

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA



Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 1:18-MJ-464
)	
ELENA ALEKSEEVNA KHUSYAYNOVA,)	UNDER SEAL
)	
Defendant.)	
)	

**MOTION TO SEAL ARREST WARRANT, CRIMINAL COMPLAINT, AND
AFFIDAVIT PURSUANT TO LOCAL RULE 49(B)**

The United States, by and through undersigned counsel, pursuant to Local Rule 49(B) of the Local Criminal Rules for the United States District Court for the Eastern District of Virginia, now asks for an Order to Seal the arrest warrant, complaint, this motion, the order, and the affidavit in support of the complaint and arrest warrant, until motion of the government to unseal.

I. REASONS FOR SEALING (Local Rule 49(B)(1))

1. The Federal Bureau of Investigation has been investigating a conspiracy to defraud the United States, in violation of 18 U.S.C. § 371. The conspiracy involves allegations against a Russian national for her role in efforts to interfere in the U.S. political system, including the 2018 midterm election.

2. The United States government’s policy is to utilize all tools at its disposal in a coordinated manner to disrupt foreign influence efforts of the type alleged in the complaint affidavit. Given the sensitivities of this matter and the government’s need for coordination, premature disclosure of the specific details of and charges against the defendant could jeopardize the government’s efforts relating to these activities.

3. In order to provide the government with the necessary time to ensure that the criminal charges do not unduly impact other efforts, the government requests that the arrest warrant, complaint, this motion, the order, and affidavit in support of the complaint and arrest warrant be sealed until motion of the government to unseal.

II. REFERENCES TO GOVERNING CASE LAW (Local Rule 49(B)(2))

4. The Court has the inherent power to seal complaints and affidavits in support of complaints. See United States v. Wuagneux, 683 F.2d 1343, 1351 (11th Cir. 1982); State of Arizona v. Maypenny, 672 F.2d 761, 765 (9th Cir. 1982); Times Mirror Company v. United States, 873 F.2d 1210 (9th Cir. 1989); see also Shea v. Gabriel, 520 F.2d 879 (1st Cir. 1975); United States v. Hubbard, 650 F.2d 293 (D.C. Cir. 1980); In re Braughton, 520 F.2d 765, 766 (9th Cir. 1975). The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public's right of access is outweighed by competing interests. In re Knight Pub. Co., 743 F.2d 231, 235 (4th Cir. 1984).

III. PERIOD OF TIME GOVERNMENT SEEKS TO HAVE MATTER REMAIN UNDER SEAL (Local Rule 49(B)(3))

5. The arrest warrant, the complaint, this motion, the order, and the affidavit would need to remain sealed until the government determines that the unsealing is appropriate and makes a motion for that purpose. The government anticipates that it will only need the documents to remain sealed for a short period of time.

6. The United States has considered alternatives less drastic than sealing at this time and has found none that would suffice to protect this investigation. The United States will move to unseal the documents as soon as practicable.


WHEREFORE, the United States respectfully requests that the arrest warrant, the complaint, the affidavit in support of the complaint and arrest warrant, and this Motion to Seal

and proposed Order be sealed until further Order of the Court. Notwithstanding this request, the United States asks to provide copies as necessary to execute the arrest warrants, including to foreign authorities.

Respectfully Submitted,

G. Zachary Terwilliger
United States Attorney

By: _____


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