

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

IN RE APPLICATION OF THE )  
UNITED STATES OF AMERICA FOR ) 1:17-MJ-025  
AN ORDER PURSUANT TO )  
18 U.S.C. § 2703(d) ) **Filed Under Seal**

**GOVERNMENT'S MOTION TO AMEND ORDER**

The United States of America, by and through its undersigned counsel, hereby moves the Court to modify its previous Order issued to Twitter, Inc. ("Twitter"), on June 13, 2017, pursuant to 18 U.S.C. §§ 2705(b) and (d). The requested Amended Order would provide for expiration of Twitter's nondisclosure obligation upon the sooner of 180 days from production of the requested information to the Government or further order of the Court. In support of its motion, the United States asserts:

1. On June 13, 2017, the Court entered an Order in this matter pursuant to 18 U.S.C. § 2703(d) directing Twitter to disclose to the government subscriber information and records pertaining to a Twitter subscriber. Upon the government's request, the Court also ordered under 18 U.S.C. § 2705(b) that Twitter not disclose the existence of the 2703(d) Order to the subscriber of the account or to any other person until authorized by the Court to do so.

2. On June 26, 2017, Twitter contacted the Federal Bureau of Investigation via email and requested that the nondisclosure provision of the Order be rescinded. For the reasons set forth in its June 13, 2017 application, which the government hereby adopts and incorporates by reference, the government opposed Twitter's request. After further discussions with counsel for Twitter, the government agreed to seek an amended Order from the Court limiting Twitter's nondisclosure obligation to the sooner of 180 days from production of the requested information

to the Government or further Order of the Court. The Government noted that if the investigation extended beyond 180 days and disclosure would still tend to seriously jeopardize the investigation for the reasons set forth in 18 U.S.C. § 2705(b)(2), (3) and (5), the United States would seek extensions as needed pursuant to 18 U.S.C. § 2705(a)(4).

3. Based on the foregoing information, the United States respectfully requests the Court issue an Amended Order permitting Twitter to make a notification to its customer upon the sooner of 180 days from Twitter's production of the requested information to the Government or further order of the Court.

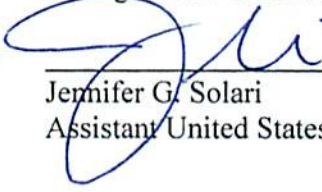
4. The government respectfully requests that this motion and the Court's Amended Order be filed under seal. Disclosure of investigative materials related to this matter may alert the defendant and others and may seriously jeopardize the investigation by giving targets an opportunity to flee, destroy or tamper with evidence, change patterns of behavior, or notify confederates. *See* 18 U.S.C. § 2705(b)(2), (3), (5). Some of the evidence in this case is stored electronically. If alerted to the investigation, subjects of the investigation or persons assisting them could destroy that evidence, including information saved to online storage sites and personal computers.

Date: July 13, 2017

Respectfully submitted,

James D. Durham  
Acting United States Attorney

By:

  
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