

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMERICAN CIVIL LIBERTIES UNION and
AMERICAN OVERSIGHT,

Plaintiffs,

v.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT

Defendant.

C.A. No. 1:21-cv-10761-AK

DECLARATION OF DANIEL L. MCFADDEN, ESQ.

I, Daniel L. McFadden, hereby declare as follows:

1. I am an attorney and counsel of record for one of the plaintiffs in the action captioned above.
2. Attached hereto as Exhibit A is a true and accurate copy of a document stamped 2021-ICLI-00041 460 to 461, as provided to the plaintiffs by defendant U.S. Immigration and Customs Enforcement under a cover letter dated December 15, 2022.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: December 22, 2022

/s/ Daniel L. McFadden
Daniel L. McFadden

EXHIBIT A

From: Blank, Thomas
Sent: 24 Apr 2019 20:24:31 +0000
To: Benner, Derek N; Albence, Matthew; Kelly, Christopher S (b)(6); (b)(7)(C)
Subject: RE: HSI Boston Anticipated Indictment of District Judge

Incredible story.

Thomas Blank
Chief of Staff
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
202 732 (b)(6);
Cell 202 (b)(6);

From: Benner, Derek N
Sent: Wednesday, April 24, 2019 4:21 PM
To: Albence, Matthew (b)(6); (b)(7)(C) @ice.dhs.gov; Kelly, Christopher S (b)(6); (b)(7)(C) @ice.dhs.gov; (b)(6); (b)(7)(C) @ice.dhs.gov; Blank, Thomas (b)(6); (b)(7)(C) @ice.dhs.gov
Subject: FW: HSI Boston Anticipated Indictment of District Judge

Matt, ES attached for Boston investigation

Sent with BlackBerry Work
(www.blackberry.com)

From: (b)(6); (b)(7)(C) @ice.dhs.gov
Date: Wednesday, Apr 24, 2019, 4:02 PM
To: Benner, Derek N (b)(6); (b)(7)(C) @ice.dhs.gov
Cc: (b)(6); (b)(7)(C) @ice.dhs.gov, (b)(6); (b)(7)(C) @ice.dhs.gov, (b)(6); (b)(7)(C) @ice.dhs.gov, (b)(6); (b)(7)(C) @ice.dhs.gov, (b)(6); (b)(7)(C) @ice.dhs.gov, (b)(6); (b)(7)(C) @ice.dhs.gov, (b)(6); (b)(7)(C) @ice.dhs.gov
Subject: FW: HSI Boston Anticipated Indictment of District Judge

Sir,

Per your request. DOM OPS provided the below and attached.

(b)(6);
(b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: Wednesday, April 24, 2019 3:57 PM
To: (b)(6); (b)(7)(C) @ice.dhs.gov
Subject: HSI Boston Anticipated Indictment of District Judge

In May 2018, Homeland Security Investigations, Boston initiated an obstruction of justice investigation into members of the Newton, MA District Court, to include Defense Attorney (b)(6); (b)(7)(C) Newton, MA District Judge (b)(6); (b)(7)(C) and Court Officer (b)(6); (b)(7)(C). On March 30, 2018, (b)(6); (b)(7)(C), a Dominican Republic national, was arrested by the Newton, MA Police Department for possession of cocaine. (b)(6); (b)(7)(C) was identified as an alien previously removed from the United States based on a biometric interoperability match to his fingerprints at the time of his arrest and booking at the Newton Police Department. Based on that biometric match, the ICE/ERO Pacific Enforcement Response Center (PERC) issued an immigration detainer to the Newton Police Department notifying them of ICE's intent to arrest and detain the alien for removal purposes. Following this arrest, information revealed that members of the Newton District Court conspired to release (b)(6); (b)(7)(C) from the custody of the court, in an effort to avoid ICE's apprehension of the individual.

This is an HSI led investigation, being prosecuted by the United States Attorney's Office for the District of Massachusetts (USAO DMA). On Thursday, April 25, 2019, HSI SA (b)(6); (b)(7)(C) will provide testimony to a grand jury in the District of Massachusetts to seek an indictment of (b)(6); (b)(7)(C) in violation of 18 USC 1505, Obstruction of Proceedings before Departments, Agencies, and Committees. SA (b)(6); (b)(7)(C) will also present testimony to seek an indictment against Court Officer (b)(6); (b)(7)(C) in violation of 18 USC 1505, Obstruction of Proceedings before Departments, Agencies, and Committees and 18 USC 1001, False Statements. It is anticipated that attorney's for (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) will be contacted to arrange for their clients to appear in the DMA for the above charges.

A full Executive Summary is attached.