



**U.S. Customs and  
Border Protection**

OT: RR: FAPL  
H169215MBP

SEP 30 2011

Natasha Minsker  
Death Penalty Policy Director  
American Civil Liberties Union of Northern California  
39 Drumm Street  
San Francisco, CA 94111

Tim Redmond  
Executive Editor  
San Francisco Bay Guardian  
135 Mississippi Street  
San Francisco, CA 94107

RE: Freedom of Information Act Appeal; File No. 2011F04665

Dear Ms. Minsker and Mr. Redmond:

This letter responds to your appeal of the response you received from Dorothy Pullo, FOIA Division Director, in response to the Freedom of Information Act ("FOIA") request you submitted to Customs and Border Protection ("CBP"). In a letter dated January 4, 2011, you requested eight categories of records dealing with the importation of sodium thiopental, pancuronium bromide, and/or potassium chloride for the purpose of execution. Ms. Pullo identified 114 pages of records responsive to your request, referred three of those pages to the Drug Enforcement Administration for direct response to you, and released the remaining 111 pages to you with various redactions made pursuant to the FOIA.

This office received your letter appealing that decision on May 25, 2011. In it, you argue that the FOIA exemptions cited by the agency in effectuating its redactions were inappropriately applied and that the agency "failed to adequately search for responsive records and that additional records are in the agency's possession and should be released." We concur with your assessment. As such, we have re-evaluated and re-released the records initially provided to you by Ms. Pullo. Some of the information Ms. Pullo redacted remains redacted now. However, other applications of the exemptions have been reconsidered and additional material has been released. We also broadened and extended our search for records responsive to your request, identifying 127 pages of additional records, not including entry packages, responsive to your request.

Some of the records first identified by Ms. Pullo and some of the newly identified records have not been included in this response. These records consist of entry packages that, as discussed via conference call on September 26, 2011, are ordinarily not released to third party requesters because they contain confidential business information protected by Exemption (b)(4) of the FOIA. However, pursuant to our discussion on that conference call, this office has begun the business submitter notification process in an effort to obtain clearance from those parties with interests in maintaining the confidentiality of that information.

Attached to this letter, you will find 122 pages of newly identified records and 107 pages of previously released, but re-redacted records.<sup>1</sup> Once the business submitter notification process has concluded, we will produce a second release including as many additional records as possible.

### **The Newly Conducted Search**

In your initial request, you specifically sought:

1. Records created since January 1, 2010, of communications between any person at the CBP and any state official, employee or agent regarding the importation from another country of sodium thiopental, pancuronium bromide, and/or potassium chloride for the purpose of execution.
2. Records created since January 1, 2010, of internal communications within the CBP regarding the importation of sodium thiopental, pancuronium bromide, and/or potassium chloride by state officials for the purpose of execution.
3. Records created since January 1, 2010, of communications between any person at the CBP and any official, employee of the U.S. Food and Drug Administration regarding the importation from another country of sodium thiopental, pancuronium bromide, and/or potassium chloride for the purpose of execution.
4. Records created since January 1, 2010, of communications between any person at the CBP and any official, employee or agent of the U.S. Drug Enforcement Administration regarding the importation from another country of sodium thiopental, pancuronium bromide, and/or potassium chloride for the purpose of execution.
5. Records created since January 1, 2010, of communications between any person at the CBP and any person outside the United States, including any official, employee or agent of any foreign government, regarding the importation from

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<sup>1</sup> Five pages of newly identified records have been redacted in full pursuant to Exemption (b)(5). Records from Ms. Pullo's previous release that were found in entry packages now await the business submitter notification process for full release and have not been included here.

another country of sodium thiopental, pancuronium bromide, and/or potassium chloride for the purpose of execution.

6. Records created since January 1, 2010, of communications between any person at the CBP and any private individual regarding the importation from another country of sodium thiopental, pancuronium bromide, and/or potassium chloride by state officials for the purpose of execution.
7. Records created since January 1, 2010, regarding any actual importation of sodium thiopental, pancuronium bromide, and/or potassium chloride by state officials for the purpose of execution, including but not limited to: any CBP forms; declarations; attachments to any forms, notices of declarations; tracking records; photographs; communications of any kind including requests for exemption, expedited processing or other special treatment.
8. Any policies, procedures, manuals, internal memorandum or other records regarding CBP procedures, policies, regulations or rules for the importation of sodium thiopental, pancuronium bromide, and/or potassium chloride by state officials for the purpose of execution.

You astutely noted in your appeal that all of the records initially released by Ms. Pullo pertain only to the state of Arizona. A review of the file indicates that this was due to a misinterpretation of the request on behalf of the FOIA Division. Due to its limited scope, your appeal called for a “thorough search for all electronic and paper documents within the scope of our FOIA request.” One has now been conducted.

Taking into account that the FOIA was enacted to “ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed,” *Nat’l Labor Relations Bd. v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978), my staff and I conducted an agency-wide search to identify any records that might be responsive to your request. Queries were sent to representatives from the Office of International Trade’s Import Safety and Interagency Requirements Branch, the Office of International Trade’s Commercial Targeting and Enforcement Branch, the Office of International Trade’s Cargo Control and Release Branch, the Office of International Trade’s Trade Policy and Programs Branch, the Office of Field Operations’ Cargo Control and Release Branch, the Office of Field Operations’ Trade Operations Branch, the Office of Chief Counsel, and multiple ports of entry.

Because some governmental information is exempted from release under clearly delineated statutory language within the FOIA, 5 U.S.C. § 552(b) et seq., we then carefully examined both the newly identified records and those records already produced by Ms. Pullo. We concluded that some of those exemptions – specifically those described in subsections (b)(4), (b)(5), (b)(6), and (b)(7)(C) – applied to portions of those records. The application of those exemptions is explained in more detail below.

Attached to this letter you will find all “reasonably segregable” releasable portions of those responsive records. 5 U.S.C. §552(b). Please note that in providing these records, this office took care to follow President Barack Obama’s enunciation that “in the face of doubt, openness prevails.” As such, we “differentiate[d] among the contents of a document rather than to treat it as an indivisible ‘record’ for FOIA purposes,” *Fed. Bureau of Investigation v. Abramson*, 456 U.S. 615, 626 (1982). Only the information protected by the statutorily defined exemptions has been blacked out on your copies of the records.

Our search also identified records that may be responsive to your request that were neither created nor maintained by this agency. We have forwarded your request to both the Food and Drug Administration and the Drug Enforcement Administration for direct response to you.

### **Redactions Made Pursuant to Exemption (b)(4)**

Exemption (b)(4) protects “trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.” 5 U.S.C. §552 (b)(4). It is invoked here to protect entry information that describes shipments processed by CBP. Because this information does not relate to trade secrets, the exemption will only apply to: “(1) commercial and financial information, (2) obtained from a person or by the government (3) that is privileged or confidential.” *Watkins v. Customs & Border Prot.*, 643 F.3d 1189, 1194 (9th Cir. 2011).

The redacted information, provided by various importers, is clearly commercial. Although not all information submitted to the government by a commercial entity will be protected by Exemption (b)(4), the court interprets the term broadly and extends the exemption to cover any information in which a third party has a “commercial interest.” *Baker & Hostetler LLP v. Dep’t of Commerce*, 473 F.3d 312, 319 (D.C. Cir. 2006). The information provided here describes entry information related to the imported goods. In such cases, the provider of that information has substantial commercial interest in protecting that information. Indeed, this information “discloses intimate aspects of an importers business such as supply chains and fluctuations of demand for merchandise.” *Watkins*, 643 F.3d at 1195.

It is similarly quite clear that the information at issue here was obtained by a “person,” satisfying the second prong of Exemption (b)(4)’s requirements. Courts also interpret this prong broadly, including any information submitted by “an individual, partnership, corporation, association or public or private organization other than the agency.” *Nadler v. FDIC*, 92 F.3d 93, 95 (2d Cir. 1996). Here, the information redacted under the exemption was provided to the government by the importers whose shipments are described in the attached records. This easily fits the description of a “person” for the purposes of the statute.

Whether information submitted to a federal agency is “confidential” under Exemption (b)(4) depends on whether the information was a required or voluntary submission to the

government. If the government required submission of the information, the exemption will only protect commercial or financial material that is likely to: “(1) impair the Government's ability to obtain necessary information in the future; or (2) cause substantial harm to the competitive position of the person from whom the information was obtained.” *National Parks and Conservation Association v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974). By contrast, Exemption (b)(4) offers broader protection for any financial or commercial information provided to the Government on a voluntary basis. In such situations, information will be protected in all cases so long as “it is of a kind that a provider would not customarily release to the public.” *Critical Mass Energy Project v. Nuclear Regulatory Comm’n*, 975 F.2d 871, 872 (D.C. Cir. 1992) (en banc).

Here, the third party importers submitted certain commercial information at issue based on certain government mandates. However, because the release of this information would cause those parties substantial harm<sup>2</sup> to its competitive position in the marketplace, the information was properly redacted. Its release could disclose “importers’ entire distribution network and demand trends could be revealed” and therefore “pose[] a substantial likelihood to importers... who zealously guard their supply chains.” *Watkins*, 643 F.3d at 1195. The exemption therefore demands that this information be redacted from our release.

In your appeal, you cite to the District Court of the District of Columbia’s decision in *Racal-Milgo Gov’t Systems, Inc. v. Small Bus. Admin.*, 559 F. Supp. 4 (1981), to stand for the proposition that “the amount of money the government spends on lethal injection drugs is not privileged or confidential commercial or financial information or a trade secret.” There, the court concluded that a government agency could not withhold the terms of a contract entered into by that agency because “disclosure of prices charged the Government is a cost of doing business with the Government.” *Id.* at 5.

The facts of this case differ greatly from *Racal-Milgo* in at least one significant manner. This request is not for details of a commercial transaction entered into by the agency responding to the FOIA request. Rather, the contract is between two entities outside of the federal government, neither of whom are subject to the terms of the FOIA.

We do agree with your assertion that “the public has a right to know how and why a *government agency* decided to spend public funds as it did” (emphasis added). However, the records responsive to your request shed no light on how a *government agency* allocated public funds. Rather, they would disclose the terms of an international business transaction made between an importer and an exporter. These are of the exact type of records that are protected by Exemption (b)(4).

### **Redactions Made Pursuant to Exemption (b)(5)**

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<sup>2</sup> Establishing substantial competitive harm does not require a government agency to prove that actual competitive harm has or will result from disclosure. *National Parks and Conservation Ass’n v. Kleppe*, 547 F.2d 673, 679 (D.C. Cir.1976).

Exemption (b)(5) has been invoked here to withhold information that ordinarily would be protected by the attorney client privilege and information that represents the interpretations, opinions, and recommendations made by CBP employees in assessing and creating intra-agency policy regarding the importation of chemicals used in enforcing the death penalty.

The exemption was designed to “protect the quality of agency decision-making by preventing the disclosure requirement of the FOIA from cutting off the flow of information to agency decisionmakers,” *Mead Data Cent., Inc. v. United States Dep’t of the Air Force*, 566 F.2d 242, 252 (D.C. Cir. 1977), and covers “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” § 552(b)(5). It exempts “those documents, and only those documents, normally privileged in the civil discovery context.” *Nat’l Labor Relations Bd. v. Sears Roebuck & Co.*, 421 U.S. 132, 149 (1975). Courts have incorporated civil discovery privileges such as the attorney work-product, attorney-client and deliberative process privileges in this exemption. *Judicial Watch v. Dep’t of Homeland Sec.*, 2010 WL 3564260 (D.D.C. 2010).

### **Redactions Made to Protect the Attorney-Client Relationship**

Keeping in mind that “even the finest attorney [] is no better than the information which his client provides,” among the documents that fall within that scope are “confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice.” *Mead Data Cent.*, 566 F.2d at 252 (D.C. Cir. 1977). Thus, to invoke the privilege, an agency must show that the document “(1) involves ‘confidential communications between an attorney and [his or her] client’ and (2) relates to a ‘legal matter for which the client has sought professional advice.’” *Judicial Watch, Inc. v. U.S. Postal Serv.*, 297 F. Supp. 2d 252, 267 (D.D.C. 2004) (internal citations omitted).

Here, this exemption has been applied to withhold portions of e-mail chains between attorneys in CBP’s Office of Chief Counsel and various CBP employees charged with creating intra-agency policy regarding the importation of chemicals used in enforcing the death penalty<sup>3</sup> and memoranda crafted by those attorneys. The e-mails include information submitted to the attorney in the interest of obtaining legal advice related to the creation of that policy and the “opinions given by an attorney to his client based upon, and thus reflecting, those facts.” *Elec. Privacy Info. Ctr. v. Dep’t of Homeland Sec.*, 384 F. Supp. 2d 100, 114 (D.D.C. 2005). This discussion fits squarely within the bounds of the exemption and has been properly redacted.

### **Redactions Made to Protect the Deliberative Process**

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<sup>3</sup> That the e-mails were sent to multiple CBP employees does not break confidentiality. “Where the client is an organization, the privilege extends to those communications between attorneys and all agents or employees of the organization who are authorized to act or speak for the organization in relation to the subject matter of the communication.” *Mead Data Cent.*, 566 F.2d at 253, n. 24.

The rationale behind the deliberative process privilege is that public disclosure of deliberative, predecisional documents would prevent “the full and frank exchange of ideas” from “flowing freely” within government agencies. *Mead Data Cent.*, 566 F.2d at 256. Indeed, in applying the privilege in an analogous context, the Supreme Court recognized that “[h]uman experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances... to the detriment of the decisionmaking process.” *United States v. Nixon*, 418 U.S. 683, 705 (1974).

The privilege therefore “serves to assure agency employees that they can provide a decisionmaker with their uninhibited opinion without fear of public scrutiny, to prevent premature disclosure of proposed policies, and to protect against public confusion through the disclosure of document advocating or discussing reasons for policy decisions that were ultimately not adopted.” *Kidd v. Dep’t of Justice*, 362 F. Supp. 2d 291, 296 (D.D.C. 2005). As is the case here, because the exemption protects the deliberative process and not necessarily the substance of the records, it continues to apply even after the agency has made a final determination on the subject matter the records address. *Elec. Privacy Info. Ctr. v. Dep’t of Homeland Sec.*, 384 F. Supp. 2d 100, 112-113 (D.D.C. 2005) (“Contrary to plaintiff’s assertion that materials lose their Exemption 5 protection once a final decision is taken, it is the document’s role in the agency’s decision-making process that controls”).

To invoke the privilege, the records must be both predecisional and deliberative. *Wolfe v. Dep’t of Health & Human Servs.*, 839 F.2d 768, 774 (D.C. Cir. 1988). A predecisional record is one that is “antecedent to the adoption of an agency policy.” *Elec. Privacy Info. Ctr.*, 384 F. Supp. 2d at 112. That is, it must be generated as part of a continuing process of agency decision-making. *Nat’l Ass’n of Home Builders v. Norton*, 309 F.3d 26, 39 (D.C. Cir. 2002) (holding that a document is predecisional if it was prepared to assist an agency in arriving at a decision, rather than supporting a decision already made).

A deliberative process is one that plays “a direct part of the deliberative-process in that it makes recommendations or express opinions on legal or policy matters.” *Public Citizen, Inc. v. Office of Mgmt. and Budget*, 598 F.3d 865, 876 (D.C. Cir. 2009). The “key question” in identifying “deliberative” material is whether disclosure of the information would “discourage candid discussion within the agency.” *Access Reports v. Dep’t of Justice*, 926 F.2d 1192, 1195 (D.C. Cir. 1991).

In the instant case, Exemption (b)(5) protects internal memoranda, electronic communications and meeting notes that created an intra-agency policy regarding the importation of death penalty drugs. These communications capture CBP employees’ opinions and analysis of prospective agency policy. These recommendations and opinions are of the exact type of records contemplated by Congress in enacting Exemption 5. *Sears*, 421 U.S. at 150 (noting that the “focus” of the Exemption is on records “reflecting advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated”). The release of these internal documents would “stifle honest and frank communication within” CBP, and potentially prevent the free flow of information from reaching key

decisionmakers within the agency. *Coastal States Gas Corp. v. Dep't of Energy*, 617 F.2d 854, 866 (D.C. Cir. 1980). Doing so would inevitably result in diminished work product, uneven or inappropriate application of customs laws, and potential confusion regarding agency policies.

That said, we have not withheld all of the information in the records that technically falls within the bounds of the exemption. For instance, many of the pages initially withheld were drafts of the final order in the ruling referenced in your FOIA request. Courts have routinely found that draft documents fall squarely within the bounds of Exemption (b)(5). See e.g., *Abdelfattah v. Dep't of Homeland Sec.*, 488 F.3d 178 (3d Cir. 2007). However, in light of Attorney General Eric Holder's instructions to "not withhold records merely because it can demonstrate, as a technical matter, that the records fall within the scope of a FOIA exemption," we have released a great deal of information that falls within the scope of Exemption (b)(5). We have released as much of those records as possible – the only information we continue to withhold is that which does not reflect the agency's ultimate policy regarding the import of death penalty drugs and therefore presents an identifiable harm to the deliberative process.

#### **Redactions Made Pursuant to Exemption (b)(6) and (b)(7)(C)**

Exemptions (b)(6) and (b)(7)(C) both relate to protecting personal privacy and have been invoked here only to protect personally identifying information of the CBP employees and other third parties who appear in CBP records. Under the FOIA, privacy encompasses the "individual's control of information concerning his or her person." *Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 763 (1989). Exemption (b)(6) protects "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6). Exemption (b)(7)(C) excludes records or information compiled for law enforcement purposes, but only to the extent that the production of such materials "could reasonably be expected to constitute an unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(7)(C).

To determine whether this information ought to be withheld under either exemption, an agency must balance the privacy interests involved against the public interest in disclosure. *Reporters Comm. for Freedom of the Press*, 489 U.S. at 762. In this case, both Exemptions (b)(6) and (b)(7)(C) are asserted to protect the identities and contact information of CBP employees and third parties who appear in CBP records. The primary consideration is to protect CBP employees from unnecessary "harassment and annoyance in the conduct of their official duties and in their private lives," which could conceivably result from the public disclosure of their identity. *Nix v. U.S.*, 572 F.2d 998, 1006 (4th Cir. 1978). These exemptions are similarly invoked to protect third parties whose identities may be revealed from the comment, speculation and stigmatizing connotation associated with being identified in a law enforcement record. *Lesar v. Dep't of Justice*, 636 F. 2d 472 (D.C. Cir. 1980).

As you correctly note in your appeal, as a threshold requirement, Exemption (b)(6) can only be applied to "personnel and medical and similar files." 5 U.S.C. § 552(b)(6).



However, the range of documents falling within these categories is interpreted broadly so as to include all government records “which can be identified as applying to that individual.” *Dep’t of State v. Washington Post*, 456 U.S. 595, 602 (1982) (quoting H. R. Rep. No. 1497, 89th Cong., 2nd Sess., 11 (1966)). Once this threshold is met, the issue becomes whether disclosure of the information at issue “would constitute a clearly unwarranted invasion of personal privacy,” *Rose*, 425 U.S. at 373, an undertaking that requires balancing the privacy interests of the individual against the public interest in disclosure. That balance can be properly struck where “personal references or other identifying information [are] deleted.” *Id.* at 380.

In order to compel release of materials, there must be at least some public interest in their disclosure because “something, even a modest privacy interest outweighs nothing every time.” *Cappabianca v. U.S. Customs Serv.*, 847 F. Supp. 1558, 1564 (M.D. Fl. 1994). Indeed, “mere speculation about hypothetical public benefits,” *Dep’t of State v. Ray*, 502 U.S. 164, 178 (1991), will not suffice. There must be some public interest in disclosure, and it must reflect FOIA's core purpose of “shedding light on an agency's performance of its statutory duties.” *Reporters Committee*, 489 U.S. at 749. In this case, you do not argue what benefits to the public might stem from releasing the personally identifying information of CBP employees and third parties. However, it seems that its release, on its own, is unlikely to further the goals of the FOIA, namely “to open agency action to the light of public scrutiny.” *Rose*, 425 U.S. at 372.

To be clear, the only information withheld from disclosure under either of the privacy exemptions are names, phone numbers, and e-mail addresses of those individuals identified in the attached records. None of the information redacted pursuant to Exemption (b)(6) or (b)(7)(C) has any relation to government operations. The identity of these individuals would not provide any insight whatsoever regarding agency action. And so, without any genuine, public interest, there is little reason to identify the third parties found in these documents. Accordingly, Exemption (b)(6) has been applied here to withhold personally identifying information found within the attached records.

Although the protections available under Exemption (b)(7)(C) are not the same as Exemption (b)(6), the analysis is the same, requiring the balance of the privacy interests involved against the public interest in disclosure. *Lewis v. Dep’t of Justice*, 609 F.Supp.2d 80, 84 (D.D.C. 2009). However, because exemption (b)(7)(C) contains broader protections than exemption (b)(6)<sup>4</sup>, the two exemptions differ in the “magnitude of the public interest that is required” to overcome the privacy interests involved, with an extra thumb on scale in favor of redaction once Exemption (b)(7)(C) privacy issues are implicated. *Dep’t of Defense v. Fed. Labor Relations Auth.*, 510 U.S. 487, 496 n.6 (1994).

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<sup>4</sup> Exemption (b)(7)(C)'s privacy language is broader than the comparable language in Exemption (b)(6) in two respects. First, whereas Exemption (b)(6) requires that the invasion of privacy be “clearly unwarranted,” the adverb “clearly” is omitted from Exemption (b)(7)(C). Second, whereas Exemption 6 refers to disclosures that “would constitute” an invasion of privacy, Exemption (b)(7)(C) encompasses any disclosure that “could reasonably be expected to constitute” such an invasion. *Dep’t of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. at 762

Like Exemption (b)(6), Exemption (b)(7)(C) has also been found to protect the privacy interests of all persons mentioned in law enforcement records, including investigators, suspects, witnesses and informants. *Lewis*, 609 F. Supp. 2d at 84. The privacy interest at play under Exemption (b)(7)(C) in protecting the third party information located in law enforcement documents is so strong, though, that courts have found that such information is “categorically exempt” from production “unless access to the names and addresses of private individuals... is necessary in order to confirm or refute compelling evidence that the agency is engaged in illegal activity.” *SafeCard Services, Inc. v. U.S. Sec. & Exchange Comm’n.*, 926 F.2d 1197, 1206 (D.C. Cir. 1991).

Once the threshold requirement that the information be found in “law enforcement” records is met<sup>5</sup> and the privacy interests described in Exemption (b)(7)(C) are triggered, the onus shifts to the requester to show government misconduct. *Nat’l Archives & Records Admin. v. Favish*, 541 U.S. 157, 172 (2004). That showing must be “more than a bare suspicion” of official misconduct – it must “warrant a belief by a reasonable person that the alleged Government impropriety might have occurred.” *Id.* at 174. Otherwise, the balancing requirement does not come into play. *Boyd v. Dep’t of Justice*, 475 F.3d 381, 388 (D.C. Cir. 2007). Having determined that some of these records were compiled law enforcement purposes and without any evidence indicating misconduct, information that could identify CBP employees and third parties has been redacted.

In your appeal, you raise the issue that FOIA Division’s application of the personal privacy exemptions is at best “imprecise.” We tend to agree. However, we do so while making several other observations.

First, some of the perceived inconsistency arises from disparate agency policy and interpretation of the personal privacy exemptions. Notably, the FDA does not remove the names and contact information of any public employees. CBP, however, only releases that information when presented evidence that doing so would further the specifically identified purpose of FOIA, to “open agency action to the light of public scrutiny,” or when the records identify higher level personnel deemed to have a diminished interest in their own personal privacy. Here, we have concluded that there is no evidence that the names and contact information of our employees and third parties who appear in our records furthers that interest. In accordance with their policies, FDA employee names and contact information have not been redacted. However, CBP and third-party names and contact information have been redacted, unless they belong to higher-level personnel.

Second, Ms. Pullo’s “imprecise” redactions do not waive the personal privacy interests of those identified in the release. Indeed, “[o]nly the individual whose informational

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<sup>5</sup> It is well established that CBP has a law enforcement mandate. *Coastal Delivery Corp. v. U.S. Customs Serv.*, 272 F. Supp. 2d 958, 963 (C.D. Cal. 2003). The records in this case were compiled for the purpose of enforcing this nation’s international trade laws. These records include e-mail discussions, meeting notes, and memoranda interpreting and enforcing U.S. customs and border protection laws. Exemption (b)(7)(C) has only been invoked in related to these records which were created in clear furtherance of the agency’s law enforcement mandate.

privacy interests are protected by Exemption 6 can effect [sic] a waiver of those privacy interests.” *Sherman v. Dep’t of the Army*, 244 F.3d 357, 363 (5th Cir. 2001). See also *Fiduccia v. Dept. of Justice*, 185 F.3d 1035, 1047 (9th Cir. 1999) (concluding that Justice Department did not waive individual’s privacy interest in investigation files recognized in Exemption (b)(7)(C) by notifying public of ongoing criminal investigation involving individual); *Halpern v. Fed. Bureau of Investigation*, 181 F.3d 279, 297 (2d Cir. 1999) (“Confidentiality interests [under exemption 7(C)] cannot be waived through prior public disclosure or the passage of time.”); *Computer Prof’ls for Soc. Responsibility v. Secret Serv.*, 72 F.3d 897, 904 (D.C.Cir. 1996) (recognizing that only individual with privacy interest in information could waive that interest for purposes of exemption (b)(7)(C)); *Massey v. Fed. Bureau of Investigation*, 3 F.3d 620, 624 (2nd Cir. 1993) (“We are not convinced that the doctrine of waiver applies to [E]xemption (b)(7)(C).”); *Kiraly v. Fed. Bureau of Investigation*, 728 F.2d 273, 279 (6th Cir. 1984) (rejecting argument that by testifying in a trial related to a police investigation, an individual waived any privacy interest in FBI investigation records protected from public dissemination by Exemption (b)(7)(C)).

Third, we do agree that Ms. Pullo’s use of the personal privacy exemptions was “over-inclusive.” As such, as you requested, we have released “the names of states, cities, government addresses, government e-mail domain names,... government officials’ titles,” and “area code[s] for all phone numbers” contained in the records.

In the event that you are dissatisfied with the disposition of your appeal, you may obtain judicial review of this decision pursuant to the provisions of 5 U.S.C. §552(a)(4)(B) in the United States District Court in the District in which you reside, in the District where the agency records are situated, or in the United States District Court for the District of Columbia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at [ogis@nara.gov](mailto:ogis@nara.gov) or call 1-877-684-6448.

Sincerely,



Shari Suzuki, Chief  
FOIA Appeals, Policy and Litigation Branch

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

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 4:26 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: AZ Department of Corrections importation - FOIA

-----Original Message-----

**From:** (b)(6) (b)(7)(C)  
**Sent:** Thursday, January 06, 2011 2:04 PM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: AZ Department of Corrections importation - FOIA  
**Importance:** High

FYI.

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

(b)(6) (b)(7)(C) Import Specialist  
U. S. Customs and Border Protection  
3002 E. Old Tower Rd., Suite 400  
Phoenix, Arizona 85034  
(602) 914-1400 Ext. (b)(6) (b)(7)(C)  
(602) 914-1427 Fax  
(b)(6) (b)(7)(C)@dhs.gov

-----Original Message-----

**From:** (b)(6) (b)(7)(C)  
**Sent:** Tuesday, September 28, 2010 10:51 AM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** RE: AZ Department of Corrections importation

thanks

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

Senior Import Specialist  
Phoenix Port of Entry  
Office of Field Operations  
U.S. Customs and Border Protection  
Phone: 602-91401400 Ext. (b)(6) (b)(7)(C)  
Fax: 602-914-1427

-----Original Message-----

**From:** (b)(6) (b)(7)(C)  
**Sent:** Tuesday, September 28, 2010 10:49 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** DEAN, MICHAEL K  
**Subject:** RE: AZ Department of Corrections importation  
**Importance:** High

Hi (b)(6) (b)(7)(C)

As per NIS (b)(6) (b)(7)(C) the 164/ next to HTS 2933.39.4100 is an "end note" to chapter 29. It refers you to HTS 9902.22.02 which provides for a cancer drug. This provision expired on 12/31/09. So this end note does not apply to what it's being imported. He also said to say hello to you. :-) Let me know if you have any questions.

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

-----Original Message-----

**From:** (b)(6) (b)(7)(C)  
**Sent:** Monday, September 27, 2010 9:19 AM  
**To:** (b)(6) (b)(7)(C)

Subject: RE: AZ Department of Corrections importation

Thanks....

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

Senior Import Specialist  
Phoenix Port of Entry  
Office of Field Operations  
U.S. Customs and Border Protection  
Phone: 602-91401400 Ext. (b)(6) (b)(7)(C)  
Fax: 602-914-1427

-----Original Message-----

From: (b)(6) (b)(7)(C)  
Sent: Monday, September 27, 2010 9:18 AM  
To: (b)(6) (b)(7)(C)  
Subject: RE: AZ Department of Corrections importation

HTS 3004.90.9130

-----Original Message-----

From: (b)(6) (b)(7)(C)  
Sent: Friday, September 24, 2010 4:54 PM  
To: (b)(6) (b)(7)(C)  
Subject: AZ Department of Corrections importation  
Importance: High

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

We have been asked to provide the HTS to (b)(6) (b)(7)(C) at ACB for the three drugs that AZ Department of Corrections will be importing. I got two, but can't find the other. Could you check my classifications and then try to find the Thiopental Sodium?

- 1) Thiopental Injection (thiopental sodium, powder). It is a barbiturate anesthetic agent; I believe a CAS number 71-93-8.
- 2) Pancuronium Bromide - 2933.39.4100 per NY J84711.
- 3) Potassium Chloride - 3104.20.000

Thanks,

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

Senior Import Specialist  
Phoenix Port of Entry  
Office of Field Operations  
U.S. Customs and Border Protection  
Phone: 602-91401400 Ext. (b)(6) (b)(7)(C)  
Fax: 602-914-1427

-----Original Message-----

From: DEAN, MICHAEL K  
Sent: Friday, September 24, 2010 1:27 PM  
To: Thomas, David  
Cc: (b)(6) (b)(7)(C)  
Subject: RE: Pharmaceuticals from Dream Pharma, LTD. of London, England

Hmmm, I guess they aren't using FedEx like they said at first...

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
Sent: Friday, September 24, 2010 11:49 AM

TO: (b)(6)(b)(7)(C); DEAN, MICHAEL A.  
Cc: Strickland, Evanguel; Solis, Daniel; Van Houten, David P  
Subject: FW: Pharmaceuticals from Dream Pharma, LTD. of London, England  
Importance: High

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

We are in receipt of your communication below, thank you. I am pleased to see you have negotiated an expedient pathway to importing the product from Dream Pharma, London, England.

We will be vigilant of the entry, once transmitted by ABI, by your choice of U.S. Custom's Brokerages early next week. Please be aware; over the weekends, I regularly check my phone messages and emails; therefore, please feel free to relate any further concerns.

Respectfully,

David Thomas, DCM  
FDA Investigations  
Phoenix, Office  
480-829-7396 x 12

-----Original Message-----

From: (b)(6)(b)(7)(C) [mailto:(b)(6)(b)(7)(C)@azcorrections.gov]  
Sent: Friday, September 24, 2010 11:34 AM  
To: Thomas, David  
Subject: RE: Pharmaceuticals from Dream Pharma, LTD. of London, England

Dave:

Thank you again for all of your professional and immediate assistance on this critical and time-sensitive issue. For your information, I have permission from the Director to contract with a Customs Broker in order to expedite the delivery of our shipment from London. The Broker we are working with is Arizona Customs Brokers and my contact there is (b)(6)(b)(7)(C) who has also been most helpful in ensuring we get the process done correctly, starting in London.

Please let me know if I can be of assistance in any way.

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

>>> "Thomas, David" <David.Thomas@fda.hhs.gov> 9/24/2010 9:54 AM >>>  
(b)(6)(b)(7)(C)

I am off today; however here is my personal Blackberry number for immediate contact. Please do not give this number to anyone else.

Blackberry 602-(b)(6)(b)(7)(C)

I'd appreciate your discretion.

Dave Thomas  
FDA Imports  
Phoenix, AZ

-----Original Message-----

From: (b)(6)(b)(7)(C) [mailto:(b)(6)(b)(7)(C)@azcorrections.gov]  
Sent: Friday, September 24, 2010 9:31 AM  
To: MICHAEL K' DEAN; Thomas, David  
Cc: CHARLES RYAN; ROBERT PATTON; HEATHER L FROESE; RENE A ALVAREZ; SIMONE A ALVAREZ; JON W EALES; Solis, Daniel; Strickland, Evanguel  
Subject: RE: Pharmaceuticals from Dream Pharma, LTD. of London, England

This is (b)(6) (b)(7)(C) the Deputy Director at ADC. Thank you for your assistance on this critical issue. If you are able, I would appreciate a call, or a number that I can reach you at. I am anticipating the shipment to day, and will pass on all of the information possible. I am hearing that FedEx may be processing this shipment through Memphis TN.

My numbers are:

(602) (b)(6) (b)(7)(C) (office direct)  
(602) (b)(6) (b)(7)(C) (blackberry)  
(602) (b)(6) (b)(7)(C) (office general)

Thank you again.

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

>>> "Thomas, David" <David.Thomas@fda.hhs.gov> 9/24/2010 9:20 AM >>>  
Michael:

I am in receipt of your correspondence and attachments. There will be no FDA detention or inspection of these products. Please advise the entry number so that I may ensure a quick FDA release.

Respectfully,

Dave Thomas  
FDA Imports  
Phoenix, AZ

-----Original Message-----

From: DEAN, MICHAEL K [mailto:michael.dean@dhs.gov]  
Sent: Thursday, September 23, 2010 4:49 PM  
To: (b)(6) (b)(7)(C)  
Cc: Thomas, David; (b)(6) (b)(7)(C)  
Subject: FW: Pharmaceuticals from Dream Pharma, LTD. of London, England

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

I have received your information regarding the pharmaceuticals the State of Arizona has ordered from England for an upcoming execution and am copying our local FDA official, Dave Thomas. As long as FDA has no issues, you should not have any problems with Customs clearance, especially since you are using an express courier that provides an in-house customs broker. I was reminded that FedEx probably won't fly the shipment directly to Phoenix from England and may choose to clear the shipment at another port of entry--perhaps their hub in Memphis, TN.

In case you wanted to speak with a local FedEx contact, the individuals we usually deal with are (b)(6) (b)(7)(C) (I don't have their last names) at 602 (b)(6) (b)(7)(C)

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
Sent: Thursday, September 23, 2010 4:13 PM  
To: DEAN, MICHAEL K  
Subject: Pharmaceuticals from Dream Pharma, LTD. of London, England

Good Afternoon Assistant Port Director Dean:

*Amala*

Thank you so much for your assistance with this matter. I have attached to this email a copy of the letter what will be shipped with the pharmaceuticals. It also includes the Department of Corrections' "Substance Control Registration Certificate". The second attachment is a list of the items that will be shipped to our facility; to include quantities purchased.

Once again, thank you again for your assistance. Should you require additional information, please do not hesitate to contact me. Here is my information:

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

Deputy Director  
Arizona Department of Corrections  
1601 W. Jefferson - MC 445  
Phoenix, Arizona 85007

(602) (b)(6) (b)(7)(C) Office  
(602) Cell  
(602) Fax

(b)(6) (b)(7)(C) azcorrections.gov



**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 4:26 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: HTS 2933.39.4100 Footnote - FOIA

---

**From:** (b)(6) (b)(7)(C)  
**Sent:** Thursday, January 06, 2011 2:03 PM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C); DEAN, MICHAEL K; (b)(6) (b)(7)(C)  
**Subject:** FW: HTS 2933.39.4100 Footnote - FOIA  
**Importance:** High

FYI.

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

(b)(6) (b)(7)(C) Import Specialist  
U. S. Customs and Border Protection  
3002 E. Old Tower Rd., Suite 400  
Phoenix, Arizona 85034  
☎ (602) 914-1400 Ext. (b)(6) (b)(7)(C)  
☎ (602) 914-1427 Fax  
✉ (b)(6) (b)(7)(C) @dhs.gov

---

**From:** (b)(6) (b)(7)(C)  
**Sent:** Monday, September 27, 2010 12:05 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** RE: HTS 2933.39.4100 Footnote

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

Should it be 159/ ?

(b)(6) (b)(7)(C)  
Senior Import Specialist  
Phoenix Port of Entry  
Office of Field Operations  
J.S. Customs and Border Protection  
Phone: 602-91401400 Ext. (b)(6) (b)(7)(C)  
Fax: 602-914-1427

---

**From:** (b)(6) (b)(7)(C)  
**Sent:** Monday, September 27, 2010 10:45 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** HTS 2933.39.4100 Footnote  
**Importance:** High

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

was wondering if you could tell what the Footnote 160/ next to the duty rate on HTS 2933.39.4100/6.5% means. I could not find any 99 number associated with this HTS. Your help is greatly appreciated.

/10/2011

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

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

Import Specialist

U. S. Customs and Border Protection  
3002 E. Old Tower Rd., Suite 400  
Phoenix, Arizona 85034

☎ (602) 914-1400 Ext. (b)(6) (b)(7)(C)

☎ (602) 914-1427 Fax

✉ (b)(6) (b)(7)(C) @dhs.gov

/10/2011

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

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 4:26 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: AZ Department of Corrections importation

-----Original Message-----

**From:** (b)(6) (b)(7)(C)  
**Sent:** Thursday, January 06, 2011 1:56 PM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C); DEAN, MICHAEL K; (b)(6) (b)(7)(C)  
**Subject:** FW: AZ Department of Corrections importation  
**Importance:** High

FYI.

