

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

UNITED STATES OF AMERICA	:	CRIMINAL NO.
	:	
v.	:	
	:	<u>UNDER SEAL</u>
NICOLAS ANTHONY MONCADA,	:	
	:	
Defendant.	:	

**GOVERNMENT’S MOTION TO SEAL ARREST WARRANT
ON THE PUBLIC DOCKET OF THE FILING OF THIS
MOTION TO SEAL AND RELATED DOCUMENTS**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and his assistant Emory v. Cole, respectfully move this Court to place under seal the Arrest Warrant and related documents, this Motion to Seal, and the attached Order granting the motion to seal, to place on the public docket of the filing of this Motion to Seal and Order of the Court. The matter and the Arrest Warrant and related documents, this Motion to Seal, and the attached Order after Nicolas Anthony Moncada will be unsealed until Nicolas Anthony Moncada has been arrested. In support of this motion, the government submits as follows:

(1) This case was opened on January 8, 2021, for the Capitol Riot Cases for various violations, Defendant Nicolas Anthony Moncada is being charged with of Title 18, United States Code, Section 1752(a)(1) and (2), Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority and Title 40 United States Code, Section 5104(e)(2)(A) and (G).

(2) Public disclosure of the existence of the District Court Arrest Warrant and related documents at this time might alert the defendant and other targets that they are under investigation. Placing the defendant’s Arrest Warrant and related documents on the public docket at this time could cause the defendant to evade arrest and just generally flee from law enforcement, which can

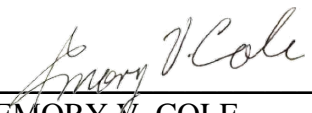
present a danger to law enforcement and nearby civilians. These are compelling reasons for the sealing of these documents.¹ Accordingly, the United States requests that this Court grant the accompanying proposed order, which is attached.

WHEREFORE, for the foregoing reasons and for any other such reasons as may appear to the Court, the government respectfully requests that the Court grant this motion and enter the attached proposed order.

Date: January 16, 2021

Respectfully submitted,

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¹ See, e.g., Washington Post v. Robinson, 935 F.2d 282, 289 n.10 (D.C. 1991) (noting situations when compelling reasons exist for sealing documents filed with the Court and postponing entry of filings on public docket).

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ORDER

Based on the representations in the government's Motion to Seal the Arrest Warrant, to place on the Public Docket of the Filing of the Motion to Seal and related matters, this Court makes the following:

FINDINGS OF FACT

Public disclosure of the existence of the Arrest Warrant and related documents at this time may alert defendant that he is under investigation. This may cause the defendant to evade arrest and just generally flee from law enforcement, which can present a danger to law enforcement and nearby civilians.

Based on the representations in the government's motion, Washington Post v. Robinson, 935 F.2d 282, 289 n.10 (D.C. Cir. 1991), and this Court's findings of facts, this Court finds that there is a compelling governmental interest in sealing the Complaint, pleadings, records and files in this case and that an extraordinary situation exists which justifies a delay in the public docketing of any notice that the government's motion and this Order have been filed with the Criminal Clerk's office under seal.

Based on the above, it is this 16th day of January, 2021,

ORDERED that this Order, the attached government motion to seal, the Arrest Warrant, and other related pleadings, shall be filed under seal in the Criminal Clerk's office until further order of this Court;

Further **ORDERED** that the Criminal Clerk's office shall not make any entry on the public docket in this case of the government's motion to seal and the Order granting such motion, the Complaint, and other related pleadings, until further order of this Court; and

It is further **ORDERED** that notwithstanding the other provisions of this ORDER, the government shall be permitted to disclose the Arrest Warrant and related materials in furtherance of its law enforcement needs and discovery obligations. The Arrest Warrant and related documents, this Motion to Seal, and the attached Order shall be unsealed after Nicolas Anthony Moncada has been arrested.

Date: January 16, 2021

UNITED STATES MAGISTRATE JUDGE
FOR THE DISTRICT OF COLUMBIA