

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

FILED

2006 JUL 12 AA 00551

IN THE MATTER OF THE APPLICATION OF)
THE UNITED STATES OF AMERICA FOR AN)
ORDER (1) AUTHORIZING THE INSTALLATION)
AND USE OF A PEN REGISTER AND A TRAP)
AND TRACE DEVICE, FOR CELLULAR)
TELEPHONE NUMBER (520) 869-6447,)
ESN 05507863377, AND (2) AUTHORIZING)
RELEASE OF SUBSCRIBER INFORMATION,)
CELL SITE AND OTHER INFORMATION RELATED)
TO CELLULAR TELEPHONE NUMBER)
(520) 869-6447, ESN 05507863377)

U.S. DISTRICT COURT
EASTERN DIST. TENN.

BY _____ DEPT. CLERK

) UNDER SEAL

) Mag. Judge No: 3:06-MJ-2079

ORDER

This matter having come before the court pursuant to an application under Title 18, United States Code, Sections 2703(c) and (d), 3122 and 3123, by Assistant United States Attorney Michael E. Winck, an attorney for the government as defined by Fed. R. Crim. P. 54(c), requesting an order authorizing the installation and use of a pen register and the use of a trap and trace device, on the following telephone number:

(520) 869-6447, a cellular telephone issued by Virgin Mobile and accessed through the Sprint/Nextel network, with ESN 05507863377, subscribed to by James A. Westwood, 300 Wetmore Street, Tucson, Arizona, 85715.

UPON REVIEW OF THE APPLICATION, THE COURT HEREBY FINDS THAT:

Pursuant to 18 U.S.C. § 3123, Applicant has certified that the information likely to be obtained by such use of a pen register and trap and trace device (known as the Caller ID Deluxe) on telephone

number (520) 869-6447, ESN 05507863377, is relevant to an ongoing criminal investigation being conducted by the Drug Enforcement Administration into possible violations of 21 U.S.C. § 846 by JAMES MICHAEL WEST and others.

Pursuant to 18 U.S.C. §§ 2703(c)(1)(B), 2703(c)(2) and 2703(d), Applicant has offered specific and articulable facts showing that there are reasonable grounds to believe that subscriber information and telephone toll information pertaining to telephone numbers dialed or otherwise transmitted to and from telephone number (520) 869-6447, ESN 05507863377, are relevant and material to an ongoing criminal investigation of the specified offense;

Pursuant to 18 U.S.C. §§ 2703(c)(1)(B) and 2703(d), Applicant has further established that there are specific and articulable facts showing that there are reasonable grounds to believe that cell site and real-time location GPS and ping data information pertaining to (520) 869-6447, ESN 05507863377, is relevant and material to an ongoing criminal investigation of the specified offense;

THEREFORE, IT IS HEREBY ORDERED, pursuant to 18 U.S.C. § 3123, that agents of the Drug Enforcement Administration, may install, or cause to be installed, and use a pen register to register numbers dialed or otherwise transmitted from telephone number (520) 869-6447, ESN 05507863377, to record the date and time of

such dialings or transmissions, and to record the length of time the telephone receiver in question is "off the hook" for incoming or outgoing calls for a period of sixty days from the date this order is filed by the court;

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123, that the agents of the Drug Enforcement Administration may install, or cause to be installed, and use a trap and trace device (known as Caller ID Deluxe) and activate the CALEA Delivery System on telephone number (520) 869-6447, with ESN 05507863377, to capture and record the incoming electronic or other impulses which identify the originating numbers of wire or electronic communications, and to record the date, time, and duration of calls created by such incoming impulses, for a period of sixty days from the date this order is filed by the court, and that the tracing operations be without geographical limits;

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. §§ 2703(c)(1)(B), 2703(c)(2) and 2703(d), that Virgin Mobile and Sprint/Nextel and any other local, long distance, or wireless carrier or communication service provider, shall supply subscriber names and addresses, whether listed or unlisted, and periods of telephone activation for telephone numbers dialed from or otherwise transmitting to telephone number (520) 869-6447, with ESN 05507863377, upon oral or written request by law enforcement agents with the Drug Enforcement Administration.

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. §§ 2703(c)(1)(B), 2703(c)(2) and 2703(d), that the same wireless carriers shall provide the location of cell site/sector (physical address) at call origination (for outbound calling), call termination (for incoming calls), including historical cell site information via CDR database for the previous 30 (thirty) days and, if reasonably available, during the progress of the call, and GPS real-time location and all available ping data if reasonably available, for telephone number (520) 869-6447, with ESN 05507863377 for the next 60 (sixty) days. Cell site and GPS and ping information should be provided on an ongoing and/or real time basis.

IT IS FURTHER ORDERED that this authorization for the installation and use of a pen register and trap and trace device and for cell site and GPS and ping information applies not only to telephone number (520) 869-6447, with ESN 05507863377, but to any telephone number subsequently assigned to the instrument bearing the same ESN as telephone number (520)869-6447, or to any new ESN subsequently assigned to telephone number (520) 869-6447 within the 60-day period authorized by this order;

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. §§ 3123(b)(2) and 2703(c) and (d), that Virgin Mobile and Sprint/Nextel, and all other local, long distance, and wireless carriers and communications service providers shall furnish agents of the Drug Enforcement Administration forthwith all information, including but


not limited to telephone subscriber information, facilities, and technical assistance necessary to accomplish the installation and use of the pen register and trap and trace device unobtrusively and with minimum interference with the services that are accorded the person whose dialings or transmissions are the subject of the pen register and trap and trace device;

IT IS FURTHER ORDERED that Virgin Mobile and Sprint/Nextel and the local, long distance and wireless carriers and communication service providers be compensated by the investigative agency for reasonable expenses incurred in providing technical assistance; and,

Good cause having been shown, IT IS FURTHER ORDERED, pursuant to 18 U.S.C. §§ 2705(b) and 3123(d), that this order and the application and affidavit requesting this order be sealed until otherwise ordered by the court, that the identity of any target(s) of the underlying criminal investigation may be redacted from any copy of this order to be served on any service provider or other person, and that Nextel Communications, the local, long distance and wireless carriers and communication service providers and their representatives, agents and employees shall not disclose in any manner, directly or indirectly, by any action or inaction, the existence of this order or the existence of the above-described investigation, to the listed subscriber for telephone number (520) 869-6447, with ESN 05507863377, the subscribers of the

incoming calls to or outgoing calls from telephone number (520) 869-6447, with ESN 05507863377, or to any other person, in full or redacted form, unless or until otherwise ordered by the court. It is further ordered that the Application and Affidavit requesting this Order and this Order are hereby SEALED except that two filed-stamped certified copies of such Application, Affidavit, and Order shall be provided to the United States.

ENTERED: 7/12, 2006.


HONORABLE H. BRUCE GUYTON
UNITED STATES MAGISTRATE JUDGE