



**U.S. Department of Justice**  
Office of Information Policy  
*Sixth Floor*  
*441 G Street, NW*  
*Washington, DC 20530-0001*

*Telephone: (202) 514-3642*

September 14, 2020

John Greenewald  
The Black Vault  
27305 W. Live Oak Rd. Suite #1203  
Castaic, CA 91384  
[john@greenewald.com](mailto:john@greenewald.com)

Re: DOJ-2020-001664  
DRH:VAV:SLE

Dear John Greenewald:

This responds to your Freedom of Information Act (FOIA) request dated and received in this Office on January 7, 2020 in which you requested records determined to be non-responsive in DOJ-2018-002192<sup>1</sup>.

Please be advised that a search has been conducted in the Office of Information Policy and fifteen pages were located that contain records responsive to your request. I have determined these fifteen pages are appropriate for release with certain information withheld on behalf of the Federal Bureau of Investigation pursuant to Exemptions 6 and 7 (C) of the FOIA, 5 U.S.C. § 552(b) (6), (7) (C). Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy. Exemption 7 (C) pertains to 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. Copies are enclosed.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552 (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Douglas Hibbard, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001; telephone at 202-514-3642.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government

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<sup>1</sup> Please be advised, DOJ-2018-002192 was a referral for records from the Federal Bureau of Investigation to the Office of Information Policy (OIP). OIP responded to DOJ-2018-002192 by letter dated September 23, 2019.

Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448.

If you are not satisfied with this Office's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas R. Hibbard".

Douglas R. Hibbard  
Chief, Initial Request Staff

Enclosures

This document is made available through the declassification efforts  
and research of John Greenewald, Jr., creator of:

# The Black Vault

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The Black Vault is the largest online Freedom of Information Act (FOIA) document clearinghouse in the world. The research efforts here are responsible for the declassification of hundreds of thousands of pages released by the U.S. Government & Military.

**Discover the Truth** at: **<http://www.theblackvault.com>**



ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-11-2017 BY J48J67T35 NSICG

U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

JUN 6 2005  
6/6/05

Mr. Eliot Kleinberg  
Staff Writer  
Palm Beach Post  
2915-H Congress Avenue  
Delray Beach, FL 33445

Re: Appeal No. 05-1886  
RLH:ADW

Dear Mr. Kleinberg:

You appealed from the action of the Headquarters Office of the Federal Bureau of Investigation on your request for access to records concerning the September 11, 2001, hijackers, specifically information "pertaining to the movements of the hijackers in Palm Beach County." I am addressing your twenty-seven separate requests in this one appeal. The FBI numbers for your requests are as follows: 1010647-649, 1010651-659, 1010686, 1010743-745, 1010747, 1010749-750, 1010752-753, 1010755-756, 1010758, 1010784, and 1010787. Number 1010753 was given twice by the FBI in its letter dated January 28, 2005.

After carefully considering your appeal, I have decided to affirm the FBI's action on your request.

The FBI properly withheld this information because it is protected from disclosure under the FOIA pursuant to 5 U.S.C. § 552(b)(7)(A). This provision concerns records or information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings. I have determined that this information is not appropriate for discretionary release.

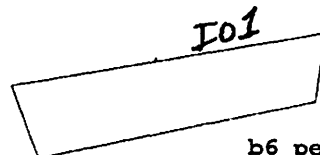
If you are dissatisfied with my action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

Richard L. Huff  
Co-Director

Received  
5/9/05

FBI



b7A

b6 per FBI  
b7c

Work, Anne D (OIP)

CDW

From: Hurd, Matthew (OIP)  
Sent: Tuesday, November 12, 2013 1:53 PM  
To: Work, Anne D (OIP)  
Subject: FW: Follow up to Freedom of Information Request #1233590-0  
Attachments: 11-4-13\_MR6731\_REJ-E\_1.pdf; Smathers\_1233590-0\_Appeal.pdf

Hi Anne -

Here are some emails that will go with the mail.

Thanks,  
Matt

nothing in  
PS yet,  
but R sent.  
A to ? m  
11-7 & 11-1

FOIA  
A  
FBI

-----Original Message-----

From: DOJ.OIP.FOIA (SMO)  
Sent: Tuesday, November 12, 2013 12:56 PM  
To: Hurd, Matthew (OIP)  
Subject: FW: Follow up to Freedom of Information Request #1233590-0

-----Original Message-----

From: 6731-42423205@requests.muckrock.com [mailto:6731-42423205@requests.muckrock.com]  
Sent: Tuesday, November 12, 2013 11:24 AM  
To: DOJ.OIP.FOIA (SMO)  
Subject: Follow up to Freedom of Information Request #1233590-0

November 12, 2013  
Federal Bureau of Investigation  
Federal Bureau of Investigation  
Attn: FOI/PA Request  
Record/Information Dissemination Section  
170 Marcel Drive  
Winchester, VA 22602-4843

This is a follow up to request number #1233590-0

Hello,

Attached please find a copy of appeals correspondence sent to the attention of the OIP Director by mail today. Please confirm receipt of both the electronic copy and the mailed appeal.

Thank you.

---

On Nov. 12, 2013:

Dear Mr. Smathers,

If you are not satisfied with the results of your request you may file an appeal with the Office of Information Policy (OIP), United States Department of Justice. Please follow the instructions below when submitting your appeal to OIP.

Please note: Do not submit your appeal to the FBI.

Appeals should be directed in writing to the following:

Director,  
Office of Information Policy (OIP)  
U. S. Department of Justice  
1425 New York Avenue, N. W., Suite 11050 Washington, D. C. 20530-0001.

Your appeal must be received by OIP within sixty (60) days from the date of your 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 identified easily.

OIP's Customer Service Number is #202-514-3642.

Thank you,

David P. Sobonya  
Public Information Officer/Legal Admin. Specialist Record/Information Dissemination Section (RIDS) FBI-Records  
Management Division  
170 Marcel Drive, Winchester, VA 22602-4843  
PIO: (540) 868-4593  
Direct:   
Fax: (540) 868-4391/4997

b6 per FBI  
b7C

On Nov. 8, 2013:

I appeal the withholding of documents responsive to this request. Mohamed Atta is dead and is not under investigation. 9/11 was over 12 years ago and will surely always be of interest to law enforcement, however, after 12 years the interest in public knowledge far out ways any law enforcement value of secrecy. Further, the existence of the records in question has already been made known through earlier release of FBI documents via FOIA. The admission of the existence of a picture including the description of it and the picture itself is of minor consequence. Finally, it is reasonable to expect some segregable portion of the records to be available even if there is a legitimate (b)(7) exemption to a portion of them.

For the above reasons and all others deemed appropriate by the appeals authority, I appeal.

On Nov. 7, 2013:

Can you please provide a Vaughn Index?

On Oct. 28, 2013:

A no responsive documents response.

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On Oct. 23, 2013:

An acknowledgement letter, stating the request is being processed.

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On Oct. 23, 2013:

An acknowledgement letter, stating the request is being processed.

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On Oct. 16, 2013:

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information request, copied below, and originally submitted on Sept. 15, 2013. Please let me know when I can expect to receive a response, or if further clarification is needed.

Thank you for your help.

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On Sept. 16, 2013:

Dear Mr. Smathers,

The FBI has received your Freedom of Information Act/Privacy (FOIPA) request and it will be forwarded to Initial Processing for review. Your request will be processed under the provisions of FOIPA and a response will be mailed to you at a later date.

Requests for fee waivers and expedited processing will be addressed once your request has been assigned an FOIPA request number. You will receive written notification of the FBI's decision.

Information regarding the Freedom of Information Act/Privacy is available at <http://www.fbi.gov/> or <http://www.fbi.gov/foia/>. If you require additional assistance please contact the Public Information Officer.

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On Sept. 15, 2013:

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

1) Copies of the images contained on the negatives which were recovered from a passenger who was on board Spirit Airline Flight 460 on August 23, 2001, and was submitted to the FBI Laboratory on March 12, 2002 and March 26, 2002 and are now specimens under laboratory numbers 02313019 HC HD and 020328252 HC HD.

2) All communication between the person who submitted the pictures which are now specimens under laboratory numbers 02313019 HC HD and 020328252 HC HD and the FBI.

3) All pictures of Mohamed Atta in any FBI file taken between January 1, 2001 and September 11, 2001.

I also request that, if appropriate, fees be waived as I believe this request is in the public interest. The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Jason Smathers

Filed via ~~MuckRock.com~~

E-mail (Preferred): 6731-42423205@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News

DEPT MR 6731

PO Box 55819

Boston, MA 02205-5819

PLEASE NOTE the new address as well as the fact that improperly addressed (i.e., with the requester's name rather than MuckRock News) requests might be returned by the USPS as undeliverable.



Director, Office of Information Policy (OIP)  
U. S. Department of Justice  
1425 New York Avenue, N. W., Suite 11050  
Washington, D. C. 20530-0001

November 12, 2013

To Whom It May Concern:

This is an appeal for denial of FOIPA request 1233590-0 (rejection correspondence attached).

I appeal the withholding of documents responsive to this request. Mohamed Atta is dead and is not under investigation. 9/11 was over 12 years ago and will surely always be of interest to law enforcement, however, after 12 years the interest in public knowledge far out ways any law enforcement value of secrecy. Further, the existence of the records in question has already been made known through earlier release of FBI documents via FOIA. The admission of the existence of a picture including the description of it and the picture itself is of minor consequence. Finally, it is reasonable to expect some segregable portion of the records to be available even if there is a legitimate (b)(7) exemption to a portion of them.

For the above reasons and all others deemed appropriate by the appeals authority, I appeal.

Sincerely,

Jason Smathers



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

November 15, 2013

Mr. Jason Smathers  
MuckRock News  
Dept MR 6731  
P.O. Box 55819  
Boston, MA 02205-5819

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-24-2017 BY J48J67T35 NSICG

Re: Request No. 1233590

Dear Mr. Smathers:

This is to advise you that your administrative appeal from the action of the Federal Bureau of Investigation was received by this Office on November 12, 2013.

The Office of Information Policy has the responsibility of adjudicating such appeals. 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 **AP-2014-00475**. Please mention this number in any future correspondence to this Office regarding this matter. Please note that if you provide an e-mail address or another electronic means of communication with your appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at the number above. If you have submitted your appeal through this Office's online electronic appeal portal, you may also obtain an update on the status of your appeal by logging into your portal account.

Sincerely,

Priscilla Jones  
Supervisory Administrative Specialist



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

March 12, 2014

Mr. Robert Erickson  
Producer  
Creative Differences Productions  
2282 Workman Avenue  
Simi Valley, CA 93063  
rlefilms@gmail.com

Re: Request No. 1251044

Dear Mr. Erickson:

This is to advise you that your administrative appeal from the action of the Federal Bureau of Investigation was received by this Office on February 25, 2014.

The Office of Information Policy has the responsibility of adjudicating such appeals. 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 **AP-2014-01699**. Please mention this number in any future correspondence to this Office regarding this matter. Please note that if you provide an e-mail address or another electronic means of communication with your appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at the number above. If you have submitted your appeal through this Office's online electronic appeal portal, you may also obtain an update on the status of your appeal by logging into your portal account.

Sincerely,

A handwritten signature in black ink, appearing to read "Priscilla Jones", is located below the "Sincerely," text.

Priscilla Jones  
Supervisory Administrative Specialist



U.S. Department of Justice  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

**April 17, 2014**

Mr. Robert Erickson  
Producer  
Creative Differences Productions  
2282 Workman Avenue  
Simi Valley, CA 93063  
[rlefilms@gmail.com](mailto:rlefilms@gmail.com)

Re: Appeal No. AP-2014-01698  
Request No. 1251974  
SRO:CDT

**VIA: Appeal Portal**

Dear Mr. Erickson:

You appealed from the action of the Federal Bureau of Investigation on your request for access to certain records concerning Mohammed Atta.

After carefully considering your appeal, I am affirming the FBI's action on your request. The Freedom of Information Act provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld this information in full because it is protected from disclosure under the FOIA pursuant to 5 U.S.C. § 552(b)(7)(A). This provision concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings. While such information is not available to you under the FOIA, you may wish to contact the FBI's Office of Public Affairs. The FBI sometimes works with filmmakers on films of interest to the FBI.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between Freedom of Information Act requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510,

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HEREIN IS UNCLASSIFIED  
DATE 05-24-2017 BY J48J67T35 NSICG

- 2 -

8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 301-837-1996; toll free at 1-877-684-6448; or facsimile at 301-837-0348.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sean R. O'Neill", written over a dotted line.

