

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLICATION FOR TELEPHONE
INFORMATION NEEDED FOR A
CRIMINAL INVESTIGATION

Case No. 15-XR-90304-HRL-1(LHK)

**ORDER INVITING SUPPLEMENTAL
BRIEFING**

During the public portion of the hearing held on June 24, 2015, the Court asked whether telephone service providers ever retain historic cell site location information (“CSLI”) when that CSLI is generated from a device’s communications with the cell tower of another provider. If so, the Court asked further, would that information be included in the CSLI that a provider turns over to the government pursuant to an application under 18 U.S.C. § 2703(d)? In other words, when a device used by a subscriber of provider A communicates with a cell tower belonging to provider B, would provider A ever turn over CSLI collected by provider B in response to an application by the government to provider A?

The answers to these questions remain unclear to the Court. Accordingly, the Court hereby invites the Federal Public Defender for the Northern District of California and/or amici to

1 file supplemental briefing providing answers to the Court's questions. Any entity that wishes to
2 do so shall file a brief not to exceed five (5) pages in length by Monday, June 29, 2015.

3 The Court has already ordered the government to respond to the same inquiry. *See* ECF
4 No. 24.

5 **IT IS SO ORDERED.**

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7 Dated: June 25, 2015

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LUCY H. KOH
United States District Judge

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