



U.S. Department of Justice

Executive Office for United States Attorneys  
Freedom of Information/Privacy Act Staff  
600 E Street, N.W., Room 7300  
Washington, D.C. 20530  
202-616-6757 Fax 202-616-6478

Requester: Catherine Crump Request Number: 07-4136

Subject of Request: Mobile Phone Tracking (Items 3-5)/DNV

Dear Requester:

SEP 24 2009

This is in further response to your Freedom of Information Act request. This letter constitutes a discretionary disclosure from the Executive Office for United States Attorneys pursuant to Attorney General Holder's March 19, 2009 Memorandum on the FOIA.

By Order dated September 2, 2009, the United States District Court for the District of Nevada granted the government's motion to unseal the application identified as Document 67 in the government's *Vaughn* Index, which was filed in ACLU et. al. v. DOJ, No. 08-01157 (D.D.C.). Accordingly, the EOUSA is releasing this application, which consists of 7 pages, in part. The EOUSA has also determined that a page was missing from the template application identified as Document 70 in the government's *Vaughn* Index; therefore, enclosed is a copy of this document with the missing page, P489 A, inserted.

The exemption(s) cited for withholding certain information are marked below.

Section 552

Section 552a

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_____		<input type="checkbox"/> (b)(7)(F)	

Although I am aware that this request is the subject of ongoing litigation and that appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you that if you consider my response to be a denial of your request, you have the right to file an administrative appeal by writing within 60 days from the date of this letter to the **Office of Information Policy, United States Department of Justice, 1425 New York Avenue, Suite 11050, Washington, D.C. 20530-0001.**

Sincerely,

William G. Stewart II  
Assistant Director

Enclosure(s)

FILED

2000 JUL -3 PM 4:32

1 GREGORY A. BROWER  
United States Attorney  
2 MICHAEL CHU  
Assistant United States Attorney  
3 333 Las Vegas Blvd., South, Suite 5000  
Las Vegas, Nevada 89101  
4 (702) 388-6336

BY \_\_\_\_\_

5 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

6 IN RE: APPLICATION OF THE )  
7 UNITED STATES OF AMERICA FOR AN )  
ORDER PURSUANT TO 18 U.S.C. §2703(d) )  
8 DIRECTING T-MOBILE TO DISCLOSE )  
INFORMATION RELATED TO TELEPHONES )  
9 NUMBERED [ b7c ] )

[ b7c ]

UNDER SEAL

10 APPLICATION FOR COURT ORDER COMMANDING PRODUCTION OF  
11 TELEPHONE RECORDS, PRECLUDING NOTICE, AND SEALING MOTION

12 The United States of America, through its attorneys, Gregory A. Brower, United States  
13 Attorney, and Michael Chu, Assistant United States Attorney, hereby moves this Court pursuant to  
14 18 U.S.C. §§2703(c) and 2703(d) for an Order seeking historical cell site information. In particular,  
15 this Order seeks as follows:

16 (a) requiring T-Mobile, a provider of electronic communication service within the meaning  
17 of 18 U.S.C. §2510(15), to disclose to the United States Attorney in and for the District of  
18 Nevada and to the Federal Bureau of Investigation the identification and address of cellular  
towers (cell site locations) related to the use of

- 19 (i) [ b7c ]  
20 (ii) [ b7c ]

21 (b) precluding the provider of such service from disclosing to the subscriber or customers or  
22 to any other unauthorized person this request, any court order issued in connection with this  
request, the fact of disclosure of such records to the requesting governmental entities or the  
existence of this investigation, pursuant to 18 U.S.C. §2705(b); and

23 (c) sealing the government's application, the Court's Order, and any related documents.

24 In support, the affidavit of [ b7c ] the FBI Special Agent assigned to this case, is  
25 attached to this application and incorporated herein. In further support, the undersigned states as  
26 follows:

1           1. The undersigned is an attorney for the government as defined by Rule 1(b) of the  
2 Federal Rules of Criminal Procedure and, therefore, pursuant to 18 U.S.C. §2703(c) may apply for an  
3 order as requested herein.

