

U.S. District Court Search Warrant (2 pages)

Search Warrant

AO 93 (Rev. 5/95) Search Warrant

United States District Court

DISTRICT OF _____

In the Matter of the Search of
(Name, address or brief description of person or property to be searched)

SEARCH WARRANT

CASE NUMBER: _____

TO: _____ and any Authorized Officer of the United States

Affidavit(s) having been made before me by _____ Affiant who has reason to believe that on the person of or on the premises known as (name, description and/or location)

in the _____ District of _____ there is now concealed a certain person or property, namely (describe the person or property)

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before _____ Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime — 8:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to _____ U.S. Judge or Magistrate as required by law.

_____ at _____
Date and Time Issued

_____ at _____
City and State

_____ Name and Title of Judicial Officer

_____ Signature of Judicial Officer

Search Warrant

AO 93 (Rev. 5/85) Search Warrant

RETURN

DATE WARRANT RECEIVED

DATE AND TIME WARRANT EXECUTED

COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH

INVENTORY MADE IN THE PRESENCE OF

INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

Subscribed, sworn to, and returned before me this date.

U.S. Judge or Magistrate

Date

U.S. District Court Application for Search Warrant

Application and Affidavit for Search Warrant

AO 105 (Rev. 5/85) Affidavit for Search Warrant

United States District Court

DISTRICT OF _____

In the Matter of the Search of _____

(Name, address or brief description of person or property to be searched)

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: _____

I, _____, being duly sworn depose and say:

I am a(n) _____, and have reason to believe

Official Title

that on the person of or on the premises known as _____

in the _____ District of _____
there is now concealed a certain person or property, namely (describe the person or property)

which is (give alleged grounds for search and seizure under Rule 41(b) of the Federal Rules of Criminal Procedure)

In violation of Title _____ United States Code, Section(s) _____
The facts to support the issuance of a Search Warrant are as follows:

Continued on the attached sheet and made a part hereof. Yes No

Signature of Affiant

Sworn to before me, and subscribed in my presence

Date

at _____

City and State

Name and Title of Judicial Officer

Signature of Judicial Officer

MT (31)-28

IR3100708

CCD Manual

U.S. District Court ECPA Order w/Schedule

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

IN RE: APPLICATION OF THE)
UNITED STATES OF AMERICA) MISC. NO. _____
FOR AN ORDER PURSUANT TO)
18 U.S.C. § 2703(d))

Filed Under Seal

ORDER

This matter having come before the court pursuant to an application under Title 18, United States Code, Section 2703(b) and (c), which application requests the issuance of an order under Title 18, United States Code, Section 2703(d) directing Gotham City Public Library, an electronic communications service provider and a remote computing service, located in the Eastern District of Virginia, to disclose certain records and other information, as set forth in Attachment A to the Application, the court finds that the applicant has offered specific and articulable facts showing that there are reasonable grounds to believe that the records or other information and the contents of a wire or electronic communication sought are relevant and material to an ongoing criminal investigation.

AND IT APPEARING that the information sought is relevant and material to an ongoing criminal investigation, and that prior notice of this Order to any person of this investigation or this application and order entered in connection therewith would seriously jeopardize the investigation;

IT IS ORDERED pursuant to Title 18, United States Code, Section 2703(d) that Gotham City Public Library will, within three days of the date of this Order, turn over to agents of the Federal Bureau of Investigation the records and other information as set forth in Attachment A to this Order;

AND IT IS FURTHER ORDERED that the Clerk of the Court shall provide the United States Attorney's Office with three (3) certified copies of this Application and Order;

AND IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court, and that Gotham City Public Library shall not disclose the existence of the Application or this Order of the Court, or the existence of the investigation, to the listed subscriber or to any other person, unless and until authorized to do so by the Court.

AND IT IS FURTHER ORDERED that the notification by the government otherwise required under 18 U.S.C. 2703(b)(1)(B) be delayed for a period of [ninety days].

United States Magistrate Judge

Date

ATTACHMENT A

You are to provide the following information as printouts and as ASCII data files (or other media form as may be specified by the investigative officers), if available:

A. The following customer or subscriber account information for any accounts registered to [user name], or associated with [user name]. For each such account, the information shall include:

1. name(s) and email address;
2. address(es);
3. local and long distance telephone connection records, or records of session times and durations;
4. length of service (including start date) and types of service utilized;
5. telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and
6. the means and source of payment for such service (including any credit card or bank account number).

B. User connection logs for (1) all accounts identified in Part A, above, and (2) the IP address [specify], for the time period beginning [date] through and including the date of this order, for any connections to or from Gotham City Public Library. User connection logs should contain the following:

1. Connection time and date;
2. Disconnect time and date;
3. Method of connection to system (e.g., SLIP, PPP, Shell);
4. Data transfer volume (e.g., bytes);
5. Connection information for other systems to which user connected via Gotham City Public Library, including:
 - a. Connection destination;
 - b. Connection time and date;
 - c. Disconnect time and date;
 - d. Method of connection to system (e.g., telnet, ftp, http);
 - e. Data transfer volume (e.g., bytes);
 - f. Any other relevant routing information.

