



U.S. Department of Justice

*United States Attorney
District of New Mexico*

*Post Office Box 607
Albuquerque, New Mexico 87103*

505/346-7274

FAX 505/346-7205

[date]

Honorable James O. Browning
U.S. Courthouse
333 Lomas Blvd. NW, Ste. 780
Albuquerque, NM 87102

DRAFT

Re: Lana E. Marcussen v. Tommy G. Thompson, Secretary of Health & Human Services, Gale Norton, Secretary of the Department of Interior, & John Does 1-20

USDC New Mexico Civil Action No. CIV 04-1429 JB/DJS

Dear Judge Browning:

In June the parties filed a Joint Motion to Vacate the Initial Scheduling Order and Stay the Action (Doc. 26, filed 6/23/05), and the Court entered the Stipulated Order on June 28, 2005 (Doc. 27), adding a requirement that: "The parties shall submit a report or letter to the Court by August 24, 2005, giving the status of the matter."

Since June, the government has provided additional documents to Plaintiff: "the available documents for AFDC state plans for New Mexico from 1992 to 1996" from the Department of Health & Human Services (HHS), as stated in paragraph 3 of the Motion (Doc. 26). Those materials were mailed to Plaintiff on July 14th. A copy of that transmittal letter is attached.

There were also three specific requests for documents in paragraph 6 of the Motion (Doc. 26). HHS has exhausted its search for these three categories of documents at its regional offices in Dallas and San Francisco, and in its central office in Washington, D.C., and explained to Plaintiff in a letter on August 15th that it found no responsive documents. A copy of that response letter is attached.

HHS has therefore exhausted its search for records responsive to Plaintiff's July 2004 FOIA request underlying the Complaint (attached as Exhibit A1 to Doc. 5), and HHS has also exhausted its search for the additional documents requested in the Joint Motion (Doc. 26).

The parties therefore seek dismissal of this action and enclose a Stipulation of Dismissal for the Court's consideration.

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Respectfully submitted,

DAVID C. IGLESIAS
United States Attorney

CYNTHIA L. WEISMAN
Assistant U. S. Attorney

CLW/cw
Enclosure
cc w/ encl:

Lana Marcussen
Katherine Brown, HHS
Greg Mehojah, DOI