4           2. 18 U.S.C. § 2703(c)(1) prescribes the procedure pursuant to which the United States  
5 may obtain records and other information pertaining to a subscriber of an electronic communications  
6 service or remote computing service. It states, in pertinent part:

7           A governmental entity may require a provider of electronic communication service  
8 or remote computing service to disclose a record or other information pertaining to  
9 a subscriber to or customer of such service (not including the contents of  
10 communications) only when the governmental entity— . . .

11           (B) obtains a court order for such disclosure under subsection (d) of this section.

12           3. Section 2703(d), in turn, provides in pertinent part:

13           A court order for disclosure under subsection (b) or (c) may be issued by any court  
14 that is a court of competent jurisdiction and shall issue only if the governmental  
15 entity offers specific and articulable facts showing that there are reasonable grounds  
16 to believe that the contents of a wire or electronic communication, or the records or  
17 other information sought, are relevant and material to an ongoing criminal  
18 investigation. . . . A court issuing an order pursuant to this section, on a motion made  
19 promptly by the service provider, may quash or modify such order, if the information  
20 or records requested are unusually voluminous in nature or compliance with such  
21 order otherwise would cause an undue burden on such provider.

22           Accordingly, this Application and accompanying affidavit set forth specific and articulable facts  
23 showing that there are reasonable grounds to believe that the materials sought are relevant and material  
24 to the ongoing criminal investigation. This Application does not set forth all known facts regarding  
25 this investigation; it merely sets forth facts that are believed to be sufficient to satisfy the requirements  
26 to obtain a 2703(d) order.

27           4. [ b7c ]

28 [ b7c ]

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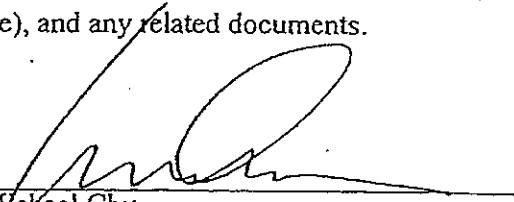
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WHEREFORE, applicant requests the Court to enter the attached Order, requiring T-Mobile, a provider of electronic communication service within the meaning of 18 U.S.C. § 2510(15), to disclose to the United States Attorney in and for the District of Nevada and to the Federal Bureau of Investigation the identification and address of cellular towers (cell site locations) related to the use of [ b7c ]; (2) precluding the provider of such service from disclosing to the subscriber or customers or to any other unauthorized person this request, any court order issued in connection with this request, the fact of disclosure of such records to the requesting governmental entities or the existence of this investigation, pursuant to 18 U.S.C. § 2705(b); and (3) sealing the government's application, the Court's order (except for the original Service Provider Order to be served on T-Mobile), and any related documents.

Executed on July 3, 2008.

  
Michael Chu  
Assistant U.S. Attorney

FILED

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA 2000 JUL -3 PM 4:32

IN RE: APPLICATION OF THE )  
UNITED STATES OF AMERICA FOR AN )  
ORDER PURSUANT TO 18 U.S.C. §2703(d) )  
DIRECTING T-MOBILE TO DISCLOSE )  
INFORMATION RELATED TO TELEPHONES )  
NUMBERED [ b7c ] )  
US MAGISTRATE JUDGE  
BY [ b7c ]  
UNDER SEAL

ORDER

This matter having come before the Court pursuant to an application under Title 18, United States Code, Section 2703(c), which application requests the issuance of an order under Title 18, United States Code, Section 2703(d) directing T-Mobile, an electronic communications service provider, to disclose the identification and address of cellular towers (cell site locations) related to the use of [ b7c ]

[ b7c ] the Court finds that the applicant has offered specific and articulable facts showing that there are reasonable grounds to believe that the records and other information sought are relevant and material to an ongoing criminal investigation.

