



United States  
Department of  
Agriculture

August 26, 2010

Marketing and  
Regulatory  
Programs

Candace Tremps

Animal and  
Plant Health  
Inspection  
Service

b6

Dear Ms. Tremps:

Legislative and  
Public Affairs

This is in response to your August 10, 2010, Freedom of Information Act (FOIA) request for copies of all photographic evidence for the following Horse Protection Act case: In re Mark Arnold Williams, Alice Haun, Timothy Wayne Holley d/b/a. Tim Holley Stables and Tim Holley and Son Stables, HPA. Docket No. 06-0005. Specifically, all copies of photographs of the horse "Ultimate Game" including but not limited to close-ups of forelegs and hind legs. Your request was received in this office on August 10, 2010, and assigned case number FOIA 10-617.

Freedom of  
Information

4700 River Road  
Unit 50  
Riverdale, MD  
20737-1232

Agency employees conducted a thorough search of their files. Please be advised that the Horse Protection Act case against Mark Arnold, Alice Haun, Timothy Wayne Holley d/b/a. Tim Holley Stables and Tim Holley and Son Stables, is an open IES investigation (case number AL-02008). Therefore, all records including copies of photographic evidence is being withheld pursuant to FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A). This exemption protects such information when its disclosure could reasonably be expected to interfere with enforcement proceedings. Because Exemption 7(A) protects the records from disclosure, we have not determined if other exemptions apply. Therefore, we reserve the right to assert other exemptions when Exemption 7(A) no longer applies. Moreover, we are unable to determine when the proceedings will be completed. However, you are welcome to submit a new request for this information at a later date. Please reference the IES investigation numbers in your new request.

You may appeal our denial of this information. If you choose to appeal, your appeal must be in writing and must be sent within 45 days of the date of this letter. Please send to:

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

Please refer to FOIA 10-617 in your appeal letter and add the words "FOIA Appeal" to the front of the envelope. To assist the Administrator in reviewing your appeal, please provide specific reasons why you believe modification of this initial determination is warranted.



*Safeguarding American Agriculture*

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

Candace Tremps  
FOIA 10-617

Because the cost to process your request is less than \$ 25.00, the cost has been waived. If you have any questions, please contact Ms. Lyndia Taylor of my staff at (301)734-0597.

Sincerely,

A handwritten signature in black ink that reads "Tonya G. Woods". The signature is written in a cursive style with a large, looped initial "T".

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

cc:  
FOIA Officer  
United States Department of Agriculture  
Office of Administrative Law Judges