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FILED
NOV - 6 2015
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 IN RE ORDER REQUIRING GOOGLE, INC.
11 TO ASSIST IN THE EXECUTION OF A
12 SEARCH WARRANT ISSUED BY THIS
COURT(2:15-SW-0594 KJN)

CASE NO. 215 - SW - 602 - CKD
APPLICATION

13
14 INTRODUCTION

15 The United States of America, by and through Benjamin B. Wagner, United States Attorney, and
16 Josh Franklin Sigal, Special Assistant United States Attorney, hereby moves this Court under the All
17 Writs Act, 28 U.S.C. § 1651, for an order requiring Google, Inc. ("Google") to assist in the execution of
18 a federal search warrant by bypassing the lock screen of an Android device, specifically, a Samsung
19 cellular telephone.

20 FACTS

21 The U.S. Department of Homeland Security (DHS), Homeland Security Investigations (HSI),
22 currently has in its possession an Android device that was seized pursuant to a search warrant issued by
23 this Court (2:15-SW-0594 KJN). Initial inspection of the Android device reveals that it is locked.
24 Because the Android device is locked, law enforcement agents are not able to examine the data stored on
25 the Android device as commanded by the search warrant.

26 The Android device is a Samsung cellular telephone with identification numbers: model number
27 SM-G900V, IMEI 990004935838718, FCC ID A3LSMG900V (the "Android Device").

28 Google, the creator of the Android operating system, may have the capability of bypassing the

1 Android device's lock and thereby retrieving data stored on the Android device that is not currently
2 accessible to HSI. This Application seeks an order requiring Google to use any such capability, so as to
3 assist agents in complying with the search warrant.

4 The United States requests that the Court order that Google, if necessary, must reactivate the
5 Google account associated with the Android Device for the limited purpose of complying with the
6 search warrant.

7 Further, the United States requests that Google be directed to: (1) provide a single password reset
8 for the Android device; (2) provide the new password to the law enforcement officer executing the
9 search warrant; and (3) upon unlocking the target Android device, again reset the Google account
10 password promptly upon notice that the imaging of the phone is complete, without providing it to the
11 law enforcement officer or agency so as to prevent future access.

12 Further, the United States represents that the reset process may not be unobtrusive to the subject
13 and that the subject may receive notice to one or more accounts of the reset. Accordingly, the United
14 States requests that the Court order that any such notice is not a violation of any seal or nondisclosure
15 requirement.

16 Finally, the United States does not seek authority to use the new password to attempt to access
17 the subject's online accounts other than as synchronized on, and stored in, memory within the target
18 device at the time of execution of the warrant, and does not object to the Court prohibiting such use of
19 the password to be provided by Google.

20 DISCUSSION

21 The All Writs Act provides that "[t]he Supreme Court and all courts established by Act of
22 Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and
23 agreeable to the usages and principles of law." 28 U.S.C. § 1651 (a). As the Supreme Court explained,
24 "[t]he All Writs Act is a residual source of authority to issue writs that are not otherwise covered by
25 statute." *Pennsylvania Bureau of Correction v. United States Marshals Service*, 474 U.S. 34, 43 (1985).
26 "The power conferred by the Act extends, under appropriate circumstances, to persons who, though not
27 parties to the original action or engaged in wrongdoing, are in a position to frustrate the implementation
28 of a court order or the proper administration of justice... and encompasses even those who have not

1 taken any affirmative action to hinder justice." United States v. New York Tel. Co., 434 U.S. 159, 174
2 (1977). Specifically, in United States v. New York Tel. Co., the Supreme Court held that the All Writs
3 Act permitted district courts to order a telephone company to effectuate a search warrant by installing a
4 pen register. Under the reasoning of New York Tel. Co., this Court has the authority to order Google to
5 use any capabilities it may have to assist in effectuating the search warrant for the Android device by
6 unlocking the Android Device.

7 The government is aware, and can represent, that in other cases, courts have ordered Google to
8 assist in effectuating a search warrant by unlocking other Android devices under the authority of the All
9 Writs Act. Additionally, Google has complied with such orders.

10 The requested order would enable agents to comply with this Court's warrant commanding that
11 the Android device be examined for evidence identified by the warrant. Examining the Android device
12 without Google's assistance, if it is possible at all, would require significant resources and may harm the
13 Android device. Moreover, the order is not likely to place any unreasonable burden on Google.

14 Dated: November 6, 2015

Respectfully Submitted,


BENJAMIN B. WAGNER
United States Attorney

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16
17 By: _____

JOSH F. SIGAL
Special Assistant United States
Attorney

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TO ASSIST IN THE EXECUTION OF A
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COURT (2:15-SW-0594 KJN)
12

CASE NO.
ORDER **2:15 - SW - 602 - CKD**

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14 Before the Court is the Government's motion for an order requiring Google, Inc. ("Google") to
15 assist law enforcement agents in the search of an Android Device. Upon consideration of the motion,
16 and for the reasons stated therein, it is hereby

17 ORDERED that Google assist law enforcement agents in the examination of the Samsung
18 cellular telephone with identification numbers: model number SM-G900V, IMEI 990004935838718,
19 FCC ID A3LSMG900V, (the "Android Device"), acting in support of a search warrant issued separately
20 by this Court;

21 FURTHER ORDERED that Google shall, if necessary, reactivate the Google account associated
22 with the Android Device;

23 FURTHER ORDERED that Google shall: (1) provide a single password reset for the mobile
24 device; (2) provide the new password to the law enforcement officer executing the search warrant; and
25 (3) upon unlocking the target mobile device, again reset the Google account password promptly upon
26 notice that the imaging of the phone is complete, without providing it to the law enforcement officer or
27 agency so as to prevent future access;


28 FURTHER ORDERED that the reset process need not be unobtrusive to the subject, the subject may

1 receive notice to one or more accounts of the reset, and such notice is not a violation of any seal or
2 nondisclosure requirement;

3 FURTHER ORDERED that the law enforcement agent executing the search warrant is
4 prohibited from using or attempting to use the new password to attempt to access the subject's online
5 accounts other than as synchronized on and stored in memory within the target device at the time of
6 execution of the warrant.

7 Dated: 11/6/2015

Signed,

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10 By: 
11 Honorable Carolyn K. Delaney
12 UNITED STATES MAGISTRATE JUDGE
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