IT APPEARING that the information sought is relevant and material to an ongoing criminal investigation, and that prior notice of this investigation, this application, or this Order to any person may result in the further intimidation of potential witnesses, seriously jeopardize this pending criminal proceeding and/or endanger the life or physical safety of an individual.

IT IS ORDERED pursuant to Title 18, United States Code, Section 2703(d) that T-Mobile will, within fourteen days of the date of this Order, turn over to Special Agent [ b7c ] of the Federal Bureau of Investigation [ b7c ] address of cellular towers (cell site locations) associated with use of [ b7c ] [ b7c ] and [ b7c ]

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court, and that T-Mobile shall not disclose the existence of the investigation, the

1 application, or this Order to the listed subscriber or to any other person, unless and until authorized  
2 to do so by the Court.

3 SO ORDERED: *July 3, 2008*

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5 51 GEORGE FOLEY, JR.  
6 United States Magistrate Judge

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20 I hereby attest and certify on 7-3-08  
21 that the foregoing document is a full true and correct  
copy of the original on file in my office, and in my legal  
custody.

22 GEORGE FOLEY, JR.  
23 U.S. MAGISTRATE JUDGE  
DISTRICT OF NEVADA

24 By *Julia Hill* Deputy  
Secretary



Combined 3123/2703 Application

[NAME]  
United States Attorney  
[NAME]  
Assistant United States Attorney  
Chief, Criminal Division

[YOUR NAME]  
Assistant United States Attorney  
[ ] Section  
[ ] State Bar No. [ ]  
[ADDRESS]  
Telephone: ( ) X-[ ]  
Facsimile: ( ) X-[ ]

Attorneys for Applicant  
United States of America.

~~UNITED STATES DISTRICT COURT~~

FOR THE [ ] DISTRICT OF [ ]

IN THE MATTER OF THE )  
APPLICATION OF THE UNITED )  
STATES OF AMERICA FOR AN )  
ORDER: (1) AUTHORIZING THE )  
INSTALLATION AND USE )  
OF A PEN REGISTER AND A )  
TRAP AND TRACE DEVICE; AND )  
(2) AUTHORIZING RELEASE OF )  
SUBSCRIBER INFORMATION )  
AND/OR CELL SITE INFORMATION )

No. \_\_\_\_\_

A P P L I C A T I O N

(UNDER SEAL)

[YOUR NAME], an Assistant United States Attorney for the

[ ], hereby applies to the court for an order:

1. Pursuant to 18 U.S.C. §§ 3122 and 3123, authorizing the installation and use of a pen register and the use of a trap and trace device

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<sup>1</sup> A "pen register" is a "device or process which records or decodes dialing, routing, addressing or signaling information transmitted by an instrument or facility from which a wire or electronic

FOLLOWED BY ADDRESS] [NOTE TO AGENTS:

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b7E ] and used by [TARGET'S NAME] (hereinafter the "Subject Telephone Number" [OR, IF YOU PLAN TO GET PENS ON OTHER PHONES AT A LATER DATE, YOU CAN KEEP TRACK BETTER BY NUMBERING, SUCH AS "Subject Telephone Number One"]));

2. Pursuant to 18 U.S.C. §§ 2703(c)(1)(B), 2703(c)(2) and 2703(d), directing disclosure of subscriber information for all published, non-published, or unlisted numbers dialed or otherwise transmitted to and from the Subject Telephone Number, upon oral or written demand by special agents of the [LIST AGENCY/IES]<sup>3</sup>; and

3. [FOR WIRELESS TELEPHONE ONLY]: Pursuant to 18 U.S.C. §§ 2703(c)(1)(B) and 2703(d), directing disclosure of the location of cell site/sector (physical address) at call origination (for outbound calling), call termination (for incoming calls), and, if reasonably available, [ b7E ] b7E

<sup>3</sup>"Subscriber Information" includes:

