

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2012 MAR -9 P 4: 06

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

IN RE NATIONAL SECURITY LETTER.

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Misc. No. 1:12-mc- 7
AJT/IDD

MOTION TO SEAL

Pursuant to Local Civil Rule 5(C), petitioner, the Attorney General of the United States of America, moves the Court for an Order placing under seal the Petition for Judicial Review and Enforcement of a National Security Letter Pursuant to 18 U.S.C. § 3511 and all future filings in this action pending further order of the Court. The grounds for this motion are:

- 1) The government’s Petition asks the Court to enforce the nondisclosure provisions of a National Security Letter (“NSL”) issued to and served upon respondent by the Federal Bureau of Investigation as authorized by statute, 18 U.S.C. § 2709(b).
- 2) The Attorney General brings his Petition pursuant to 18 U.S.C. § 3511, which provides that “[p]etitions, filings, records, orders, and subpoenas must . . . be kept under seal to the extent and as long as necessary to prevent the unauthorized disclosure of a request for records, a report, or other information made to any person or entity under section 2709(b)” 18 U.S.C. § 3511(d).
- 3) In the NSL itself, an authorized FBI official certified, pursuant to 18 U.S.C. § 2709(c)(1), that disclosure of the fact that the FBI has requested the information sought by the NSL “may result [in] a danger to the national security of the United

States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person.” *See* 18 U.S.C. § 2709(c)(1).

- 4) To date, the FBI has not authorized public disclosure of the fact or contents of the NSL pursuant to section 2709.
- 5) To prevent public disclosure of the fact or contents of the NSL, including but not limited to the identity of respondent, the government requests that the Court enter an Order under Local Civil Rule 5 placing all current and future filings in this case under seal until further Order of the Court.

Accordingly, petitioner requests that the Court enter an Order granting this motion and placing the Petition, the Certificates of Service filed with this Motion and petitioner’s Motion to Set Briefing Schedule, and future filings in this case under seal pending further Order of the Court pursuant to Local Civil Rule 5.¹

Dated: March 9, 2012

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¹ Counsel for the Attorney General has been in communication with respondent and has inquired whether respondent opposes the relief requested in this Motion, but respondent has not yet answered that inquiry.

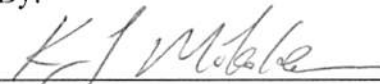
Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
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Misc. No. 12- mc-7
AJT/IDD

[Proposed] ORDER

Having considered the Motion to Seal, the Memorandum in support thereof, and the entire record in this case, it is hereby

ORDERED that the Motion to Seal is **GRANTED**; and it is

FURTHER ORDERED that the Petition for Judicial Review and Enforcement of a National Security Letter Nondisclosure Requirement Pursuant to 18 U.S.C. § 3511 filed in this case, the Certificate of Service to the Motion to Seal, the Certificate of Service to the Motion to Set Briefing Schedule, and all future filings in this proceeding (the “documents”), shall be placed under seal because: (i) the documents identify information which, if publicly disclosed, may result in a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person; (ii) there is no less drastic alternative to placing the documents under seal that will prevent disclosure of such information; and (iii) such documents are properly sealed pursuant to 18 U.S.C. § 3511(d); and it is

FURTHER ORDERED that the documents and all other filings shall otherwise remain under the seal provisions currently in effect until further order of this Court when, upon order of the Court, they may be unsealed in whole or in part to the extent consistent with national security and law, 18 U.S.C. §§ 2709, 3511(d).

Dated:

UNITED STATES DISTRICT JUDGE