

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No: 21-MJ-549
	:	
v.	:	
	:	VIOLATIONS:
	:	
ISAAC SAMUEL YODER,	:	18 U.S.C. § 1752(a)(1)
	:	(Entering and Remaining in a Restricted
	:	Building or Grounds)
Defendant.	:	
	:	18 U.S.C. § 1752(a)(2)
	:	(Disorderly and Disruptive Conduct in a
	:	Restricted Building or Grounds)
	:	
	:	40 U.S.C. § 5104(e)(2)(D)
	:	Disorderly Conduct in a Capitol Building)
	:	
	:	40 U.S.C. § 5104(e)(2)(G)
	:	(Parading, Demonstrating, or Picketing in
	:	a Capitol Building)

SUPPLEMENTAL MOTION TO SEAL AFFIDAVIT IN
SUPPORT OF CRIMINAL COMPLAINT

The United States of America, by and through the United States Attorney for the District of Columbia, respectfully moves for an order to place and maintain under seal, until the Arrest Warrant is executed, the Redacted Affidavit in Support of Criminal Complaint, this Motion and Supporting Memorandum, the proposed Order attached to this Motion, and any Order granting this motion. In addition, we respectfully request that the unredacted Affidavit in Support of Criminal Complaint remain sealed after the Arrest Warrant is executed. In support thereof, the government states as follows:

1. On July 28, 2021, the Government filed a Criminal Complaint in the above referenced matter. At the same time, the Government also filed a Motion to Seal the Affidavit

in Support of a Criminal Complaint. In the Motion, the Government argued the Affidavit in Support of the Criminal Complaint would be unsealed once the arrest warrant is executed. The Court granted this motion on July 29, 2021. As of this filing, the Defendant has not been arrested and arrangements have been made between the Defendant and law enforcement to surrender himself on August 4, 2021.

2. After the Court granted the Government's motion, the Government, in preparation of the Affidavit being unsealed on or about August 4, identified certain personal information and un-indicted individuals were named in the Affidavit. The Government felt it prudent to redact this information from public viewing. The Court allowed the Government to file a Redacted Affidavit thereafter.

3. The Affidavit in Support of Criminal Complaint references evidence gathered in the course of the investigation. The Affidavit also contains personal information and identifies an un-indicted individual who is not under any sort of investigation by federal law enforcement agencies. The personal information is vital in identifying Yoder. The inclusion of the un-indicted individual is not necessary; however, it would be impossible to not include the un-indicted individual as the information contained in the Affidavit is linked to Yoder in a way that precludes eliminating the un-indicted individual from the Affidavit. The public disclosure of the un-indicted individual would subject that individual to unwarranted scrutiny and give the impression the individual is part of or participated in the events surrounding the alleged offenses. In addition, the Government has an interest in protecting personal information such as date of births, social security numbers, phone numbers, etc. Public disclosure of the un-indicted individual and of personal information could subject the individual to unwanted scrutiny and

subject that individual or others to potential identity theft or public harassment. Thus, a sealing order is necessary to protect the identity of the un-indicted individual and prevent the release of protected personal information.

4. In this matter, the United States has a compelling interest in protecting the identity of the un-indicted individual, and protecting personal information of individuals. The permanent sealing of the unredacted Affidavit will protect the identity of the un-indicted individual and protected personal information. A sealing order ensuring that the unredacted Affidavit are not accessible from the Court's public files while allowing a redacted version of the Affidavit to be unsealed after the arrest warrant is executed is narrowly tailored to serve a compelling interest.

WHEREFORE, the United States respectfully requests that this Court issue an Order directing that the Clerk of the Court place and maintain under seal, until execution of the Arrest Warrant, the redacted Affidavit in Support of Criminal Complaint, this Motion and Supporting

Memorandum, the proposed Order attached to this Motion, and any Order granting this motion and the unredacted Affidavit in Support of Criminal Complaint remain sealed.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No. 415793

by: /s/ Mona Lee M. Furst
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SUPPLEMENTAL ORDER

This matter having come before the Court pursuant to the application of the United States to seal the redacted Affidavit in Support of the Criminal Complaint, the Court finds that the United States has established that a compelling governmental interest to protect the identity of an unindicted individual and prevent the release of personal information justify the requested sealing.

1. IT IS THEREFORE ORDERED that the previous Order to Seal issued in this matter is hereby supplemented by this Order.

2. IT IS FURTHER ORDERED that the application is hereby GRANTED, and that the redacted affidavit in support of criminal complaint and other related materials, the instant application to seal, and this Order are sealed until the arrest warrant is executed.

3. IT IS FURTHER ORDERED that the unredacted Affidavit in Support of Criminal Complaint remain sealed even after the arrest warrant is executed.

4. IT IS FURTHER ORDERED that the Clerk's office shall delay any entry on the public docket of the arrest warrant until it is executed.

Date:

HONORABLE ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE