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FREEDOM OF INFORMATION ACT REQUEST,

APPEAL No. 05-2411

Wednesday, August 31, 2005

VIA USPS CERTIFIED FIRST-CLASS MAIL ONLY

Ms. Priscilla Jones
Chief, Administrative Staff
Office of Information and Privacy
United States Department of Justice
Flag Building, Suite 570
Washington, D.C. 20530-0001

**RE: SHOWING OF URGENCY AND REQUEST FOR TIMING ESTIMATE,
5 U.S.C. § 552(a)(6)**

Dear Ms. Jones:

Thank you for your letter dated August 26, 2005. I appreciate your Office's backlog, and also the delays that BOP's background information might occasion. It is exactly because of my professional experience with lengthy BOP delays, though, and because we now stand over six months from the original Request regarding inmates' substantial due process rights, that I must again ask for "the date on which a determination is expected to be dispatched." 5 U.S.C. § 552(a)(6)(B)(i). Under these circumstances, I am also obliged to expressly appeal denied expedited processing under 5 U.S.C. § 552(a)(6)(E).

The FOIA Request underlying this appeal asked on February 18 for expedited processing under 5 U.S.C. § 552(a)(6)(E); that request was ignored in the BOP's April 12 denial of fee waiver, and expressly denied in its May 28 response. To the extent BOP's continuing Victorville operations impugn over 550 inmates' substantial due process rights, however, I submit DOJ may already have exceeded the time statutorily allowed for this response.

This entire FOIA request addresses a potentially unlawful Federal prison, and credible allegations of abuse of discretion by Federal (i.e., BOP) agents at Federal Correctional Complex ("FCC") Victorville; abuse of discretion may have also occurred in the BOP's West Regional Office, and even D.C.'s Central Office. For example, BOP itself announced in *State of the Bureau: 2004*, at page 53, that FCI Victorville II (Medium) is a "medium-security" facility. Credible witnesses will testify, though, and requested records will likely show, that this "medium-security" facility's current population includes high-security inmates removed from United States Penitentiaries (including those at Lompoc, Victorville, and Atwater, California), and those USPs' Special Housing Units ("SHU").

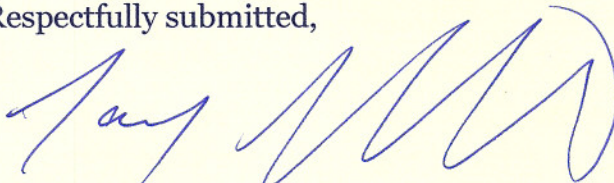
Credible evidence shows that FCI Victorville II (Medium) today acts as a segregation unit for high-security inmates, not the medium-security FCI that BOP has publicly averred. With this irreconcilable inconsistency alone, BOP shows it has abused its discretion and, in so doing, jeopardized substantial due process rights of at least 551 inmates now housed at FCI Victorville II (Medium). See BOP Weekly Population Report as of Thursday, August 25, 2005 (http://www.bop.gov/news/weekly_report.jsp/).

The requested records, once produced, will be presented in summary and in full to the non-profit, limited-lifespan Commission on Safety and Abuse in America's Prisons. That report, and appropriate other submissions, will also be presented to the DOJ's Office of Inspector General for official decisions whether inquiries of BOP's FCC Victorville and West Region are proper. For all these reasons, this Request's expedited processing seems "urgent" under the FOIA.

I promised you all comity I could offer, Ms. Jones; I thus seek your Office's cooperation instead of immediately asking for court supervision. Given this request's stated purpose of investigating credible and ongoing allegations of substantial due process violations, however, and the denied request for expedited process here appealed, an open-ended deadline for DOJ's Response seems inappropriate. I ask again for DOJ's estimate when this Requestor can expect a decision on the merits.

Thank you for your time and ongoing, consideration, Ms. Jones. I remain available for questions and concerns.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "EJ Hurst II", written in a cursive style.

EJ Hurst II, Esquire