**IN THE UNITED STATES DISTRICT COURT**

**FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

**CHARLOTTE DIVISION**

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| **In the Matter of the Search of** | **)** | **Docket No.** |
|  | **)** |  |
| **The Cellular Telephone Assigned Call Number [NUMBER]** | **)** |  |
| **)** | ***UNDER SEAL*** |
| **)** |  |
|  | **)** |  |

**APPLICATION FOR ORDER COMMANDING AT&T NOT TO NOTIFY ANY PERSON OF THE EXISTENCE OF warrant**

The United States requests that the Court order AT&T Corporation (hereinafter “Provider”) not to notify any person (including the subscribers and customers of the account(s) listed in the Warrant) of the existence of the attached Warrant for a period of one year.

The Provider is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computing service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the attached Warrant, which requires the Provider to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.*

In this case, such an order would be appropriate because the attached Warrant relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. In particular, the Warrant seeks prospective location data for a phone used by a target of this investigation. Accordingly, there is reason to believe that notification of the existence of the attached Warrant will seriously jeopardize the investigation or unduly delay a trial, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, intimidate potential witnesses, or endanger the life or physical safety of an individual. *See* 18 U.S.C. § 2705(b).

WHEREFORE, the United States respectfully requests that the Court grant the attached Order directing the Provider not to disclose the existence or content of the attached Warrant, except that the Provider may disclose the attached Warrant to an attorney for the Provider for the purpose of receiving legal advice.

The United States further requests that the Court order that this Application and any resulting Order be sealed until further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted.

R. ANDREW MURRAY

UNITED STATES ATTORNEY

*/s/ AUSA NAME*

AUSA NAME

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(704) 344-6222 (phone)

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**ORDER**

The United States has submitted an Application pursuant to 18 U.S.C. § 2705(b), requesting that the Court issue an Order commanding AT&T Corporation (hereinafter “Provider”), an electronic communication service provider and/or a remote computing service, not to notify any person (including the subscribers and customers of the account(s) listed in the Warrant) of the existence of the attached Warrant for a period of one year.

The Court determines that there is reason to believe that notification of the existence of the attached Warrant will seriously jeopardize the investigation or unduly delay a trial, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, intimidate potential witnesses, or endanger the life or physical safety of an individual. *See* 18 U.S.C. § 2705(b).

IT IS THEREFORE ORDERED under 18 U.S.C. § 2705(b) that the Provider shall not disclose the existence of the attached Warrant, or this Order of the Court, to the listed subscriber or to any other person, for a period of one year, except that the Provider may disclose the attached Warrant to an attorney for the Provider for the purpose of receiving legal advice.

IT IS FURTHER ORDERED that the Application and this Order are sealed until otherwise ordered by the Court.

The Clerk is directed to certify copies of this Order to the United States Attorney's Office (via email to AUSA Firstname.Lastname@usdoj.gov).

SO ORDERED.