~~(A) name, (B) address, (C) local and long distance telephone connection records, or records of session times and durations; (D) length of service (including start date) and types of service utilized; (E) [ b7E ] and (F) means and source of payment for such service (including any credit card or bank account number) of a subscriber to or customer of an electronic communication service or remote computing service. 18 U.S.C. § 2703(c)(2).~~

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] on the following telephone number:<sup>2</sup>

(a)

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communication is transmitted, provided, however, that such information shall not include the contents of any communication . . ." 18 U.S.C. § 3127(3). A "trap and trace device" is "a device or process which captures the incoming electronic or other impulses which identify the originating number" or other identifiers "reasonably likely to identify the source of a wire or electronic communication, provided, however, that such information not include the contents of any communication. 18 U.S.C. § 3127(4).

<sup>2</sup> Section 3123, as amended(P.L. 107-56 (2001)), empowers courts to authorize the installation and use of pen registers and trap and trace devices in other districts. Section 3123(a)(1) provides that the court may enter an order authorizing a pen register or trap and trace device "anywhere within the United States." Moreover, Section 3127(2)(A) now defines a "court of competent jurisdiction" as "any district court of the United States (including a magistrate judge of such court) . . . having jurisdiction over the offense being investigated." 18 U.S.C. § 3127(2)(A).

Subject Telephone Number. [ b7E ]  
[ b7E ] [ b7E ] [ b7E ]

In support of this application, I state the following:

A. CERTIFICATION FOR A PEN REGISTER AND A TRAP AND TRACE DEVICE

1. I am an "attorney for the Government" as defined in Rule 54(c) of the Federal Rules of Criminal Procedure, and therefore, pursuant to 18 U.S.C. § 3122, may apply for an order authorizing the installation and use of pen registers and trap and trace devices.

2. I certify that the information likely to be obtained from the pen register and trap and trace device is relevant to an ongoing criminal investigation being conducted by the Federal Bureau of Investigation (FBI) in connection with possible violations of federal criminal offenses, including [CITE STATUTE(S)]; and that it is believed that [LIST MAIN TARGET(S)], and others known and unknown, have and will continue to use the Subject Telephone Number in furtherance of the subject offense.

[ b7E ] [ b7E ]  
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3. Wherefore, based upon the above Certification,<sup>5</sup> I request that the court issue an order authorizing:

a. The installation and use of a pen register to record or decode dialing, routing, addressing, or signaling information<sup>6</sup> transmitted from the Subject Telephone Number, to record the date

<sup>5</sup> Section 3122 "was not intended to require independent judicial review of relevance; rather, the reviewing court need only verify the completeness of the certification." In re United States, 10 F.3d 931, 935 (2d Cir. 1993) (citing S. Rep. No. 541, 99th Cong., 2d Sess. 47 (1986), reprinted in 1986 U.S.C.C.A.N. 3555, 3601); see also United States v. Fregoso, 60 F.3d 1314, 1320 (8th Cir. 1995) (holding that the judicial role under Section 3123(a) is ministerial in nature because a proper application under Section 3122 mandates entry of the order); Brown v. Waddell, 50 F.3d 285, 290 (4th Cir. 1995) (Section 3122 does not require the government to establish probable cause to obtain a pen register or trap and trace device); United States v. Newman, 733 F.2d 1395, 1398 (10th Cir. 1984) ("[N]o showing of probable cause — or even 'sufficient cause,' as defendant suggests — is necessary to justify authorization of a pen register.")

