



The government's remaining, non-specific concern for confidentiality is speculative at best, and not sufficient to meet the government's burden regarding nondisclosure. The existence of the investigation in issue and the government's wide use of warrants, § 2703(d) orders, and other investigative tools has been widely publicized now. It is difficult to imagine circumstances in which this Google subscriber has not assumed government access to this account and acted accordingly.

The court therefore finds that the government no longer meets its burden to prevent Google from notifying its subscriber of the existence of the August 24, 2011 warrant.

It is accordingly

ORDERED that, unless the government appeals from this order within fourteen days, then Google, Inc. may thereafter deliver to its subscriber a copy of the search warrant numbered 1:11sw454, including its Attachment A and the first page but not subsequent pages of its Attachment B, and from which the name of the attesting official has been redacted; but a government appeal shall operate to stay this relief pending further order of the court. The remainder of the record will remain under seal.

Because no confidential information is revealed in the present order, it will not be filed under seal, and the Clerk is directed to open an electronic file with this docket number and to file this order therein.

ENTERED this 28th day of February, 2012.

/s/

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Thomas Rawles Jones, Jr.  
United States Magistrate Judge

Alexandria, Virginia