



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

June 26, 2009

BY FACSIMILE

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007-1312

Re: *ACLU, et al., v. Department of Defense, et al.*, No. 04 Civ. 4151 (AKH);
ACLU, et al., v. Department of Justice, No. 05 Civ. 9620 (AKH)

Dear Judge Hellerstein:

We write to request a three-day extension, until July 1, 2009, to process the 35 Department of Defense ("DOD") documents within the scope of the Second Circuit's May 18, 2009 Order remanding *ACLU, et al., v. Dep't of Defense, et al.*, 08-4912-cv (2d. Cir.). Plaintiffs consent to this request and have stated that they will not consent to any further extensions.

On June 3, 2009, the Court ordered DOD to process the 35 documents by June 26, 2009, and to the extent additional information can be released from those documents, to do so on the same date. The additional time is needed for consultation within the Government regarding any potential release. This is the Government's first request for an extension of this deadline.


We also write to update the Court on the status of the Government's re-review of the Central Intelligence Agency ("CIA") Officer of Inspector General Special Review Report (the "Report"). The Court's Order of June 3, 2009 required the CIA to re-process documents within the scope of the remanded appeal, including the Report, by August 31, 2009. The Government nevertheless advised plaintiffs that it intended to complete its re-review of the Report, and to release any additional information from the Report that could be released, by June 19, 2009. Due to the need for inter-agency review of the re-processed document, the Government now intends to complete its re-review of the document by July 1, 2009.

Hon. Alvin K. Hellerstein
June 26, 2009

Thank you for your consideration.

Respectfully submitted,

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