



Judicial Watch

Because no one is above the law!

April 13, 2010

FOIA Appeals
Policy and Litigation Branch
U.S. Customs and Border Protection
799 Ninth Street NW
Washington, DC 20229-1177
(Art. No.: 7009 1680 0001 3772 0151)

Re: FREEDOM OF INFORMATION ACT APPEAL, Request ID: 2010F04655

Dear Sir/Madam:


On January 8, 2010, Judicial Watch Inc. (hereafter “Judicial Watch”), filed a Freedom of Information Act (hereafter “FOIA”) request with U.S. Customs and Border Protection (hereafter CBP) requesting all records and/or reports of Mexican Government incursions, encounters, and sightings on the U.S. and Mexico border for January 2008 to present.

In CBP’s final response, dated March 5, 2010, CBP produced 26 pages of responsive records. For records covering January 2008 through June 2008, CBP released data on incursions, encounters, and sightings. However, for subsequent months CBP only provided data on incursions and did not provide data on encounters and sightings, as it did for the other months (see Exhibit 1). Additionally, CBP did not include any data for the month of February 2009.

Judicial Watch respectfully appeals CBP’s response. Since CBP provided Judicial Watch with encounters and sightings data for January 2008 through June 2008, Judicial Watch finds it highly unlikely that the same data would not be available for the following months. In the documents from July 2008 to January 2010, CBP provided data for only one item of Judicial Watch’s request.

Judicial Watch respectfully appeals and requests that CBP provide the data of encounters and sightings for July 2008 to January 2010 as well as the data of Government incursions, encounters, and sightings for February 2009.

Sincerely,


Tegan Millspaw
Judicial Watch