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6 *Pro Se* Petitioners

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 **IN RE:**
11 **PETITION OF JENNIFER GRANICK AND**
12 **RIANA PFEFFERKORN TO UNSEAL**
13 **TECHNICAL-ASSISTANCE ORDERS AND**
14 **MATERIALS**

CV 16 80206 MISC.

MISC. CASE NO.
15 **PETITION TO UNSEAL TECHNICAL-**
16 **ASSISTANCE ORDERS AND**
17 **MATERIALS**

ORIGINAL FILED
SEP 28 2016
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KAW

1 following specific statutory provisions (relating to technical assistance), filed from January 1,
2 2006 through six months before the date this Petition is granted, be unsealed and made publicly
3 available, including on CM/ECF:

- 4 ● Sections 18 U.S.C. §§ 2511(2)(a)(ii) and/or 2518(4) of the Wiretap Act;
- 5 ● Section 18 U.S.C. § 2703 of the SCA;
- 6 ● Sections 18 U.S.C. §§ 3123(b)(2) and/or 3124(a) or (b) of the Pen/Trap Act; and/or
- 7 ● Section 28 U.S.C. § 1651(a) of the AWA;

8 and

9 (4) the Court revise its practices going forward, such that the Clerk's office will assign
10 case numbers to, docket, and enter into CM/ECF all applications and orders for search warrants,
11 surveillance, and technical assistance; the Court will undertake a periodic review (*e.g.*, annually
12 or biannually) of sealed dockets, warrants, surveillance orders, and technical-assistance orders;
13 and after such review, the Court will unseal those records for which there is no longer any need
14 for continued sealing.

15 Petitioners seek the unsealing of underlying materials only from cases where there is no
16 longer any need for secrecy, *e.g.*, the criminal investigation has terminated, the surveillance order
17 (including any delayed-notice order) has expired, or charges have been filed. These records are
18 public documents and should be publicly docketed and unsealed unless good cause exists on a
19 case-by-case basis for continued secrecy based on the facts and circumstances of the individual
20 matter.

21 Petitioners are unable to access these records without the assistance of the Court because
22 they are not entered into the Court's system, assigned case numbers, or docketed, and in any
23 event any identifying information from which Petitioners could identify the relevant matters is
24 sealed and outside of public view.

25 Petitioners are not seeking to unseal the names or other identifying information of targets
26 of any investigation or their associates. Because Petitioners are interested in the development of
27 the law of technical assistance, names and other identifying information can be redacted from
28 unsealed materials.

1 As explained in the attached Memorandum of Points and Authorities, the purpose of this
2 Petition is to promote the public interest by illuminating the legal authorities under which law
3 enforcement may require the assistance of third parties in conducting court-authorized searches,
4 seizures, data collection, or surveillance. Publicly docketing and unsealing the requested
5 materials would inform the current public debate over encryption policy including pending
6 legislation, would further public understanding of surveillance law, would help reveal law
7 enforcement's legal authority to compel service providers to create and maintain surveillance-
8 capable communications and data services, and would serve the deep-seated American principle
9 of open access to the courts by disclosing documents for which there is no longer any reason for
10 continued secrecy.

11 Respectfully submitted,

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13 Dated: September 28, 2016


14 JENNIFER STISA GRANICK (SBN 168423)
15 RIANA PFEFFERKORN (SBN 266817)

16 *Pro Se*