6. [Redacted area with handwritten "b7E" and "b7E" annotations]

[Redacted area with handwritten "b7E" annotation]

Section 3121(c), as amended by the USA Patriot Act, P.L. 107-56 (2001) affirmed the requirement to "use technology reasonably available" that restricts the collection of information "so as not to include the contents of any wire or electronic communications." This provision implicitly recognizes that the incidental collection of some content may occur despite the use of reasonably available technology to avoid such capture. With regard to the requirement of Section 3121(c) to use technology reasonably available so as not to include the contents of any wire or electronic communications,

[Redacted area with handwritten "b7E" and "b7E" annotations]



60-day period authorized by this order.<sup>7</sup>

5. Applicant further requests that the court direct the local, long distance, and wireless carriers listed in the proposed order, filed concurrently herewith, and any other person or entity

providing wire or electronic communication service in the United

States whose assistance is used to facilitate execution of the order to notify special agents of the FBI, upon oral or written request, [ ] b7E ]

[ ] b7E ]

[ ] b7E ]

[ ] b7E ]

6. Pursuant to 18 U.S.C. § 3123(a)(1) and § 3123(b)(2), I further request that the court direct that upon service of the order upon it, the local, long distance, and wireless carriers, and any other person or entity providing wire communication service in the United States whose assistance may facilitate execution of the order, furnish the information, facilities, and technical assistance necessary to accomplish unobtrusively the installation and use of the pen register and trap and trace device with

<sup>7</sup> Section 3123(b)(1)(C) has been amended to require the Court to specify in the order "the attributes of the communications to which the order applies, including the number or other identifier . . ." 18 U.S.C. § 3123(b)(1)(C). The account number, when combined with the same subscriber name for the Subject Telephone Number sufficiently specifies "the attributes of the communications to which the order applies, including the number or other identifier . . ." as required by § 3123(b)(1)(C). Cf. United States v. Duran, 189 F.3d 1071, 1083-1086 (9th Cir. 1999) (holding interception of wire communications on a cellular telephone with a changed telephone number followed by a changed ESN were covered by the order authorizing the interception of wire communications even though the court order authorizing the wiretap only anticipated a changed telephone number but did not anticipate a changed ESN).

compensation to be paid by the investigative agency for reasonable expenses directly incurred in providing such facilities and assistance.

7. Applicant further requests that the order direct the local, long distance, and wireless carriers, and any other person or entity providing wire or electronic communication service in the United States whose assistance is used to facilitate execution of the order, furnish the results of the pen register and trap and trace installations to Agents of the Federal Bureau of Investigation as soon as practicable twenty four (24) hours a day for the duration of the order.

B. SPECIFIC AND ARTICULABLE FACTS ESTABLISHING REASONABLE GROUNDS TO BELIEVE THAT SUBSCRIBER RECORDS [AND CELL SITE INFORMATION] ARE RELEVANT AND MATERIAL TO AN ONGOING CRIMINAL INVESTIGATION

1. In support of its request for an order under 18 U.S.C. § 2703(d) directing the furnishing of subscriber information [FOR WIRELESS PHONE: and cell site information] pursuant to 18 U.S.C. §§ 2703(c)(1)(B), 2703(c)(2) and 2703(d), and based upon discussions with SA [AGENT'S NAME], the government hereby sets forth the following specific and articulable facts showing that there are reasonable grounds to believe that the subscriber information pertaining to telephone numbers identified through the pen register and trap and trace device on the Subject Telephone Number [FOR WIRELESS PHONE: and cell site information regarding the Subject Telephone Number] will be relevant and material to an ongoing criminal investigation:

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a. [INSERT BRIEF, YET SPECIFIC, FACTUAL STATEMENT RE: YOUR INVESTIGATION AND INFORMATION INDICATING THAT TARGET(S) IS USING THE SUBJECT TELEPHONE(S); TRY TO LIMIT THIS SECTION TO 3 PARAGRAPHS. FOR A CONTINUATION OF A PEN REGISTER: ADD THE DATE, MISC. NUMBER AND SIGNING JUDGE OF ALL PRIOR PEN REGISTER ORDERS AND SOME JUDGES MIGHT REQUIRE SOME INFORMATION REGARDING THE RESULTS OF THE PEN REGISTER(S)/TRAP AND TRACE(S) DURING THE MOST RECENT 60-DAY PERIOD.]

