

**J. D. OBENBERGER**  
AND ASSOCIATES  
ATTORNEYS AND COUNSELORS-AT-LAW

SUITE 400  
THREE FIRST NATIONAL PLAZA  
CHICAGO, ILLINOIS 60602

J. D. OBENBERGER  
REED LEE

☎(312) 558-6420  
FAX (312) 558-7773  
E-MAIL OBIWAN@XXXLAW.NET

July 3, 2012

Rena Y. Kim  
Chief, FOIA/PA Unit  
Suite 1127  
Keeney Building, NW  
Washington, DC 20530-0001

Via *Certified Mail*, Return Receipt Requested  
No. 7011 0470 0003 7308 3679

**Re: FOIA REQUEST. Fee waiver requested**

Dear Ms. Kim:

Title 18 United States Code Section 2257A provides, in pertinent part, as follows:

- (k) On an annual basis, the Attorney General shall submit a report to Congress—
  - (1) concerning the enforcement of this section and section 2257 by the Department of Justice during the previous 12-month period; and
  - (2) including—
    - (A) the number of inspections undertaken pursuant to this section and section 2257;
    - (B) the number of open investigations pursuant to this section and section 2257;
    - (C) the number of cases in which a person has been charged with a violation of this section and section 2257; and
    - (D) for each case listed in response to subparagraph (C), the name of the lead defendant, the federal district in which the case was brought, the court tracking number, and a synopsis of the violation and its disposition, if any, including settlements, sentences, recoveries and penalties.

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and to be provided with an authentic, wholly legible, reproduced copy of any and all such annual reports, made in compliance with the foregoing statute by the Attorney General and submitted to Congress *after* April 30, 2004. I am already in possession of the Attorney General's *Report to Congress* made on that date and do not need to see it again nor do I need to trouble you to have it reproduced again. However, I do ask that the copies you shall provide me now should be as legible as those provided to Congress; When you provided me the April 30, 2004 Report to Congress, certain content was provided in a

shaded field which did not reproduce well, and it became ultimately necessary for your office (you were Deputy Director at the time) to manually retype that information on a plain background to make it legible).

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government's operations and activities. The requestor, publishes news, analysis, and features relating to the Adult Internet, including coverage and comment on legal news and plans to publish the Annual Reports to the public online on his website.

If this request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act. I expect you to release all segregable portions of otherwise exempt material. I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees. If you do not waive the fee, I offer to pay up to \$100 for the reports.

As I am making this request as a publisher of online news - and this information is of time-sensitive value inasmuch as a Paperwork Reduction Act renewal is now pending at the Office of Management and Budget concerning the regulations promulgated by the Attorney General in implementation of these two related statutes, Title 18 United States Code Sections 2257 and 2257A. I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request because the request is highly time-sensitive. I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

J.D. Obenberger



U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

J.D. Obenberger, Esq.  
Suite 400  
Three First National Plaza  
Chicago, Illinois 60602

APR -1 2013

Re: CRM-201200555F  
KWC:AD1

Dear Mr. Obenberger:

This letter is in response to your Freedom of Information Act request dated July 3, 2012, in which you requested annual reports made pursuant to 18 U.S.C. § 2257A.

Criminal Division personnel searched the Child Exploitation and Obscenity Section, the Section most likely to maintain records responsive to your request. Thorough searches failed to locate any responsive records.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 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 requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you construe this response to be a denial of your request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001. Your appeal must be received within sixty days from the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Rena Y. Kim  
Chief  
FOIA/PA Unit

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AND ASSOCIATES  
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REED LEE

(312) 558-6420  
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E-MAIL OBIWAN@XXXLAW.NET

May 9, 2012

Hon. Melanie Ann Pustay, Director  
Office of Information and Privacy  
Department of Justice  
Suite 570, Flag Building  
Washington, DC 20530-0001

Via *Certified Mail*, Return Receipt Requested  
No. 7011 0470 0003 7308 3662

**Re: FOIA REQUEST. Fee waiver requested**

Dear Director Pustay:

Title 18 United States Code Section 2257A provides, in pertinent part, as follows:

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    - (A) the number of inspections undertaken pursuant to this section and section 2257;
    - (B) the number of open investigations pursuant to this section and section 2257;
    - (C) the number of cases in which a person has been charged with a violation of this section and section 2257; and
    - (D) for each case listed in response to subparagraph (C), the name of the lead defendant, the federal district in which the case was brought, the court tracking number, and a synopsis of the violation and its disposition, if any, including settlements, sentences, recoveries and penalties.

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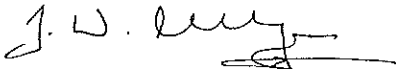
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Thank you for your assistance.

Sincerely,

  
J.D. Obenberger

Digitally signed by J D Obenberger  
DN: cn=J D Obenberger, c=US,  
o=J D Obenberger and Associates,  
email=obiwan@xxlaw.net  
Location: Chicago, IL  
Date: 2012.05.10 17:47:29 -05'00'



U.S. Department of Justice  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

Mr. J.D. Obenberger, Esq.  
J.D. Obenberger and Associates  
Three First National Plaza  
Suite 400  
Chicago, IL 60602  
[Obiwan@xxxlaw.net](mailto:Obiwan@xxxlaw.net)

JUL 02 2012

Re: OLA/12-00983 (F)  
CLM:DRH:RFO

Dear Mr. Obenberger:

This responds to your Freedom of Information Act (FOIA) request dated May 9, 2012, and received in this Office on May 30, 2012, for copies of annual reports pertaining to 18 U.S.C. § 2257A from April 30, 2004 to the present. This response is made on behalf of the Office of Legislative Affairs.

Please be advised that a search has been conducted of the electronic database of the Departmental Executive Secretariat, which maintains certain Office of Legislative Affairs records, and no records subject to the FOIA and responsive to your request were located.

For your information, the Child Exploitation and Obscenity Section (CEOS) of the Criminal Division is charged with the responsibility of enforcing 18 U.S.C. § 2257A. This component would be better able to assist you with regards to obtaining the reports the Attorney General submits to Congress concerning the enforcement of this section annually after 2004. Further information about CEOS can be found online here <http://www.justice.gov/criminal/ceos/>. Additionally, contact information for the Criminal Division can be found online at <http://www.foia.gov/report-makerequest.html>.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001. Your appeal must be received within sixty days from the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Carmen L. Mallon  
Chief of Staff