

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE APPLICATION OF USA FOR
2703(d) ORDER FOR THREE EMAIL
ACCOUNTS SERVICED BY
[REDACTED] FOR
INVESTIGATION OF VIOLATION OF
18 U.S.C. §§ 641 AND 793

SC No. 20-sc-3355

MOTION TO PARTIALLY UNSEAL AND MODIFY ORDER

The United States of America, moving by and through its undersigned counsel, respectfully submits this motion to partially unseal the matter and modify the January 5, 2021 Order to remove the nondisclosure provision. The government no longer believes the case (in its entirety) requires sealing, or that the nondisclosure provision in the Order is necessary; as such it seeks to modify the Order to release [REDACTED] the PROVIDER, from that requirement.

This matter is under seal because it related to an ongoing criminal investigation. The government has recently closed its criminal investigation, and believes the existence of this matter and the Order in this case, can be made public. However, the United States requests that the Application in this matter remain sealed, as that document contains non-public investigative and witness information. The Court has the inherent power to seal court filings when appropriate, including the Application, when there a compelling governmental interest in confidentiality. *See Washington Post v. Robinson*, 935 F.2d 282, 287-89 (D.C. Cir. 1991); *United States v. Hubbard*, 650 F.2d 293, 315-16 (D.C. Cir. 1980) (citing *Nixon v. Warner Commn'ns, Inc.*, 435 U.S. 589, 598 (1978)). For the reasons stated above, the United States has a compelling interest in confidentiality to justify the continued sealing of the Application. *See id.*

Based on the foregoing, the government moves the Court to execute the proposed Order.

Respectfully submitted,

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Assistant United States Attorney

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ORDER

The United States has submitted a Motion to Partially Unseal and Modify the Order in this matter, and the Court agrees that the Motion should be granted.

IT IS THEREFORE ORDERED, the Order of January 5, 2021 is hereby modified, and that the PROVIDER is no longer under any Order from this Court to not disclose the existence of the Application of the United States or the January 5, 2021 Order of the Court. Government counsel shall provide a copy of this Order to the PROVIDER;

AND IT IS ALSO ORDERED that this matter be unsealed, with the exception of the Application [Docket #1], which shall remain under seal until further order of the Court.

Date:

UNITED STATES MAGISTRATE JUDGE