b. [INSERT CONCISE EXPLANATION AS TO WHY SUBSCRIBER INFORMATION IS RELEVANT AND MATERIAL TO YOUR INVESTIGATION. IF DRUG TRAFFICKING CASE, ADAPT THE FOLLOWING PARAGRAPH: In [AGENT'S NAME'S] experience, subscriber information, including toll data from numbers obtained from numbers captured by the pen register and the trap and trace has yielded information that is relevant and material to narcotics trafficking investigations. ]

[ IF YOU HAVE NEED FOR TOLL DATA ADD THE FOLLOWING OR OTHER FACTS THAT SUPPORT THE REQUEST ]

c. [FOR WIRELESS TELEPHONE ONLY]: SA [AGENT'S NAME] has

further advised [

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ME ]

5. Accordingly, based upon the above proffer, and pursuant to  
 18 U.S.C. §§ 2703(c)(1)(B), 2703(c), and 2703(d), because there are  
 reasonable grounds to believe that such information is relevant and  
 material to the ongoing investigation, I request that the providers  
 listed in the proposed order, filed concurrently herewith, and any  
 other person or entity providing wire or electronic communications  
 service in the United States whose assistance may facilitate  
 execution of the order be ordered to supply subscriber information  
 (including the names and addresses, whether listed or unlisted,  
 billing information, and periods of telephone activation) for  
 dialing, routing, addressing, or signaling information captured by  
 the pen register on the Subject Telephone Number, and for dialing,  
 routing, addressing, or signaling information reasonably likely to  
 identify the source of a wire or electronic communication  
 transmitted to the Subject Telephone Number as captured by the trap

and trace device on the Subject Telephone Number upon oral or  
 written demand by agents of the [AGENCY/IES] [ b7E ] b7E

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C. REQUEST THAT APPLICATION AND ORDER BE FILED UNDER SEAL AND THAT THE ORDER PRECLUDE NOTICE

1. Based upon the information provided in this application, I believe that the disclosure of the requested court order may result in the flight from potential prosecution, may result in the destruction of or tampering with evidence, or may otherwise seriously jeopardize the investigation. Therefore, pursuant to 18 U.S.C. §§ 2705(b) and 3123(d), I further request that the court direct the local, long distance and wireless carriers listed in the proposed order, and any other local, long distance or wireless carrier servicing the Subject Telephone Number who is obligated by the order to provide assistance to the applicant not to disclose in any manner, directly or indirectly, by any action or inaction, to the listed subscriber[s] for the Subject Telephone Number, the occupant of said premises, the subscriber of the incoming calls to or outgoing calls from the Subject Telephone Number, or to any other person, the existence of this order, in full or redacted form, of the pen register or trap and trace devices, or of this investigation unless otherwise ordered by this court and further

that this application and order be SEALED.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed on [DATE] at [\_\_\_\_\_].

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[YOUR NAME]  
Assistant United States Attorney  
[\_\_\_\_\_] Section

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Combined 3123/2703 Order

[NAME]  
United States Attorney

[NAME]  
Assistant United States Attorney  
Chief, Criminal Division

[YOUR NAME]  
Assistant United States Attorney

[ ] Section  
State Bar No. [ ]

[ADDRESS]  
Telephone: (XXX) []-[ ]  
Facsimile: (XXX) []-[ ]

Attorneys for Applicant  
United States of America

UNITED STATES DISTRICT COURT

FOR THE [ ] DISTRICT OF [ ]

IN THE MATTER OF THE )  
APPLICATION OF THE UNITED )  
STATES OF AMERICA FOR AN )  
ORDER: (1) AUTHORIZING THE )  
INSTALLATION AND USE )  
OF A PEN REGISTER AND A )  
TRAP AND TRACE DEVICE, )  
AND (2) AUTHORIZING RELEASE )  
OF SUBSCRIBER INFORMATION )  
AND/OR CELL SITE INFORMATION )

No. \_\_\_\_\_

[PROPOSED] ORDER

(UNDER SEAL)

This matter having come before the court pursuant to an application under Title 18, United States Code, Sections 2703(c) and (d), 3122 and 3123, by Assistant United States Attorney [YOUR NAME], an attorney for the Government as defined by Fed. R. Crim.