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

(b)(6) (b)(7)(C) Import Specialist  
U. S. Customs and Border Protection  
3002 E. Old Tower Rd., Suite 400  
Phoenix, Arizona 85034  
(602) 914-1400 Ext. (b)(6) (b)(7)(C)  
(602) 914-1427 Fax  
(b)(6) (b)(7)(C)@dhs.gov

-----Original Message-----

**From:** (b)(6) (b)(7)(C)  
**Sent:** Monday, September 27, 2010 9:19 AM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** RE: AZ Department of Corrections importation

Thanks....

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

Senior Import Specialist  
Phoenix Port of Entry  
Office of Field Operations  
U.S. Customs and Border Protection  
Phone: 602-91401400 Ext. (b)(6) (b)(7)(C)  
Fax: 602-914-1427

-----Original Message-----

**From:** (b)(6) (b)(7)(C)  
**Sent:** Monday, September 27, 2010 9:18 AM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** RE: AZ Department of Corrections importation

HTS 3004.90.9130

-----Original Message-----

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, September 24, 2010 4:54 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** AZ Department of Corrections importation  
**Importance:** High

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

We have been asked to provide the HTS to (b)(6) (b)(7)(C) at ACB for the three drugs that AZ Department of Corrections will be importing. I got two, but can't find the other. Could

- 1) Thiopental Injection (thiopental sodium, powder). It is a barbiturate anesthetic agent; I believe a CAS number 71-93-8.
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- 3) Potassium Chloride - 3104.20.000

Thanks,

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

Senior Import Specialist  
Phoenix Port of Entry  
Office of Field Operations  
U.S. Customs and Border Protection  
Phone: 602-91401400 Ext (b)(6) (b)(7)(C)  
Fax: 602-914-1427

-----Original Message-----

From: DEAN, MICHAEL K  
Sent: Friday, September 24, 2010 1:27 PM  
To: Thomas, David  
Cc: (b)(6) (b)(7)(C)  
Subject: RE: Pharmaceuticals from Dream Pharma, LTD. of London, England

Hmmmm, I guess they aren't using FedEx like they said at first...

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
Sent: Friday, September 24, 2010 11:49 AM  
To: (b)(6) (b)(7)(C) DEAN, MICHAEL K  
Cc: Strickland, Evanguel; Solis, Daniel; (b)(6) (b)(7)(C)  
Subject: FW: Pharmaceuticals from Dream Pharma, LTD. of London, England  
Importance: High

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We are in receipt of your communication below, thank you. I am pleased to see you have negotiated an expedient pathway to importing the product from Dream Pharma, London, England.

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Respectfully,

David Thomas, DCM  
FDA Investigations  
Phoenix, Office  
480-829-7396 x 12

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
Sent: Friday, September 24, 2010 11:34 AM  
To: Thomas, David  
Subject: RE: Pharmaceuticals from Dream Pharma, LTD. of London, England

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Please let me know if I can be of assistance in any way.

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

>>> "Thomas, David" <David.Thomas@fda.hhs.gov> 9/24/2010 9:54 AM >>>

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I am off today; however here is my personal Blackberry number for immediate contact. Please do not give this number to anyone else.

Blackberry 602-(b)(6) (b)(7)(C)

I'd appreciate your discretion.

Dave Thomas  
FDA Imports  
Phoenix, AZ

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]

Sent: Friday, September 24, 2010 9:31 AM

To: MICHAEL K' DEAN; Thomas, David

Cc: (b)(6) (b)(7)(C)

(b)(6) (b)(7) JOLIS, Daniel, Strickland, Evanguel

Subject: RE: Pharmaceuticals from Dream Pharma, LTD. of London, England

Dave:

This is (b)(6) (b)(7)(C) the Deputy Director at ADC. Thank you for your assistance on this critical issue. If you are able, I would appreciate a call, or a number that I can reach you at. I am anticipating the shipment to day, and will pass on all of the information possible. I am hearing that FedEx may be processing this shipment through Memphis TN.

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Thank you again.

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

>>> "Thomas, David" <David.Thomas@fda.hhs.gov> 9/24/2010 9:20 AM >>>

Michael:

I am in receipt of your correspondence and attachments. There will be no FDA detention or inspection of these products. Please advise the entry number so that I may ensure a quick FDA release.

Respectfully,

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

FDA Imports  
Phoenix, AZ

-----Original Message-----

From: DEAN, MICHAEL K [mailto:michael.dean@dhs.gov]

Sent: Thursday, September 23, 2010 4:49 PM

To: (b)(6) (b)(7)(C)

Cc: Thomas, David; (b)(6) (b)(7)(C)

Subject: FW: Pharma

Mr. (b)(6) (b)(7)(C)

I have received your information regarding the pharmaceuticals the State of Arizona has ordered from England for an upcoming execution and am copying our local FDA official, Dave Thomas. As long as FDA has no issues, you should not have any problems with Customs clearance, especially since you are using an express courier that provides an in-house customs broker. I was reminded that FedEx probably won't fly the shipment directly to Phoenix from England and may choose to clear the shipment at another port of entry--perhaps their hub in Memphis, TN.

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Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]

Sent: Thursday, September 23, 2010 4:13 PM

To: DEAN, MICHAEL K

Subject: Pharmaceuticals from Dream Pharma, LTD. of London, England

Good Afternoon Assistant Port Director Dean:

Thank you so much for your assistance with this matter. I have attached to this email a copy of the letter what will be shipped with the pharmaceuticals. It also includes the Department of Corrections' "Substance Control Registration Certificate". The second attachment is a list of the items that will be shipped to our facility; to include quantities purchased.

Once again, thank you again for your assistance. Should you require additional information, please do not hesitate to contact me. Here is my information:

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

Deputy Director  
Arizona Department of Corrections  
1601 W. Jefferson - MC 445  
Phoenix, Arizona 85007  
(602) (b)(6) (b)(7)(C) Office  
(602) Cell  
(602) Fax  
(b)(6) (b)(7)(C)@azcorrections.gov

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

From: (b)(6) (b)(7)(C)  
Sent: Friday, January 07, 2011 4:26 PM  
To: (b)(6) (b)(7)(C)  
Subject: FW: AZ Department of Corrections importation - FOIA

-----Original Message-----

From: (b)(6) (b)(7)(C)  
Sent: Thursday, January 06, 2011 1:55 PM  
To: (b)(6) (b)(7)(C)  
Cc: (b)(6) (b)(7)(C)  
Subject: FW: AZ Department of Corrections importation - FOIA  
Importance: High

FYI

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

(b)(6) (b)(7)(C) Import Specialist  
U. S. Customs and Border Protection  
3002 E. Old Tower Rd., Suite 400  
Phoenix, Arizona 85034  
(602) 914-1400 Ext. (b)(6) (b)(7)(C)  
(602) 914-1427 Fax  
(b)(6) (b)(7)(C)@dhs.gov

-----Original

Message-----  
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Senior Import Specialist  
Phoenix Port of Entry  
Office of Field Operations  
U.S. Customs and Border Protection  
Phone: 602-91401400 Ext. (b)(6) (b)(7)(C)  
Fax: 602-914-1427

-----Original Message-----

From: DEAN, MICHAEL K  
Sent: Friday, September 24, 2010 1:27 PM  
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Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

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To: (b)(6)(b)(7)(C) DEAN, MICHAEL K  
Cc: Strickland, Evanguel; Solis, Daniel; (b)(6)(b)(7)(C)  
Subject: FW: Pharmaceuticals from Dream Pharma, LTD. of London, England  
Importance: High

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David Thomas, DCM  
FDA Investigations  
Phoenix, Office  
480-829-7396 x 12

-----Original Message-----

From: (b)(6)(b)(7)(C) [mailto:(b)(6)(b)(7)(C)@azcorrections.gov]  
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Blackberry 602-(b)(6)(b)(7)(C)

I'd appreciate your discretion.



Dave Thomas  
FDA Imports  
Phoenix, AZ

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
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To: MICHAEL K. DEAN; Thomas, David  
Cc: (b)(6) (b)(7)(C)  
(b)(6) (b)(7)(C)  
Subject: RE: Pharmaceuticals from Dream Pharma, LTD. of London, England.

(b)(6) (b)(7)(C)  
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Thank you again.

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

>>> "Thomas, David" <David.Thomas@fda.hhs.gov> 9/24/2010 9:20 AM >>>  
(b)(6) (b)(7)(C)

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Respectfully,

Dave Thomas  
FDA Imports  
Phoenix, AZ

-----Original Message-----

From: DEAN, MICHAEL K [mailto:michael.dean@dhs.gov]  
Sent: Thursday, September 23, 2010 4:49 PM  
To: (b)(6) (b)(7)(C)  
Cc: Thomas, David; (b)(6) (b)(7)(C)  
Subject: FW: Pharma (b)(6) (b)(7)(C) of London, England

(b)(6) (b)(7)(C)  
I have received your information regarding the pharmaceuticals the State of Arizona has ordered from England for an upcoming execution and am copying our local FDA official, Dave Thomas. As long as FDA has no issues, you should not have any problems with Customs clearance, especially since you are using an express courier that provides an in-house customs broker. I was reminded that FedEx probably won't fly the shipment directly to Phoenix from England and may choose to clear the shipment at another port of entry--perhaps their hub in Memphis, TN.

In case you wanted to speak with a local FedEx contact, the individuals we usually deal with are (b)(6) (b)(7)(C) (I don't have their last names) at 602-392-7207.

Michael K. Dean  
U.S. Customs and Border Protection

Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
Sent: Thursday, September 23, 2010 4:13 PM  
To: DEAN, MICHAEL K  
Subject: Pharmaceuticals from Dream Pharma, LTD. of London, England

Good Afternoon Assistant Port Director Dean:

Thank you so much for your assistance with this matter. I have attached to this email a copy of the letter what will be shipped with the pharmaceuticals. It also includes the Department of Corrections' "Substance Control Registration Certificate". The second attachment is a list of the items that will be shipped to our facility; to include quantities purchased.

Once again, thank you again for your assistance. Should you require additional information, please do not hesitate to contact me. Here is my information:

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

Deputy Director  
Arizona Department of Corrections  
1601 W. Jefferson - MC 445  
Phoenix, Arizona 85007  
(602) (b)(6) (b)(7)(C) Office  
(602) (b)(6) (b)(7)(C) Cell  
(602) (b)(6) (b)(7)(C) Fax  
(b)(6) (b)(7)(C)@azcorrections.gov

**Sent:** Friday, January 07, 2011 5:09 PM

**To:** (b)(6) (b)(7)(C)

**Subject:** FW: Entry

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

I am sending another round of responsive records.

---

**From:** (b)(6) (b)(7)(C)

**Sent:** Thursday, January 06, 2011 12:10 PM

**To:** (b)(6) (b)(7)(C)

**Subject:** FW: Entry

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**From:** DEAN, MICHAEL K

**Sent:** Tuesday, October 26, 2010 1:08 PM

**To:** (b)(6) (b)(7)(C)

**Subject:** FW: Entry

Another shipment.

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

---

**From:** DEAN, MICHAEL K

**Sent:** Tuesday, October 26, 2010 12:54 PM

**To:** (b)(6) (b)(7)(C) arizonacustomsbrokers.com

**Subject:** RE: Entry

Thank (b)(6) (b)(7)(C) Yes.

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

---

**From:** (b)(6) (b)(7)(C)@arizonacustomsbrokers.com [mailto:(b)(6) (b)(7)(C)@arizonacustomsbrokers.com]

**Sent:** Tuesday, October 26, 2010 9:11 AM

**To:** DEAN, MICHAEL K

**Subject:** Entry

Good Morning,

=YI

Shipment for DOC arriving today. Entry number is 574-0251126-5.

(b)(6) (b)(7)(C) will have the documents shortly.

Do you want to be notified on future shipments?

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

1/10/2011

From: (b)(6) (b)(7)(C)  
Sent: Friday, January 07, 2011 5:09 PM  
To: (b)(6) (b)(7)(C)  
Subject: FW: Situational Awareness of Arizona Execution Drug Controversy

From: (b)(6) (b)(7)(C)  
Sent: Thursday, January 06, 2011 12:12 PM  
To: (b)(6) (b)(7)(C)  
Subject: FW: Situational Awareness of Arizona Execution Drug Controversy

From: (b)(6) (b)(7)(C)  
Sent: Tuesday, October 26, 2010 4:51 PM  
To: (b)(6) (b)(7)(C)  
Cc: (b)(6) (b)(7)(C)  
Subject: Fw: Situational Awareness of Arizona Execution Drug Controversy

For Situational Awareness

(b)(6) (b)(7)(C)  
Public Affairs Liaison  
Honor Guard Coordinator  
Tucson Field Office  
U. S. Customs and Border Protection  
(520) (b)(6) (b)(7)(C)  
(800) (b)(6) (b)(7)(C)

From: (b)(6) (b)(7)(C)  
To: OFO TFO DISTRIBUTION  
Sent: Tue Oct 26 19:35:27 2010  
Subject: Situational Awareness of Arizona Execution Drug Controversy

~~Law Enforcement Sensitive - For Official Use Only~~

**CUSTOMS AND BORDER PROTECTION  
OFFICE OF FIELD OPERATIONS**

**TUCSON FIELD OFFICE**

Situational Awareness

**Arizona Execution Drug Controversy**

On September 28, 2010, the State of Arizona imported a shipment of sodium thiopental from a manufacturer in England through the port of entry in Phoenix, AZ. The shipment was processed, inspected by FDA, and released by CBP on September 29, 2010. The State of Arizona had been in contact with CBP and FDA prior to the importation to give advance notice to both agencies.

The drug was intended to be used during the execution of Jeffery Landrigan, who was

/10/2011

On October 15, 2010, the Tucson Field Office was contacted by reporters for the Arizona Republic, inquiring about any public records associated with the importation of the drug. Their request for information was denied with the explanation that any information that may or may not exist would fall under the Trade Secrets Act and therefore exempt from disclosure.

The broker handling the importation notified CBP that they had also been contacted by reporters but refused to release any information.

Further research, based on news reports and talking to the reporter, revealed that the issue concerning the importation is based on the limited supply of the required drug in the United States and the manner in which the State of Arizona acquired the drug. According to news reports, the only authorized source for the drug is a US company and there are no authorized sources outside of the United States.

Defense counsel has requested information on the origin of the drug and the State of Arizona has been ordered by the courts to provide the information.

The State of Arizona has not provided information regarding the origin of the drug as of this date, with the exception of stating that it came from a manufacturer in England, citing an Arizona law that prevents the disclosure of information regarding executioners or those involved with executions.

As a result of motions filed by defense attorneys regarding this issue, the scheduled execution has been postponed.

On October 26, 2010, a second shipment of the drug (destined for the State of Arizona) was processed and conditionally released by CBP at the port of entry in Phoenix, Arizona. It is currently subject of an FDA hold.

The broker handling both importations has been in communication with CBP and is working with FDA.

See news links below for additional open source information. The story is being covered by both national and international media.

<http://www.azcentral.com/news/articles/2010/10/23/20101023arizona-execution-drug.html>

<http://www.guardian.co.uk/world/2010/oct/26/arizona-execution-british-drug-supplier>

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[http://www.usatoday.com/news/nation/2010-10-25-arizona-lethal-injection-drug\\_N.htm?csp=24news](http://www.usatoday.com/news/nation/2010-10-25-arizona-lethal-injection-drug_N.htm?csp=24news)

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

Chief CBP Officer  
Public Affairs Liaison  
Honor Guard Coordinator  
Tucson Field Office  
Office of Field Operations  
U.S. Customs and Border Protection

(520) (b)(6) (b)(7)  
(800) (C)

(b)(6) (b)(7)(C) [dhs.gov](http://dhs.gov)

1/10/2011

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 5:09 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Private Investigator?

---

**From:** (b)(6) (b)(7)(C)  
**Sent:** Thursday, January 06, 2011 12:13 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Private Investigator?

---

**From:** (b)(6) (b)(7)(C)  
**Sent:** Monday, November 15, 2010 8:06 AM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Private Investigator?

Additional information/action regarding the drugs imported by the State of Arizona for executions. There is now a private investigator working on behalf of ??? looking into this. He's called FDA and now us. He may file a FOIA request in regards to this, but anything he gets will be redacted under Trade Secrets anyway.

Article in the paper this weekend saying that the lawyers for 2 or 3 other death row inmates are now filing suit regarding this.

(b)(6) (b)(7)(C)  
Chief CBP Officer  
Public Affairs Liaison  
Honor Guard Coordinator  
Tucson Field Office  
Office of Field Operations  
J.S. Customs and Border Protection  
520) (b)(6) (b)(7)(C)  
800) (b)(6) (b)(7)(C)  
(b)(6) (b)(7)(C) [dhs.gov](mailto:(b)(6) (b)(7)(C)@dhs.gov)

---

**From:** DEAN, MICHAEL K  
**Sent:** Friday, November 12, 2010 2:12 PM  
**To:** DEAN, MICHAEL K; (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** RE: Private Investigator?

talked to (b)(6) (b)(7)(C) again and answered some more basic CBP cargo clearance questions regarding OGA requirements, express couriers and in-bond.

Michael K. Dean  
J.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
02-914-1400 x219

---

**From:** DEAN, MICHAEL K  
**Sent:** Monday, November 08, 2010 10:49 AM  
**To:** (b)(6) (b)(7)(C)

1/10/2011

fyi

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

U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

---

**From:** DEAN, MICHAEL K  
**Sent:** Monday, November 08, 2010 10:44 AM  
**To:** Thomas, David  
**Subject:** RE: Private Investigator?

He called here asking about how he does a FOIA request and for broker information. I directed him to info on cbp.gov and educated him on the entry process a wee bit. I also warned him that the information he seeks is generally "business confidential" and protected from release.

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

---

**From:** Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
**Sent:** Monday, November 08, 2010 8:00 AM  
**To:** DEAN, MICHAEL K  
**Cc:** Strickland, Evanguel; Solis, Daniel  
**Subject:** FW: Private Investigator?

=YI:

Dave Thomas  
FDA Imports  
Phoenix, AZ

---

**From:** (b)(6) (b)(7)(C) @arizonacustomsbrokers.com [mailto:(b)(6) (b)(7)(C) @arizonacustomsbrokers.com]  
**Sent:** Monday, November 08, 2010 7:57 AM  
**To:** Thomas, David  
**Subject:** Re: Private Investigator

Dave,

Thanks, I googled his phone number and got his website. He is a member of Christian in Commerce.

So we know where he is coming from but who is paying him is the question.

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

----- Original Message -----

11/10/2011

Sent: Monday, November 08, 2010 5:19 AM  
Subject: RE: Private Investigator

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

The alleged caller, a (b)(6) (b)(7)(C) was not forthcoming in answering any of my questions. So I didn't answer any of his questions, other than redirecting him to U.S.C.B.P.

