

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IN RE: DISCLOSURE OF PEN REGISTERS
FROM JANUARY 1, 2017 THROUGH
SEPTEMBER 30, 2017

Misc. Action No. 18-61

Chief Judge Beryl A. Howell

ORDER AND NOTICE

Upon consideration of the Memorandum of Understanding Regarding Electronic Filing of Certain Sealed Applications and Orders, entered into by the Clerk of the United States District Court for the District of Columbia and the United States Attorney's Office for the District of Columbia, dated August 15, 2017, and updated September 14, 2017, after consultation with the Clerk's Office of the United States District Court for the District of Columbia and the United States Attorney's Office for the District of Columbia, it is hereby

ORDERED that the list of Miscellaneous case numbers for pen register and/or trap and trace applications and orders filed, pursuant to 18 U.S.C. §§ 3122 and 3123(b), between January 1, 2017 and September 30, 2017 in this Court by the United States Attorney's Office for the District of Columbia, which list, with some associated docket information, is attached as Attachment A, shall be unsealed to the extent of the docket information provided in this Attachment, *see In re Leopold to Unseal Certain Elec. Surveillance Apps. & Orders*, No. 13-mc-712, 2018 U.S. Dist. LEXIS 30211, at *73 (D.D.C. Feb. 26, 2018) (concluding, upon consideration of "the *Hubbard* factors together and as applied to the recently adopted administrative changes in the USAO and this Court's Clerk's Office, that the common law affords . . . a prospective right of access to the PR/TT . . . matter docket information," and that "a

recently-adopted Memorandum of Understanding (‘MOU’) between the Clerk of the Court and the USAO will more than provide” such access (citing *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980)); and further

NOTICE is hereby provided of the filing by the Court of Attachment A, which is a list of Miscellaneous case numbers, with some associated docket information, for pen register and/or trap and trace applications and orders filed, pursuant to 18 U.S.C. §§ 3122 and 3123(b), between January 1, 2017 and September 30, 2017 in this Court by the United States Attorney’s Office for the District of Columbia. The total number of Miscellaneous cases listed on Attachment A is 185.

In sum, to date, the Court has unsealed to a limited extent and provided Miscellaneous case numbers for pen register and/or trap and trace applications and orders filed, pursuant to 18 U.S.C. §§ 3122 and 3123(b), in this Court by the United States Attorney’s Office for the District of Columbia for a total of nine years and nine months: 2008 through 2016 and the first nine months of 2017. *See* Orders and Notices to the Parties, ECF Nos. 22, 32, 37, *In re Application of Jason Leopold to Unseal Certain Electronic Surveillance Applications and Orders* (“*Leopold*”), 13-mc-712.

SO ORDERED

Date: April 30, 2018

BERYL A. HOWELL
Chief Judge