Sean R. O'Neill  
Chief  
Administrative Appeals Staff

SMB

**SEHAM, SEHAM, MELTZ & PETERSEN, LLP**

ATTORNEYS AT LAW  
445 HAMILTON AVENUE, SUITE 1204  
WHITE PLAINS, NEW YORK 10601  
TEL: (914) 997-1346  
FAX: (914) 997-7125  
ssmplaw@ssmplaw.com  
www.ssmplaw.com

*Attorney*  
*Atty*

May 13, 2015

Director, Office of Information Policy (OIP)  
U.S. Department of Justice  
1425 New York Avenue, NW, Suite 11050  
Washington, D.C. 20530-0001

RECEIVED  
MAY 15 2015  
Office of Information Policy

Re: **FREEDOM OF INFORMATION APPEAL**  
FOIPA Request No.: 1322466-000  
Subject: **ATTA, MAHAMED**  
**(BOARDING FEDEX AIRCRAFT PRIOR TO 9/11 ATTACKS)**

Dear Sir/Madam:

By letter dated February 6, 2015, I submitted the above-captioned FOIA request on behalf of my client, Captain Mark Estabrook.

By letter dated March 16, 2015, David M. Hardy, Section Chief of the Record/Information Dissemination Section, denied my request because "[t]he material you requested is located in an investigative file which is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(7)(A)."

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I hereby appeal the denial. Copies of my initial request letter and the denial letter are attached hereto.

I. The FOIA Request

The February 6, 2015 FOIA request included the following request, which is the subject of this appeal:

2. All documents, investigation materials, reports, emails, recordings, media and other materials related to the boarding of FedEx aircraft in the days, weeks and months prior to and after 9-11 by Mahamed Atta, other Al Qaida members, suspects, actors, perpetrators or members of other terrorist organizations, including but not limited to FBI field agent notes and recorded interviews of all reporting FedEx pilots.

## II. The Reason for the Request

The FOIA request relates to Captain Mark Estabrook's whistleblower action against his employer, Federal Express Corporation ("FedEx").

On October 3, 2013, Captain Estabrook, a pilot employed by FedEx, filed a complaint with the U.S. Department of Labor, alleging that FedEx violated the whistleblower provisions of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century ("AIR 21"), 49 U.S.C. § 42121, as amended.

Captain Estabrook alleged that FedEx retaliated against him in response to his protected activity in seeking to bring to FedEx's attention that its policy of publishing live tracking information relating to packages and aircraft in transit violated its obligations under federal law relating to air carrier safety in that FedEx's policy had the effect of facilitating and maximizing the criminal destruction of cargo, aircraft, and human lives, by granting terrorists the ability to carefully select the timing of detonation.

## III. Reasons for Appeal

First, Mr. Hardy does not state that a search for responsive records was conducted. Nor does he provide an explanation of how many responsive records were located, no identifying information as to the responsive records and no explanation as to which records are being withheld pursuant to which specific claims of exemption. Although a *Vaughn* index is not required at this stage of the process, I request that the FBI, at a minimum, adequately describe each withheld record or category of records and set forth the exemption claimed for each record or category of records.

Second, Mr. Hardy asserts that all responsive records may be withheld from disclosure pursuant to FOIA Exemption 7(A). However, the FBI has not shown that the release of the requested records could reasonably be expected to cause some articulable harm, especially considering the individual in question has been deceased for more than a decade. DOJ Guide: 7(A). For the FBI to properly assert Exemption 7(A), it must show actual evidence, by more than a conclusory statement, how the release of the requested records will cause harm to a pending or prospective law enforcement proceeding. FBI has not satisfied its burden in demonstrating that all withheld records will cause articulable harm and consequently has erred in its determination.

Third, Mr. Hardy fails to do no more than quote the statutory language of FOIA Exemption 7(A). FBI does not provide any evidence that the records are in fact protected by the exemption. It is longstanding precedent that "an agency cannot meet its obligation simply by quoting the statutory language of an exemption." *Army Times Pub. Co. v. Department of the Air Force*, 998 F.2d 1067, 1070 (D.C. Cir. 1993) (noting that affidavits "[p]arrot[ing] the case law" were insufficient); *Voinche v. Federal Bureau of Investigation*, 412 F. Supp. 2d 60, 69 (D.D.C. 2006) (agency failed to satisfy its burden where declaration "merely quote[d] the statutory language" of an exemption).

