

**FILED**

**MAY 20 2013**

**Clerk, U.S. District and  
Bankruptcy Courts**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

\_\_\_\_\_  
)  
IN RE APPLICATION OF THE )  
UNITED STATES OF AMERICA FOR )  
AN ORDER PURSUANT TO )  
18 U.S.C. § 2703(d) )  
\_\_\_\_\_ )

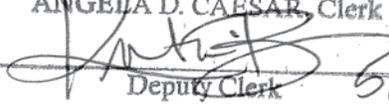
MISC. NO. 13-460 (AK)

**Filed Under Seal**

MOTION TO VACATE  
ORDER PURSUANT TO 18 U.S.C. § 2703(d)

The United States of America, moving by and through its undersigned counsel,  
respectfully submits under seal this *ex parte* motion for this Court to vacate its May 7, 2013,  
Order issued pursuant to 18 U.S.C. § 2703(d) in this matter, and states further as follows:

On May 7, 2013, the United States filed an application pursuant to 18 U.S.C. § 2703(d),  
seeking an order compelling Google Incorporated (“Google”) to disclose certain records and  
other information pertaining to the email account [REDACTED] (the SUBJECT  
ACCOUNT). This Court granted that request that same day. This Court further granted the  
United States’ request pursuant to 18 U.S.C. § 2705(b), that Google be ordered not to notify any  
person, including the subscribers or customers of the account, of the existence of the Court’s  
Order until further order of the Court. The United States sought such relief because the  
requested Order related to an ongoing criminal investigation, the details of which were not then  
public. Accordingly, there was reason to believe that notification of the existence of the  
requested Order would seriously jeopardize the investigation, including by giving targets an  
opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change  
patterns of behavior, or notify confederates. See 18 U.S.C. § 2705(b)(2), (3), (5).

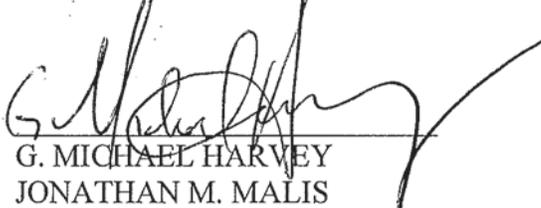
U.S. District and Bankruptcy Courts  
for the District of Columbia  
**A TRUE COPY**  
ANGELA D. CAESAR, Clerk  
By  5/20/13  
Deputy Clerk

The United States sent this Court's May 7, 2013, Order to Google the same day that it was issued. The government has not received any material in response to the Order.

The United States now requests that this Court vacate this Court's May 7, 2013, Order. Since the issuance of that Order, aspects of the United States' investigation have become public. For that reason, if the United States were to seek a 2703(d) Order in the future for the records related to the SUBJECT ACCOUNT, the government anticipates that it would do so following notification to the customer or subscriber. Because many of the details contained in the government's initial application for the 2703(d) Order are not public, however, and because this investigation is still ongoing, the United States respectfully requests that this matter remain under seal until further order of the Court because their premature disclosure may seriously jeopardize the investigation.

Respectfully submitted,

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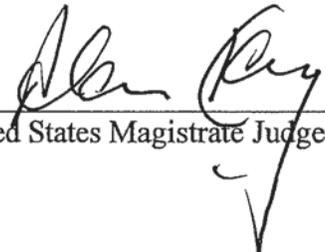
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ORDER

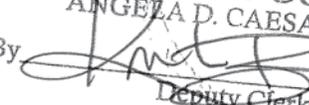
The United States has submitted an motion for the withdraw of this Court's May 7, 2013, Order pursuant to 18 U.S.C. § 2703(d) requiring Google Incorporated ("Google"), an Internet Service Provider of electronic communication and remote computing services, headquartered at 1600 Amphitheater Parkway Mountain View, California, to disclose certain records and other information pertaining to the email account [REDACTED] For the reasons stated in the United States' motion, it is hereby:

ORDERED that his Court's May 7, 2013, Order is VACATED; and

IT IS FURTHER ORDERED that the United States' motion and this Order are sealed until otherwise ordered by the Court.

  
United States Magistrate Judge

5-20-13  
Date

U.S. District and Bankruptcy Courts  
for the District of Columbia  
A TRUE COPY  
ANGELA D. CAESAR, Clerk  
By   
Deputy Clerk

5/20/13

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