C. The contents of electronic communications (not in electronic storage as defined by ECPA) that were placed or stored in Gotham City Public Library computer systems in directories or files owned or controlled by the accounts identified in Part A at any time after [date] up through and including the date of this Order.

U.S. Attorney Preservation Demand Letter



U.S. Department of Justice

*United States Attorney
District of Columbia*

*United States Courthouse, Room 2800
Constitution Avenue and 3rd Street N.W.
Washington, D.C. 20001*

Director
Gotham City Public Library
101 Main Street
Gotham City

VIA FAX to (xxx) xxx-xxxx

Dear Director:

I am writing to confirm our telephone conversation earlier today and to make a formal request for the preservation of records and other evidence pursuant to 18 U.S.C. §2703(f) pending further legal process.

You are hereby requested to preserve, for a period of 90 days, the records described below currently in your possession, including records stored on backup media, in a form that includes the complete record. You also are requested not to disclose the existence of this request to the subscriber or any other person, other than as necessary to comply with this request. **If compliance with this request may result in a permanent or temporary termination of service to the accounts described below, or otherwise alert the subscriber or user of these accounts as to your actions to preserve the referenced files and records, please contact me before taking such actions.**

This request applies only retrospectively and does not in any way obligate you to capture and preserve new information that arises after the date of this request. This preservation request applies to the following records and evidence:

A. All stored communications and other files reflecting communications to or from [Email Account / User name / IP Address or Domain Name (between DATE1 at TIME1 and DATE2 at TIME2)];

B. All files that have been accessed by [Email Account / User name / IP Address or Domain Name (between DATE1 at TIME1 and DATE2 at TIME2)] or are controlled by user accounts associated

with [Email Account / User name / IP Address or Domain Name (between DATE1 at TIME1 and DATE2 at TIME2)];

C. All connection logs and records of user activity for [Email Account / User name / IP Address or Domain Name (between DATE1 at TIME1 and DATE2 at TIME2)], including:

1. Connection date and time;
2. Disconnect date and time;
3. Method of connection (e.g., telnet, ftp, http);
4. Type of connection (e.g., modem, cable / DSL, T1/LAN);
5. Data transfer volume;
6. User name associated with the connection and other connection information, including the Internet Protocol address of the source of the connection;
7. Telephone caller identification records;
8. Records of files or system attributes accessed, modified, or added by the user;
9. Connection information for other computers to which the user of the [Email Account / User name / IP Address or Domain Name (between DATE1 at TIME1 and DATE2 at TIME2)] connected, by any means, during the connection period, including the destination IP address, connection time and date, disconnect time and date, method of connection to the destination computer, the identities (account and screen names) and subscriber information, if known, for any person or entity to which such connection information relates, and all other information related to the connection from ISP or its subsidiaries.

D. All records and other evidence relating to the subscriber(s), customer(s), account holder(s), or other entity(ies) associated with [Email Account / User name / IP Address or Domain Name (between DATE1 at TIME1 and DATE2 at TIME2)], including, without limitation, subscriber names, user names, screen names or other identities, mailing addresses, residential addresses, business addresses, e-mail addresses and other contact information, telephone numbers or other subscriber number or identifier number, billing records, information about the length of service and the types of services the subscriber or customer utilized, and any other identifying information, whether such records or other evidence are in electronic or other form;

E. Any other records and other evidence relating to [Email Account / User name / IP Address or Domain Name (between DATE1 at TIME1 and DATE2 at TIME2)]. Such records and other evidence include, without limitation, correspondence and other records of contact by any person or entity about the above-referenced account, the content and connection logs associated with or relating to postings, communications and any other activities to or through [Email Account / User name / IP Address or Domain Name (between DATE1 at TIME1 and DATE2 at TIME2)], whether such records or other evidence are in electronic or other form.

Very truly yours,

Assistant United States Attorney

U.S. District Court Criminal Trial Subpoena (2 pages)

AO 89 (Rev. 7/95) Subpoena in a Criminal Case

United States District Court

DISTRICT OF _____

v.

SUBPOENA IN A CRIMINAL CASE

CASE NUMBER: _____

TO:

- YOU ARE COMMANDED to appear in the United States District Court at the place, date and time specified below, or any subsequent place, date and time set by the court, to testify in the above referenced case. This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

PLACE

COURTROOM

DATE AND TIME

- YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

DATE

(BY) DEPUTY CLERK

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER

PROOF OF SERVICE

RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)	FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$ _____	
SERVED BY (PRINT NAME)	TITLE	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
Date *Signature of Server*

Address of Server

ADDITIONAL INFORMATION

U.S. District Court Civil Subpoena (2 pages)

AOSS (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

DISTRICT OF

SUBPOENA IN A CIVIL CASE

V.

Case Number:¹

TO:

- YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

- YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME) MANNER OF SERVICE

SERVED BY (PRINT NAME) TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on DATE SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.