



U.S. Department of Justice

United States Marshals Service

Office of General Counsel

Washington, DC 20530-1000

July 13, 2010

Mr. Christopher Soghoian
P.O. Box 2266
Washington, DC 20013

Re: Freedom of Information Act (FOIA) Request No. 2010USMS15459

Dear Mr. Soghoian:

The United States Marshals Service (USMS) is responding to your request for documents that reveal the legal process used by the USMS to obtain geographic location information on suspects and other individuals. In particular, you are interested in documents that describe the USMS use or reliance upon the All Writs Act to engage in information gathering or surveillance.

At the outset, it is our understanding that the U.S. Attorneys Office primarily and routinely relies upon the authority of the All Writs Act to obtain information. Therefore, the USMS is forwarding a copy of your request to William G. Stewart, II; Assistant Director; FOIA/Privacy Unit; Executive Office for U.S. Attorneys; Department of Justice; Room 7300; 600 E Street, N.W.; Washington, D.C. 20530-0001, for a determination on the existence and accessibility of any records responsive to your request.

The USMS does, at times, rely upon or cite to the All Writs Act as additional authority in court order applications seeking to obtain information (including pen registers) and/or surveillance data on subjects of investigations or individuals associated with the subject(s). However, in order for the USMS to conduct a search for the applications, you must provide us with the name(s) of the subject individual(s).

Pursuant to your request, the USMS conducted a search of its files and located policy pertaining to monitoring/surveillance operations (to obtain information); however, the policy does not reference the All Writs Act. We have been informed by headquarter's Investigative Operations Division that the policy is obsolete and the office is preparing to rewrite/revise it, which could take 30 days or longer to complete. We have not confirmed if this information is responsive to your request; but if you are interested, you may wish to submit a request at a later date.

Mr. Christopher Soghoian
July 13, 2010
Page Two

If you are dissatisfied with my action on this request, you may appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001. Your appeal must be received within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information/ Privacy Act Appeal." In the event you are dissatisfied with the results of any such appeal, judicial review will thereafter be available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia.

If you have any questions, please contact Arleta D. Cunningham at the above-referenced address or by telephone at (202) 307-9052.

Sincerely,



for William E. Bordley
Associate General Counsel/FOIPA Officer
Office of General Counsel