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Filed: 10/10/2013 F

AO 93 (Rev. 12/09) Search and Soizure Warrant

UNDER S	CEAI	UNITED STATES DISTRICT COURT
	Los e Alera	for the

for the Eastern District of Virginia

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In the Matter of the Search of (Briefly describe the property to be searched or identify the person by name and address) INFORMATION ASSOCIATED WITH

Case No. 1:13SW522

THAT IS STORED AT PREMISES CONTROLLED BY LAVABIT, LLC

SEARCH AND SEIZURE WARRANT

)

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the <u>Northern</u> District of <u>Texas</u> (identify the person or describe the property to be searched and give its location); See Attachment A

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be selzed): See Attachment B

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before

☐ in the daytime 6:00 a.m. to 10 p.m. Ø at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge The Honorable Claude M. Hilton

(name)

 \Box I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) \Box for ______ days (not to exceed 30).

Ountil, the facts justifying, the later specific date of

Date and time issued City and state: Alexandria, Virginia

The Honorable Claude M. Hilton, U.S. District Judge Printed name and title .

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with stored at premises controlled by Lavabit, LLC, a company that accepts service of legal process at

Dallas, Texas, 75204.

ATTACHMENT B

Particular Things to be Seized

Information to be disclosed by Lavabit, LLC (the "Provider") I.

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, including any emails, records, files, logs, or information that has been deleted but is still available to the Provider, the Provider is required to disclose the following information to the government for each account or identifier listed in Attachment A:

All information necessary to decrypt communications sent to or from the Lavabit a. e-mail account including encryption keys and SSL keys;

All information necessary to decrypt data stored in or otherwise associated with Ъ.

the Lavabit account

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, contraband, evidence and instrumentalities of violations of 18 U.S.C. §§ **1999** (1999)

a. All information necessary to decrypt communications sent to or from the Lavabit e-mail account **e-mail account** including encryption keys and SSL keys;

b. All information necessary to decrypt data stored in or otherwise associated with

the Lavabit account

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

Alexandria Division

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR AN ORDER AUTHORIZING THE USE OF A PEN REGISTER/TRAP AND TRACE DEVICE ON AN ELECTRONIC MAIL ACCOUNT) UNDER SEAL)) No. 1:13EC297))))	
IN THE MATTER OF THE SEARCH AND SEIZURE OF INFORMATION ASSOCIATED WITH THAT IS STORED AT PREMISES CONTROLLED BY LAVABIT LLC))) No. 1:13SW522))	
In re Grand Jury)) No. 13-1	

ORDER

This matter comes before the Court on the motion of the government for sanctions for failure to comply with this Court's order entered August 2, 2013. For the reasons stated in the government's motion, and pursuant to Title 18, United States Code, Section 401, it is hereby

ORDERED that the motion for sanctions is granted;

It is further ORDERED that, if the encryption keys necessary to implement the pen register and trap and trace device are not provided to the FBI in PEM or equivalent electronic format by noon (CDT) on August 5, 2013, a fine of five thousand dollars (\$5,000.00) shall be imposed on Lavabit LLC and Mr. Levison;

It is further ORDERED that, if the encryption keys necessary to implement the pen register and trap and trace device are not provided to the FBI in PEM or equivalent electronic

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ERK, U.S. DISTRICT COURT ALEXANDRIA, VIRGINIA format by noon (CDT) each day thereafter beginning August 6, 2013, a fine of five thousand dollars (\$5,000.00) shall be imposed on Lavabit LLC and Mr. Levison for each day of non-

compliance; and

It is further ORDERED that the government's motion for sanctions and this Order shall remain under seal until further order of this Court.

CLAUDE M. HILTON

UNITED STATES DISTRICT JUDGE

Alexandria, Virginia August 5, 2013