

Exhibit C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-MJ-8332-BER

IN RE: SEALED SEARCH WARRANT

SEALED ORDER ON MOTION FOR RECONSIDERATION [ECF NO. 158]

The United States moves *ex parte* and under seal for reconsideration of the part of the July 5 order that unseals docket entry 147 (“the Unsealing Order”). As described in the Unsealing Order, docket entry 147 grants the United States’ request to partially unseal materials for the limited purpose of allowing the Government to provide those materials as discovery in case number 23-CR-80101-AMC. The Unsealing Order is currently stayed.

In its reconsideration motion, the Government argues that docket entry 147 should remain sealed because it reveals the existence of eight search warrants, only one of which has been publicly disclosed. As the Government concedes, the materials connected to these eight warrants remain sealed from the public. The only portions of docket entry 147 that make any disclosures about searches are (1) the case caption is “In The Matter Of The Search Of The Premises, Devices, And Accounts Identified In Attachment A,” (2) the phrase “the above-captioned search warrants, supporting affidavits, and accompanying documents” is used in the body of the order, and (3) the document header lists eight case numbers from this Court’s docket. This content discloses to the public only that the Government wants to provide discovery in case

23-CR-80101-AMC arising from searches of undisclosed locations, that were based on unidentified facts, looking for unspecified evidence, in furtherance of investigation(s) of unnamed people.

The Government argues that the interests of justice require continued sealing because even the disclosure of this ambiguous information will harm ongoing investigations. First, the Government says that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Government next claims that, although the affidavits and other materials relating to these warrants are under seal, “the risk of disclosure increases with each unsealing.” ECF No. 158 at 2. There is no evidence offered to support this argument, nor is it self-evident why unsealing docket entry 147 would increase the risk that the content of other sealed materials will be disclosed improperly.

Finally, the Government argues that unsealing docket entry 147 would disclose investigative steps that have not otherwise been made public. That statement is true, but that fact alone is not enough to justify sealing. As discussed above, unsealing would disclose that other searches have occurred, but would not disclose investigative sources or the direction and scope of any investigation(s). Even accepting the Government’s argument that public disclosure of this minimal

information will have some negative effect on ongoing or future investigations, docket entry 147 can remain sealed only if this potential harm to the Government is sufficiently compelling to overcome the public's right of access. *See In re Sealed Search Warrant*, 622 F. Supp. 3d 1257 (S.D. Fla. 2022). For the reasons stated above, the Government has not met its burden of showing that the asserted risks to its investigation(s) is such a compelling interest.

WHEREFORE, it is ORDERED that:

1. The Motion to Seal (ECF No. 157) is GRANTED. Docket entries 157 and 158 shall be SEALED pending further Court order.
2. The Government's Motion for Reconsideration is DENIED.
3. This Order shall be SEALED pending further Court order.
4. The deadline for the Government to file a notice stating whether it intends to appeal the unsealing of docket entry 147 is extended to July 17, 2023, at 5:00 p.m. Eastern time.

DONE and ORDERED in Chambers this 10th day of July, 2023, at West Palm Beach in the Southern District of Florida.



BRUCE E. REINHART
UNITED STATES MAGISTRATE JUDGE