

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO.:
	:	
v.	:	
	:	
	:	
CHRISTIAN KULAS,	:	UNDER SEAL
	:	
	:	
Defendant.	:	

**MOTION TO SEAL COMPLAINT, ARREST WARRANT, AND
SUPPORTING PAPERWORK**

The United States of America, by its attorney, the United States Attorney for the District of Columbia, hereby moves the Court to place under seal until further order of the Court the Complaint, Arrest Warrant, and any supporting documents and docket entries in the above-captioned case, as well as the Government’s Motion to Seal and this Court’s Order sealing these documents (collectively, the “Complaint and Arrest Warrant”). In support of its motion, the government states as follows:

1. The Court has the inherent power to seal court filings when appropriate, including a complaint and an arrest warrant. *See United States v. Hubbard*, 650 F.2d 293, 315-16 (D.C. Cir. 1980) (citing *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978)). In particular, the Court may seal a criminal pleading or other document to prevent serious jeopardy to an ongoing criminal investigation when, as in the present case, such jeopardy creates a compelling governmental interest in preserving the confidentiality of the pleading or document. *See Washington Post v. Robinson*, 935 F.2d 282, 287-89 (D.C. Cir. 1991) (addressing sealing of plea agreement).

2. Along with the filing of this motion, on June 03, 2021, the government will file a Complaint and seek an Arrest Warrant in this matter. The Complaint Affidavit details the facts supporting probable cause to believe that the defendant CHRISTIAN KULAS (Defendant), has violated Title 18, United States Code, Section 1752(a)(1) and (2) (Unlawful Entry on Restricted Building and Grounds); and Title 18, United States Code, 40 U.S.C. § 5104(e)(2)(D) and (G) (Disorderly Conduct on U.S. Capitol Grounds).

3. The government will continue its investigation after the filing of the Complaint and issuance of the Arrest Warrant; this investigation may include interviewing other subjects or witnesses. Disclosure of the Complaint and Arrest Warrant thus would jeopardize the investigation by providing the subjects of the investigation with an opportunity to destroy evidence or flee and by disclosing details of facts known to investigators, the identities of witnesses, and the investigative strategy. Sealing these documents therefore will further the legitimate prosecutorial interest of prosecuting the Defendant, as well as other possible co-conspirators. The public docketing of the Complaint, Arrest Warrant, and related paperwork at this time would also jeopardize the government's ability to obtain custody of the Defendant. Ensuring the apprehension of Defendant and other suspects, avoiding the destruction of evidence, and protecting the integrity of legitimate government investigation constitute legitimate prosecutorial reasons, and thus an appropriate basis, for an Order sealing the Complaint and Arrest Warrant.

4. Accordingly, these facts present a compelling governmental interest that justifies the sealing of the Complaint and Arrest Warrant.

5. We further request that the Court's order permit the unsealing of the Complaint, Affidavit, and Arrest Warrant by any United States District Court Judge or any United States Magistrate Judge, in any district, upon oral motion of the United States.

CONCLUSION

WHEREFORE, for all the foregoing reasons, the United States of America respectfully requests that the Court issue an Order sealing the Complaint, Affidavit, Arrest Warrant, and related paperwork, until further order of this Court or another Court. A proposed Order is submitted herewith.

Respectfully submitted,

Channing D. Phillips
Acting U.S. Attorney
D.C. Bar No. 415793

June 02, 2021

By: /s/ Michael J. Friedman
Michael J. Friedman
Assistant United States Attorney
NY Bar Number 4297461
United States Attorney's Office
555 Fourth Street, N.W., Room
#11-439
Washington, D.C. 20530
Telephone: 202-252-6765
Michael.Friedman@usdoj.gov

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA : **CRIMINAL NO.:**
:
:
:
v. :
:
:
CHRISTIAN KULAS, : **UNDER SEAL**
:
:
Defendant. :

ORDER TO SEAL

Having considered the Government’s Motion to Seal Complaint, Affidavit, Arrest Warrant, and Supporting Paperwork in the above-captioned case, and for good cause shown, the Court makes the following findings and issues the following orders:

1. The Court has the inherent power to seal court filings when appropriate, including a complaint and an arrest warrant. *United States v. Hubbard*, 650 F.2d 293, 315-16 (D.C. Cir. 1980) (citing *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978)). In particular, the Court may seal a criminal pleading or other document to prevent serious jeopardy to an ongoing criminal investigation when, as in the present case, such jeopardy creates a compelling governmental interest in preserving the confidentiality of the pleading or other document. *See Washington Post v. Robinson*, 935 F.2d 282, 287-89 (D.C. Cir. 1991).

2. On June 03, 2021, a Complaint was filed and an Arrest Warrant was issued in this matter. The Complaint Affidavit details the facts supporting probable cause to believe that CHRISTIAN KULAS (Defendant), has violated Title 18, United States Code, Section 1752(a)(1) and (2) (Unlawful Entry on Restricted Building and Grounds); and Title 18, United States Code, 40 U.S.C. § 5104(e)(2)(D) and (G) (Disorderly Conduct on U.S. Capitol Grounds);

3. The public docketing at this time of the Complaint, Affidavit, Arrest Warrant, the

Government's Motion, the Order to Seal, and any supporting documents and docket entries could make it more difficult to secure Defendant's arrest and could compromise the government's ability to effectively continue its investigation, interview and obtain custody of any related subjects, and avoid the destruction of potential evidence. Ensuring the apprehension of Defendant and other suspects, avoiding the destruction of evidence, and protecting the integrity of legitimate government investigation constitute legitimate prosecutorial reasons for nondisclosure, and thus an appropriate basis, for an Order sealing the Complaint, Arrest Warrant, the Government's Motion, and the Order to Seal, as well as any supporting documents and docket entries.

4. Accordingly, these facts present a compelling governmental interest that justifies the sealing of the Complaint, Arrest Warrant, this Motion, the Order to Seal, and any supporting documents and docket entries.

5. It is ORDERED that the Clerk of the Court seal in this matter the Complaint, Affidavit, Arrest Warrant, the Government's Motion, and this Order to Seal, as well as any supporting documents and docket entries.

6. It is FURTHER ORDERED that the Clerk's office shall not make any entry on the public docket in this case of the Complaint, any supporting documents or docket entries, the Arrest Warrant, the Government's Motion to Seal, and the Order granting such motion, until further order of the Court.

7. It is FURTHER ORDERED that the Complaint, Affidavit, any supporting documents or docket entries, the Arrest Warrant, the Government's Motion to Seal and this Order be sealed until further order of the Court.

8. It is FURTHER ORDERED that the Complaint, Affidavit, Arrest Warrant, this Motion, and the Order to Seal, as well as any supporting documents and docket entries, shall be

unsealed upon oral motion of the Government to this Court or to any Court where the Defendant is first presented.

Date: June 03, 2021

HON. G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE

cc: Michael J. Friedman
Assistant United States Attorney
United States Attorney's Office
National Security Section
555 4th Street NW, 11th Floor
Washington, D.C. 20530
202-252-6765