

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

STEPHEN RAHER,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

Case No. 3:09-cv-00526-ST

ORDER

STEWART, Magistrate Judge:

Plaintiff, Stephen Raher (“Raher”), filed this action under the Freedom of Information Act (“FOIA”), 5 USC § 552, to obtain documents from defendant, the Federal Bureau of Prisons (“BOP”). In November 2008, Raher submitted a FOIA request to the BOP for five categories of records pertaining to the solicitation, evaluation, and award of contracts by the BOP to provide, maintain, and operate private detention facilities for foreign nationals serving criminal sentences imposed by the federal courts. Based on the BOP’s allegedly inadequate response, Raher filed this case on May 13, 2009, which has resulted in a series of motions and rulings.

On July 18, 2013, this Court approved a Settlement Agreement submitted by the parties. Pursuant to that Settlement Agreement, the BOP submitted certain documents to the Court for an *in camera* review to determine whether the FOIA exemptions claimed by the BOP apply to the

redacted information. After reviewing those documents *in camera* and considering the parties' brief written explanations of their positions, the Court rules as follows:

1. FOIA Exemption 5 based on the attorney-client privilege applies to the following documents (or segregable portions thereof):

SuppBOP06792
SuppBOP06843-44
SuppBOP06901
Paragraph 3 of SuppBOP06940
The following portions of SuppBOP06918-20:
 ¶ II(1) NOTE and QUESTION (06918)
 ¶ II(3) NOTE and QUESTION (06918-19)
 ¶ II (12) subparagraphs preceded by dashes (06919)
 ¶ II(16) subparagraphs preceded by dashes (06920)
 ¶ II (20) NOTE (06920)
 ¶ II (22) subparagraphs preceded by dashes (06920)
SuppBOP07053-54
SuppBOP07080
SuppBOP07315-16
SuppBOP101483

2. The following documents are exempt as not responsive to Raher's FOIA requests:

SuppBOP010882-a-38, 39 & 40
SuppBOP010882-a-49
SuppBOP010865-a-2 & 3
SuppBOP010872-a-1 & 2

3. No FOIA Exemption applies to the following documents (or segregable portions thereof) which must be produced to Raher:

SuppBOP06799
Paragraphs 1, 2 and 4 of SuppBOP06940
Those portions of SuppBOP06918-20 not subject to FOIA Exemption 5 listed above
SuppBOP07383
SuppBOP11194-a & b

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Except as to FOIA Exemption 6 which the parties agree is applicable to part of SuppBOP07315-16, no other FOIA Exemptions apply with respect to these documents.

DATED September 24, 2013.

s/ Janice M. Stewart

Janice M. Stewart
United States Magistrate Judge