

**FILED**

**APR 12 2017**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

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

IN THE MATTER OF THE APPLICATION  
OF JASON LEOPOLD TO UNSEAL  
CERTAIN ELECTRONIC SURVEILLANCE  
APPLICATIONS AND ORDERS.

Misc. Action No. 13-mc-00712

Chief Judge Beryl A. Howell

**NOTICE TO THE PARTIES**

Upon consideration of the government's Motion to Partially Unseal So That Redacted Pleadings and Orders May Be Filed on the Public Docket in Misc. No. 12-585, ECF No. 4:

**NOTICE** is hereby provided that redacted copies of the filings in Misc. No. 12-585 are being filed on the docket for the instant case as well as the Court's website.

Date: April 12, 2017

  
BERYL A. HOWELL  
Chief Judge

**FILED**  
NOV - 7 2012  
Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

\_\_\_\_\_  
)  
IN RE APPLICATION OF THE )  
UNITED STATES OF AMERICA FOR )  
AN ORDER AUTHORIZING THE )  
INSTALLATION AND USE OF PEN )  
REGISTERS AND TRAP AND )  
TRACE DEVICES )  
\_\_\_\_\_

MISC. NO. 12-585  
**Filed Under Seal**

APPLICATION

The United States of America, by and through its counsel, Ronald C. Machen Jr., United States Attorney for the District of Columbia, and [REDACTED], Assistant United States Attorney, hereby submits under seal this *ex parte* application for an order pursuant to 18 U.S.C §§ 3122 and 3123, authorizing the installation and use of pen registers and trap and trace devices ("pen-trap devices") on the Google email accounts [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, and [REDACTED]@gmail.com. In support of this application, the United States asserts:

1. This is an application, made under 18 U.S.C. § 3122(a)(1), for an order under 18 U.S.C. § 3123 authorizing the installation and use of a pen register and a trap and trace device.
2. Such an application must include three elements: (1) "the identity of the attorney for the Government or the State law enforcement or investigative officer making the application"; (2) "the identity of the law enforcement agency conducting the investigation"; and (3) "a certification by the applicant that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency." 18 U.S.C. § 3122(b).
3. The undersigned applicant is an "attorney for the government" as defined in Rule 1(b)(1) of the Federal Rules of Criminal Procedure.

Attachment 2

4. The law enforcement agency conducting the investigation is the Diplomatic Security Service of the U.S. Department of State.

5. The applicant hereby certifies that the information likely to be obtained by the requested pen-trap devices is relevant to an ongoing criminal investigation being conducted by the Diplomatic Security Service of the U.S. Department of State.

ADDITIONAL INFORMATION

6. Other than the three elements described above, federal law does not require that an application for an order authorizing the installation and use of a pen register and a trap and trace device specify any facts. The following additional information is provided to demonstrate that the order requested falls within this Court's authority to authorize the installation and use of a pen register or trap and trace device under 18 U.S.C. § 3123(a)(1).

7. A "pen register" is "a device or process which records or decodes dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted." 18 U.S.C. § 3127(3). A "trap and trace device" is "a device or process which captures the incoming electronic or other impulses which identify the originating number or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication." 18 U.S.C. § 3127(4).

8. In the traditional telephone context, pen registers captured the destination phone numbers of outgoing calls, while trap and trace devices captured the phone numbers of incoming calls. Similar principles apply to other kinds of wire and electronic communications, as described below.

9. The Internet is a global network of computers and other devices. Devices directly connected to the Internet are identified by a unique number called an Internet Protocol, or "IP"

address. This number is used to route information between devices. Generally, when one device requests information from a second device, the requesting device specifies its own IP address so that the responding device knows where to send its response. An IP address is analogous to a telephone number and can be recorded by pen-trap devices, and it indicates the online identity of the communicating device without revealing the communication's content.

