



U.S. Department of Justice

Executive Office for United States Trustees

Office of the General Counsel

441 G Street, N.W., Suite 6150
Washington, DC 20530

Voice - (202) 307-1399
Facsimile - (202) 307-2397

September 4, 2018

Via email only, read receipt requested:

minhalexander@aol.com

Re: EOUST FOIA # 2018-4092

Dear Dr. Alexander:

This letter responds to your request for records dated September 1, 2018, received by the United States Trustee Program (USTP) on September 4, 2018, and assigned the above-referenced tracking number for processing under the Freedom of Information Act (FOIA), Privacy Act (PA), and related rules.¹ 5 U.S.C. §§ 552 - 552a; 28 C.F.R. Pt. 16. You sought records related to healthcare Qui Tam suits.

Please be advised that the FOIA only requires agencies to provide public access to reasonably described, non-exempt agency records, and does not direct agencies to answer narrative inquiries, create documents, or conduct legal research or investigations in response to FOIA requests.²

The Executive Office for United States Trustees (EOUST) has adopted a multi-track processing system. Based upon the description of the records you sought, the EOUST determined that your request should be classified as a simple request.³ 28 C.F.R. § 16.5(b).

The EOUST processed your request in the most cost-efficient manner consistent with a fair reading of your correspondence. After a reasonable search of agency records, the EOUST

¹ The Executive Office for United States Trustees is the central FOIA processing unit for the United States Trustee Program, a Department of Justice component charged with bankruptcy oversight. 28 U.S.C. § 586; cf. 28 C.F.R. § 16.3(a) (“FOIA request[s] . . . will be considered received as of the date . . . received by the proper component’s FOIA office”).

² See *Amnesty Int’l v. CIA*, No. 07-5435, 2008 WL 2519908, at *12-13 (S.D.N.Y. June 19, 2008) (rejecting claim that agency has duty to compile list of persons it deems subjects of “secret detention” and search for records related to them in order to respond to request for “secret detention” records because, in essence, request seeks answer to question), and *Stuler v. IRS*, No. 05-1717, 2006 WL 891073, at *3 (W.D. Pa. Mar. 31, 2006) (stating that agency “is not required to create documents that don’t exist”).

³ Criteria for classification as a “simple” FOIA request includes less than one hour of search time, less than two hours of reviewing and redacting, and less than 25 pages of responsive documents.

did not locate any records responsive to your request.⁴ We did not have to make a determination on your fee status for the processing of this request in that, as search time was de-minimus, and we did not locate any records responsive to your request, we did not assess any fees in association with your request.

The USTP is a component of the Department of Justice responsible for overseeing the administration of bankruptcy cases and private estate trustees.⁵ The USTP does not maintain the records of any other component within the Department of Justice, or the records of any other federal agency. The FOIA contact for each component within the United States Department of Justice, as well as at other federal agencies, may be found at <https://www.foia.gov/#agency-search>.

Because this completes our work on your request, the EOUST is closing its file. If you disagree with the determination, you may administratively appeal this decision by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, N.W., Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this 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." If you are dissatisfied with the results of any such administrative appeal, judicial review may be available thereafter in United States District Court. 28 C.F.R. § 16.8.

In addition to your right to an administrative appeal, you may contact the EOUST FOIA Public Liaison regarding the contents of this letter by telephone at (202) 307-1399 or by e-mail at USTP.FOIA.Requests@usdoj.gov. Please mention the above-referenced FOIA tracking number in any correspondence to the EOUST. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire

⁴ For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. 5 U.S.C. § 552(c). 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.

⁵ See, e.g., 11 U.S.C. § 101, et seq.; 28 U.S.C. § 586.

about the FOIA mediation services they offer (<https://ogis.archives.gov/mediation-program/about-meditation-program.htm>). 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.

Sincerely,



Paul Bridenhagen
FOIA Counsel