**U.S. Department of Justice**

**Federal Bureau of Prisons**

*North Central Region*

*North Central Regional Office  
Kansas City, KS 66101*

September 30, 2019

Lauren White

Citizens for Responsibility and Ethics

1101 K. Street, NW, Suite 201

Washington, DC 20005

Request Number: 2019-05579

Dear Ms. White:

This is in response to the above referenced Freedom of Information Act (FOIA) request. Specifically, you request all records from February 14, 2019 to the present related to the procurement of pentobarbital, pentobarbital sodium, or Nembutal to be used in federal executions, including without limitation any notifications to or communications with vendors, solicitation information, requests for information, subcontracting leads, and contract awards.

We have determined that any records responsive to your request are categorically exempt from disclosure. Accordingly, this Office is not required to conduct a search for the requested records.  Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, records are withheld in full from disclosure to you under the following exemptions:

(b)(4) – trade secrets and commercial or financial information obtained from a person that is privileged or confidential

(b)(5) - inter- or intra-agency correspondence which would not be available to a party other than a party in litigation with the agency

(b)(6) - constitutes a clearly unwarranted invasion of personal privacy

(b)(7)(A) - could reasonably be expected to interfere with law enforcement proceedings

(b)(7)(B) - would deprive a person of a right to a fair trial or an impartial adjudication.

(b)(7)(C) - constitutes an unwarranted invasion of personal privacy

(b)(7)(E) - discloses investigative techniques and procedures

(b)(7)(F) - could reasonably be expected to endanger the life or physical safety of any individual

Please note, exemption (b)(7)(A) is a temporary exemption utilized to protect active and on-going law enforcement proceedings. Because of its temporary nature, you may wish to consider refiling your request for records in the future. Should you chose to refile your request, the status of law enforcement proceedings will be reevaluated and a determination made at that time as to the continued applicability of exemption (b)(7)(A).

If you have questions about this response please feel free to contact me at [kchristenson@bop.gov](mailto:kchristenson@bop.gov) or the Federal Bureau of Prisons’ (BOP) FOIA Public Liaison, Mr. C. Darnell Stroble at (202) 616-7750, 320 First Street NW, Suite 936, Washington DC 20534, or [ogc\_efoia@bop.gov](mailto:ogc_efoia@bop.gov).

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 Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at (202)741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20001, or you may submit an appeal through OIP's FOIAonline portal by creating an account at: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 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,



Richard M. Winter

Regional Counsel