~~p. 54(c), requesting an order authorizing the installation and use~~  
of a pen register and the use of a trap and trace device, on the following telephone number:

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(a) [AREA CODE AND PHONE NUMBER], a [TYPE OF PHONE, E.G., "HARD-LINE TELEPHONE," "CELLULAR TELEPHONE," OR "DIGITAL TELEPHONE"] issued by [NAME OF CARRIER, E.G., AT&T WIRELESS SERVICES], with Electronic Serial Number ("ESN") [FILL IN ESN] ~~if~~ Nextel:

instead of ESN, insert International Mobile Subscriber Identifier ("IMSI"), which is preferred, but not required; [if Cingular Wireless: ESN and/or Subscriber Identity Module ("SIM") [FILL IN ESN AND/OR SIM]], subscribed to by [SUBSCRIBER'S NAME AND BILLING ADDRESS, IF KNOWN; IF PREPAID ACCOUNT, STATE "PREPAID ACCOUNT," FOLLOWED BY ADDRESS] and used by [TARGET'S NAME] (hereinafter the "Subject Telephone Number"; and

UPON REVIEW OF THE APPLICATION, THE COURT HEREBY FINDS THAT:

Pursuant to 18 U.S.C. § 3123, Applicant has certified that the information likely to be obtained by such use is relevant to an ongoing criminal investigation being conducted by the Federal Bureau of Investigation into possible violations of [STATUTE(S)] by [MAIN TARGETS], and others.

Pursuant to 18 U.S.C. §§ 2703(c)(1)(B), 2703(c)(2) and 2703(d), Applicant has offered specific and articulable facts ~~showing that there are reasonable grounds to believe that~~

subscriber information for dialing, routing, addressing, and signaling information (not including the contents of any

RIF

communication) transmitted to and from the Subject Telephone Number is relevant and material to an ongoing criminal investigation of the specified offenses;

~~[FOR WIRELESS TELEPHONE ONLY] Pursuant to 18 U.S.C. §§ 2703(e)(1)(B) and 2703(d), Applicant has further established that there are specific and articulable facts showing that there are reasonable grounds to believe that cell site information is relevant and material to an ongoing criminal investigation of the specified offenses;~~

THEREFORE, IT IS HEREBY ORDERED, pursuant to 18 U.S.C.

§ 3123, that agents of the Federal Bureau of Investigation may install, or cause to be installed, and use a pen register to record or decode dialing, routing, addressing, or signaling information transmitted from the Subject Telephone Number,<sup>1</sup> to record the date and time of such dialings or transmissions, and [ b7E ]  
[ b7E ] for a period of sixty days from the date this order is filed by the court;<sup>2</sup>

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123, that agents of the Federal Bureau of Investigation may install, or cause to be installed, and use a trap and trace device on the Subject

<sup>2</sup> As used herein, "the date this order is filed by the court" is the date indicated by the clerk's file stamp on the first page of this order.

Telephone Number to capture and record the incoming electronic or other impulses which identify the originating number, or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, and to record the date, time, and duration of calls created by such incoming impulses, for a period of sixty days from the date this order is filed by the court, and that the tracing operations be without geographical limits;

IT IS FURTHER ORDERED, pursuant to 18 U.S.C.

§§ 2703(c)(1)(B), 2703(c)(2) and 2703(d), that [NAME PROVIDER(S)] Pacific Bell Telephone Company, Southwestern Bell Telephone Company (SBC), Verizon California, Inc., AT&T Broadband, Allegiance Telecom, MPower Communications, Ameritech, Cox Communications (hereinafter "the local carriers"); AT&T, U.S. Sprint, WorldCom (hereinafter "the long distance carriers"); Cellco Partnership, dba Verizon Wireless, AT&T Wireless Services, Cingular Wireless, Sprint Spectrum L.P., and Nextel Communications (hereinafter "the wireless carriers"); and any other local, long distance or wireless carrier servicing the Subject Telephone Number, shall supply subscriber information (including the names and addresses, whether listed or unlisted, billing information, and periods of telephone activation) for dialing, routing, addressing, or signaling information captured by the pen register on the Subject Telephone Number, and for dialing, routing, addressing, or signaling information reasonably likely to identify the source of



a wire or electronic communication transmitted to the Subject Telephone Number as captured by the trap and trace device on the Subject Telephone Number, upon oral or written request by special agents of the FBI;

