



United States  
Department of  
Agriculture

September 30, 2011

Animal and  
Plant Health  
Inspection  
Service

Terry Torrance

Legislative and  
Public Affairs

Dear Ms. Torrance:

Freedom of  
Information

This is in response to your May 26, 2011, Freedom of Information Act (FOIA) request for all documents submitted as evidence by USDA, Animal and Plant Health Inspection Service (APHIS) against Rushmore Livestock, Inc./Charles Carter in Docket No. 09-0026. Your request was received in this office on May 26, 2011, and assigned case number FOIA 11-535. We apologize for the delay in processing this request.

4700 River Road  
Unit 50  
Riverdale, MD  
20737-1232

Agency employees conducted a thorough search of their files and located 159 pages responsive to your request. With this letter, we are providing 43 pages. However, certain information is being withheld pursuant to FOIA Exemption 4, 5 U.S.C. § 552(b)(4). This exemption protects confidential business information from disclosure when release would cause substantial harm to the competitive position of an individual, a partnership or a corporation from whom the information was obtained. Specifically, we have withheld a bank account number. Additionally, information is withheld pursuant to FOIA Exemption 6, 5 U.S.C. § 552(b)(6). This exemption protects information from disclosure the release of which would cause a clearly unwarranted invasion of personal privacy. The same information is also withheld pursuant to FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C). This exemption protects from disclosure records or information collected for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. Specifically, we have withheld information pertaining to third party individuals, signatures, and agency investigators.

You may appeal our partial denial of determination. If you choose to appeal, your appeal must be in writing and must be received within 45 days of the date of this letter. Send appeal to:

Administrator  
Animal and Plant Health Inspection Service  
Ag Box 3401  
Washington, D.C. 20250-3401

If you choose to appeal, please refer to FOIA 11-535 in your appeal letter and add the words "FOIA Appeal" to the front of the envelope. To assist the Administrator in reviewing your appeal, provide specific reasons why you believe modification of the determination is warranted.



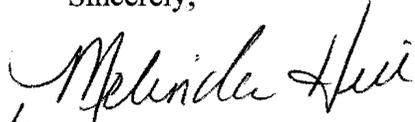
*Safeguarding American Agriculture*  
APHIS is an agency of USDA's Marketing and Regulatory Programs  
An Equal Opportunity Provider and Employer

During our review, we discovered 116 pages that originated with the Office of Administrative Law Judge (OALJ). APHIS does not have the authority to release another Federal Agency's documents. Therefore, by copy of this letter, we are referring the 116 pages and a copy of your request to the OALJ for release determination and direct response to you. If you wish to check on the status the OALJ response, please contact that agency directly using the contact information below.

Phyllis Holmes  
Office of the Administrative Law Judge  
1400 Independence Avenue, SW  
Washington, D.C. 20250-1143  
Fax: 202-720-0105  
Phone: 202- 720-0068  
Email: Phyllis.homes@dm.usda.gov

Because of the lateness of our response to your FOIA request, all fees have been waived. If you have any questions, please contact Ms. Deborah L. Leilich of my staff at (301) 734-3623.

Sincerely,



*Melinda Hui*

for Tonya G. Woods  
Director  
Freedom of Information & Privacy Act  
Legislative and Public Affairs

Enclosures

cc: OALJ