



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

January 18, 2019

Via ECF

Honorable Edgardo Ramos_
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Human Rights Watch v. U.S. Central Command et al.*, No. 18-cv-11503-ER

Dear Judge Ramos:

This Office represents defendants the U.S. Central Command and a number of other military agencies or components in the above-referenced Freedom of Information Act action brought by plaintiff Human Rights Watch, seeking records relating to “alleged mistreatment or injuries of detainees held by U.S. military forces in Afghanistan.” Complaint (ECF No. 1) ¶ 3. This Office was served by mail on January 10, 2019, and defendants’ answer is due February 11, 2019. I write respectfully and with Plaintiffs’ consent to request that this case be deemed subject to the procedures set forth in a standing order entered by this Court staying (essentially) all civil matters in which this Office has appeared pending resolution of the ongoing lapse in funding to the United States Department of Justice.

On December 27, 2018, Chief Judge Colleen McMahon entered a standing order, attached hereto as Exhibit A, that stayed “all civil cases (other than civil forfeiture cases) in which the United States Attorney’s Office for the Southern District of New York has appeared as counsel of record for the United States, its agencies, and/or its employees,” until “the business day after the President signs into law a budget appropriation that restores Department of Justice funding.” Additionally, the order tolls all court deadlines for cases in which this Office has appeared “during the duration of the government shutdown and extended thereafter for a period of time equal to the number of calendar days between December 21, 2018, and the date the President signs into law a budget appropriation that restores Department of Justice funding.”

Because this Office had not entered an appearance in this FOIA matter by December 27, it is not covered by the terms of the Court’s standing order staying other civil cases similarly affected by the lapse in funding. However, because a substantial number of civil AUSAs from this Office are furloughed as a result of the lapse in appropriations, we will be hard-pressed to meaningfully prepare an answer or advance the case during the ongoing shutdown. (I have been “excepted” from the furlough to tend to matters requiring immediate attention, but there is a significant possibility that this matter ultimately will be assigned to a different AUSA once the furloughs end.) I therefore respectfully request that this matter be treated as subject to the standing order, *i.e.*, that the Court enter an order (1) staying the case until the business day after a budget appropriation is signed into law that restores funding to the Department of Justice, and (2)

