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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In the matter of the search of:

8ch.net
 9120 Double Diamond Parkway,
 Suite 5901,
 Reno, Nevada 85921

Case No.: 19MJ1755

EX PARTE APPLICATION FOR ORDER
 UNSEALING SEARCH WARRANTS,
 SEARCH WARRANT APPLICATIONS AND
 AFFIDAVITS, AND SEARCH WARRANT
 RETURNS

In the matter of the search of:

Information that is stored at
 Facebook, 1601 Willow Road,
 Menlo Park, California 94025

Case No.: 19MJ1756

The plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Robert S. Brewer, Jr., United States Attorney, and Shane P. Harrigan and Caroline P. Han, Assistant United States Attorneys, hereby applies to the Court for an order unsealing the above-referenced Search Warrants, Search Warrant Applications and Affidavits, and Search Warrant Returns so that it may comply with its discovery obligations in the pending criminal matter of *United States v. John Timothy Earnest*, Criminal Case No. 19cr01850-AJB.

1 In support of this application, the United States alleges and states
2 the following:

3 1. On April 28, 2019, upon application of the United States,
4 United States Magistrate Judge Jill L. Burkhardt issued search warrants
5 in the above-captioned matters (Case Nos. 19MJ1755 and 19MJ1756) in
6 relation to the United States' investigation and prosecution of John
7 Timothy Earnest ("Earnest") for violations of 18 U.S.C.
8 § 247(a)(1) (damage to religious property), § 247(a)(2) (obstruction of
9 free exercise of Religious Beliefs), and § 249(a)(1) (willfully causing
10 bodily injury to persons through use of a firearm because of their actual
11 or perceived religion). Judge Burkhardt sealed the search warrants and
12 accompanying materials until further order of the Court.

13 2. Thereafter, on May 21, 2019, a federal grand jury in the
14 Southern District of California returned a 113-count indictment charging
15 Earnest with civil rights, hate crime, and firearm charges in connection
16 with the murder of one person and the attempted murder of 53 others at
17 the Chabad of Poway Synagogue on April 27, 2019, and the March 24, 2019,
18 arson of the Dar-ul-Arqam Mosque in Escondido. (Crim. Case No. 19cr01850-
19 AJB).

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19MJ1755

1 3. In order to comply with its discovery obligations in Criminal
2 Case No. 19cr01850-AJB, the United States now moves to unseal the search
3 warrants and related material so that it can disseminate the materials
4 to defense counsel for Earnest.

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6 DATED: June 13, 2019

ROBERT S. BREWER, JR.
United States Attorney

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