

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JONATHANPETER ALLEN KLEIN,

and

MATTHEW LELAND KLEIN,

Defendants.

Case No. 21-CR-

Filed Under Seal

**GOVERNMENT’S MOTION TO SEAL INDICTMENT AND  
DELAY ENTRY OF THIS CASE ON THE PUBLIC DOCKET**

The United States of America, by and through the United States Attorney for the District of Columbia, respectfully moves for an order to place under seal the indictment, this motion and proposed order, and any order granting this motion, and to delay entry of this criminal case on the public docket until the arrest warrants for both defendants, JONATHANPETER ALLEN KLEIN and MATTHEW LELAND KLEIN, are executed, at which time the indictment and related documents shall be automatically unsealed. In support thereof, the Government states as follows:

On March 19, 2021, the defendants were charged by indictment with violations of 18 U.S.C. § 371 (Conspiracy); 18 U.S.C. §§ 1512(c)(2), 2 (Obstruction of an Official Proceeding and Aiding and Abetting); 18 U.S.C. §§ 231(a)(3), 2 (Obstruction of Law Enforcement During Civil Disorder and Aiding and Abetting); 18 U.S.C. §§ 1361, 2 (Destruction of Government Property and Aiding and Abetting) and 18 U.S.C. § 1752(a)(1) (Entering and Remaining in a Restricted Building or Grounds), and 18 U.S.C. § 1752(a)(2) (Disorderly Conduct in a Restricted Building or Grounds). The defendants have not been previously charged in this matter, and the government has requested warrants for their arrest.

Public disclosure of the existence of the indictment might alert the defendants, along with any other targets, that they are under investigation, which could cause the defendants and any other associates, to destroy or conceal incriminating evidence or to attempt to evade arrest.

As stated in Washington Post v. Robinson, 935 F.2d 282, 288 (D.C. Cir. 1999), there is a presumption of access to Court proceedings. But, this can be overridden if ““(1) closure serves a compelling interest; (2) there is a substantial probability that, in the absence of closure, this compelling interest would be harmed; and (3) there are no alternatives to closure that would adequately protect the compelling interest.”” Id. at 290 (quoting Oregonian Pub. Co. v. United States Dist. Court, 920 F.2d 1462, 1466 (9th Cir. 1990)).

In this matter, the United States has a compelling interest in preserving the integrity of its investigation and arresting the defendants. A limited sealing order ensuring that filings related to the indictment are not accessible on the public docket is narrowly tailored to serve that compelling interest. Furthermore, the United States respectfully submits that complying with the normal notice requirements of Washington Post would defeat the purpose of the motion to seal. Persons who know the criminal justice system also know that docketing a motion to seal an indictment, or a resulting sealing order, means that the defendant is charged with a crime, and that the government intends to arrest the person. Thus, if this motion or a sealing order were to become public, it would be the same as making public the indictment.

To ensure that the indictment and related documents are unsealed promptly upon the arrests of the defendants, the government requests that these documents be automatically unsealed by operation of the Court’s order, and that the government be permitted to share the documents publicly at that time.

WHEREFORE, the United States respectfully requests that this Court issue an Order directing that the Clerk of the Court place and maintain under seal, the indictment, the arrest warrants, this motion and proposed order, and any order granting this motion, and to delay entry of this criminal case on the public docket until the arrest warrants for both defendants, JONATHANPETER KLEIN and MATTHEW KLEIN, are executed, at which time the indictment and related documents shall be automatically unsealed and may be publicly shared by the government.

Respectfully submitted,

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ORDER

This matter having come before the Court pursuant to the motion of the United States to seal the indictment and related documents in this case and delay entry of this criminal case on the public docket until the arrest warrants for both defendants are executed, and because of such reasonable grounds to believe the disclosure of the documents to be sealed will result in serious jeopardy to the investigation and flight from prosecution, the United States has established that a compelling interest exists to justify the requested sealing. Accordingly, the motion is GRANTED, and it is hereby

ORDERED that the indictment, arrest warrants, the motion to seal and proposed order, and this order are sealed, and the Clerk is directed to delay entry of this criminal case on the public docket until the arrest warrants for both defendants, JONATHANPETER KLEIN and MATTHEW KLEIN, are executed, at which time the indictment and related documents shall be unsealed by operation of this order and may be publicly shared by the government.

Date: March 19, 2021

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UNITED STATES MAGISTRATE JUDGE