

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 06-8266-LRJ**

IN RE:
RECORDS OF THE ELECTRONIC
COMMUNICATIONS SERVICE KNOWN
AS CINGULAR WIRELESS

MOTION TO SEAL

The United States of America, by and through the undersigned Assistant United States Attorney, hereby moves to seal its Motion for Order of Disclosure under 18 U.S.C. § 2703:

1. Title 18, United States Code, Sections 2703 and 2705 provide for the disclosure or non-disclosure of Motions and Orders filed pursuant to Section 2703. Pursuant to 18 U.S.C. § 2703(c)(3), the United States is not required to disclose the existence of this Motion and the Court's Order to the consumer.

2. Title 18, United States Code, Section 2705(b) provides that, when the government is not required to disclose its request to the customer, a Court can order non-disclosure by the service provider when such disclosure may result in (1) endangering the life or physical safety of an individual, (2) flight from prosecution, (3) destruction of or tampering with evidence; (4) intimidation of potential witnesses; or (5) otherwise seriously jeopardize an investigation or unduly delay a trial. General Rule 5.4(B) of the Local Rules of the Southern District of Florida provides that a document may be ordered sealed when there is "a reasonable basis for departing from the general police of a public filing."

3. As set forth in the Motion, there is reason to believe that the disclosure of the Motion and Order, as well as Cingular Wireless's compliance with the Order would likely result in tampering with or destruction of evidence or flight from prosecution.

WHEREFORE , the United States respectfully requests that, consistent with the guidelines enunciated in 18 U.S.C. § 2705(b) and the Court's equitable powers under S.D. Fl. Gen. R. 5.4(B), the Motion for Order of Disclosure under 18 U.S.C. § 2703 and the Order of Disclosure be sealed until the time for production of discovery after the arrest of the target of the investigation or further Order of the Court.

Respectfully submitted,
R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: _____

ASSISTANT U.S. ATTORNEY
Florida Bar No. 0018255

West Palm Beach, FL 33401

TEL: _____

FAX: _____

E-MAIL: _____

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA
Case No. 06-8266-LRJ

IN RE:
RECORDS OF THE ELECTRONIC
COMMUNICATIONS SERVICE KNOWN
AS CINGULAR WIRELESS

ORDER

It is hereby ordered that the Motion for Order of Disclosure under 18 U.S.C. § 2703 and the Order of Disclosure be sealed until the time for production of discovery after the arrest of the target of the investigation or until further Order of the Court.

DONE AND ORDERED in chambers this _____ day of September, 2006, at Fort Pierce, Florida.

LINNEA R. JOHNSON
UNITED STATES MAGISTRATE JUDGE

cc: AUSA [REDACTED], West Palm Beach