10. A network is two or more computers or other devices connected to each other that can exchange information with each other via some transmission method, such as by wires, cables, or radio waves. The equipment that connects a computer or other device to the network is commonly referred to as a network adapter. Most network adapters have a Media Access Control ("MAC") address assigned by the manufacturer of the adapter that is designed to be a unique identifying number. An adapter's unique MAC address allows for proper routing of communications on a local area network and may be used for other purposes, such as authentication of customers by some network service providers. Unlike a device's IP address that often changes each time a device connects to the Internet, a MAC address is fixed at the time of manufacture of the adapter. Because the address does not change and is intended to be unique, a MAC address can allow law enforcement to identify whether communications sent or received at different times are associated with the same adapter.

11. On the Internet, data transferred between devices is not sent as a continuous stream, but rather it is split into discrete packets. Generally, a single communication is sent as a series of packets. When the packets reach their destination, the receiving device reassembles them into the complete communication. Each packet has two parts: a header with routing and control information, and a payload, which generally contains user data. The header contains non-content information such as the packet's source and destination IP addresses and the packet's

size.

12. In addition, different Internet applications are associated with different “port numbers,” or numeric identifiers. The port number is transmitted along with any communication using that application. For example, port 80 typically is associated with communications involving the World Wide Web.

13. An email message has its own routing header, in addition to the source and destination information associated with all Internet data. The message header of an email contains the message’s source and destination(s), expressed as email addresses in “From,” “To,” “CC” (carbon copy), or “BCC” (blind carbon copy) fields. Multiple destination addresses may be specified in the “To,” “CC,” and “BCC” fields. The email addresses in an email’s message header are like the telephone numbers of both incoming and outgoing calls, because they indicate both origin and destination(s). They can be recorded by pen-trap devices and can be used to identify parties to a communication without revealing the communication’s contents.

#### THE RELEVANT FACTS

14. The United States government, including the Diplomatic Security Service of the U.S. Department of State, is investigating ██████████ ██████████ for possible violations of 18 U.S.C. § 1546 (fraud and misuse of visas, permits, and other documents), 18 U.S.C. § 201 (bribery of public officials and witnesses), and 18 U.S.C. § 1019 (false certificates by consular officers).

15. The conduct being investigated involves people associated with the Google email account(s) ██████████@gmail.com, ██████████@gmail.com, ██████████@gmail.com, ██████████@gmail.com, and ██████████@gmail.com. To further the investigation, investigators need to obtain the dialing, routing, addressing, and signaling information associated with communications sent to or from these email accounts.

16. The pen-trap devices sought by this application will be installed at location(s) to be determined, and will collect dialing, routing, addressing, and signaling information associated with each communication to or from the Google email accounts [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, and [REDACTED]@gmail.com; including the date, time, and duration of the communication, and the following, without geographic limit:

- IP addresses, including IP addresses associated with access to the account
- Headers of email messages, including the source and destination network addresses, as well as the routes of transmission and size of the messages, but not content located in headers, such as subject lines
- the number and size of any attachments

#### GOVERNMENT REQUESTS

17. For the reasons stated above, the United States requests that the Court enter an Order authorizing the installation and use of pen-trap devices to record, decode, and/or capture the dialing, routing, addressing, and signaling information described above for each communication to or from the Google email accounts [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, and [REDACTED]@gmail.com; along with the date, time, and duration of the communication, without geographic limit. The United States does not request and does not seek to obtain the contents of any communications, as defined in 18 U.S.C. § 2510(8).

18. The United States further requests that the Court authorize the foregoing installation and use for a period of sixty days, pursuant to 18 U.S.C. § 3123(c)(1).

19. The United States further requests, pursuant to 18 U.S.C. §§ 3123(b)(2) and

3124(a)-(b), that the Court order Google and any other person or entity providing wire or electronic communication service in the United States whose assistance may facilitate execution of this Order to furnish, upon service of the Order, information, facilities, and technical assistance necessary to install the pen-trap devices, including installation and operation of the pen-trap devices unobtrusively and with minimum disruption of normal service. Any entity providing such assistance shall be reasonably compensated by the Diplomatic Security Service of the U.S. Department of State, pursuant to 18 U.S.C. § 3124(c), for reasonable expenses incurred in providing facilities and assistance in furtherance of this Order.

20. The United States further requests that the Court order Google and any other person or entity whose assistance may facilitate execution of this Order to notify the applicant and DSS of any changes relating to the Google email accounts [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, and [REDACTED]@gmail.com, including changes to subscriber information, and to provide prior notice to the applicant and the Diplomatic Security Service of the U.S. Department of State before terminating or changing service to the email account(s).

21. The United States further requests that the Court order that the Diplomatic Security Service of the U.S. Department of State and the applicant have access to the information collected by the pen-trap devices as soon as practicable, twenty-four hours per day, or at such other times as may be acceptable to them, for the duration of the Order.

22. The United States further requests, pursuant to 18 U.S.C. § 3123(d)(2), that the Court order Google and any other person or entity whose assistance facilitates execution of this Order, and their agents and employees, not to disclose in any manner, directly or indirectly, by any action or inaction, the existence of this application and Order, the resulting pen-trap devices,

or this investigation, except as necessary to effectuate the Order, unless and until authorized by this Court.

23. The United States further requests that this application and any resulting Order be sealed until otherwise ordered by the Court, pursuant to 18 U.S.C. § 3123(d)(1).

24. The United States further requests that the Clerk of the Court provide the United States Attorney's Office with three certified copies of this application and Order, and provide copies of this Order to the Diplomatic Security Service of the U.S. Department of State and Google upon request.

25. The foregoing is based on information provided to me in my official capacity by agents of the Diplomatic Security Service of the U.S. Department of State.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on this 7 day of November, 2012

Respectfully submitted,

Ronald C. Machen Jr.  
UNITED STATES ATTORNEY



Assistant United States Attorney  
National Security Section  
555 Fourth Street, N.W., 11th Floor  
Washington, D.C. 20530  
Tel: 202-252-7080  
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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**  
NOV - 7 2012  
Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

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IN RE APPLICATION OF THE )  
UNITED STATES OF AMERICA FOR )  
AN ORDER AUTHORIZING THE )  
INSTALLATION AND USE OF PEN )  
REGISTERS AND TRAP AND )  
TRACE DEVICES )  
\_\_\_\_\_

MISC. NO. *12-585*  
Filed Under Seal

ORDER

\_\_\_\_\_, on behalf of the United States, has submitted an application pursuant to 18 U.S.C. §§ 3122 and 3123, requesting that the Court issue an Order authorizing the installation and use of pen registers and trap and trace devices ("pen-trap devices") on the Google email accounts \_\_\_\_\_@gmail.com, \_\_\_\_\_@gmail.com, \_\_\_\_\_@gmail.com, \_\_\_\_\_@gmail.com, and \_\_\_\_\_@gmail.com.

The Court finds that an attorney for the government has submitted the application and has certified that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation being conducted by the Diplomatic Security Service of the U.S. Department of State of \_\_\_\_\_ in connection with possible violations of 18 U.S.C. § 1546, 18 U.S.C. § 201, and 18 U.S.C. § 1019.

IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. § 3123, that the Diplomatic Security Service of the U.S. Department of State may install and use pen-trap devices to record, decode, and/or capture dialing, routing, addressing, and signaling information associated with each communication to or from the Google email accounts \_\_\_\_\_@gmail.com, \_\_\_\_\_@gmail.com, \_\_\_\_\_@gmail.com, \_\_\_\_\_@gmail.com, and \_\_\_\_\_@gmail.com, and

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██████████@gmail.com, including the date, time, and duration of the communication, and the following, without geographic limit:

- IP addresses, including IP addresses associated with access to the account
- Headers of email messages, including the source and destination network addresses, as well as the routes of transmission and size of the messages, but not content located in headers, such as subject lines
- the number and size of any attachments

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123(c)(1), that the use and installation of the foregoing is authorized for sixty days from the date of this Order;

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. §§ 3123(b)(2) and 3124(a)-(b), that Google and any other person or entity providing wire or electronic communication service in the United States whose assistance may, pursuant to 18 U.S.C. § 3123(a), facilitate the execution of this Order shall, upon service of this Order, furnish information, facilities, and technical assistance necessary to install the pen-trap devices, including installation and operation of the pen-trap devices unobtrusively and with minimum disruption of normal service;