Dave Thomas  
FDA Imports  
Phoenix, AZ

---

**From:** (b)(6) (b)(7)(C) @arizonacustomsbrokers.com [mailto:(b)(6) (b)(7)(C)@arizonacustomsbrokers.com]  
**Sent:** Friday, November 05, 2010 8:02 AM  
**To:** Thomas, David  
**Subject:** Re: Private Investigator

Who does (b)(6) (b)(7)(C) work for and do you know his title?

Thanks

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

----- Original Message -----

**From:** Thomas, David  
**To:** (b)(6) (b)(7)(C) @arizonacustomsbrokers.com  
**Cc:** 'DEAN, MICHAEL K'; Strickland, Evanguel  
**Sent:** Friday, November 05, 2010 4:59 AM  
**Subject:** Private Investigator

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

Someone going by the name (b)(6) (b)(7)(C) 602 (b)(6) (b)(7)(C) has called twice. Returning his call this A.M. he asked for information on a Custom's Brokerage in Phoenix. Specifically, he was looking to obtain paperwork a Filer submitted to me for an Import. I related that I could not give out confidential information. However, I asked the name of the Brokerage paperwork he was looking for and he said he forgot their name and didn't have the file in front of him. Needless to say he sounded defensive when I asked the question, a Freudian slip. Therefore, I simply referred him to U.S. Customs, giving their Old Tower Road location and phone number.

I think we all know what information he is looking for.

Dave Thomas  
FDA Imports  
Phoenix, AZ

/10/2011



From: (b)(6) (b)(7)(C)  
Sent: Friday, January 07, 2011 5:09 PM  
To: (b)(6) (b)(7)(C)  
Subject: FW: Arizona Execution Drug Controversy  
Attachments: State of Arizona Execution Pharmaceuticals.doc

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From: (b)(6) (b)(7)(C)  
Sent: Thursday, January 06, 2011 12:13 PM  
To: (b)(6) (b)(7)(C)  
Subject: FW: Arizona Execution Drug Controversy

---

From: (b)(6) (b)(7)(C)  
Sent: Monday, November 15, 2010 11:08 AM  
To: (b)(6) (b)(7)(C)  
Cc: [REDACTED]  
Subject: RE: Arizona Execution Drug Controversy

Sir,

Here are updated bullets on the controversy regarding the State of Arizona importing pharmaceuticals for their executions, if you (or (b)(6) (b)(7)(C)) would like to provide them to Chief Counsel.

#### State of Arizona Execution Pharmaceuticals

- On September 28, 2010, the State of Arizona imported a shipment of sodium thiopental from a manufacturer in England through the port of entry in Phoenix, AZ. The shipment was processed, inspected by FDA, and released by CBP on September 29, 2010. The State of Arizona had been in contact with CBP and FDA prior to the importation to give advance notice to both agencies.
- The drug was intended to be used during the execution of Jeffery Landrigan, who was scheduled to be executed on October 26, 2010.
- On October 15, 2010, the Tucson Field Office was contacted by reporters for the Arizona Republic, inquiring about any public records associated with the importation of the drug. Their request for information was denied with the explanation that any information that may or may not exist would fall under the Trade Secrets Act and therefore exempt from disclosure.
- The broker handling the importation notified CBP that they had also been contacted by reporters but refused to release any information.
- Further research, based on news reports and talking to the reporter, revealed that the issue concerning the importation is based on the limited supply of the required drug in the United States and the manner in which the State of Arizona acquired the drug. According to news reports, the only authorized source for the drug is a US company and there are no authorized sources outside of the United States.
- Defense counsel has requested information on the origin of the drug and the State of Arizona has been ordered by the courts to provide the information.

1/10/2011

the exception of stating that it came from a manufacturer in England, citing an Arizona law that prevents the disclosure of information regarding executioners or those involved with executions.

- As a result of motions filed by defense attorneys regarding this issue, the scheduled execution has been postponed.
- On October 26, 2010, a second shipment of the drug (destined for the State of Arizona) was processed and conditionally released by CBP at the port of entry in Phoenix, Arizona. It is currently subject of an FDA hold.
- The broker handling both importations has been in communication with CBP and is working with FDA.
- See news links below for additional open source information. The story is being covered by both national and international media.

<http://www.azcentral.com/news/articles/2010/10/23/20101023arizona-execution-drug.html>

<http://www.guardian.co.uk/world/2010/oct/26/arizona-execution-british-drug-supplier>

<http://www.cnn.com/2010/CRIME/10/26/arizona.execution/>

[http://www.usatoday.com/news/nation/2010-10-25-arizona-lethal-injection-drug\\_N.htm?csp=34news](http://www.usatoday.com/news/nation/2010-10-25-arizona-lethal-injection-drug_N.htm?csp=34news)

- On October 27, the second shipment of sodium thiopental was released by FDA to the importer, under direction that it be held intact in a secure location pending FDA review/examination.
- On November 5, the FDA was contacted by a private investigator <sup>(b)(6) (b)(7)(C)</sup> (member of Christians in Commerce), requesting information on a customs broker in Phoenix (no specific information on the broker was requested).
- On November 8, <sup>(b)(6) (b)(7)(C)</sup> contacted the Port of Phoenix to request information on a broker and how to submit a FOIA request. He was provided the information regarding FOIA requests and advised that information he is seeking is generally protected from release as "business confidential."
- He called again on November 12 and was provided general information on basic clearance of shipments via CBP, OGA requirements, express couriers, and the in-bond process.
- The Associated Press posted another article regarding this issue on November 13. See link below.

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<sup>(b)(6) (b)(7)(C)</sup>

Chief CBP Officer  
Public Affairs Liaison  
Honor Guard Coordinator  
Tucson Field Office  
Office of Field Operations  
U.S. Customs and Border Protection

520) <sup>(b)(6) (b)(7)</sup>

800) <sup>(C)</sup>

<sup>(b)(6) (b)(7)(C)</sup>@dhs.gov

1/10/2011

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..... (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 5:09 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Arizona Execution Drug Controversy  
**Attachments:** State of Arizona Execution Pharmaceuticals.doc

---

**From:** (b)(6) (b)(7)(C)  
**Sent:** Thursday, January 06, 2011 12:14 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Arizona Execution Drug Controversy

---

**From:** (b)(6) (b)(7)(C) **On Behalf Of** (b)(6) (b)(7)(C)  
**Sent:** Monday, November 15, 2010 5:11 PM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
(b)(6) (b)(7)(C)  
**Subject:** FW: Arizona Execution Drug Controversy

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

The POC for any legal questions concerning this matter is (b)(6) (b)(7)(C) Please include her on any future email traffic on this subject.

(b)(6) (b)(7)(C) a file has already been opened)

Thanks,

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

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

Deputy Assistant Chief Counsel  
U.S. Customs and Border Protection  
4742 N. Oracle Rd., Suite 111  
Tucson, AZ 85705  
(520) (b)(6) (b)(7)(C)  
(520) (C) (fax)  
(b)(6) (b)(7)(C) @dhs.gov

ATTORNEY WORK PRODUCT/PRIVILEGED COMMUNICATION  
CIRCULATION RESTRICTED

This document contains attorney work product and/or privileged attorney/client communications. It is therefore not available for disclosure, or use outside of CBP without the express prior approval of the Commissioner of CBP and the Office of the Chief Counsel (206) 344-2940.

---

**From:** (b)(6) (b)(7)(C)  
**Sent:** Monday, November 15, 2010 4:48 PM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: Arizona Execution Drug Controversy

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

(b) (5)

1/10/2011

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

Asst. Director Field Operations  
Tucson, Arizona

Bus: 520 (b)(6) (b)(7)(C)

Fax: 520

(b)(6) (b)(7)(C) @cbp.dhs.gov

---

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**Sent:** Monday, November 15, 2010 11:08 AM

**To:** (b)(6) (b)(7)(C)

**Cc:**

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/10/2011

FDA 11010.

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

Chief CBP Officer  
Public Affairs Liaison  
Honor Guard Coordinator  
Tucson Field Office  
Office of Field Operations  
U.S. Customs and Border Protection

(520) (b)(6) (b)(7)(C)

(800)

(b)(6) (b)(7)(C) @dhs.gov

1/10/2011

## State of Arizona Execution Pharmaceuticals

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- On October 15, 2010, the Tucson Field Office was contacted by reporters for the Arizona Republic, inquiring about any public records associated with the importation of the drug. Their request for information was denied with the explanation that any information that may or may not exist would fall under the Trade Secrets Act and therefore exempt from disclosure.
- The broker handling the importation notified CBP that they had also been contacted by reporters but refused to release any information.
- Further research, based on news reports and talking to the reporter, revealed that the issue concerning the importation is based on the limited supply of the required drug in the United States and the manner in which the State of Arizona acquired the drug. According to news reports, the only authorized source for the drug is a US company and there are no authorized sources outside of the United States.
- Defense counsel has requested information on the origin of the drug and the State of Arizona has been ordered by the courts to provide the information.
- The State of Arizona has not provided information regarding the origin of the drug as of this date, with the exception of stating that it came from a manufacturer in England, citing an Arizona law that prevents the disclosure of information regarding executioners or those involved with executions.
- As a result of motions filed by defense attorneys regarding this issue, the scheduled execution has been postponed.
- On October 26, 2010, a second shipment of the drug (destined for the State of Arizona) was processed and conditionally released by CBP at the port of entry in Phoenix, Arizona. It is currently subject of an FDA hold.

- The broker handling both importations has been in communication with CBP and is working with FDA.
- See news links below for additional open source information. The story is being covered by both national and international media.

<http://www.azcentral.com/news/articles/2010/10/23/20101023arizona-execution-drug.html>

<http://www.guardian.co.uk/world/2010/oct/26/arizona-execution-british-drug-supplier>

<http://www.cnn.com/2010/CRIME/10/26/arizona.execution/>

[http://www.usatoday.com/news/nation/2010-10-25-arizona-lethal-injection-drug\\_N.htm?csp=34news](http://www.usatoday.com/news/nation/2010-10-25-arizona-lethal-injection-drug_N.htm?csp=34news)

- On October 27, the second shipment of sodium thiopental was released by FDA to the importer, under direction that it be held intact in a secure location pending FDA review/examination.
- On November 5, the FDA was contacted by a private investigator <sup>(b)(6) (b)(7)(C)</sup> ~~\_\_\_\_\_~~ (member of Christians in Commerce), requesting information on a customs broker in Phoenix (no specific information on the broker was requested).
- On November 8 <sup>(b)(6) (b)(7)(C)</sup> ~~\_\_\_\_\_~~ contacted the Port of Phoenix to request information on a broker and how to submit a FOIA request. He was provided the information regarding FOIA requests and advised that information he is seeking is generally protected from release as "business confidential."
- He called again on November 12 and was provided general information on basic clearance of shipments via CBP, OGA requirements, express couriers, and the in-bond process.
- The Associated Press posted another article regarding this issue on November 13.

[http://azstarnet.com/news/state-and-regional/article\\_3a363317-4bd8-57c9-8f78-faca6a85c705.html](http://azstarnet.com/news/state-and-regional/article_3a363317-4bd8-57c9-8f78-faca6a85c705.html)



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

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 5:28 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Pharmaceuticals from Dream Pharma, LTD. of London, England

My apologies if you have a blackberry. Here is the last of emails/attachments regarding the execution drug. Thank you.

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

-----Original Message-----

**From:** DEAN, MICHAEL K  
**Sent:** Friday, January 07, 2011 9:43 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: Pharmaceuticals from Dream Pharma, LTD. of London, England

1 of 21

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

**From:** (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
**Sent:** Friday, September 24, 2010 9:32 AM  
**To:** DEAN, MICHAEL K; David Thomas  
**Cc:** (b)(6) (b)(7)(C)  
Daniel Solis; Evanguel Strickland  
**Subject:** RE: Pharmaceuticals from Dream Pharma, LTD. of London, England

Dave:

Thank you so very much.

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

>>> "Thomas, David" <David.Thomas@fda.hhs.gov> 9/24/2010 9:29 AM >>>  
Michael:

If there are any problems whether in Memphis or Phoenix, please let me know. I'll ensure an expedient release.

Respectfully,

David Thomas, DCM  
FDA Investigations  
Phoenix, Office

-----Original Message-----

**From:** DEAN, MICHAEL K [mailto:michael.dean@dhs.gov]  
**Sent:** Friday, September 24, 2010 9:27 AM  
**To:** Thomas, David; (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C); Strickland, Evanguel; Solis, Daniel  
**Subject:** RE: Pharmaceuticals from Dream Pharma, LTD. of London, England

I don't have an entry number and in all likelihood it'll probably be cleared in Memphis. If I hear any more I'll let you know. The shipment should reach Phoenix early next week.

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
Sent: Friday, September 24, 2010 9:21 AM  
To: (b)(6) (b)(7)(C)  
Cc: (b)(6) (b)(7)(C) Strickland,  
Evanguel; Solis, Daniel  
Subject: RE: Pharmaceuticals from Dream Pharma, LTD. of London, England

Michael:

I am in receipt of your correspondence and attachments. There will be no FDA detention or inspection of these products. Please advise the entry number so that I may ensure a quick FDA release.

Respectfully,

Dave Thomas  
FDA Imports  
Phoenix, AZ

-----Original Message-----

From: DEAN, MICHAEL K [mailto:michael.dean@dhs.gov]  
Sent: Thursday, September 23, 2010 4:49 PM  
To: (b)(6) (b)(7)(C)  
Cc: Thomas, David; (b)(6) (b)(7)(C)  
Subject: FW: Pharmaceuticals from Dream Pharma, LTD. of London, England

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

I have received your information regarding the pharmaceuticals the State of Arizona has ordered from England for an upcoming execution and am copying our local FDA official, Dave Thomas. As long as FDA has no issues, you should not have any problems with Customs clearance, especially since you are using an express courier that provides an in-house customs broker. I was reminded that FedEx probably won't fly the shipment directly to Phoenix from England and may choose to clear the shipment at another port of entry--perhaps their hub in Memphis, TN.

In case you wanted to speak with a local FedEx contact, the individuals we usually deal with are (b)(6) (b)(7)(C) (I don't have their last names) at 602-392-7207.

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
Sent: Thursday, September 23, 2010 4:13 PM  
To: DEAN, MICHAEL K  
Subject: Pharmaceuticals from Dream Pharma, LTD. of London, England

Good Afternoon Assistant Port Director Dean:

... of the letter what will be shipped with the pharmaceuticals. It also includes the Department of Corrections' "Substance Control Registration Certificate". The second attachment is a list of the items that will be shipped to our facility; to include quantities purchased.

Once again, thank you again for your assistance. Should you require additional information, please do not hesitate to contact me. Here is my information:

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

Deputy Director  
Arizona Department of Corrections  
1601 W. Jefferson - MC 445  
Phoenix, Arizona 85007  
(602) (b)(6) (b)(7)(C) Office  
(602) (b)(6) (b)(7)(C) Cell  
(602) (b)(6) (b)(7)(C) Fax  
(b)(6) (b)(7)(C) @azcorrections.gov

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

From: (b)(6) (b)(7)(C)  
Sent: Friday, January 07, 2011 5:28 PM  
To: (b)(6) (b)(7)(C)  
Subject: FW: Pharmaceuticals from Dream Pharma, LTD. of London, England  
Attachments: DOC092310.pdf



DOC092310.pdf  
(146 KB)

-----Original Message-----

From: DEAN, MICHAEL K  
Sent: Friday, January 07, 2011 9:44 AM  
To: (b)(6) (b)(7)(C)  
Cc: (b)(6) (b)(7)(C)  
Subject: FW: Pharmaceuticals from Dream Pharma, LTD. of London, England

2 of 21

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: DEAN, MICHAEL K  
Sent: Friday, September 24, 2010 9:53 AM  
To: (b)(6) (b)(7)(C)  
Cc: (b)(6) (b)(7)(C)  
Subject: FW: Pharmaceuticals from Dream Pharma, LTD. of London, England

Interesting chain of emails 'tween us and the State of Arizona.

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
Sent: Friday, September 24, 2010 9:31 AM  
To: DEAN, MICHAEL K; David Thomas  
Cc: (b)(6) (b)(7)(C)  
(b)(6) (b)(7)(C) Daniel Solis; Evanguel Strickland  
Subject: RE: Pharmaceuticals from Dream Pharma, LTD. of London, England

Dave:

This is (b)(6) (b)(7)(C) the Deputy Director at ADC. Thank you for your assistance on this critical issue. If you are able, I would appreciate a call, or a number that I can reach you at. I am anticipating the shipment to day, and will pass on all of the information possible. I am hearing that FedEx may be processing this shipment through Memphis TN.

My numbers are:

(b)(6) (b)(7)(C) (b)(6) (b)(7)(C)  
(602) (b)(6) (b)(7)(C) (office general)

Thank you again.

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

>>> "Thomas, David" <David.Thomas@fda.hhs.gov> 9/24/2010 9:20 AM >>>  
Michael:

I am in receipt of your correspondence and attachments. There will be no FDA detention or inspection of these products. Please advise the entry number so that I may ensure a quick FDA release.

Respectfully,

Dave Thomas  
FDA Imports  
Phoenix, AZ

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
Sent: Thursday, September 23, 2010 5:57 PM  
To: DEAN, MICHAEL K  
Cc: David Thomas  
Subject: Re: FW: Pharmaceuticals from Dream Pharma, LTD. of London, England

Michael:

Thank you so much for your professional and immediate response to my request for assistance with a critical and time-sensitive issue. Please feel free to refer to me as Charles and let me know if there is anything we can do to assist you. I greatly appreciate the contact information and your other insights.

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

-----Original Message-----

From: DEAN, MICHAEL K [mailto:michael.dean@dhs.gov]  
Sent: Thursday, September 23, 2010 4:49 PM  
To: (b)(6) (b)(7)(C)  
Cc: Thomas, David; (b)(6) (b)(7)(C)  
Subject: FW: Pharmaceuticals from Dream Pharma, LTD. of London, England

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

I have received your information regarding the pharmaceuticals the State of Arizona has ordered from England for an upcoming execution and am copying our local FDA official, Dave Thomas. As long as FDA has no issues, you should not have any problems with Customs clearance, especially since you are using an express courier that provides an in-house customs broker. I was reminded that FedEx probably won't fly the shipment directly to Phoenix from England and may choose to clear the shipment at another port of entry--perhaps their hub in Memphis, TN.

In case you wanted to speak with a local FedEx contact, the individuals we usually deal with are (b)(6) (b)(7)(C) (I don't have their last names) at 602-392-7207.

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
Sent: Thursday, September 23, 2010 4:13 PM

Pharmaceuticals from DREAM Pharma, LTD. of London, England

Good Afternoon Assistant Port Director Dean:

Thank you so much for your assistance with this matter. I have attached to this email a copy of the letter what will be shipped with the pharmaceuticals. It also includes the Department of Corrections' "Substance Control Registration Certificate". The second attachment is a list of the items that will be shipped to our facility; to include quantities purchased.

Once again, thank you again for your assistance. Should you require additional information, please do not hesitate to contact me. Here is my information:

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

Deputy Director  
Arizona Department of Corrections  
1601 W. Jefferson - MC 445  
Phoenix, Arizona 85007  
(602) (b)(6) (b)(7)(C) Office  
(602) Cell  
(602) Fax  
(b)(6) (b)(7)(C) @azcorrections.gov

# Arizona Department of Corrections



JANICE K. BREWER  
GOVERNOR

1601 WEST JEFFERSON  
PHOENIX, ARIZONA 85007  
(602) 542-6487  
www.azcorrections.gov



CHARLES L. RYAN  
DIRECTOR

September 23, 2010

United States Customs  
3002 East Old Tower Road, Suite 400  
Phoenix, Arizona 85034

Re: Execution by Lethal Injection of Arizona Inmate  
Jeffrey Timothy Landrigan #082157

To Whom It May Concern:

The purpose of this correspondence is to advise your agency of our intent to receive certain pharmaceutical products from Dream Pharma, Ltd. of London, England. We have placed the order with this company for the purpose of securing the necessary drugs for carrying out an execution warrant issued by the Arizona Supreme Court in the matter of State v. Jeffrey Timothy Landrigan, CR-90-0323 AP.

In order to proceed with the execution we must have the products ordered through Dream Pharma. Our DEA Registration number is: FA2203571 and it expires June 30, 2013. The execution is set by the court for October 26, 2010, and our agency is mandated to advise the court that it possesses the necessary chemicals for the lethal injection protocol as approved, no later than October 1, 2010.

Any steps your agency can take in attending to this shipment expeditiously would be of great assistance to our agency in its effort to abide by the court-ordered dates set by the court. Should your agency have any questions, do not hesitate to contact my office directly at (602) (b)(6) (b)(7)(C) or after normal business hours through our command center at (602) 542-1212.

Thank you in advance for your professional assistance with the processing of this shipment.

Sincerely,

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

Director

cc:

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

Deputy Director

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

Division Director, Offender Operations

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

Warden, ASPC Florence

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

From: (b)(6) (b)(7)(C)  
Sent: Friday, January 07, 2011 5:28 PM  
To: (b)(6) (b)(7)(C)  
Subject: FW: Pharmaceuticals from Dream Pharma, LTD. of London, England

-----Original Message-----

From: DEAN, MICHAEL K  
Sent: Friday, January 07, 2011 9:44 AM  
To: (b)(6) (b)(7)(C)  
Cc: (b)(6) (b)(7)(C)  
Subject: FW: Pharmaceuticals from Dream Pharma, LTD. of London, England

3 of 21

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: DEAN, MICHAEL K  
Sent: Friday, September 24, 2010 1:27 PM  
To: Thomas, David  
Cc: (b)(6) (b)(7)(C)  
Subject: FW: Pharmaceuticals from Dream Pharma, LTD. of London, England

Hmmmm, I guess they aren't using FedEx like they said at first...

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
Sent: Friday, September 24, 2010 11:40 AM  
To: (b)(6) (b)(7)(C)  
Cc: Strickland, Evanguel; Solis, Daniel; (b)(6) (b)(7)(C)  
Subject: FW: Pharmaceuticals from Dream Pharma, LTD. of London, England  
Importance: High

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

We are in receipt of your communication below, thank you. I am pleased to see you have negotiated an expedient pathway to importing the product from Dream Pharma, London, England.

We will be vigilant of the entry, once transmitted by ABI, by your choice of U.S. Custom's Brokerages early next week. Please be aware; over the weekends, I regularly check my phone messages and emails; therefore, please feel free to relate any further concerns.

Respectfully,

David Thomas, DCM  
FDA Investigations  
Phoenix, Office  
480-829-7396 x 12



-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
Sent: Friday, September 24, 2010 11:34 AM  
To: Thomas, David  
Subject: RE: Pharmaceuticals from Dream Pharma, LTD. of London, England

Dave:

Thank you again for all of your professional and immediate assistance on this critical and time-sensitive issue. For your information, I have permission from the Director to contract with a Customs Broker in order to expedite the delivery of our shipment from London. The Broker we are working with is Arizona Customs Brokers and my contact there is (b)(6) (b)(7)(C) who has also been most helpful in ensuring we get the process done correctly, starting in London.

Please let me know if I can be of assistance in any way.

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

>>> "Thomas, David" <David.Thomas@fda.hhs.gov> 9/24/2010 9:54 AM >>>  
(b)(6) (b)(7)(C)

I am off today; however here is my personal Blackberry number for immediate contact. Please do not give this number to anyone else.

Blackberry 602 (b)(6) (b)(7)(C)

I'd appreciate your discretion.

Dave Thomas  
FDA Imports  
Phoenix, AZ

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
Sent: Friday, September 24, 2010 9:31 AM  
To: MICHAEL K' 'DEAN; Thomas, David  
(b)(6) (b)(7)(C)

Subject: RE: Pharmaceuticals from Dream Pharma, LTD. of London, England

Dave:

This is (b)(6) (b)(7)(C) the Deputy Director at ADC. Thank you for your assistance on this critical issue. If you are able, I would appreciate a call, or a number that I can reach you at. I am anticipating the shipment to day, and will pass on all of the information possible. I am hearing that FedEx may be processing this shipment through Memphis TN.

My numbers are:

(602) (b)(6) (b)(7)(C) (office direct)  
(602) (b)(6) (b)(7)(C) (blackberry)  
(602) (b)(6) (b)(7)(C) (office general)

Thank you again.

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

>>> "Thomas, David" <David.Thomas@fda.hhs.gov> 9/24/2010 9:20 AM >>>  
Michael:

I am in receipt of your correspondence and attachments. There will be no FDA detention or

Respectfully,

Dave Thomas  
FDA Imports  
Phoenix, AZ

-----Original Message-----

From: DEAN, MICHAEL K [mailto:michael.dean@dhs.gov]

Sent: Thursday, September 23, 2010 4:49 PM

To: (b)(6) (b)(7)(C)

Cc: Thomas, David; (b)(6) (b)(7)(C)

Subject: FW: Pharmaceuticals from Dream Pharma, LTD. of London, England

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

I have received your information regarding the pharmaceuticals the State of Arizona has ordered from England for an upcoming execution and am copying our local FDA official, Dave Thomas. As long as FDA has no issues, you should not have any problems with Customs clearance, especially since you are using an express courier that provides an in-house customs broker. I was reminded that FedEx probably won't fly the shipment directly to Phoenix from England and may choose to clear the shipment at another port of entry-- perhaps their hub in Memphis, TN.

In case you wanted to speak with a local FedEx contact, the individuals we usually deal with are (b)(6) (b)(7)(C) (I don't have their last names) at 602-392-7207.

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]

Sent: Thursday, September 23, 2010 4:13 PM

To: DEAN, MICHAEL K

Subject: Pharmaceuticals from Dream Pharma, LTD. of London, England

Good Afternoon Assistant Port Director Dean:

Thank you so much for your assistance with this matter. I have attached to this email a copy of the letter what will be shipped with the pharmaceuticals. It also includes the Department of Corrections' "Substance Control Registration Certificate". The second attachment is a list of the items that will be shipped to our facility; to include quantities purchased.

Once again, thank you again for your assistance. Should you require additional information, please do not hesitate to contact me. Here is my information:

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

Deputy Director  
Arizona Department of Corrections  
1601 W. Jefferson - MC 445  
Phoenix, Arizona 85007

(602) (b)(6) (b)(7)(C) Office

(602) Cell

(602) Fax

(b)(6) (b)(7)(C) @azcorrections.gov

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

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 5:29 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Dream Pharma Update

-----Original Message-----

**From:** DEAN, MICHAEL K  
**Sent:** Friday, January 07, 2011 9:48 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: Dream Pharma Update

4 of 21

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

**From:** Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
**Sent:** Monday, September 27, 2010 7:22 AM  
**To:** (b)(6) (b)(7)(C)@arizonacustomsbrokers.com'; (b)(6) (b)(7)(C)@arizonacustomsbrokers.com'  
**Cc:** Strickland, Evanguel; DEAN, MICHAEL K; Solis, Daniel  
**Subject:** FW: Dream Pharma Update

FYI:

Dave Thomas  
FDA Imports  
Phoenix, AZ

-----Original Message-----

**From:** Thomas, David  
**Sent:** Monday, September 27, 2010 7:21 AM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** RE: Dream Pharma Update

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

Why 2 shipments. Where are they shipping to? What is the Air Way Bill number and carrier. What is the departure time and what is the destination?

Dave Thomas  
FDA Imports  
Phoenix, AZ

-----Original Message-----

**From:** (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
**Sent:** Monday, September 27, 2010 7:19 AM  
**To:** Solis, Daniel; Thomas, David; Strickland, Evanguel  
**Cc:** (b)(6) (b)(7)(C)@arizonacustomsbrokers.com'; (b)(6) (b)(7)(C)  
(b)(6) (b)(7)(C) MICHAEL K DEAN  
**Subject:** Re: Dream Pharma Update

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

in London will be shipping late this afternoon their time...at least a partial shipment. The rest will follow tomorrow. As you can imagine, we are a bit nervous about the time-frames, given that we have to have the shipment in hand no later than the first.

Dream Pharma has confirmed our directions regarding shipment, with our customs broker and Phoenix as the port of entry. I will let you know when we hear more details.

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

>>> "Thomas, David" <David.Thomas@fda.hhs.gov> 9/27/2010 6:42 AM >>>  
Gentlemen:

I do not see any activity regarding the above shipment from England. I have CC'd all principals, except Dream Pharma, involved in this import. I will maintain updates until the product arrives.

David Thomas, DCM  
FDA Investigations  
Phoenix, Office

**Sent:** Friday, January 07, 2011 5:29 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Lethal Injection Pharmacology  
**Attachments:** Thomas, David - FDA Investigations (London Shipment) 2010-09-24.pdf; DOC092310\_1.pdf; DEA Registration.pdf

---

**From:** DEAN, MICHAEL K  
**Sent:** Friday, January 07, 2011 9:48 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: Lethal Injection Pharmacology  
**Importance:** High

5 of 21

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

---

**From:** DEAN, MICHAEL K  
**Sent:** Monday, September 27, 2010 11:37 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: Lethal Injection Pharmacology  
**Importance:** High

Fyi

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
502-914-1400 x219

---

**From:** Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
**Sent:** Monday, September 27, 2010 9:03 AM  
**To:** Schafer, Patricia  
**Cc:** Strickland, Evanguel; Solis, Daniel; (b)(6) (b)(7)(C) DEAN, MICHAEL K  
**Subject:** Lethal Injection Pharmacology  
**Importance:** High

Ms. Schafer:  
FDA Supervisor SCSO:  
Memphis, TN

RE: Lethal Injection Pharmacology arrival

These drugs will be coming in on a FedEx flight from U.K. tomorrow, with destination Port of Entry Phoenix, 2605. At this writing, the Entry has not been made by filer 575, Arizona Customs Brokerage, 602-273-0912. I will advise you of the Entry number once it has been transmitted ABI.

Please do not detain this entry. The product is scheduled for immediate delivery to Arizona Corrections Department upon arrival and examination at Phoenix, Port of Entry, 2605.

1/10/2011

David Thomas, DCM  
FDA Investigations  
Phoenix, Office  
480-829-7396 x 12

-----Original Message-----

From: Thomas, David  
Sent: Monday, September 27, 2010 8:23 AM

To: (b)(6) (b)(7)(C)

Cc: Strickland, Evanguel; Solis, Daniel; DEAN, MICHAEL K.; (b)(6) (b)(7)(C)

Subject: Lethal Injection Pharmacology  
Importance: High

Prior Notice Center Director, (b)(6) (b)(7)(C)

RE: Lethal Injection pharmacology:

Sir:

I have an entry of 3 components of a lethal injection, 1) Thiopental, 2) Pancuronium, 3) Potassium Chloride departing London this afternoon, destination Memphis with Port of Entry 2605, Phoenix. As of this communication, no entry has been made.

These pharmaceuticals are needed to carry out an execution here in Arizona, and are not for public consumption. Attached is Please find attached explanatory documentation and DEA registration for the Arizona Corrections facility.

Lastly, should I be advising anyone else?

Respectfully,

David Thomas, DCM  
FDA Investigations  
Phoenix, Office

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

We are in receipt of your communication and PDF attachments. I have CC'd my Supervisor, Mr. Strickland, and our Imports Director Mr. Solis for their review.

David Thomas, DCM  
FDA Investigations  
Phoenix, Office

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]

Sent: Friday, September 24, 2010 5:04 PM

To: Thomas, David

Subject: Pharmaceuticals from Dream Pharma, LTD. of London, England

Good Afternoon Mr. Thomas:

Thank you so much for your assistance with this matter. I have attached to this email a copy of the correspondence what will be shipped with the pharmaceuticals. It also includes the Department of Corrections' "Substance Control Registration Certificate". The second attachment is a list of the items that will be shipped to our facility; to include quantities purchased and the last attachment is a revised DEA Registration which includes certification for Schedule 2 drugs.

10/2011

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

Deputy Director  
Arizona Department of Corrections  
1601 W. Jefferson - MC 445  
Phoenix, Arizona 85007  
(602) (b)(6) (b)(7) Office  
(602) (C) Cell  
(602) Fax  
(b)(6) (b)(7)(C) azcorrections.gov

1/10/2011

# Arizona Department of Corrections



JANICE K. BREWER  
GOVERNOR

1801 WEST JEFFERSON  
PHOENIX, ARIZONA 85007  
(602) 542-5407  
www.azcorrections.gov



CHARLES L. RYAN  
DIRECTOR

September 24 2010

David Thomas, DCM  
FDA Investigations  
Food and Drug Administration  
Division of Import Operations and Policy  
4605 East Elwood Street, Suite 402  
Phoenix, Arizona 85040-1948

Dear Mr. Thomas:

Thank you for your professional assistance with the processing of this shipment. I am enclosing the original letter addressed to your agency and a copy of our Substance Control Registration Certificate.

Once again, thank you again for your assistance. Should you require additional information, please do not hesitate to contact me.

Sincerely,

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

Deputy Director

cc: File

*Dave,  
please do not hesitate to  
contact me for any reason. I  
greatly appreciate your assistance,*

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



# Arizona Department of Corrections



JANICE K. BREWER  
GOVERNOR

1801 WEST JEFFERSON  
PHOENIX, ARIZONA 85007  
(602) 542-5487  
www.azcorrections.gov



CHARLES L. RYAN  
DIRECTOR

September 24, 2010

David Thomas, DCM  
FDA Investigations  
Food and Drug Administration  
Division of Import Operations and Policy  
4605 East Elwood Street, Suite 402  
Phoenix, Arizona 85040-1948

Re: Execution by Lethal Injection of Arizona Inmate  
Jeffrey Timothy Landrigan #082157

Dear Mr. Thomas:

The purpose of this correspondence is to advise your agency of our intent to receive certain pharmaceutical products from Dream Pharma, Ltd. of London, England. We have placed the order with this company for the purpose of securing the necessary drugs for carrying out an execution warrant issued by the Arizona Supreme Court in the matter of State v. Jeffrey Timothy Landrigan, CR-90-0323 AP.

In order to proceed with the execution we must have the products ordered through Dream Pharma. Our DEA Registration number is: FA2203571 and it expires June 30, 2013. The execution is set by the court for October 26, 2010, and our agency is mandated to advise the court that it possesses the necessary chemicals for the lethal injection protocol as approved, no later than October 1, 2010.

Any steps your agency can take in attending to this shipment expeditiously would be of great assistance to our agency in its effort to abide by the court-ordered dates set by the court. Should your agency have any questions, do not hesitate to contact my office directly at (602) (b)(6) (b)(7)(C) or after normal business hours through our command center at (602) 542-1212.

Thank you in advance for your professional assistance with the processing of this shipment.

Sincerely,

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

Director

cc: (b)(6) (b)(7)(C) Deputy Director  
(b)(6) (b)(7)(C) Division Director, Offender Operations  
(b)(6) (b)(7)(C) Warden, ASPC Florence

# Fax

**To:** (b)(6) (b)(7)(C) **From:** (b)(6) (b)(7)(C) Contracts Manager

**Company/Institution:** Dream Pharmia, LTd  
176 Horn Lane  
Acton, London W3 6PJ

**Pages:** 1

**Fax:** (b)(6) (b)(7)(C) **Date:** 9/23/10

**Phone:** (b)(6) (b)(7)(C) **Re:** Urgent Order USA

Urgent     For Review     Please Comment     Please Reply     Please Recycle

● **Comments:** THIS ORDER MUST BE RECEIVED BY THE DEPARTMENT NO LATER THAN OCTOBER 1, 2010.

Based on previous conversations between the Arizona Department of Corrections, we are placing the following order:

- 1. THIOPENTAL INJECTION** (powder for reconstitution, thiopental sodium, 500-mg vial packs of 25's)  
Item Cost: £196.76 (pounds Sterling)  
Quantity: 6 packs
- 2. PANCURONIUM INJECTION** (pancuronium bromide 2 mg/ml, 2-ml amp)  
Item Cost: Awaiting cost from Vendor – please confirm the price once obtained.  
Quantity: 450 amp.
- 3. POTASSIUM CHLORIDE** (1.5gm, 10ml, injection packs of 10)  
Item Cost: £15.55  
Quantity: 18 packs

Payment for this order will be by credit card, to be provided via telephone. Please contact me for additional information.

(b)(6) (b)(7)(C)  
p: 602- (b)(6) (b)(7)(C)

**From:** [REDACTED]  
**Sent:** Friday, January 07, 2011 5:29 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Lethal Injection Pharmacology

---

**From:** DEAN, MICHAEL K.  
**Sent:** Friday, January 07, 2011 9:49 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: Lethal Injection Pharmacology

6 of 21

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

---

**From:** Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
**Sent:** Monday, September 27, 2010 12:08 PM  
**To:** Schafer, Patricia; Halpenny, (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C); (b)(6) (b)(7)(C)@azcorrections.gov; DEAN, MICHAEL K  
**Subject:** RE: Lethal Injection Pharmacology

Patricia:

Correspondence received, thank you. I will email your staffing the Entry number once transmitted.

Respectfully,

David Thomas, DCM  
FDA Investigations  
Phoenix, Office

---

**From:** Schafer, Patricia  
**Sent:** Monday, September 27, 2010 10:02 AM  
**To:** Thomas, David; Halpenny, Susan M; (b)(6) (b)(7)(C)  
**Cc:** Strickland, Evanguel; Solis, Danie (b)(6) (b)(7)(C)@azcorrections.gov; michael.dean@dhs.gov  
**Subject:** Re: Lethal Injection Pharmacology

usan, (b)(6) (b)(7)(C) -- please read this email.

David Thomas- thank you for your email. I will be out of the office for about 2.5 weeks. Please keep my staff aware of this shipment and others.

Thanks, Patt Schafer  
Patricia Schafer,

Director, Compliance Branch and Import Operations  
New Orleans District Office

10/10/2011

Charles:

We are in receipt of your communication and PDF attachments. I have CC'd my Supervisor, Mr. Strickland, and our Imports Director Mr. Solis for their review.

