

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

**IN RE APPLICATION OF REPORTERS
COMMITTEE FOR FREEDOM OF THE
PRESS TO UNSEAL JUDICIAL
RECORDS RELATED TO SEARCH
WARRANT EXECUTED ON JANUARY
14, 2026**

Misc. Action No. 1:26-mc-00001

**MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR EXPEDITED BRIEFING AND HEARING SCHEDULE**

Applicant Reporters Committee for Freedom of the Press (“Applicant”), by its undersigned counsel and in support of its Motion for Expedited Briefing and Hearing Schedule, states as follows:

BACKGROUND

On January 14, 2026, the U.S. Department of Justice (“the Government”) took the unprecedented step of raiding the home of *Washington Post* reporter Hannah Natanson, seizing electronic devices that contain her most sensitive work product alongside confidential communications with her sources. *See* Perry Stein & Jeremy Roebuck, *FBI Executes Search Warrant at Washington Post Reporter’s Home*, Wash. Post (Jan. 14, 2026), <https://wapo.st/4pFh6lw>. In a statement confirming the search, the Attorney General alleged that Natanson “was obtaining and reporting classified and illegally leaked information from a Pentagon contractor” and announced that “[t]he Trump Administration will not tolerate illegal leaks of classified information that, when reported, pose a grave risk to our Nation’s national security and the brave men and women who are serving our country.” Attorney General Pamela Bondi (@AGPamBondi), X (Jan. 14, 2026, 10:14 AM), <https://perma.cc/N4TKBPH2>. The execution of

the warrant drew extraordinary public interest, and Applicant filed this action the same day seeking the unsealing of all judicial records related to the warrant. *See Application*, ECF No. 1.

On or about January 20, 2026, certain judicial records related to the warrant were unsealed, including the docket sheet, the warrant, the return, the application, a motion to seal the affidavit, and an order sealing the affidavit. *See In re Search of Real Prop. & Premises at 313 S. Royal St., Alexandria, Va.*, No. 1:26-sw-00054-WBP (E.D. Va. Jan. 13, 2026), ECF Nos. 1–3, 5; *see also* E.D. Va. Crim. R. 49(b) (permitting sealing of search warrant docket and materials only until the warrant is returned executed, unless an order to seal is entered). The affidavit itself, however, remains sealed in its entirety. According to the motion to seal and corresponding sealing order, the affidavit was ordered sealed until January 13, 2028, or pending further order of the Court, on the theory that “[p]remature disclosure of the specific details of this ongoing investigation, as reflected in the affidavit in support of the search warrant, would jeopardize this continuing investigation.” Gov’t’s Mot. to Seal Affidavit in Support of Search Warrant Pursuant to Local Rule 49(b) at 1, *In re Search of Real Prop. & Premises at 313 S. Royal St., Alexandria, Va.*, No. 1:26-sw-00054-WBP (E.D. Va. Jan. 13, 2026), ECF No. 2.

On January 21, 2026, Natanson and the *Post* filed an emergency motion seeking the return of the seized property and an order barring the Government from reviewing any information seized pending resolution of that litigation. *See Mot. to Intervene and for Return of Property, In re Search of Real Prop. & Premises at 313 S. Royal St., Alexandria, Va.*, No. 1:26-sw-00054-WBP (E.D. Va. Jan. 13, 2026), ECF No. 8. The motion argues that the search threatens to gratuitously expose to the Government Natanson’s “entire professional universe,” including contacts with “more than 1,100 sources” alongside tens of thousands of emails, recordings, and “drafts of potential stories,” an intrusion on the integrity of the newsgathering process without parallel in American history.

Memorandum of Law at 4, *In re Search of Real Prop. & Premises at 313 S. Royal St., Alexandria, Va.*, No. 1:26-sw-00054-WBP (E.D. Va. Jan. 13, 2026), ECF No. 9. That result, the *Post* argues, violates the First Amendment, the Fourth Amendment, and the Privacy Protection Act's bar on newsroom raids. *See id.* at 11–22.¹

Within hours, Magistrate Judge William B. Porter issued an order barring the Government from further reviewing any seized material and setting an expedited schedule to consider the motion for return of property. *See Order, In re Search of Real Prop. & Premises at 313 S. Royal St., Alexandria, Va.*, No. 1:26-sw-00054-WBP (E.D. Va. Jan. 13, 2026), ECF No. 18. Under that schedule, the Government will respond to Natanson and the *Post*'s motion by January 28, 2026, and the Court will hear argument on the motion at 2:00 p.m. on February 6, 2026. *See id.* Magistrate Judge Porter's order also discloses that, in addition to the unsealed warrant for Natanson's residence docketed at 1:26-sw-00054, separate warrants for Natanson's car and person are docketed at 1:26-sw-00052 and 1:26-sw-00053 respectively. *See id.* As of this writing, those related dockets and accompanying judicial records appear to remain sealed.

On January 22, the United States Attorney's Office for the District of Maryland announced that the suspect purportedly investigated through the search of Natanson's residence, Aurelio Luis Perez-Lugones, had been indicted. *Maryland Man Indicted on Unlawful Transmission and Retention of Classified National Defense Information Charges*, U.S. Atty's Office, D. Md. (Jan. 22, 2026), <https://perma.cc/T236-VS3V>.

¹ The Reporters Committee has filed an amicus brief in support of Natanson and the *Post*'s motion. *See Proposed Brief of the Reporters Committee for Freedom of the Press as Amicus Curiae in Support of Movants the Washington Post and Hannah Natanson, In re Search of Real Prop. & Premises at 313 S. Royal St., Alexandria, Va.*, No. 1:26-sw-00054-WBP (E.D. Va. Jan. 13, 2026), ECF No. 26.

After some of the judicial records and docket in 1:26-sw-00054 were made public on January 20, counsel for Applicant emailed counsel for the Government in that matter asking for its position on Applicant's application to unseal. Counsel for the Government stated that he did not have an answer but "hope[d] to have an answer for you tomorrow." At 4:00 p.m. on January 21, having received no further response, counsel for Applicant again emailed counsel for the Government asking for their position by the end of that day. Counsel for the Government responded that he could not "promise to provide [Applicant] an answer by the end of the day today." As of this motion, Applicant has received no further communication from the Government regarding its position on the application to unseal.

Counsel for Applicant contacted the same counsel for the Government by email at 10:32 a.m. on January 22, 2026, to obtain the Government's position on this motion and proposed schedule and to inform the Government that Applicant intended to file this motion today. The Government did not respond to the email. Counsel for the Applicant called the same counsel for the Government at 9:00 a.m. on January 23, 2026, and left a voicemail when the call was not picked up.

ARGUMENT

Within weeks, Magistrate Judge Porter will consider one of the most significant clashes between the rights of a free press and the government's national-security powers since the Pentagon Papers case. *See N.Y. Times Co. v. United States*, 403 U.S. 713, 717 (1971) (Black, J., concurring) (emphasizing that "[t]he press was protected so that it could bare the secrets of government and inform the people"). But unless the warrant affidavit is unsealed in relevant part before that February 6 hearing, the public will not be able to meaningfully evaluate the arguments made in those proceedings or the basis for Magistrate Judge Porter's ultimate decision. *See Doe*

v. Pub. Citizen, 749 F.3d 246, 272 (4th Cir. 2014) (emphasizing that “the public benefits attendant with open proceedings are compromised by delayed disclosure of documents”). That result would fly in the face of the expectation that courts “issue public decisions after public arguments based on public records,” and the reality that “[a]ny step that withdraws an element of the judicial process from public view makes the ensuing decision look more like fiat.” *In re Krynicki*, 983 F.2d 74, 75 (7th Cir. 1992) (Easterbrook, C.J., in chambers).

Applicant therefore respectfully moves for entry of the below expedited briefing and hearing schedule in this matter, to allow the Court to determine whether the Search Warrant Materials should be unsealed before the February 6 hearing in the seizure matter:

1. The Government will respond to the Application on or before January 28, 2026;
2. Applicant will file a reply, if any, by February 2, 2026; and
3. Applicant requests a hearing at a time convenient to the Court that would allow for resolution of the Application prior to the February 6 hearing on the validity of the seizure. In the alternative, to the extent necessary to permit resolution of the Application prior to February 6, Applicant waives a hearing on the Application.

Good cause exists for entry of the proposed schedule. In the challenge to the seizure set to be unfold imminently, the merits of the parties’ respective positions are inseparable from the justifications the Government advanced in the still-sealed affidavit for the underlying warrant. The reason that “warrant papers including supporting affidavits” are typically “open for inspection by the press and public in the clerk’s office after the warrant has been executed” in the first place, *Baltimore Sun Co. v. Goetz*, 886 F.2d 60, 64–66 (4th Cir. 1989), is that only with access to the probable-cause showing can the public “ensure that judges are not merely serving as a rubber stamp for the police,” *United States v. Bus. of Custer Battlefield Museum & Store*, 658 F.3d 1188,