Fourth, FOIA requires that any reasonably segregable portion of a responsive record must be released. Courts in recent years have enforced strict adherence to this requirement, placing the burden on the agency to demonstrate the necessity of withholding records in full. For instance, in *Army Times Pub Co. v. Department of the Air Force*, 998 F.2d 1067 (D.C. Cir. 1993), the D.C. Circuit Court of Appeals emphasized that the defendant agency "has the burden of demonstrating that no reasonably segregable information exists within the documents withheld." 998 F.2d at 1068. FBI has not met this burden with its withholding of all responsive records in their entirety.

In sum, FBI failed to provide me with sufficient identifying information to enable me to assess the propriety of the claimed exemption and has failed to satisfy its burden of demonstrating that all responsive records may be withheld pursuant to FOIA Exemption 7(A). I therefore respectfully appeal the FBI's determination to summarily withhold all responsive records to my FOIA request and request that the FBI conduct an adequate search for responsive records, provide me with an explanation of how many responsive records were located, re-examine its claims of exemption, provide me with all segregable, non-exempt information, and provide sufficient identifying information with respect to all material that it continues to withhold.

I respectfully appeal the FBI's determination and request that you provide me with all segregable, non-exempt material.

If you have any questions, please do not hesitate to contact me. Thank you very much.

Sincerely,

A handwritten signature in cursive script that reads "Lee Seham / 02".

Lee Seham  
Attorney for Captain Mark Estabrook  
Tel. (914) 997-1346

cc: Captain Mark Estabrook





U.S. Department of Justice  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

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DATE 05-24-2017 BY J48J67T35 NSICG

Lee Seham, Esq.  
Seham, Seham, Meltz & Petersen, LLP  
Suite 1204  
445 Hamilton Avenue  
White Plains, NY 10601  
[LSeham@ssmplaw.com](mailto:LSeham@ssmplaw.com)

Re: Appeal No. AP-2015-03846  
Request No. 1322466  
MWH:JMB

**VIA: E-mail**

Dear Mr. Seham:

You appealed on behalf of your client, Captain Mark Estabrook, from the action of the Federal Bureau of Investigation on his request for access to records concerning "the boarding of FedEx aircraft ... prior to and after 9-11 by Mahamed Atta."

After carefully considering your appeal, I am affirming the FBI's action on your client's request. The Freedom of Information Act provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly withheld this information in full because it is protected from disclosure under the FOIA pursuant to 5 U.S.C. § 552(b)(7)(A). This provision concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings.

As to your appeal concerning the adequacy of the FBI's search for responsive records subject to the FOIA, I note that the FBI conducted a search of its automated indices for variations of the name Mahamed Atta.<sup>1</sup> Accordingly, I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for such records.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your client's underlying request, and the action of the FBI in response to his request.

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<sup>1</sup> To the extent that you are appealing the adequacy of the FBI's search for responsive records for "other Al Qaida members, suspects, actors, perpetrators or members of other terrorist organizations," I note that the FBI's automated and manual indices are not indexed in such a way that a search for general categories of responsive records can be conducted. To the extent that your client seeks records concerning additional specific individuals, I suggest that your client send a new request directly to the FBI.



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

June 16, 2015

Lee Seham  
Seham, Seham, Meltz & Petersen, LLP  
Suite 1204  
445 Hamilton Avenue  
White Plains, NY 10601  
ssmplaw@ssmplaw.com

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05-24-2017 BY J48J67T35 NSICG

Re: Request No. 1322466 – Mahamed Atta

Dear Mr. Seham:

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 15, 2015.

The Office of Information Policy has the responsibility of adjudicating such appeals. 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 **AP-2015-03846**. Please mention this number in any future correspondence to this Office regarding this matter. Please note that if you provide an e-mail address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at the number above. If you have submitted your appeal through this Office's online electronic appeal portal, you may also obtain an update on the status of your appeal by logging into your portal account.

Sincerely,

Priscilla Jones  
Supervisory Administrative Specialist