David Thomas, DCM  
FDA Investigations  
Phoenix, Office

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]

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Once again, thank you again for your assistance. Should you require additional information, please do not hesitate to contact me. Here is my information:

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

Deputy Director

Arizona Department of Corrections

1601 W. Jefferson - MC 445

Phoenix, Arizona 85007

(602) (b)(6) (b)(7)(C) Office

(602) (b)(6) (b)(7)(C) Cell

(602) (b)(6) (b)(7)(C) Fax

(b)(6) (b)(7)(C)@azcorrections.gov

<<Thomas, David - FDA Investigations (London Shipment) 2010-09-24.pdf>> <<DOC092310\_1.pdf>> <<DEA Registration.pdf>>

1/10/2011

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

From: (b)(6) (b)(7)(C)  
Sent: Friday, January 07, 2011 5:29 PM  
To: (b)(6) (b)(7)(C)  
Subject: FW: AZ Corrections pharmacology tentative arrival, 9-29-2010

-----Original Message-----

From: DEAN, MICHAEL K  
Sent: Friday, January 07, 2011 9:51 AM  
To: (b)(6) (b)(7)(C)  
Cc: (b)(6) (b)(7)(C)  
Subject: FW: AZ Corrections pharmacology tentative arrival, 9-29-2010

10 of 21

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
Sent: Tuesday, September 28, 2010 9:57 AM  
To: Daniel Solis; David Thomas; Evanguel Strickland  
Cc: (b)(6) (b)(7)(C) DEAN, MICHAEL K  
Subject: Re: AZ Corrections pharmacology tentative arrival, 9-29-2010

Dave:

To confirm this information, I have arranged to have a ranking staff member from Prison Operations, joined by the Pharmacy Program Manager meet you at the time and location you specify. Thank you again for your assistance.

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

>>> "Thomas, David" <David.Thomas@fda.hhs.gov> 9/28/2010 9:52 AM >>>

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

Talking with the Deputy Director of AZ Corrections, (b)(6) (b)(7)(C) a few minutes ago, I have made tentative plans to inspect the Dream Pharma products at Phoenix airport. I have asked one of his employees to witness our FDA inspection for 3 reasons. Reasoning; 1) witness product accountability and ensure chain-of-custody, 2) witness the FDA inspection, and 3) enable the availability to immediately transport the refrigerated product to their storage facility.

Approximate arrival time 4:00 PM, I have Sky Harbor escort privileges, so I'll be escorting one of (b)(6) (b)(7)(C) employees at the Air Port. I will endeavor to pick up the product immediately when it comes off the plane. I'll probably be working until 6:00 PM to make sure everything is done correctly.

For your review,

Dave Thomas

**Sent:** Friday, January 07, 2011 5:29 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: AZ Correctional Import; invoice along with FedEx document  
**Attachments:** Fwd: invoice along with FedEx document

---

**From:** DEAN, MICHAEL K  
**Sent:** Friday, January 07, 2011 9:50 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: AZ Correctional Import; invoice along with FedEx document  
**Importance:** High

9 of 21

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
502-914-1400 x219

---

**From:** DEAN, MICHAEL K  
**Sent:** Tuesday, September 28, 2010 9:08 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
(b)(6) (b)(7)(C)  
**Subject:** FW: AZ Correctional Import; invoice along with FedEx document  
**Importance:** High

Fyi on our shipment of execution drugs.

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
502-914-1400 x219

---

**From:** Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
**Sent:** Tuesday, September 28, 2010 8:59 AM  
**To:** (b)(6) (b)(7)(C) azcorrections.gov'  
**Cc:** Strickland, Evanquel; Solis, Daniel; Halpenny, Susan M; DEAN, MICHAEL K; Budweg, Greta L; Schafer, Patricia (b)(6) (b)(7)(C) arizonacustomsbrokers.com'  
**Subject:** AZ Correctional Import; invoice along with FedEx document  
**Importance:** High

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

We are in receipt of your communication and attachment below, thank you. I just spoke with the Brokerage, ACB. They will be transmitting an entry before 11 AM today, 9-28-10. I will send you the U.S. Custom's Entry number and Air Way Bill, once transmitted ABI for easier tracking.

Regards,

David Thomas, DCM  
1/10/2011

-----Original Message-----

From: (b)(6) (b)(7)(C) [REDACTED]@azcorrections.gov]

Sent: Tuesday, September 28, 2010 8:36 AM

To: (b)(6) (b)(7)(C) [REDACTED]@arizonacustomsbrokers.com; michael.dean@dhs.gov; Thomas, David

(b)(6) (b)(7)(C) [REDACTED]@arizonacustomsbrokers.com; (b)(6) (b)(7)(C) [REDACTED]

(b)(6) (b)(7)(C) [REDACTED]

(b)(6) (b)(7)(C) [REDACTED]@gmail.com

Subject: Fwd: invoice along with FedEx document

Gentlemen:

Attached you will find the information forwarded to us by Dream Pharma regarding the shipment, which was provided to Fed Ex early this morning (our time). I am hoping this gives you all the information your need in order to help us get this shipment ASAP.

I would like to express my sincere gratitude for all of your professional advice and assistance on this time sensitive and critical issue. I fully recognize that you went out of your way to help, and assure you that we greatly appreciate your efforts.

(b)(6) (b)(7)(C) [REDACTED]

1/10/2011

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

From: (b)(6) (b)(7)(C)@azcorrections.gov]  
Sent: Tuesday, September 28, 2010 11:34 AM  
To: (b)(6) (b)(7)(C)  
Subject: Fwd: invoice along with FedEx document  
Attachments: 2679inv.pdf



2679inv.pdf (191 KB)

>>> (b)(6) (b)(7)(C)@gmail.com> 9/28/2010 3:05 AM >>>

28-09-10

Dear (b)(6) (b)(7)(C)

Attached please find a copy of your invoice along with FedEx document for the products you had requested.

The goods have been given to FedEx.

Your FedEx tracking number 8721.3648.1249

Academically you should receive the parcel, if nothing goes wrong, tomorrow by 4:00PM

>>> (b)(6) (b)(7)(C)@gmail.com> 9/27/2010 10:18 AM >>>

Dear (b)(6) (b)(7)(C)

Tomorrow I will send you a copy of FedEx AWB document.  
I have communicated with FedEx regarding your instruction (i.e Port of Entry shall be Phoenix, Arizona, and Memphis, Tennessee as port of Unladen)  
I have also requested the parcel to take top priority, which is extra cost.  
What I cannot provide is FedEx's departure time. I think the flight leaves Uk to France, then to Memphis.  
The parcel can be tracked online at any given time.  
I think your agent "Arizona Customs Brokers" will be able to communicate with FedEx the flight status as soon as it lands in Memphis or prior to landing.  
I have now received:  
POTASSIUM CHLORIDE 1.5GM 10ML INJ. PACKS OF 10  
as well as  
Pancuronium Injection, pancuronium bromide 2 mg/mL, 2-mL amp,  
please note "Pancuronium " is a refrigerated item. I will pack them in a polystyrene box, with gel ice. I will also mark the box as cool item.  
Deliver ASAP. Refrigerated immediately upon arrival.

Regards,

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

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

Yes, thank you. To confirm, everything will be in a single shipment.  
Please confirm the tracking number, but also the following:

- Air Way Bill number and carrier (assume Fed Ex)
- Departure time.
- Destination (assume Memphis as port of unladen and Phoenix, Arizona  
as final destination port of entry)



Thanks much.

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

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 5:29 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Lethal Injection drugs from England

---

**From:** DEAN, MICHAEL K  
**Sent:** Friday, January 07, 2011 9:50 AM  
**To:** (b)(6) (b)(7)(C)  
**CC:** (b)(6) (b)(7)(C)  
**Subject:** FW: Lethal Injection drugs from England

3 of 21

Michael K. Dean  
J.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
502-914-1400 x219

---

**From:** Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
**Sent:** Monday, September 27, 2010 12:34 PM  
**To:** (b)(6) (b)(7)(C) @arizonacustomsbrokers.com  
**CC:** Budweg, Greta L; Strickland, Evanguel; Solis, Daniel; Halpenny, Susan M; DEAN, MICHAEL K  
**Subject:** Lethal Injection drugs from England

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

Thank you, I have CC'd Supervision.

David Thomas, DCM  
FDA Investigations  
Phoenix, Office

-----Original Message-----

**From:** (b)(6) (b)(7)(C) @arizonacustomsbrokers.com [mailto:(b)(6) (b)(7)(C) @arizonacustomsbrokers.com]  
**Sent:** Monday, September 27, 2010 12:24 PM  
**To:** Thomas, David  
**Subject:** Re: Confirmation of dialogue

Have,

Just spoke with (b)(6) (b)(7)(C) at AZ Department of Corrections, and he said I should have the documents tomorrow morning.

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

Arizona Customs Brokerage  
Phoenix, AZ  
602-(b)(6) (b)(7)(C)

----- Original Message -----

**From:** "Thomas, David" <David.Thomas@fda.hhs.gov>  
**To:** (b)(6) (b)(7)(C) @arizonacustomsbrokers.com  
**Sent:** Monday, September 27, 2010 7:35 AM

/10/2011

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

We are in receipt of your communication and PDF attachments. I have CC'd my Supervisor, Mr. Strickland, and our Imports Director Mr. Solis for their review.

David Thomas, DCM  
DEA Investigations  
Phoenix, Office

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
Sent: Friday, September 24, 2010 5:04 PM  
To: Thomas, David  
Subject: Pharmaceuticals from Dream Pharma, LTD. of London, England

Good Afternoon Mr. Thomas:

Thank you so much for your assistance with this matter. I have attached to this email a copy of the correspondence what will be shipped with the pharmaceuticals. It also includes the Department of Corrections' "Substance Control Registration Certificate". The second attachment is a list of the items that will be shipped to our facility; to include quantities purchased and the last attachment is the revised DEA Registration which includes certification for Schedule 2 drugs.

Once again, thank you again for your assistance. Should you require additional information, please do not hesitate to contact me. Here is my information:

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

Deputy Director  
Arizona Department of Corrections  
1601 W. Jefferson - MC 445  
Phoenix, Arizona 85007  
602) (b)(6) (b)(7) Office  
602) (C) Cell  
602) Fax

(b)(6) (b)(7)(C) azcorrections.gov

1/10/2011

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

From: (b)(6) (b)(7)(C)  
Sent: Friday, January 07, 2011 5:29 PM  
To: (b)(6) (b)(7)(C)  
Subject: FW: Lethal Injection Pharmacology

-----Original Message-----

From: DEAN, MICHAEL K  
Sent: Friday, January 07, 2011 9:49 AM  
To: (b)(6) (b)(7)(C)  
Cc: (b)(6) (b)(7)(C)  
Subject: FW: Lethal Injection Pharmacology

7 of 21

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
Sent: Monday, September 27, 2010 12:23 PM  
To: Budweg, Greta L; Halpenny, Susan M  
Cc: (b)(6) (b)(7)(C)  
Strickland, Evanguel; Solis, Daniel; DEAN, MICHAEL K  
Subject: RE: Lethal Injection Pharmacology

Greta:

Thank you for your courteous, informative and timely reply. I have advised the Broker, Arizona Customs Brokerage, Phoenix, AZ, Filer # 574, to transmit all entry documentation, regarding the above, prior to wheels-up, including AWB. I will then forward same to you and all principals.

As of this communication, the Filer has not received the paperwork to perform entry data for transmission to Custom's ACS system from the Automatic Broker Interface software.

Respectfully,

David Thomas, DCM  
FDA Investigations  
Phoenix, Office

-----Original Message-----

From: Budweg, Greta L  
Sent: Monday, September 27, 2010 10:02 AM  
To: Halpenny, Susan M  
Cc: (b)(6) (b)(7)(C); Thomas, David; (b)(6) (b)(7)(C)  
(b)(6) (b)(7)(C)  
Subject: RE: Lethal Injection Pharmacology

Susan,

We are running sweeps in CBP's ATS database to find this shipment prior to arrival. We've identified 2 similar shipments with our sweep with UPS-9066861-5 and 112-8992979-0. We'll keep you posted on anything we find.

Greta L. Budweg  
Watch Commander  
FDA/ORA/ORO/Prior Notice Center  
866-521-2297 main phone  
703-261-8439 phone  
703-261-8625 fax  
greta.budweg@fda.hhs.gov

-----Original Message-----

From: Halpenny, Susan M  
Sent: Monday, September 27, 2010 12:44 PM  
To: Thomas, David  
Cc: (b)(6) (b)(7)(C) Budweg, Greta L  
Subject: FW: Lethal Injection Pharmacology  
Importance: High

Good day,

It would be helpful if you could provide Memphis the airway bill for this shipment. We can follow-up with the broker to see if/and when the shipment is being transmitted. Also we would be able to track the shipment thru Federal Express. I appreciate any information you can provide. Thanks in advance.

Susan M. Halpenny  
Supervisory Investigator  
FDA, New Orleans District, Imports  
Voice (901) 333-3521  
Fax (901) 333-3576

-----Original Message-----

From: Budweg, Greta L  
Sent: Monday, September 27, 2010 11:31 AM  
To: Schafer, Patricia  
Cc: ORA SE NOL Import Supervisors; Taube, Anthony C  
Subject: FW: Lethal Injection Pharmacology  
Importance: High

Hi Pat,

I suggested to Dave Thomas that this information would be helpful to the Memphis entry reviewers. Dave indicated that no entry has been made at this time. I'll continue to pass on any information related to this shipment.

Greta

Greta L. Budweg  
Watch Commander  
FDA/ORA/ORO/Prior Notice Center  
866-521-2297 main phone  
703-261-8439 phone  
703-261-8625 fax  
greta.budweg@fda.hhs.gov

-----Original Message-----

From: Thomas, David  
Sent: Monday, September 27, 2010 11:50 AM  
To: Budweg, Greta L  
Subject: FW: Lethal Injection Pharmacology

Dave Thomas  
FDA Imports  
Phoenix, AZ

-----Original Message-----

From: Thomas, David  
Sent: Monday, September 27, 2010 8:23 AM  
To: Taube, Anthony C  
Cc: Strickland, Evanguel; Solis, Daniel; 'DEAN, MICHAEL K'; (b)(6) (b)(7)(C)  
Subject: Lethal Injection Pharmacology  
Importance: High

Prior Notice Center Director, Anthony Taube:

RE: Lethal Injection pharmacology:

Sir:

I have an entry of 3 components of a lethal injection, 1) Thiopental, 2) Pancuronium, 3) Potassium Chloride departing London this afternoon, destination Memphis with Port of Entry 2605, Phoenix. As of this communication, no entry has been made.

These pharmaceuticals are needed to carry out an execution here in Arizona, and are not for public consumption. Attached is Please find attached explanatory documentation and DEA registration for the Arizona Corrections facility.

Lastly, should I be advising anyone else?

Respectfully,

David Thomas, DCM  
FDA Investigations  
Phoenix, Office

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

We are in receipt of your communication and PDF attachments. I have CC'd my Supervisor, Mr. Strickland, and our Imports Director Mr. Solis for their review.

David Thomas, DCM  
FDA Investigations  
Phoenix, Office

-----Original Message-----

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information, please do not hesitate to contact me. Here is my information:

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

Deputy Director  
Arizona Department of Corrections  
1601 W. Jefferson - MC 445  
Phoenix, Arizona 85007  
(602) (b)(6) (b)(7)(C) Office  
(602) Cell  
(602) Fax  
(b)(6) (b)(7)(C) azcorrections.gov

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

---

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 5:29 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: execution drug shipment

**Attachments:** Fwd: invoice along with FedEx document; DOC092310.pdf; DOC092310\_1.pdf

---

**From:** DEAN, MICHAEL K  
**Sent:** Friday, January 07, 2011 9:51 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: execution drug shipment  
**Importance:** High

11 of 21

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

---

**From:** (b)(6) (b)(7)(C)  
**Sent:** Tuesday, September 28, 2010 10:49 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** DEAN, MICHAEL K  
**Subject:** execution drug shipment  
**Importance:** High

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

CBP in Phoenix is asking for our assistance to ensure this shipment of execution drugs that are coming in tonight do not get held up.

Can you forward this email to the Fedex sups?

Regards,

(b)(6) (b)(7)(C) CBP Officer  
U.S. Customs and Border Protection  
Memphis Port of Entry  
3150 Tchulahoma Road Ste. 1  
Memphis, TN 38118  
Office: (901) (b)(6) (b)(7)(C)  
Fax: (901) (b)(6) (b)(7)(C)  
(b)(6) (b)(7)(C) @dhs.gov



**From:** DEAN, MICHAEL K  
**Sent:** Tuesday, September 28, 2010 12:38  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: Invoice along with FedEx document  
**Importance:** High

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

A head's up as per our discussion regarding the shipment of execution drugs imported by and destined for the State of Arizona. The State must have the drugs by Oct 1 in order to fulfill legal requirements and has reached out to CBP and FDA to ensure a smooth delivery without delay. The ship should hit the FedEx hub there today and will move in-bond to Phoenix for entry by a local customs broker. We do have a FedEx tracking number (8721 3648 1249), but no AWB info.

Thanks,

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

**From:** (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
**Sent:** Tuesday, September 28, 2010 8:35 AM  
**To:** (b)(6) (b)(7)(C)@arizonacustomsbrokers.com; DEAN, MICHAEL K; david.thomas@fda.hhs.gov  
(b)(6) (b)(7)(C)@arizonacustomsbrokers.com; (b)(6) (b)(7)(C)  
(b)(6) (b)(7)(C)  
(b)(6) (b)(7)(C)@gmail.com  
**Subject:** Fwd: invoice along with FedEx document

Gentlemen:

Attached you will find the information forwarded to us by Dream Pharma regarding the shipment, which was provided to Fed Ex early this morning (our time). I am hoping this gives you all the information your need in order to help us get this shipment ASAP.

I would like to express my sincere gratitude for all of your professional advice and assistance on this time sensitive and critical issue. I fully recognize that you went out of your way to help, and assure you that we greatly appreciate your efforts.

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

-----  
**From:** Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
**Sent:** Monday, September 27, 2010 9:03 AM  
**To:** (b)(6) (b)(7)(C)

Subject: Lethal Injection Pharmacology  
Importance: High

Ms. Schafer:

FDA Supervisor SCSO:

Memphis, TN

RE: Lethal Injection Pharmacology arrival

These drugs will be coming in on a FedEx flight from U.K. tomorrow, with destination Port of Entry Phoenix, 2605. At this writing, the Entry has not been made by filer 575, Arizona Customs Brokerage, 602-273-0912. I will advise you of the Entry number once it has been transmitted ABI.

Please do not detain this entry. The product is scheduled for immediate delivery to Arizona Corrections Department upon arrival and examination at Phoenix, Port of Entry, 2605.

Should you have any questions, please notify me immediately at the contact information below.

