

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

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

MOTION TO SEAL AND TO DELAY DISCLOSURE

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 and to delay disclosure to the target of the Motion and Order for the following reasons:

1. Delay of notification of disclosure of the Motion and the response thereto is permitted for 90 days pursuant to 18 U.S.C. § 2705(a), where 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. 18 U.S.C. § 2705(b).

2. As set forth in the Motion, there is probable cause to believe that the target of the investigation may be harming a child and may have critical (yet easily deleted) evidence on his home and work computers. Disclosure of the Motion and Order, as well as America Online Inc.'s compliance with the Order would likely result in tampering with or destruction of evidence, flight from prosecution, and possible danger to the physical safety of a child.

WHEREFORE , the United States respectfully requests: (1) that the Motion for Order of Disclosure under 18 U.S.C. § 2703 and the Order of Disclosure be sealed for ninety days or until the time for production of discovery after the arrest of the target of the investigation, whichever occurs first; and (2) that the Court allow the United States to delay notification of the Motion and Order and America Online Inc.'s response thereto for ninety days or until the time for production of discovery after the arrest of the target of the investigation, whichever occurs first.

Respectfully submitted,
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UNITED STATES ATTORNEY

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA
Case No. 05-5074-LRJ

IN RE:
RECORDS OF THE ELECTRONIC
COMMUNICATIONS SERVICE KNOWN
AS AMERICA ONLINE, INC.

ORDER

It is hereby ordered that: (1) that the Motion for Order of Disclosure under 18 U.S.C. § 2703 and the Order of Disclosure be sealed for ninety days or until the time for production of discovery after the arrest of the target of the investigation, whichever occurs first; and (2) the United States may delay notification of the Motion and Order and America Online Inc.'s response thereto for ninety days or until the time for production of discovery after the arrest of the target of the investigation, whichever occurs first.

DONE AND ORDERED in chambers this _____ day of March, 2005, at West Palm Beach,
Florida.

JAMES M. HOPKINS
UNITED STATES MAGISTRATE JUDGE

cc: AUSA [REDACTED], West Palm Beach