IT IS FURTHER ORDERED that the Diplomatic Security Service of the U.S. Department of State reasonably compensate Google and any other person or entity whose assistance facilitates execution of this Order for reasonable expenses incurred in complying with this Order;

IT IS FURTHER ORDERED that Google and any other person or entity whose assistance may facilitate execution of this Order notify the applicant and the Diplomatic Security Service of the U.S. Department of State of any changes relating to the Google email accounts

██████████@gmail.com, ██████████@gmail.com, ██████████@gmail.com,

██████████@gmail.com, and ██████████@gmail.com, including changes to subscriber information, and to provide prior notice to the Diplomatic Security Service of the U.S. Department of State before terminating or changing service to the email account(s);

IT IS FURTHER ORDERED that the Diplomatic Security Service of the U.S. Department of State and the applicant have access to the information collected by the pen-trap devices as soon as practicable, twenty-four hours per day, or at such other times as may be acceptable to the Diplomatic Security Service of the U.S. Department of State, for the duration of the Order;

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123(d)(2), that Google and any other person or entity whose assistance facilitates execution of this Order, and their agents and employees, shall not disclose in any manner, directly or indirectly, by any action or inaction, the existence of the application and this Order, the pen-trap devices, or the investigation to any person, except as necessary to effectuate this Order, unless and until otherwise ordered by the Court;

IT IS FURTHER ORDERED that the Clerk of the Court shall provide the United States Attorney's Office with three certified copies of this application and Order, and shall provide copies of this Order to the Diplomatic Security Service of the U.S. Department of State and Google upon request;

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court, pursuant to 18 U.S.C. § 3123(d)(1).

November 7, 2012  
Date

Alan Kay  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

JAN - 4 2013

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

IN RE APPLICATION OF THE  
UNITED STATES OF AMERICA FOR  
AN ORDER AUTHORIZING THE  
INSTALLATION AND USE OF PEN  
REGISTERS AND TRAP AND  
TRACE DEVICES

MISC. NO. 12-585  
Filed Under Seal

EXTENSION ORDER

~~██████████ on behalf of the United States, has submitted an application pursuant to 18 U.S.C. §§ 3122 and 3123, requesting that the Court issue an Order extending authorization of the installation and use of pen registers and trap and trace devices ("pen-trap devices") to the Google email accounts ██████████@gmail.com, ██████████@gmail.com, ██████████@gmail.com, ██████████@gmail.com, and ██████████@gmail.com.~~

~~The Court finds that an attorney for the government has submitted the application and has certified that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation being conducted by the Diplomatic Security Service of the U.S. Department of State of ██████████ ██████████ in connection with possible violations of 18 U.S.C. § 1546, 18 U.S.C. § 201, and 18 U.S.C. § 1019.~~

~~IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. § 3123, that the Diplomatic Security Service of the U.S. Department of State may install and use pen-trap devices to record, decode, and/or capture dialing, routing, addressing, and signaling information associated with each communication to or from the Google email accounts ██████████@gmail.com, ██████████@gmail.com, ██████████@gmail.com, ██████████@gmail.com, and ██████████@gmail.com.~~

*DENIED; application will be re-submitted in accordance with applicable rules.*  
*[Signature]*  
U.S. Magistrate Judge  
1/3/13

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██████████@gmail.com, including the date, time, and duration of the communication, and the following, without geographic limit:

- IP addresses, including IP addresses associated with access to the account
- Headers of email messages, including the source and destination network addresses, as well as the routes of transmission and size of the messages, but not content located in headers, such as subject lines
- the number and size of any attachments

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123(c)(1), that the use and installation of the foregoing is authorized for sixty days from the date of this Order;

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. §§ 3123(b)(2) and 3124(a)-(b), that Google and any other person or entity providing wire or electronic communication service in the United States whose assistance may, pursuant to 18 U.S.C. § 3123(a), facilitate the execution of this Order shall, upon service of this Order, furnish information, facilities, and technical assistance necessary to install the pen-trap devices, including installation and operation of the pen-trap devices unobtrusively and with minimum disruption of normal service;

IT IS FURTHER ORDERED that the Diplomatic Security Service of the U.S. Department of State reasonably compensate Google and any other person or entity whose assistance facilitates execution of this Order for reasonable expenses incurred in complying with this Order;

IT IS FURTHER ORDERED that Google and any other person or entity whose assistance may facilitate execution of this Order notify the applicant and the Diplomatic Security Service of the U.S. Department of State of any changes relating to the Google email accounts

██████████@gmail.com, ██████████@gmail.com, ██████████@gmail.com,

██████████@gmail.com, and ██████████@gmail.com, including changes to subscriber information, and to provide prior notice to the Diplomatic Security Service of the U.S. Department of State before terminating or changing service to the email account(s);

IT IS FURTHER ORDERED that the Diplomatic Security Service of the U.S. Department of State and the applicant have access to the information collected by the pen-trap devices as soon as practicable, twenty-four hours per day, or at such other times as may be acceptable to the Diplomatic Security Service of the U.S. Department of State, for the duration of the Order;

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123(d)(2), that Google and any other person or entity whose assistance facilitates execution of this Order, and their agents and employees, shall not disclose in any manner, directly or indirectly, by any action or inaction, the existence of the application and this Order, the pen-trap devices, or the investigation to any person, except as necessary to effectuate this Order, unless and until otherwise ordered by the Court;

IT IS FURTHER ORDERED that the Clerk of the Court shall provide the United States Attorney's Office with three certified copies of this application and Order, and shall provide copies of this Order to the Diplomatic Security Service of the U.S. Department of State and Google upon request;

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court pursuant to 18 U.S.C. § 3123(d)(1).

\_\_\_\_\_  
Date

\_\_\_\_\_  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE APPLICATION OF THE	)	
UNITED STATES OF AMERICA FOR	)	MISC. NO. 12-585
AN ORDER AUTHORIZING THE	)	<b>Filed Under Seal</b>
INSTALLATION AND USE OF PEN	)	
REGISTERS AND TRAP AND	)	
TRACE DEVICES	)	
_____	)	

APPLICATION FOR ORDER EXTENDING AUTHORIZATION FOR USE OF PEN  
REGISTERS AND TRAP AND TRACE DEVICES

The United States of America, by and through its counsel, Ronald C. Machen Jr., United States Attorney for the District of Columbia, and [REDACTED], Assistant United States Attorney, hereby submits under seal this *ex parte* application for an order extending authorization pursuant to 18 U.S.C §§ 3122 and 3123, for the continued installation and use of pen registers and trap and trace devices ("pen-trap devices") on the Google email accounts [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, and [REDACTED]@gmail.com. In support of this application, the United States asserts:

1. This is an application, made under 18 U.S.C. § 3122(a)(1), for an order under 18 U.S.C. § 3123 extending authorization for the installation and use of a pen register and a trap and trace device. The original order authorizing the installation and use of a pen register and trap and trace devices on the aforementioned Google email accounts was signed by the Honorable United States Magistrate Judge Alan Kay on November 7, 2012. See Exhibit A.

2. Such an application must include three elements: (1) "the identity of the attorney for the Government or the State law enforcement or investigative officer making the

application”; (2) “the identity of the law enforcement agency conducting the investigation”; and (3) “a certification by the applicant that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency.” 18 U.S.C. § 3122(b).

3. The undersigned applicant is an “attorney for the government” as defined in Rule 1(b)(1) of the Federal Rules of Criminal Procedure.

4. The law enforcement agency conducting the investigation is the Diplomatic Security Service of the U.S. Department of State.

5. The applicant hereby certifies that the information likely to be obtained by the requested pen-trap devices is relevant to an ongoing criminal investigation being conducted by the Diplomatic Security Service of the U.S. Department of State.

