

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 21-0332 (PLF)
)	
PAUL RUSSELL JOHNSON,)	
)	
Defendant.)	
_____)	

ORDER

On November 19, 2021, Paul Russell Johnson and the United States jointly filed a Consent Motion to Unseal Search Warrant and Related Documents (“Motion to Unseal”) [Dkt. No. 55], attaching under seal an Exhibit [Dkt. No. 55-1] comprising three documents: a search warrant with a receipt of property seized, an affidavit in support of that search warrant, and an FBI report detailing the execution of the search warrant. On April 12, 2021, Magistrate Judge Elizabeth W. Hanes of the United States District Court for the Eastern District of Virginia had granted the United States’ motion to seal certain of those documents (among others), namely the search warrant and the affidavit in support of the search warrant. See Order to Seal [Dkt. No. 55-2] at 1-2.¹ Judge Hanes ordered that the documents “will be sealed until further Order of the Court” and that defense counsel “shall treat the [documents] as sealed and not disclose their contents to anyone beside the defendant without prior permission of the Court.” Id.

In their Motion to Unseal, the parties ask this Court to unseal the Exhibit, including documents that were expressly ordered sealed by Judge Hanes. See Motion to Unseal

¹ The matter before Judge Hanes was docketed as In re Application for Search Warrant, Search Warrant, and Affidavit in Support, Search Warrant No. 21-0047 (E.D. Va.).

at 2. The parties cite no statutes, Rules or cases that provide authority for this Court to unseal materials previously sealed by a judge or a magistrate judge in another district. The most relevant authority appears to be Local Criminal Rule 49(B) of the United States District Court for the Eastern District of Virginia. See E.D. Va. Local Criminal Rule 49(B) (“Search warrants and related papers are kept under seal until returned executed, unless an order to seal is entered on a motion of the government to extend the seal.”).

The parties, therefore, are directed to file a supplemental memorandum providing citations to legal authorities that would permit this Court to unseal the documents that Judge Hanes ordered sealed. Alternatively, the parties may confirm that they have received prior permission from Judge Hanes to unseal the documents included in the Exhibit, see Order to Seal [Dkt. No. 55-2] at 1-2, or that Judge Hanes’s Order to Seal is inapplicable to certain documents or no longer in effect, leaving nothing to be unsealed, see E.D. Va. Local Criminal Rule 49(B).

Accordingly, it is hereby

ORDERED that, on or before November 24, 2021, the parties shall file, as appropriate, a supplemental memorandum providing citations to legal authorities permitting this Court to unseal the documents ordered sealed by a judge or magistrate judge in another district, addressing whether the parties have received prior permission from Judge Hanes to unseal the documents, and explaining whether Judge Hanes’s Order to Seal [Dkt. No. 55-2] is still in effect and applicable to all the documents contained in the Exhibit [Dkt. No. 55-1].

SO ORDERED.

/s/
PAUL L. FRIEDMAN
United States District Judge

DATE: November 22, 2021