Respectfully,

David Thomas, DCM

FDA Investigations

Phoenix, Office

480-829-7396 x 12

From: Thomas, David

Sent: Monday, September 27, 2010 8:23 AM

To: Taube, Anthony C

Cc: Strickland, Evanguel; Solis, Daniel; 'DEAN, MICHAEL K'; (b)(6) (b)(7)(C)

Subject: Lethal Injection Pharmacology

Importance: High

Prior Notice Center Director, Anthony Taube:

RE: Lethal Injection pharmacology:

Sir:

I have an entry of 3 components of a lethal injection, 1) Thiopental, 2) Pancuronium, 3) Potassium Chloride departing London this afternoon, destination Memphis with Port of Entry 2605, Phoenix. As of this communication, no entry has been made.

These pharmaceuticals are needed to carry out an execution here in Arizona, and are not for public consumption. Attached is Please find attached explanatory documentation and DEA registration for the Arizona Corrections facility.

Lastly, should I be advising anyone else?

Respectfully,

David Thomas, DCM

FDA Investigations

Phoenix, Office

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

We are in receipt of your communication and PDF attachments. I have CC'd my Supervisor, Mr. Strickland, and our Imports Director Mr. Solis for their review.

David Thomas, DCM

FDA Investigations

Phoenix, Office

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]

Sent: Friday, September 24, 2010 5:04 PM

To: Thomas, David

Subject: Pharmaceuticals from Dream Pharma, LTD. of London, England

Good Afternoon Mr. Thomas:

Thank you so much for your assistance with this matter. I have attached to this email a copy of the correspondence what will be shipped with the pharmaceuticals. It also includes the Department of Corrections' "Substance Control Registration Certificate". The second attachment is a list of the items that will be shipped to our facility; to include quantities purchased and the last attachment is the revised DEA Registration which includes certification for Schedule 2 drugs.

Once again, thank you again for your assistance. Should you require additional information, please do not hesitate to contact me. Here is my information:

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

Deputy Director

Arizona Department of Corrections

1601 W. Jefferson - MC 445

Phoenix, Arizona 85007

(602) (b)(6) (b)(7)(C) Office

(602) (b)(6) (b)(7)(C) Cell

(602) (b)(6) (b)(7)(C) Fax

(b)(6) (b)(7)(C) @azcorrections.gov



Fwd: Invoice along  
with FedEx ...



DOC092310.pdf  
(146 KB)



DOC092310\_1.pdf  
(24 KB)

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

From: (b)(6) (b)(7)(C) [redacted]@azcorrections.gov]  
Sent: Tuesday, September 28, 2010 11:34 AM  
To: (b)(6) (b)(7)(C) [redacted]  
Subject: Fwd: invoice along with FedEx document

Attachments: 2679inv.pdf



2679inv.pdf (191 KB)

>>> (b)(6) (b)(7)(C) [redacted]@gmail.com> 9/28/2010 3:05 AM >>>

28-09-10

Dear (b)(6) (b)(7)(C) [redacted]

Attached please find a copy of your invoice along with FedEx document for the products you had requested.

The goods have been given to FedEx.

Your FedEx tracking number 8721 3648 1249

Academically you should receive the parcel, if nothing goes wrong, tomorrow by 4:00PM

>>> (b)(6) (b)(7)(C) [redacted]@gmail.com> 9/27/2010 10:18 AM >>>

Dear (b)(6) (b)(7)(C) [redacted]

Tomorrow I will send you a copy of FedEx AWB document.

I have communicated with FedEx regarding your instruction (i.e Port of Entry shall be Phoenix, Arizona, and Memphis, Tennessee as port of Unladen)

I have also requested the parcel to take top priority, which is extra cost.

What I cannot provide is FedEx's departure time. I think the flight leaves Uk to France, then to Memphis.

The parcel can be tracked online at any given time.

I think your agent "Arizona Customs Brokers" will be able to communicate with Fedex the flight status as soon as it lands in Memphis or prior to landing.

I have now received:

POTASSIUM CHLORIDE 1.5GM 10ML INJ. PACKS OF 10

as well as

Pancuronium Injection, pancuronium bromide 2 mg/mL, 2-mL amp,

please note "Pancuronium" is a refrigerated item. I will pack them in a polystyrene box, with gel ice. I will also mark the box as cool item.

Deliver ASAP. Refrigerated immediately upon arrival.

Regards,

(b)(6) (b)(7)(C) [redacted]

(b)(6) (b)(7)(C) [redacted]

Yes, thank you. To confirm, everything will be in a single shipment. Please confirm the tracking number, but also the following:

- Air Way Bill number and carrier (assume Fed Ex)
- Departure time.
- Destination (assume Memphis as port of unladen and Phoenix, Arizona as final destination port of entry)

Thanks much.

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

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 5:30 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: AZ Correctional Import; invoice along with FedEx document

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**From:** DEAN, MICHAEL K  
**Sent:** Friday, January 07, 2011 9:52 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: AZ Correctional Import; invoice along with FedEx document

12 of 21

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

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**From:** Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
**Sent:** Tuesday, September 28, 2010 1:56 PM  
**To:** DEAN, MICHAEL K  
**Cc:** Strickland, Evanguel; Solis, Daniel (b)(6) (b)(7)(C) azcorrections.gov  
**Subject:** RE: AZ Correctional Import; invoice along with FedEx document

Michael:

The Importation of this product could not take place without the expertise and cooperation of your agency. Your communication with CBP Memphis Office is of paramount importance. Without a CBP release of this Inbound entry, the product would never reach Phoenix, AZ.

Thank you in advance for your help in this endeavor.

Regards,

David Thomas, DCM  
FDA Investigations  
Phoenix, Office

---

**From:** DEAN, MICHAEL K [mailto:michael.dean@dhs.gov]  
**Sent:** Tuesday, September 28, 2010 1:23 PM  
**To:** Thomas, David  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** RE: AZ Correctional Import; invoice along with FedEx document

Dave,

I'll give you a head's up once the entry is received in our system and released.

Michael K. Dean  
1/10/2011



Phoenix, AZ  
602-914-1400 x219

---

**From:** Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
**Sent:** Tuesday, September 28, 2010 1:11 PM  
**To:** (b)(6) (b)(7)(C) arizonacustomsbrokers.com (b)(6) (b)(7)(C) azcorrections.gov  
**Cc:** Strickland, Evanguel; Solis, Daniel; Halpenny, Susan M; DEAN, MICHAEL K; Budweg, Greta L; Schafer, Patricia (b)(6) (b)(7)(C)  
**Subject:** RE: AZ Correctional Import; invoice along with FedEx document

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

We are in receipt of your communication below, thank you. We appreciate the hard work you and your staff have placed into this endeavor, and look forward to your communicating your final data information tomorrow morning.

Regards,

David Thomas, DCM  
FDA Investigations  
Phoenix, Office

---

**From:** (b)(6) (b)(7)(C) arizonacustomsbrokers.com [mailto:(b)(6) (b)(7)(C) arizonacustomsbrokers.com]  
**Sent:** Tuesday, September 28, 2010 1:04 PM  
**To:** Thomas, David (b)(6) (b)(7)(C) @azcorrections.gov  
**Cc:** Strickland, Evanguel; Solis, Daniel; Halpenny, Susan M; 'DEAN, MICHAEL K'; Budweg, Greta L; Schafer, Patricia  
**Subject:** Re: AZ Correctional Import; invoice along with FedEx document

Dave Thomas,

In order for me to transmit the information to ABI I need the IT information from Federal Express. Federal Express will not have this information available until after the plane arrives in Memphis. I will transmit the entry to Customs first thing in the morning on the 29th.

The entry number will be 574-0250322-1. I will let you know when the entry has been accepted by Customs.

Regards,

(b)(6) (b)(7)(C) CHB  
ACB

----- Original Message -----

**From:** Thomas, David  
**To:** (b)(6) (b)(7)(C) azcorrections.gov  
**Cc:** Strickland, Evanguel; Solis, Daniel; Halpenny, Susan M; 'DEAN, MICHAEL K'; Budweg, Greta L; Schafer, Patricia; (b)(6) (b)(7)(C) arizonacustomsbrokers.com  
**Sent:** Tuesday, September 28, 2010 8:59 AM  
**Subject:** AZ Correctional Import; invoice along with FedEx document

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

We are in receipt of your communication and attachment below, thank you. I just spoke with the Brokerage, ACB. They will be transmitting an entry before 11 AM today, 9-28-10. I will send you the U.S. Custom's Entry number and Air Way Bill, once transmitted ABI for easier tracking.

Regards,

1/10/2011

David Thomas, DCIM  
FDA Investigations  
Phoenix, Office

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]

Sent: Tuesday, September 28, 2010 8:35 AM

To: (b)(6) (b)(7)(C) @arizonacustomsbrokers.com; michael.dean@dhs.gov; Thomas, David

(b)(6) (b)(7)(C) arizonacustomsbrokers.com; (b)(6) (b)(7)(C)

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

Subject: Fwd: invoice along with FedEx document

Gentlemen:

Attached you will find the information forwarded to us by Dream Pharma regarding the shipment, which was provided to Fed Ex early this morning (our time). I am hoping this gives you all the information your need in order to help us get this shipment ASAP.

I would like to express my sincere gratitude for all of your professional advice and assistance on this time sensitive and critical issue. I fully recognize that you went out of your way to help, and assure you that we greatly appreciate your efforts.

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

/10/2011

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 5:30 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Update: Pharmaceutical arrival

---

**From:** DEAN, MICHAEL K  
**Sent:** Friday, January 07, 2011 9:52 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: Update: Pharmaceutical arrival  
**Importance:** High

13 of 21

Michael K. Dean  
J.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
502-914-1400 x219

---

**From:** Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
**Sent:** Tuesday, September 28, 2010 2:25 PM  
**To:** Strickland, Evanguel  
**Cc:** Solis, Danie (b)(6) (b)(7)(C) azcorrections.gov (b)(6) (b)(7)(C) arizonacustomsbrokers.com';  
(b)(6) (b)(7)(C) arizonacustomsbrokers.com'; DEAN, MICHAEL K  
**Subject:** Update: Pharmaceutical arrival  
**Importance:** High

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

Assistant Port Director Michael Dean, just informed me the product may arrive tonight, here in Phoenix, AZ. No one appears to know at this time when the flight will arrive, because there is no IT number assigned to the entry number 574-0250322-1. Therefore, I'll check with FedEx tomorrow morning around 5 AM to determine if the product has come in. If it has, I'll notify (b)(6) (b)(7)(C) immediately.

Additionally, U.S. Customs can't release the entry until they have the import documentation, and Arizona Customs Brokerage doesn't open until 8 AM. Therefore, we're hoping for an early ABI transmission from ACB to enable U.S. Customs to inspect and release the entry.

Lastly, FedEx doesn't have a refrigeration unit, therefore AZ DOC will be advised to pick up the product immediately after Governmental inspections. Although we have tentative plans for a 4 PM arrival tomorrow, they'll need to make arrangements to come earlier. I'll keep Deputy Director (b)(6) (b)(7)(C) posted.

David Thomas, DCM  
FDA Investigations  
Phoenix, Office

1/10/2011

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 5:30 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: AZ Correctional Import; invoice along with FedEx document

---

**From:** DEAN, MICHAEL K  
**Sent:** Friday, January 07, 2011 9:53 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: AZ Correctional Import; invoice along with FedEx document

.4 of 21

Michael K. Dean  
J.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
502-914-1400 x219

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**From:** DEAN, MICHAEL K  
**Sent:** Wednesday, September 29, 2010 10:17 AM  
**To:** Thomas, David  
**Subject:** RE: AZ Correctional Import; invoice along with FedEx document

The ball is in your court, sir.

Michael K. Dean  
J.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
502-914-1400 x219

---

**From:** Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
**Sent:** Wednesday, September 29, 2010 10:14 AM  
**To:** DEAN, MICHAEL K  
**Cc:** Strickland, Evanguel; Solis, Daniel; (b)(6) (b)(7)(C)  
**Subject:** RE: AZ Correctional Import; invoice along with FedEx document

Thank you Michael.

David Thomas, DCM  
DA Investigations  
Phoenix, Office

---

**From:** DEAN, MICHAEL K [mailto:michael.dean@dhs.gov]  
**Sent:** Wednesday, September 29, 2010 10:11 AM  
**To:** (b)(6) (b)(7)(C)@arizonacustomsbrokers.com; Thomas, David; (b)(6) (b)(7)@azcorrections.gov  
**Subject:** RE: AZ Correctional Import; Invoice along with FedEx document

/10/2011

For CBP purposes, this entry has been electronically arrived, processed and released. There are no further Customs requirements from our end.

Michael K. Dean  
J.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
502-914-1400 x219

From: (b)(6) (b)(7)(C) arizonacustomsbrokers.com [mailto:(b)(6) (b)(7)(C) arizonacustomsbrokers.com]  
Sent: Tuesday, September 28, 2010 1:04 PM  
To: Thomas, David; (b)(6) (b)(7)(C) azcorrections.gov  
Cc: Strickland, Evangel; Solis, Daniel; Halpenny, Susan M; DEAN, MICHAEL K; Budweg, Greta L; Schafer, Patricia  
Subject: Re: AZ Correctional Import; invoice along with FedEx document

Dave Thomas,

In order for me to transmit the information to ABI I need the IT information from Federal Express. Federal Express will not have this information available until after the plane arrives in Memphis. I will transmit the entry to Customs first thing in the morning on the 29th.

The entry number will be 574-0250322-1. I will let you know when the entry has been accepted by Customs.

Regards,

(b)(6) (b)(7)(C) CHB  
ACB

----- Original Message -----

From: Thomas, David  
To: (b)(6) (b)(7)(C) azcorrections.gov  
Cc: Strickland, Evangel; Solis, Daniel; Halpenny, Susan M; 'DEAN, MICHAEL K'; Budweg, Greta L; Schafer, Patricia; (b)(6) (b)(7)(C) arizonacustomsbrokers.com  
Sent: Tuesday, September 28, 2010 8:59 AM  
Subject: AZ Correctional Import; invoice along with FedEx document

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

We are in receipt of your communication and attachment below, thank you. I just spoke with the Brokerage, ACB. They will be transmitting an entry before 11 AM today, 9-28-10. I will send you the U.S. Custom's Entry number and Air Way Bill, once transmitted ABI for easier tracking.

Regards,

David Thomas, DCM  
FDA Investigations  
Phoenix, Office

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C) azcorrections.gov]  
Sent: Tuesday, September 28, 2010 8:35 AM  
To: (b)(6) (b)(7)(C) arizonacustomsbrokers.com; michael.dean@dhs.gov; Thomas, David; (b)(6) (b)(7)(C) arizonacustomsbrokers.com; (b)(6) (b)(7)(C)  
Subject: Fwd: invoice along with FedEx document

Gentlemen:

1/10/2011

I would like to express my sincere gratitude for all of your professional advice and assistance on this time sensitive and critical issue. I fully recognize that you went out of your way to help, and assure you that we greatly appreciate your efforts.

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

1/10/2011

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

From: (b)(6) (b)(7)(C)  
Sent: Friday, January 07, 2011 5:30 PM  
To: (b)(6) (b)(7)(C)  
Subject: FW: AZ Correctional Import; invoice along with FedEx document

-----Original Message-----

From: DEAN, MICHAEL K  
Sent: Friday, January 07, 2011 9:53 AM  
To: (b)(6) (b)(7)(C)  
Cc: (b)(6) (b)(7)(C)  
Subject: FW: AZ Correctional Import; invoice along with FedEx document

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Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
Sent: Wednesday, September 29, 2010 10:18 AM  
To: (b)(6) (b)(7)(C)@arizonacustomsbrokers.com; DEAN, MICHAEL K; David Thomas  
Cc: (b)(6) (b)(7)(C)  
Subject: RE: AZ Correctional Import; invoice along with FedEx document

Michael:

Outstanding. Thank you very much. I am finalizing a few other details in order to get it to Dave Thomas ASAP, and this helps tremendously.

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

>>> "DEAN, MICHAEL K" <michael.dean@dhs.gov> 9/29/2010 10:10 AM >>>  
Gentlemen,

For CBP purposes, this entry has been electronically arrived, processed and released. There are no further Customs requirements from our end.

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

---

From: (b)(6) (b)(7)(C)@arizonacustomsbrokers.com  
[mailto:(b)(6) (b)(7)(C)@arizonacustomsbrokers.com]  
Sent: Tuesday, September 28, 2010 1:04 PM  
To: Thomas, David (b)(6) (b)(7)(C)@azcorrections.gov

Cc: Strickland, Evanguel; Solis, Daniel; Halpenny, Susan M; DEAN, MICHAEL K; Budweg, Greta L; Schafer, Patricia  
Subject: Re: AZ Correctional Import; invoice along with FedEx document

Dave Thomas,

In order for me to transmit the information to ABI I need the IT information from Federal Express. Federal

Express will not have this information available until after the plane arrives in Memphis. I will transmit the entry to Customs first thing in the morning on the 29th.

The entry number will be 574-0250322-1. I will let you know when the entry has been accepted by Customs.

Regards,

(b)(6) (b)(7)(C) CHB

ACB

----- Original Message -----

From: Thomas, David <mailto:David.Thomas@fda.hhs.gov>

To: (b)(6) (b)(7)(C) azcorrections.gov'

Cc: Strickland, Evanguel  
<mailto:Evanguel.Strickland@fda.hhs.gov> ; Solis, Daniel <mailto:Dan.Solis@fda.hhs.gov>  
; Halpenny, Susan M <mailto:Susan.Halpenny@fda.hhs.gov> ; 'DEAN, MICHAEL K'  
<mailto:michael.dean@dhs.gov> ; Budweg, Greta L <mailto:Greta.Budweg@fda.hhs.gov> ;  
Schafer, Patricia <mailto:Patricia.Schafer@fda.hhs.gov> ;  
(b)(6) (b)(7)(C) arizonacustomsbrokers.com'

Sent: Tuesday, September 28, 2010 8:59 AM

Subject: AZ Correctional Import; invoice along with FedEx document

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

We are in receipt of your communication and attachment below, thank you. I just spoke with the Brokerage, ACB. They will be transmitting an entry before 11 AM today, 9-28-10. I will send you the U.S. Custom's Entry number and Air Way Bill, once transmitted ABI for easier tracking.

Regards,



David Thomas, DCM  
FDA Investigations  
Phoenix, Office

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]

Sent: Tuesday, September 28, 2010 8:35 AM

To: (b)(6) (b)(7)(C) arizonacustomsbrokers.com; michael.dean@dhs.gov; Thomas, David

(b)(6) (b)(7)(C) arizonacustomsbrokers.com (b)(6) (b)(7)(C)

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

(b)(6) (b)(7)(C) gmail.com

Subject: Fwd: invoice along with FedEx document

Gentlemen:

Attached you will find the information forwarded to us by Dream Pharma regarding the shipment, which was provided to Fed Ex early this morning (our time). I am hoping this gives you all the information your need in order to help us get this shipment ASAP.

I would like to express my sincere gratitude for all of your professional advice and assistance on this time sensitive and critical issue. I fully recognize that you went out of your way to help, and assure you that we greatly appreciate your efforts.

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

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

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 5:30 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: invoice along with FedEx document

---

**From:** DEAN, MICHAEL K  
**Sent:** Friday, January 07, 2011 9:54 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: invoice along with FedEx document

16 of 21

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

---

**From:** (b)(6) (b)(7)(C)  
**Sent:** Wednesday, September 29, 2010 4:24 PM  
**To:** DEAN, MICHAEL K; (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** RE: invoice along with FedEx document

Thank you for the heads up.

(b)(6) (b)(7)(C)  
Asst. Director Field Operations  
Tucson, Arizona

**Bus:** (b)(6) (b)(7)(C)  
**Fax:** (b)(6) (b)(7)(C)  
(b)(6) (b)(7)(C) @cbp.dhs.gov

---

**From:** DEAN, MICHAEL K  
**Sent:** Wednesday, September 29, 2010 1:54 PM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: invoice along with FedEx document  
**Importance:** High

FYI

to facilitate an entry of drugs by the Arizona Dept of Corrections needed for an execution at the end of October. Now Corrections just has to work delivery details out with FedEx, the Broker and FDA.

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

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**From:** DEAN, MICHAEL K  
**Sent:** Wednesday, September 29, 2010 10:11 AM  
**To:** (b)(6) (b)(7)(C) @arizonacustomsbrokers.com; Thomas, David; cfjanag@azcorrections.gov  
**Subject:** RE: AZ Correctional Import; invoice along with FedEx document

Gentlemen,

For CBP purposes, this entry has been electronically arrived, processed and released. There are no further Customs requirements from our end.

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

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**From:** (b)(6) (b)(7)(C) @arizonacustomsbrokers.com [mailto:(b)(6) (b)(7)(C) @arizonacustomsbrokers.com]  
**Sent:** Tuesday, September 28, 2010 1:04 PM  
**To:** Thomas, David (b)(6) (b)(7)(C) azcorrections.gov  
**Cc:** Strickland, Evanguel; Solis, Daniel; Halpenny, Susan M; DEAN, MICHAEL K; Budweg, Greta L; Schafer, Patricia  
**Subject:** Re: AZ Correctional Import; Invoice along with FedEx document

Dave Thomas,

In order for me to transmit the information to ABI I need the IT information from Federal Express. Federal Express will not have this information available until after the plane arrives in Memphis. I will transmit the entry to Customs first thing in the morning on the 29th.

The entry number will be 574-0250322-1. I will let you know when the entry has been accepted by Customs.

Regards,

(b)(6) (b)(7)(C) CHB  
ACB

----- Original Message -----

**From:** Thomas, David  
**To:** (b)(6) (b)(7)(C) azcorrections.gov  
**Cc:** Strickland, Evanguel; Solis, Daniel; Halpenny, Susan M; 'DEAN, MICHAEL K'; Budweg, Greta L; Schafer, Patricia; (b)(6) (b)(7)(C) arizonacustomsbrokers.com  
**Sent:** Tuesday, September 28, 2010 8:59 AM  
**Subject:** AZ Correctional Import; Invoice along with FedEx document

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

We are in receipt of your communication and attachment below, thank you. I just spoke with the Brokerage, ACB. They will be transmitting an entry before 11 AM today, 9-28-10. I will send you the U.S. Custom's Entry number and Air Way Bill, once transmitted.ABI for easier tracking.

Regards,

David Thomas, DCM  
FDA Investigations  
Phoenix, Office

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**From:** DEAN, MICHAEL K  
**Sent:** Tuesday, September 28, 2010 10:38 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: Invoice along with FedEx document  
**Importance:** High

(b)(6) (b)(7)(C) (CBP in Memphis)

A head's up as per our discussion regarding the shipment of execution drugs imported by and destined for the State of Arizona. The State must have the drugs by Oct 1 in order to fulfill legal requirements and has reached out to CBP and FDA to ensure a smooth delivery without delay. The ship should hit the FedEx hub there today and will move in-bond to Phoenix for entry by a local customs broker. We do have a FedEx tracking number (8721 3648 1249), but no AWB info.

Thanks,

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

**From:** (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]  
**Sent:** Tuesday, September 28, 2010 8:35 AM  
**To:** (b)(6) (b)(7)(C)@arizonacustomsbrokers.com; DEAN, MICHAEL K; david.thomas@fda.hhs.gov  
(b)(6) (b)(7)(C)@arizonacustomsbrokers.com; (b)(6) (b)(7)(C)  
(b)(6) (b)(7)(C)  
(b)(6) (b)(7)(C)@gmail.com  
**Subject:** Fwd: invoice along with FedEx document

Gentlemen:

Attached you will find the information forwarded to us by Dream Pharma regarding the shipment, which was provided to Fed Ex early this morning (our time). I am hoping this gives you all the information your need in order to help us get this shipment ASAP.

I would like to express my sincere gratitude for all of your professional advice and assistance on this time sensitive and critical issue. I fully recognize that you went out of your way to help, and assure you that we greatly appreciate your efforts.

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

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From: Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
Sent: Monday, September 27, 2010 9:03 AM  
To: Schafer, Patricia  
Cc: Strickland, Evanguel; Solis, Daniel; (b)(6) (b)(7)(C) DEAN, MICHAEL K  
Subject: Lethal Injection Pharmacology  
Importance: High

Ms. Schafer:

FDA Supervisor SCSO:

Memphis, TN

RE: Lethal Injection Pharmacology arrival

These drugs will be coming in on a FedEx flight from U.K. tomorrow, with destination Port of Entry Phoenix, 2605. At this writing, the Entry has not been made by filer 575, Arizona Customs Brokerage, 602-273-0912. I will advise you of the Entry number once it has been transmitted ABI.

Please do not detain this entry. The product is scheduled for immediate delivery to Arizona Corrections Department upon arrival and examination at Phoenix, Port of Entry, 2605.

Should you have any questions, please notify me immediately at the contact information below.

Respectfully,

David Thomas, DCM

FDA Investigations

Phoenix, Office

-----Original Message-----

From: Thomas, David

Sent: Monday, September 27, 2010 8:23 AM

To: Taube, Anthony C

Cc: Strickland, Evanguel; Solis, Daniel; 'DEAN, MICHAEL K'; (b)(6) (b)(7)(C)

Subject: Lethal Injection Pharmacology

Importance: High

Prior Notice Center Director, Anthony Taube:

RE: Lethal Injection pharmacology:

Sir:

I have an entry of 3 components of a lethal injection, 1) Thiopental, 2) Pancuronium, 3) Potassium Chloride departing London this afternoon, destination Memphis with Port of Entry 2605, Phoenix. As of this communication, no entry has been made.

These pharmaceuticals are needed to carry out an execution here in Arizona, and are not for public consumption. Attached is Please find attached explanatory documentation and DEA registration for the Arizona Corrections facility.

Lastly, should I be advising anyone else?

Respectfully,

David Thomas, DCM

FDA Investigations

Phoenix, Office

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

We are in receipt of your communication and PDF attachments. I have CC'd my Supervisor, Mr. Strickland, and our Imports Director Mr. Solis for their review.

David Thomas, DCM

FDA Investigations

Phoenix, Office

-----Original Message-----

From: (b)(6) (b)(7)(C) [mailto:(b)(6) (b)(7)(C)@azcorrections.gov]

Sent: Friday, September 24, 2010 5:04 PM

To: Thomas, David

Subject: Pharmaceuticals from Dream Pharma, LTD. of London, England

Good Afternoon Mr. Thomas:

Thank you so much for your assistance with this matter. I have attached to this email a copy of the correspondence what will be shipped with the pharmaceuticals. It also includes the Department of Corrections' "Substance Control Registration Certificate". The second attachment is a list of the items that will be shipped to our facility; to include quantities purchased and the last attachment is the revised DEA Registration which includes certification for Schedule 2 drugs.

Once again, thank you again for your assistance. Should you require additional information, please do not hesitate to contact me. Here is my information:

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

Deputy Director

Arizona Department of Corrections

1601 W. Jefferson - MC 445

Phoenix, Arizona 85007

(602) (b)(6) (b)(7)(C) Office

(602) (b)(6) (b)(7)(C) Cell

(602) (b)(6) (b)(7)(C) Fax

(b)(6) (b)(7)(C) [@azcorrections.gov](mailto:(b)(6) (b)(7)(C)@azcorrections.gov)

<< Message: Fwd: invoice along with FedEx document >> << File: DOC092310.pdf >> << File: DOC092310\_1.pdf >>



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

From: (b)(6) (b)(7)(C)  
Sent: Friday, January 07, 2011 5:30 PM  
To: (b)(6) (b)(7)(C)  
Subject: FW: Pharmaceuticals Shipment

-----Original Message-----

From: DEAN, MICHAEL K  
Sent: Friday, January 07, 2011 9:55 AM  
To: (b)(6) (b)(7)(C)  
Cc: (b)(6) (b)(7)(C)  
Subject: FW: Pharmaceuticals Shipment

17 of 21

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

-----Original Message-----

From: (b)(6) (b)(7)(C)  
Sent: Thursday, September 30, 2010 8:49 AM  
To: DEAN, MICHAEL K  
Subject: RE: Pharmaceuticals Shipment

Thanks Michael, good job. I sent this message forward to the FO and our new PD.

-----Original Message-----

From: DEAN, MICHAEL K  
Sent: Wednesday, September 29, 2010 7:21 PM  
To: (b)(6) (b)(7)(C) @azcorrections.gov  
Cc: (b)(6) (b)(7)(C)  
Subject: Re: Pharmaceuticals Shipment

Thanks for the kind words.

----- Original Message -----

From: (b)(6) (b)(7)(C) @azcorrections.gov  
To: DEAN, MICHAEL K; david.thomas@fda.hhs.gov <david.thomas@fda.hhs.gov>  
Cc: (b)(6) (b)(7)(C) @azcorrections.gov; (b)(6) (b)(7)(C) @azcorrections.gov; (b)(6) (b)(7)(C) @azcorrections.gov; (b)(6) (b)(7)(C) @azcorrections.gov; (b)(6) (b)(7)(C) @azcorrections.gov; (b)(6) (b)(7)(C) @azcorrections.gov; (b)(6) (b)(7)(C) @azcorrections.gov; (b)(6) (b)(7)(C) @azcorrections.gov; (b)(6) (b)(7)(C) @azcorrections.gov  
Sent: Wed Sep 29 20:54:06 2010  
Subject: Pharmaceuticals Shipment

Gentlemen:

I wanted to close this process of the last few days out by advising you that the pharmaceuticals we needed in order to comply with a court order in such a very short time frame have arrived at the State Prison at Florence, Arizona and are secure in the designated safe and refrigerator.

Please allow me to repeat my prior thanks and praise for your competent professionalism and assistance throughout what has been an arduous and daunting task. As you have both repeatedly advised me, you were undoubtedly just doing your jobs the way that it is prescribed. Nevertheless, I have been impressed with your knowledge and fidelity to your professions. It was obvious that you cared about and respected our work and this was not

exceptionally, witness the successful acquisition of this critical shipment, and I am personally grateful for the product of your efforts.

I need to extend my thanks to many of my employees for their exceptional efforts in accomplishing this goal, but I wanted to start with a sincere thank you both for a job well done.

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

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

Deputy Director  
Arizona Department of Corrections  
1601 West Jefferson Street  
Phoenix, Arizona 85007

(b)(6) (b)(7)(C) azcorrections.gov

(602) (b)(6) (b)(7)(C) (office direct)

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 5:30 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Entry

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**From:** DEAN, MICHAEL K  
**Sent:** Friday, January 07, 2011 9:55 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: Entry

18 of 21

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

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**From:** DEAN, MICHAEL K  
**Sent:** Tuesday, October 26, 2010 1:08 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Entry

Another shipment.

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

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**From:** DEAN, MICHAEL K  
**Sent:** Tuesday, October 26, 2010 12:54 PM  
**To:** (b)(6) (b)(7)(C) arizonacustomsbrokers.com  
**Subject:** RE: Entry

Thanks (b)(6) (b)(7)(C) Yes.

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

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**From:** (b)(6) (b)(7)(C) arizonacustomsbrokers.com [mailto:(b)(6) (b)(7)(C)@arizonacustomsbrokers.com]  
**Sent:** Tuesday, October 26, 2010 9:11 AM  
**To:** DEAN, MICHAEL K  
**Subject:** Entry

Good Morning,

1/10/2011

Shipment for DOC arriving today. Entry number is 574-0251126-5.

(b)(6) (b)(7)(C) will have the documents shortly.

Do you want to be notified on future shipments?

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

3/10/2011

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 5:30 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW:  
**Attachments:** 2010\_10\_27\_08\_36\_28.pdf

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**From:** DEAN, MICHAEL K  
**Sent:** Friday, January 07, 2011 9:56 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW.

19 of 21

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
502-914-1400 x219

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**From:** (b)(6) (b)(7)(C)@arizonacustomsbrokers.com [mailto:(b)(6) (b)(7)(C)@arizonacustomsbrokers.com]  
**Sent:** Wednesday, October 27, 2010 8:55 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** Thomas, David; DEAN, MICHAEL K  
**Subject:** Fw:

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

FDA will allow you to pick-up the shipment and HOLD IT INTACT in a secure location. This shipment has NOT BEEN RELEASED BY FDA. The shipment must not be used and needs to be available for FDA examination upon request. Failure to comply could lead to fines and penalties.

I have attached the necessary documents for you to pick-up the shipment.

If you have any further questions please give me a call.

(b)(6) (b)(7)(C)  
KCB

1/10/2011

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 5:31 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Bullets for Review

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**From:** DEAN, MICHAEL K  
**Sent:** Friday, January 07, 2011 9:57 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: Bullets for Review

20 of 21

Michael K. Dean  
J.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

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**From:** DEAN, MICHAEL K  
**Sent:** Wednesday, October 27, 2010 9:29 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** RE: Bullets for Review

FYI

FDA is releasing the shipment to the importer and directing it be held intact in a secure location pending FDA review and/or examination. This information was communicated to the importer by their customs broker this morning.

Michael K. Dean  
J.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
602-914-1400 x219

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**From:** (b)(6) (b)(7)(C)  
**Sent:** Tuesday, October 26, 2010 4:06 PM  
**To:** DEAN, MICHAEL K  
**Subject:** Bullets for Review

- On September 28, 2010, the State of Arizona imported a shipment of sodium thiopental from a manufacturer in England through the port of entry in Phoenix, AZ. The shipment was processed, inspected by FDA, and released by CBP on September 29, 2010.
- The drug was intended to be used during the execution of Jeffery Landrigan, who was scheduled to be executed on October 26, 2010.
- On October 15, 2010, the Tucson Field Office was contacted by reporters for the Arizona Republic, inquiring about any public records associated with the importation of the drug.

/10/2011

- The broker handling the importation notified CBP that they had also been contacted by reporters but refused to release any information.
- Further research, based on news reports and talking to the reporter, revealed that the issue concerning the importation is based on the limited supply of the required drug in the United States and the manner in which the State of Arizona acquired the drug. According to news reports, the only authorized source for the drug is a US company and there are no authorized sources outside of the United States.
- Defense counsel has requested information on the origin of the drug and the State of Arizona has been ordered by the courts to provide the information.
- The State of Arizona has not provided information regarding the origin of the drug as of this date, with the exception of stating that it came from a manufacturer in England, citing an Arizona law that prevents the disclosure of information regarding executioners or those involved with executions.
- As a result of motions filed by defense attorneys regarding this issue, the scheduled execution has been postponed.
- On October 26, 2010, a second shipment of the drug (destined for the State of Arizona) was processed and conditionally released by CBP at the port of entry in Phoenix, Arizona. It is currently subject of an FDA hold.
- The broker handling both importations has been in communication with CBP and is working with FDA.
- See news links below for additional open source information.

<http://www.azcentral.com/news/articles/2010/10/23/20101023arizona-execution-drug.html>

<http://www.guardian.co.uk/world/2010/oct/26/arizona-execution-british-drug-supplier>

<http://www.cnn.com/2010/CRIME/10/26/arizona.execution/>

[http://www.usatoday.com/news/nation/2010-10-25-arizona-lethal-injection-drug\\_N.htm?csp=34news](http://www.usatoday.com/news/nation/2010-10-25-arizona-lethal-injection-drug_N.htm?csp=34news)

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

Chief CBP Officer  
Public Affairs Liaison  
Honor Guard Coordinator  
ucson Field Office  
Office of Field Operations  
U.S. Customs and Border Protection

520) (b)(6) (b)(7)(C)  
300)

(b)(6) (b)(7)(C)@dhs.gov

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, January 07, 2011 5:31 PM  
**To:** (b)(6) (b)(7)(C)  
**Subject:** FW: Update Your Pharmaceutical Entry

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**From:** DEAN, MICHAEL K  
**Sent:** Friday, January 07, 2011 9:57 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: Update Your Pharmaceutical Entry  
**Importance:** High

21 of 21

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
502-914-1400 x219

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**From:** DEAN, MICHAEL K  
**Sent:** Friday, November 05, 2010 9:14 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:**  
**Subject:** FW: Update Your Pharmaceutical Entry  
**Importance:** High

Below is the latest on the AZ shipment:

Michael K. Dean  
U.S. Customs and Border Protection  
Assistant Port Director - Trade  
Phoenix, AZ  
502-914-1400 x219

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**From:** Thomas, David [mailto:David.Thomas@fda.hhs.gov]  
**Sent:** Friday, November 05, 2010 6:54 AM  
**To:** (b)(6) (b)(7)(C)  
**Cc:** Levy, Michael; Strickland, Evanguel; Solis, Daniel; DEAN, MICHAEL K  
**Subject:** Update Your Pharmaceutical Entry  
**Importance:** High

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

have been asked by (b)(6) (b)(7)(C) office to update you on your Agency's entry of Sodium Thiopental. As of this writing, no entry status change has been made by our Headquarters office; however, a decision is forthcoming. Thus, your pharmaceutical entry is still pending FDA review.

Our Agency's concern is very much appreciated and has been noted. Should you have any questions in the interim, please feel free to call on me.

Regards,

David Thomas, DCM  
DA Investigations

1/10/2011



**From:** Thomas, David [mailto:David.Thomas@fda.hhs.gov]

**Sent:** Friday, November 05, 2010 5:00 AM

**To:** (b)(6) (b)(7)(C)@arizonacustomsbrokers.com

**Cc:** DEAN, MICHAEL K; Strickland, Evanguel

**Subject:** Private Investigator

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

Someone going by the name (b)(6) (b)(7)(C) 602 (b)(6) (b)(7)(C) has called twice. Returning his call this A.M. he asked for information on a Custom's Brokerage in Phoenix. Specifically, he was looking to obtain paperwork a Filer submitted to me for an Import. I related that I could not give out confidential information. However, I asked the name of the Brokerage paperwork he was looking for and he said he forgot their name and didn't have the file in front of him. Needless to say he sounded defensive when I asked the question, a Freudian slip. Therefore, I simply referred him to U.S. Customs, giving their Old Tower Road location and phone number.

think we all know what information he is looking for.

Dave Thomas  
FDA Imports  
Phoenix, AZ

1/10/2011