#### ADDITIONAL INFORMATION

6. Other than the three elements described above, federal law does not require that an application for an order authorizing the installation and use of a pen register and a trap and trace device specify any facts. The following additional information is provided to demonstrate that the order requested falls within this Court’s authority to authorize the installation and use of a pen register or trap and trace device under 18 U.S.C. § 3123(a)(1).

7. A “pen register” is “a device or process which records or decodes dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted.” 18 U.S.C. § 3127(3). A “trap and trace device” is “a device or process which captures the incoming electronic or other impulses which identify the originating number or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication.” 18 U.S.C. § 3127(4).



8. In the traditional telephone context, pen registers captured the destination phone numbers of outgoing calls, while trap and trace devices captured the phone numbers of incoming calls. Similar principles apply to other kinds of wire and electronic communications, as described below.

9. The Internet is a global network of computers and other devices. Devices directly connected to the Internet are identified by a unique number called an Internet Protocol, or "IP" address. This number is used to route information between devices. Generally, when one device requests information from a second device, the requesting device specifies its own IP address so that the responding device knows where to send its response. An IP address is analogous to a telephone number and can be recorded by pen-trap devices, and it indicates the online identity of the communicating device without revealing the communication's content.

10. A network is two or more computers or other devices connected to each other that can exchange information with each other via some transmission method, such as by wires, cables, or radio waves. The equipment that connects a computer or other device to the network is commonly referred to as a network adapter. Most network adapters have a Media Access Control ("MAC") address assigned by the manufacturer of the adapter that is designed to be a unique identifying number. An adapter's unique MAC address allows for proper routing of communications on a local area network and may be used for other purposes, such as authentication of customers by some network service providers. Unlike a device's IP address that often changes each time a device connects to the Internet, a MAC address is fixed at the time of manufacture of the adapter. Because the address does not change and is intended to be unique, a MAC address can allow law enforcement to identify whether communications sent or received at different times are associated with the same adapter.

11. On the Internet, data transferred between devices is not sent as a continuous stream, but rather it is split into discrete packets. Generally, a single communication is sent as a series of packets. When the packets reach their destination, the receiving device reassembles them into the complete communication. Each packet has two parts: a header with routing and control information, and a payload, which generally contains user data. The header contains non-content information such as the packet's source and destination IP addresses and the packet's size.

12. In addition, different Internet applications are associated with different "port numbers," or numeric identifiers. The port number is transmitted along with any communication using that application. For example, port 80 typically is associated with communications involving the World Wide Web.

13. An email message has its own routing header, in addition to the source and destination information associated with all Internet data. The message header of an email contains the message's source and destination(s), expressed as email addresses in "From," "To," "CC" (carbon copy), or "BCC" (blind carbon copy) fields. Multiple destination addresses may be specified in the "To," "CC," and "BCC" fields. The email addresses in an email's message header are like the telephone numbers of both incoming and outgoing calls, because they indicate both origin and destination(s). They can be recorded by pen-trap devices and can be used to identify parties to a communication without revealing the communication's contents.

#### THE RELEVANT FACTS

14. The United States government, including the Diplomatic Security Service of the U.S. Department of State, is investigating [REDACTED] [REDACTED] for possible violations of 18 U.S.C.

§ 1546 (fraud and misuse of visas, permits, and other documents), 18 U.S.C. § 201 (bribery of public officials and witnesses), and 18 U.S.C. § 1019 (false certificates by consular officers).

15. The conduct being investigated involves people associated with the Google email accounts [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, and [REDACTED]@gmail.com. To further the investigation, investigators need to obtain the dialing, routing, addressing, and signaling information associated with communications sent to or from these email accounts.

16. The pen-trap devices sought by this application will be installed at location(s) to be determined, and will collect dialing, routing, addressing, and signaling information associated with each communication to or from the Google email accounts [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, and [REDACTED]@gmail.com; including the date, time, and duration of the communication, and the following, without geographic limit:

- IP addresses, including IP addresses associated with access to the account
- Headers of email messages, including the source and destination network addresses, as well as the routes of transmission and size of the messages, but not content located in headers, such as subject lines
- the number and size of any attachments

17. On or about November 7, 2012, the Honorable Magistrate Judge Alan Kay issued an Order that authorized the installation and use of pen registers and trap and trace devices on the Google email accounts [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, and [REDACTED]@gmail.com.

