

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

IN RE APPLICATION OF THE UNITED)
STATES OF AMERICA FOR AN)
ORDER PURSUANT TO)
18 U.S.C. § 2703(d) dated [INSERT)
DATE])

MOTION TO SEAL

The United States of America, by and through its undersigned Assistant United States Attorney, hereby moves this Court to seal the Court’s Order, issued pursuant to 18 U.S.C. § 2703(d), and related documents including the Government’s application. The Court has the inherent authority to seal these documents. *See Baltimore Sun v. Goetz*, 886 F. 2d 60 (4th Cir. 1988); *see also In re Application of the United States of America for an Order Pursuant to 18 U.S.C. Section 2703(d)*, 707 F.3d 283, 289-94 (4th Cir. 2013). The purpose of the Government’s request is to protect the information contained within these documents and to avoid the disclosure of the investigation at this time.

Based on the facts in the Government’s application, there is reason to believe that disclosure of the information in these documents would seriously jeopardize the investigation including by giving targets the opportunity to destroy or tamper with evidence, change patterns of behavior, flee from prosecution, intimidate cooperating and potential witnesses, and endanger the safety of law enforcement and other individuals. As an investigation unfolds, “law enforcement agencies must be able to investigate crime without the details of the investigation being released to the public in a manner that compromises investigations.” *In re: 2703(d) Order*, 787 F.Supp.2d 430, 441 (E.D.Va. 2011) (quoting *Va. Dept. of State Police v. Washington Post*, 386 F.3d 567, 574 (4th Cir. 2005)). For these reasons, the Government submits that the interests in sealing the

application and Order outweigh the common-law public right of access and that sealing is “essential to preserve higher values.” *See Media Gen. Operations, Inc. v. Buchanan*, 417 F.3d 424, 429-31 (4th Cir. 2005). As part of its analysis whether sealing is appropriate, “a judicial officer ‘must consider alternatives to sealing the documents’ which may include giving the public access to some of the documents or releasing a redacted version of the documents that are the subject of the government’s motion to seal.” *Id.* at 429. The Government submits that redacting the application and the Court’s Order cannot be accomplished without revealing sensitive aspects of the ongoing investigation.

Based on the foregoing, the Government requests that the Government’s application for an Order pursuant to 18 U.S.C. § 2703(d), the Court’s Order, and the attachment thereto, be filed under seal except that working copies should be made available to the United States Attorney’s Office, the [INSERT AGENCY], and any other law enforcement agency designated by the United States Attorney’s Office.

Respectfully submitted,

M. RHETT DEHART
ACTING UNITED STATES ATTORNEY

By: _____