

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

UNITED STATES OF AMERICA	:	
	:	
	:	
v.	:	Case No. 21-mj-33
	:	
PETER J. HARDING	:	UNDER SEAL
Defendant.	:	

**GOVERNMENT'S MOTION TO SEAL THE ARREST WARRANT, CRIMINAL
COMPLAINT AND RELATED DOCUMENTS AND TO DELAY ENTRY ON THE
PUBLIC DOCKET OF THE FILING OF THIS MOTION TO SEAL NUNC PRO TUNC**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully moves this Court to, *nunc pro tunc*, place under seal the Arrest Warrant, the Criminal Complaint with its supporting Statement of Facts, any ancillary documents, this Motion to Seal, any Order granting this Motion to Seal, and to delay entry on the public docket of the filing of this Motion to Seal and Order of the Court. In support of this motion, government submits as follows:

On January 11, 2021, the Court issued an Arrest Warrant based on a Criminal Complaint and its supporting Statement of Facts charging the above captioned defendant with 18 U.S.C. § 1752(a)(1) and (2) (Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority) and 40 U.S.C. § 5104(e)(2)(C) (Violent Entry and Disorderly Conduct on Capitol Grounds).¹ Public disclosure of the existence of the Arrest Warrant at this time might alert the defendant that he is wanted for criminal charges and this presents the risk that the defendant might attempt to destroy potentially incriminating evidence—a search warrant relating to this case has been issued by the U.S. District Court for the Western District of New York. In

¹ The government inadvertently failed to file a motion to seal yesterday and therefore requests that the sealing order be issued *nuc pro tunc*.

addition, upon learning of the warrant, the defendant might flee. Indeed, at this time law enforcement is unaware of the defendant's whereabouts. These are compelling reasons for the sealing of these documents.² Accordingly, the United States requests that this Court grant *nunc pro tunc* the accompanying proposed order.

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.

Respectfully submitted,

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Dated: January 11, 2021

² See *Washington Post v. Robinson*, 935 F.2d 282, 289 n.10 (D.C. Cir. 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, Criminal Complaint and Related Documents and to Delay Entry on the Public Docket of the Filing of this Motion to Seal, this Court makes the following:

FINDINGS OF FACT

Public disclosure of the existence of the Arrest Warrant and Criminal Complaint, with its supporting Statement of Facts, at this time might alert the defendant that he is wanted for criminal charges and this presents the risk that the defendant might attempt to destroy potentially incriminating evidence. In addition, upon learning of the Arrest Warrant, the defendant might flee.

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 Arrest Warrant, Criminal Complaint with its supporting Statement of Facts, 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 _____ day of January, 2021.

It is **ORDERED** that this Order, the attached government motion to seal, the Arrest

Warrant, the Complaint, its supporting Statement of Facts, and other related pleadings, shall be filed under seal in the Criminal Clerk's office until further order of this Court. If the defendant is arrested, the Complaint shall be unsealed.

It is 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 pleadings filed under seal in this case until further order of this Court.

It is further **ORDERED** that notwithstanding the other provisions of this ORDER, the government shall be permitted to disclose the Arrest Warrant and Complaint with its supporting Statement of Facts and related materials in furtherance of its law enforcement needs and discovery obligations.

ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE
FOR THE DISTRICT OF COLUMBIA