

FILED

JUL X 9 2014

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE TELEPHONE INFORMATION
NEEDED FOR A CRIMINAL
INVESTIGATION

Case No. *CR 14-90532 MISC*

**ORDER RE: UNDER SEAL
APPLICATION**

NC

The United States Attorney for the Northern District of California has submitted a letter brief dated June 26, 2014, in support of under seal applications under 18 U.S.C. §§ 2703(c), 2703(d), 3122, and 3123 in a criminal investigation. The Court is informed by Assistant U.S. Attorney Damali A. Taylor that the government has no objection to the brief being filed publicly. The applications and proposed orders are filed under seal.

Accordingly, I order that the Clerk of Court file the June 26 brief as a miscellaneous criminal matter available publicly in ECF. A copy of this order and the brief must be provided to the government and to the Federal Public Defender for the Northern District of California. If the Public Defender wishes to respond to the arguments made in the brief, he must do so by July 28, 2014. The central legal question presented is whether the government may obtain historical cell site information under 18

1 U.S.C. § 2703(d) without showing probable cause. *See United States v. Davis*, 2014 WL
2 2599917 (11th Cir. June 11, 2014).

3 Dated: July 9, 2014

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6 NATHANAEL M. COUSINS
7 United States Magistrate Judge
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