

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
USA,

Plaintiff,

- against -

PEN REGISTER,

Defendant.
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ORDER

MJ 05-1093 (JO)

JAMES ORENSTEIN, Magistrate Judge:

The application by the Electronic Frontier Foundation ("EFF") to submit a brief as *amicus curiae* is granted. EFF may submit a letter of no more than nine pages by September 23, 2005. The government may, but need not, submit a reply by September 30, 2005. Neither EFF nor the government should feel compelled to address in further submissions my reliance in the challenged order on the "contents" provision of Section 2703, as I acknowledge that that part of my analysis was clearly erroneous, and that the focus should instead be on the provision referring to "records or other information pertaining to the subscriber."

SO ORDERED.

Dated: Central Islip, New York
September 19, 2005

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge