

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JOHN EASTMAN,**

**Plaintiff,**

v.

**No. CIV 22-mc-23 RB/KK**

**UNITED STATES OF AMERICA,**

**Defendant.**

**NOTICE**

On July 8, 2022, Plaintiff filed an Amended Motion for Return of Seized Property Under Fed. R. Crim. P. 41(g) and Request for Injunctive and Other Relief. Doc. 6. On July 15, 2022, the Court entered an order denying Plaintiff's motion for a temporary restraining order and setting a further briefing schedule on the remainder of his motion. Doc. 8. In that order, the Court required the Government "to provide notice to the Court, no later than **Wednesday, July 27, 2022**, on the location of the phone and information on whether the investigative team has applied for a second warrant." *Id.* at 11. By this filing, the United States provides the required notice.

The United States is in possession of Plaintiff's cell phone, as well as a manual screen capture of certain contents of the device obtained by an agent not associated with the investigation team. Plaintiff's cell phone and the manual screen capture currently are in Northern Virginia, in the possession of federal agents with the Department of Justice, Office of Inspector General. On July 12, 2022, a federal agent obtained a second federal search warrant from the U.S. District Court for the District of Columbia that authorizes review of the contents of Plaintiff's cell phone and the manual screen capture. The warrant includes a filter protocol, which has been provided to Plaintiff's counsel.

Respectfully submitted,

MATTHEW M. GRAVES  
United States Attorney  
for the District of Columbia

By: /s/ Thomas P. Windom July 27, 2022

Thomas P. Windom  
Assistant United States Attorney  
601 D Street, N.W.  
Washington, D.C. 20530  
Office: 202-252-1900

ALEXANDER M.M. UBALLEZ  
United States Attorney  
for the District of New Mexico

/s/ Roberto D. Ortega July 27, 2022

ROBERTO D. ORTEGA  
Assistant United States Attorney  
P.O. Box 607  
Albuquerque, New Mexico 87103  
(505) 224-1519 Fax: (505) 346-7205  
roberto.ortega@usdoj.gov

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 27, 2022, I filed the foregoing pleading electronically through the CM/ECF system, which caused the following party or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

Charles Burnham: charles@burnhamgorokhov.com

Joseph Gribble: jjg@crowleygribble.com

/s/ Thomas P. Windom, 7/27/22

Thomas P. Windom  
Assistant United States Attorney