1194 (9th Cir. 2011) (quoting *In re N.Y. Times Co.*, 585 F. Supp. 2d 83, 90 (D.D.C. 2008)). The same considerations are central to the First Amendment questions presented, given the “scrupulous exactitude” with which the Supreme Court has insisted that courts scrutinize warrants when the seizure of newsgathering materials is at stake. *Zurcher v. Stanford Daily*, 436 U.S. 547, 564 (1978). And the Privacy Protection Act, for its part, generally bars searches and seizures of reporters’ work product unless the Government can demonstrate “probable cause to believe that the person possessing such materials has committed or is committing the criminal offense to which the materials relate.” 42 U.S.C. § 2000aa(a)(1). But without access to the affidavit, the public cannot understand what argument the Government advanced that Natanson herself should be suspected of a crime, if it informed the Court issuing the warrant of the governing law at all.

Unless the remaining judicial records related to the search are promptly unsealed, the public will have nothing but *ipse dixit* to go on in judging the parties’ arguments and the basis for Magistrate Judge Porter’s decision. But the right of access to judicial records is “a contemporaneous right of access,” *Doe*, 749 F.3d at 272 (emphasis added), and the Fourth Circuit has squarely held that “[t]he public’s interest in monitoring the work of the courts is subverted when a court delays making a determination on a sealing request while allowing litigation to proceed to judgment in secret,” *id.* In closely analogous circumstances, for instance, the Circuit has flatly rejected the suggestion that the unsealing of warrant affidavits can be delayed until the threat of prejudice to a criminal defendant’s trial has passed. *See In re Application & Affidavit for a Search Warrant*, 923 F.2d 324, 331 (4th Cir. 1991).

Here, the only indictment the government claims it intends to seek has already issued. *See United States v. Kott*, 380 F. Supp. 2d 1122, 1124 (C.D. Cal. 2004) (emphasizing that “[o]ther circuits which have addressed the post-indictment or post-plea question have concluded that there

is no need for continued secrecy, and there are no considerations which outweigh the public's right to access to search warrant materials" and citing *In re Application & Affidavit for Search Warrant*, 923 F.2d 324 (4th Cir. 1991)). Because "[p]ublic confidence [in our judicial system] cannot long be maintained where important judicial decisions are made behind closed doors and then announced in conclusive terms to the public, with the record supporting the court's decision sealed from public view," *United States v. Sealed Search Warrants*, 868 F.3d 385, 395 (5th Cir. 2017) (internal citation omitted), Applicant respectfully urges this Court to ensure that the affidavit is unsealed in time for the public to meaningfully understand the February 6 hearing.

Finally, Applicant also respectfully submits that the proposed schedule will not prejudice the Government. The Application was served on January 14, 2026, and the Local Rules would offer the Government 14 days to respond in an ordinary civil case, *see* E.D. Va. Civ. R. 7(F)(1). As a result, Applicant's proposed schedule does not shorten the time the Government would typically have to respond to a motion to unseal. Applicant nevertheless submits this Motion out of an abundance of caution because this action was filed as a standalone miscellaneous action.

CONCLUSION

For the reasons set forth herein, Applicant respectfully moves for entry of the below expedited briefing and hearing schedule in this matter, to allow the Court to determine whether the Search Warrant Materials should be unsealed before the February 6 hearing:

1. The Government will respond to the Application on or before January 28, 2026;
2. Applicant will file a reply, if any, by February 2, 2026; and
3. Applicant requests a hearing at a time convenient to the Court that would allow

for resolution of the Application prior to the February 6 hearing on the validity of the seizure. In the alternative, to the extent necessary to permit resolution of the Application prior to February 6, Applicant waives a hearing on the Application;

Date: January 23, 2026

Respectfully submitted,

/s/ Lin Weeks
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* *Admitted Pro Hac Vice*

*Counsel for Applicant the Reporters
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CERTIFICATE OF SERVICE

I, Lin Weeks, hereby certify that on January 23, 2026, a copy of the foregoing was filed electronically using this Court's CM/ECF system, and sent via email to:

United States Attorney's Office for the Eastern District of Virginia
James W. Williams United States Attorney's Building
2100 Jamieson Ave.
Alexandria, VA 22314
usavae.usattys@usdoj.gov

No appearance has been filed in this matter by the United States. Accordingly, a copy of the foregoing has also been sent via email to counsel for the United States in *In re Search of Real Prop. & Premises at 313 S. Royal St., Alexandria, Va.*, No. 1:26-sw-00054-WBP:

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Dated: January 23, 2026

Respectfully submitted,

/s/ Lin Weeks
Lin Weeks
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