~~[FOR WIRELESS TELEPHONE ONLY AND CELL SITE HAS BEEN REQUESTED.]~~

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. §§ 2703(c)(1)(B), 2703(c)(2) and 2703(d), that the wireless carriers shall provide the [E

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IT IS FURTHER ORDERED that this authorization for the installation and use of a pen register and trap and trace device applies not only to the telephone number listed above for the Subject Telephone Number, [E

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the 60-day period authorized by this order;

IT IS FURTHER ORDERED, that the local, long distance, and the wireless carriers, and any other person or entity providing wire communication service in the United States whose assistance may facilitate execution of the order, notify special agents of the FBI, upon oral or written request, of any and all changes (including additions, deletions, and transfers) in service regarding the **Subject Telephone Number** to include telephone numbers and subscriber information (published and non-published) associated with these service changes;

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123(a)(1) and (b)(2) and § 2703(c) and (d), that upon service of this order upon it, the local, long distance, and the wireless carriers, and any other person or entity providing wire communication service in the United States whose assistance may facilitate execution of the order, shall furnish agents of the [AGENCY/IES] forthwith all information, including but not limited to telephone subscriber information, facilities, and technical assistance necessary to accomplish the installation and use of the pen register and trap and trace device unobtrusively and with ~~minimum interference with the services that are accorded the~~ persons with respect to whom the installation and use is to take place;

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IT IS FURTHER ORDERED that the local, long distance, and the wireless carriers, and any other person or entity providing wire or electronic communication service in the United States whose assistance is used to facilitate execution of the order, furnish the results of the pen register and trap and trace installations to special agents of the FBI as soon as practicable twenty four (24) hours a day for the duration of the order.

IT IS FURTHER ORDERED that the local, long distance and the wireless carriers be compensated by the investigative agency for reasonable expenses directly incurred in providing technical assistance; and,

Good cause having been shown, IT IS FURTHER ORDERED, pursuant to 18 U.S.C. §§ 2705(b) and 3123(d), that this order and the application be sealed until otherwise ordered by the court, that the identity of any target(s) of the underlying criminal investigation may be redacted from any copy of this order to be served on any service provider or other person, and that the local, long distance and the wireless carriers and their representatives, agents and employees shall not disclose in any manner, directly or indirectly, by any action or inaction, the existence of this order or the existence of the above-described investigation, to the listed subscriber[s] for the Subject Telephone Number, the occupant of said premises, the subscribers of the incoming calls to or outgoing calls from the Subject Telephone Number, or to any other person, in full or redacted form, unless or until otherwise ordered

by the court.

DATED: \_\_\_\_\_ [NOTE TO AGENTS/ASSISTANT UNITED STATES

ATTORNEY'S: LEAVE ENTIRE DATE BLANK FOR COURT TO FILL IN; IF WRONG

~~MONTH OR YEAR IS LEFT IN (I.E., DUPING AN OLD ORDER), PHONE COMPANY~~

MAY REJECT, DESPITE CLERK'S DATE/TIME STAMP ON FACE PAGE ]

\*\*\*: BEFORE FILING, SEARCH FOR ALL BRACKETS "[" TO MAKE SURE THAT ALL BRACKETS AND BRACKETED PHRASES HAVE BEEN DELETED\*\*\*\*\*

\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE

Presented by:

\_\_\_\_\_  
[YOUR NAME]  
Assistant United States Attorney  
[ ] Section