



stormed and occupied the Capitol building.” Reply at 2-4 (quoting Affidavit at 15) (emphasis added). In his Reply, Mr. Bledsoe states that the Affidavit does not establish probable cause because “[I]t does not explain, what specific reason Facebook, Inc. had for making this claim, not does it even explain what degree of probability is indicated by the word ‘may.’” Id. at 3-4. In doing this, Mr. Bledsoe is emphasizing an argument he made in the underlying motion. See Motion to Suppress Data Recovered from Facebook and Instagram Accounts and Derivative Evidence and Information and Point and Authority in Support Thereof at 2-3 (ECF #182).

3. In regards to Mr. Bledsoe’s point that the Affidavit does not indicate what specific reason Facebook, Inc. had for claiming that the Facebook account and the Instagram account at issue were used to broadcast videos which may have been streamed and/or uploaded from physically inside the Capitol when the events of January 6 were ongoing, Mr. Bledsoe would emphasize here that this shortcoming alone means that the Affidavit fails to establish probable cause. This is because an affidavit for a warrant must provide the judicial officer reviewing it with sufficient facts for him to make his own independently informed determination of probable cause. Giordenelli v. United States, 357 U.S. 480, 486 (1958) (a judicial officer reviewing an affidavit for a warrant must be able “to judge for himself the persuasiveness of the facts relied on by the [affiant] to show probable cause [emphasis added]”; see also Gates, 213 U.S. at 239; Franks v. Delaware, 438 U.S. 154, 165 (1978); Aguilar v. Texas, 378 U.S. 108, 110-11 (1964). Thus, conclusory assertions in an affidavit for which no underlying bases of knowledge are identified do not permit a judicial officer to exercise his independent judgment and