GOVERNMENT REQUESTS

18. For the reasons stated above, the United States requests that the Court enter an Order extending the authorization and use of pen-trap devices to record, decode, and/or capture the dialing, routing, addressing, and signaling information described above for each communication to or from the Google email accounts [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, [REDACTED]@gmail.com, and [REDACTED]@gmail.com; along with the date, time, and duration of the communication, without geographic limit. The United States does not request and does not seek to obtain the contents of any communications, as defined in 18 U.S.C. § 2510(8).

19. The United States further requests that the Court authorize the foregoing extension, installation, and use for a period of sixty days, pursuant to 18 U.S.C. § 3123(c)(1).

20. The United States further requests, pursuant to 18 U.S.C. §§ 3123(b)(2) and 3124(a)-(b), that the Court order Google and any other person or entity providing wire or electronic communication service in the United States whose assistance may facilitate execution of this Order to furnish, upon service of the Order, information, facilities, and technical assistance necessary to install the pen-trap devices, including installation and operation of the pen-trap devices unobtrusively and with minimum disruption of normal service. Any entity providing such assistance shall be reasonably compensated by the Diplomatic Security Service of the U.S. Department of State, pursuant to 18 U.S.C. § 3124(c), for reasonable expenses incurred in providing facilities and assistance in furtherance of this Order.

21. The United States further requests that the Court order Google and any other person or entity whose assistance may facilitate execution of this Order to notify the applicant and DSS of any changes relating to the Google email accounts [REDACTED]@gmail.com,

██████████@gmail.com, ██████████@gmail.com, ██████████@gmail.com, and ██████████@gmail.com, including changes to subscriber information, and to provide prior notice to the applicant and the Diplomatic Security Service of the U.S. Department of State before terminating or changing service to the email account(s).

22. The United States further requests that the Court order that the Diplomatic Security Service of the U.S. Department of State and the applicant have access to the information collected by the pen-trap devices as soon as practicable, twenty-four hours per day, or at such other times as may be acceptable to them, for the duration of the Order.

23. The United States further requests, pursuant to 18 U.S.C. § 3123(d)(2), that the Court order Google and any other person or entity whose assistance facilitates execution of this Order, and their agents and employees, not to disclose in any manner, directly or indirectly, by any action or inaction, the existence of this application and Order, the resulting pen-trap devices, or this investigation, except as necessary to effectuate the Order, unless and until authorized by this Court.

24. The United States further requests that this application and any resulting Order be sealed until otherwise ordered by the Court, pursuant to 18 U.S.C. § 3123(d)(1).

25. The United States further requests that the Clerk of the Court provide the United States Attorney's Office with three certified copies of this application and Order, and provide copies of this Order to the Diplomatic Security Service of the U.S. Department of State and Google upon request.

26. The foregoing is based on information provided to me in my official capacity by agents of the Diplomatic Security Service of the U.S. Department of State.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on this 3rd day of January, 2013

Respectfully submitted,

Ronald C. Machen Jr.  
UNITED STATES ATTORNEY



Assistant U.S. Attorney, D.C. Bar. No. [REDACTED]  
National Security Section  
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Washington, D.C. 20530  
Tel: 202-252-7080  
E-mail: [REDACTED]@usdoj.gov

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**  
NOV - 7 2012  
Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

\_\_\_\_\_  
)  
IN RE APPLICATION OF THE )  
UNITED STATES OF AMERICA FOR )  
AN ORDER AUTHORIZING THE )  
INSTALLATION AND USE OF PEN )  
REGISTERS AND TRAP AND )  
TRACE DEVICES )  
\_\_\_\_\_

MISC. NO. *12-585*  
Filed Under Seal

ORDER

\_\_\_\_\_, on behalf of the United States, has submitted an application pursuant to 18 U.S.C. §§ 3122 and 3123, requesting that the Court issue an Order authorizing the installation and use of pen registers and trap and trace devices ("pen-trap devices") on the Google email accounts \_\_\_\_\_@gmail.com, \_\_\_\_\_@gmail.com, \_\_\_\_\_@gmail.com, \_\_\_\_\_@gmail.com, and \_\_\_\_\_@gmail.com.

The Court finds that an attorney for the government has submitted the application and has certified that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation being conducted by the Diplomatic Security Service of the U.S. Department of State of \_\_\_\_\_ in connection with possible violations of 18 U.S.C. § 1546, 18 U.S.C. § 201, and 18 U.S.C. § 1019.

IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. § 3123, that the Diplomatic Security Service of the U.S. Department of State may install and use pen-trap devices to record, decode, and/or capture dialing, routing, addressing, and signaling information associated with each communication to or from the Google email accounts \_\_\_\_\_@gmail.com, \_\_\_\_\_@gmail.com, \_\_\_\_\_@gmail.com, \_\_\_\_\_@gmail.com, and \_\_\_\_\_@gmail.com, and

- 1 -



██████████@gmail.com, including the date, time, and duration of the communication, and the following, without geographic limit:

- IP addresses, including IP addresses associated with access to the account
- Headers of email messages, including the source and destination network addresses, as well as the routes of transmission and size of the messages, but not content located in headers, such as subject lines
- the number and size of any attachments

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123(c)(1), that the use and installation of the foregoing is authorized for sixty days from the date of this Order;

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. §§ 3123(b)(2) and 3124(a)-(b), that Google and any other person or entity providing wire or electronic communication service in the United States whose assistance may, pursuant to 18 U.S.C. § 3123(a), facilitate the execution of this Order shall, upon service of this Order, furnish information, facilities, and technical assistance necessary to install the pen-trap devices, including installation and operation of the pen-trap devices unobtrusively and with minimum disruption of normal service;

IT IS FURTHER ORDERED that the Diplomatic Security Service of the U.S. Department of State reasonably compensate Google and any other person or entity whose assistance facilitates execution of this Order for reasonable expenses incurred in complying with this Order;

IT IS FURTHER ORDERED that Google and any other person or entity whose assistance may facilitate execution of this Order notify the applicant and the Diplomatic Security Service of the U.S. Department of State of any changes relating to the Google email accounts

██████████@gmail.com, ██████████@gmail.com, ██████████@gmail.com,

██████████@gmail.com, and ██████████@gmail.com, including changes to subscriber information, and to provide prior notice to the Diplomatic Security Service of the U.S. Department of State before terminating or changing service to the email account(s);

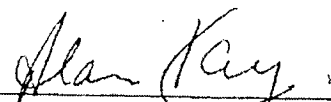
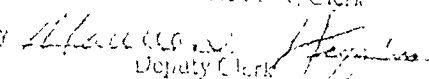
IT IS FURTHER ORDERED that the Diplomatic Security Service of the U.S. Department of State and the applicant have access to the information collected by the pen-trap devices as soon as practicable, twenty-four hours per day, or at such other times as may be acceptable to the Diplomatic Security Service of the U.S. Department of State, for the duration of the Order;

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123(d)(2), that Google and any other person or entity whose assistance facilitates execution of this Order, and their agents and employees, shall not disclose in any manner, directly or indirectly, by any action or inaction, the existence of the application and this Order, the pen-trap devices, or the investigation to any person, except as necessary to effectuate this Order, unless and until otherwise ordered by the Court;

IT IS FURTHER ORDERED that the Clerk of the Court shall provide the United States Attorney's Office with three certified copies of this application and Order, and shall provide copies of this Order to the Diplomatic Security Service of the U.S. Department of State and Google upon request;

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court, pursuant to 18 U.S.C. § 3123(d)(1).

November 7, 2012  
Date

  
United States Magistrate Judge  
U.S. District and Bankruptcy Courts  
for the District of Columbia  
13-085-1 TRUE COPY 11/8/12  
Clerk  
By   
Deputy Clerk