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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 IN THE MATTER OF THE SEARCH
OF AN APPLE IPHONE SEIZED
13 DURING THE EXECUTION OF A
SEARCH WARRANT ON A BLACK
14 LEXUS IS300, CALIFORNIA
LICENSE PLATE #5KGD203

ED No. CM 16-10 (SP)
GOVERNMENT'S *EX PARTE*
APPLICATION FOR A CONTINUANCE
Current Hearing Date: March 22, 2016
Current Hearing Time: 1:00 p.m.
Location: Courtroom of the
Hon. Sheri Pym

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19 Applicant United States of America, by and through its counsel of record, the
20 United States Attorney for the Central District of California, hereby files this *Ex Parte*
21 Application for a Continuance, requesting that the hearing currently set for March 22,
22 2016 be vacated and that the government file a status report by April 5, 2016.

23 This Application is based upon the attached memorandum of points and

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1 authorities, the files and records in this case, and such further evidence and argument as
2 this Court may permit.

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4 Dated: March 21, 2016

Respectfully submitted,

5 EILEEN M. DECKER
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6 PATRICIA A. DONAHUE
7 Assistant United States Attorney
8 Chief, National Security Division

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Since the attacks in San Bernardino on December 2, 2015, the Federal Bureau of
3 Investigation (“FBI”) has continued to pursue all avenues available to discover all
4 relevant evidence related to the attacks.

5 Specifically, since recovering Farook’s iPhone on December 3, 2015, the FBI has
6 continued to research methods to gain access to the data stored on it. The FBI did not
7 cease its efforts after this litigation began. As the FBI continued to conduct its own
8 research, and as a result of the worldwide publicity and attention on this case, others
9 outside the U.S. government have continued to contact the U.S. government offering
10 avenues of possible research.

11 On Sunday, March 20, 2016, an outside party demonstrated to the FBI a possible
12 method for unlocking Farook’s iPhone. Testing is required to determine whether it is a
13 viable method that will not compromise data on Farook’s iPhone. If the method is
14 viable, it should eliminate the need for the assistance from Apple Inc. (“Apple”) set forth
15 in the All Writs Act Order in this case.

16 Accordingly, to provide time for testing the method, the government hereby
17 requests that the hearing set for March 22, 2016 be vacated. The government proposes
18 filing a status report with the Court by April 5, 2016.

19 On March 21, 2016, at approximately 2:45 p.m., the United States Attorney
20 contacted counsel for Apple to request Apple’s position on this *ex parte* Application, and
21 counsel for Apple requested a telephonic status conference with the Court.

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