL	A-LES	DESIGNATED, AT ASSIGNED FACIL		03-21-2002	1505
LEE ST BILLING	BIL DCYTRAN	BILLABLE, DC, AFTER 8/8/97		03-21-2002	1505
LEE CARE LEVEL	CARE:	HEALTHY, NO CHRONIC CARE		01-31-2002	1410
LEE COR COUNSL	G	JAMES BOURQUE, EXT 1359		03-21-2002	1505
LEE CASE MGT	PROG RPT	NEXT PROGRESS REPORT DUE DATE		03-21-2005	1217
LEE CASE MGT	RPP NKEDS	RELEASE PREP PGM NEEDS		05-10-2001	0712
LEE CASE MGT	V94 CVR913	V94 CURR DRG TRAF BEFORE 91394		05-23-2001	1006
LEE CASE MGT	V94 CVR913	V94 CURR VIOL BEFORE 91394		05-23-2001	1003
LEE CMC	SEPARATION	SEPARATION		04-02-2002	1537
LEE CORR SVCS	RAN D-TEST	RANDOM DRG TST		01-25-2002	1920
LEE CASEWORKER	G	MARK RYAN, EXT 1352		05-16-2002	1552
LEE CUSTODY	IN	IN CUSTODY		04-17-2001	1324
LEE DRUG PGMS	DRG I NONE	NO DRUG INTERVIEW REQUIRED		05-14-2001	0853
LEE DRUG PCMS	ED WAIT V	DRUG EDUCATION WAIT-VOLUNTEER		10-15-2002	1445
LEE EDUC INFO	ESL HAS	ENGLISH PROFICIENT		07-10-2001	1244
LEE EDUC INFO	GED DN	DROPPED GED NON-PROMOTABLE		07-24-2002	1358
LEE EDUC INFO	GED UNSAT	GED PROGRESS UNSATISFACTORY		07-24-2002	1357
LEE PTN RESP	COMPLT	FINANC RESP-COMPLETED		05-22-2002	1919
LEE LEVEL	HIGH	SECURITY CLASSIFICATION HIGH		06-15-2003	0936
LEE MED DY ST	NEW DUTY	NO MEDICAL RESTR--REGULAR DUTY		03-25-2002	0859
LEE MED DY ST	YES F/S	CLEARED FOR FOOD SERVICE		03-25-2002	0859
LEE PGM REVIEW	MR	MARCH PROGRAM REVIEW		03-26-2003	0843
LEE QUARTERS	303 135U	HOUSE 7/RANGR 03/BED 135U		01-29-2002	0950
LEE RELIGION	OTHER	OTHER RELIGION		05-10-2001	0712
LEE STATUS	COMP A&O	COMPLETE USP A&O		03-27-2002	1557
LEE UNIT	G	V. CARROL-CHAMBERS, EXT 1349		05-22-2002	1151
LEE WRK DETAIL	SHU AD	SHU UNASSIGNED AD		01-29-2002	0951

G0000

TRANSACTION SUCCESSFULLY COMPLETED