

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. [REDACTED]

SC No. 20-sc-3355

ORDER GRANTING MOTION TO MODIFY NON-DISCLOSURE ORDER

The government previously moved pursuant to 18 U.S.C. § 2705(b) to preclude a provider (whose name is redacted here at the request of the government) from giving notice to its customer of the receipt of an order compelling the disclosure of non-content header information. The Court's non-disclosure order carried a concomitant obligation for the government to move to lift such non-disclosure order as soon as the factors supporting non-disclosure expired.

The government has submitted a motion to modify the non-disclosure order in this matter because it believes the 2705(b) factors are no longer applicable. *See* ECF No. 4. Indeed, the government has complied with 28 C.F.R. § 50.10 and provided notice to the users of the accounts at issue that legal process was sought related to their accounts, but that no such records were obtained. Given the government's representations, the January 5, 2021 non-disclosure order must be modified.

IT IS THEREFORE ORDERED that the Court's Order precluding disclosure by the provider of the existence of the January 5, 2021 Order is now void. Government counsel shall immediately provide a copy of this Order to the provider.

ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE