

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FILED

2008 JUL 11 P 3:40

RICHARD ...

IN THE MATTER OF THE APPLI

OF THE UNITED STATES OF AMERICA
FOR AN ORDER AUTHORIZING THE
USE AND MONITORING OF A MOBILE
TRACKING DEVICE FOR:

SEALED BY ORDER
OF THE COURT

U.S. DISTRICT COURT
NO. DIST. OF CA, S.J.

NO.

THE VERIZON WIRELESS BROADBAND
ACCESS CARD/CELLULAR TELEPHONE
ASSIGNED TELEPHONE NUMBER
(415) 264-9596 AND ESN
NUMBER 005-00717190
(THE TARGET BROADBAND ACCESS CARD/
CELLULAR TELEPHONE)

(UNDER SEAL)

RS

CRO8-90330MISC
ORDER

This matter is before the Court pursuant to an Application under Federal Rule of Criminal Procedure 41(b); Title 18, United States Code, Sections 2703 and 3117; and Title 28, United States Code, Section 1651, by Assistant United States Attorney Shauna Yen, an attorney for the Government, which Application requests an Order directing Verizon Wireless to assist agents of the Federal Bureau of Investigation (FBI) by providing all information, facilities, and technical assistance needed to ascertain the physical location of the Verizon Wireless broadband access card/cellular telephone assigned Telephone Number (415) 264-9596 and ESN (415) 005-00717190 (the Target Broadband Access Card/Cellular Telephone), through the use and monitoring of a mobile tracking device for the Target Broadband Access Card/Cellular Telephone with service by Verizon Wireless, for a period of thirty (30) days.

288A-PX-8000143

that there is probable cause to believe that the use and monitoring of evidence of violations of 18 U.S.C. § 238 - Conspiracy to Defraud the Government; 18 U.S.C. § 2387

False, Fictitious or Fraudulent Claims; 18 U.S.C. § 371 - Conspiracy; 18 U.S.C. § 1028 - Fraud

Related to Identity Information; 18 U.S.C. § 1033A - Unauthorized Access to Computer

Fraud with Access Devices; 18 U.S.C. § 1030 - Unauthorized Computer Access; 18 U.S.C. § 1031 -

Mail Fraud, and 18 U.S.C. § 1343 - Wire Fraud, as well as to the identification of individuals who

are engaged in the commission of these offenses. The Court further FINDS that specific and

articulable facts establish that there are reasonable grounds to believe that the requested information

related to the Target Broadband Access Card/Cellular Telephone is relevant

and material to an ongoing criminal investigation.

The Court therefore ORDERS, pursuant to Federal Rule of Criminal Procedure 41(b);

Title 18, United States Code, Sections 2703 and 3117; and Title 28, United States Code, Section

1651 that Verizon Wireless, within ten (10) days of the signing of this Order and for a period not

to exceed 30 days, unless extended by the Court, shall provide to agents of the FBI data and

related to the location of the Target

Broadband Access Card/Cellular Telephone, and shall monitor such transmissions, to extend to any

time of the day or night as required, including the monitoring of the Target Broadband Access

Card/Cellular Telephone while the agents are authorized in a public location and the Target Broadband

Access Card/Cellular Telephone is (a) inside private residences, garages and/or other locations not

open to the public or visual surveillance; and (b) anywhere else the Target Broadband Access

Card/Cellular Telephone may be present within the United States, pursuant to Title 18, United States

Code, Sections 2703 and 3117; said ORDER being expressly limited to transmissions needed to ascertain the physical location of the Target Broadband Access Card/Cellular Telephone and or from the Target Broadband Access Card/Cellular Telephone; and

WHEREAS the return and inventory requirements of Federal Rule of Criminal Procedure 41(f) do not apply to the information sought to be obtained by the instant application, Special Agents Access Card/Cellular Telephone, nor to make an inventory of any resulting information to be served

It is further ORDERED pursuant to Federal Rule of Criminal Procedure 41(f), Title 18,

United States Code, Sections 2703 and 3117, and Title 20, United States Code, Sections 2203 and 3112, and Title 18


Verizon Wireless shall provide said agents immediately on request with all information, facilities and technical assistance needed to ascertain the physical location of the Target Broadband Access Card/Cellular Telephone and that FBI shall compensate Verizon Wireless for reasonable expenses incurred in complying with any such request.

The Court further ORDERED that the ORDER'S Notation, the attached Affidavit and the Court's Order be filed under seal, except that copies of the Court's Order in full or redacted form may be served on Special Agents and other investigative and law enforcement officers of FBI, state, county, city and local law enforcement officers, and other government and commercial entities under the supervision of such investigative and law enforcement officers, and the service providers as necessary to effectuate the Court's Order.

It is further ORDERED that Verizon Wireless, its affiliates, officers, employees, and agents

maintaining the Court's Order, the existence of monitoring under the Court's Order, or the
underlying investigation to anyone pending further order of the Court.

SO ORDERED this the 11 day of July, 2008.


RICHARD SEEBORG

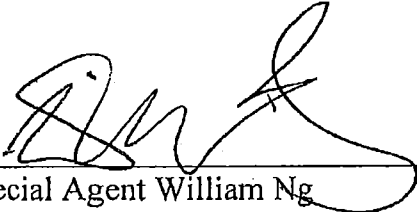
UNITED STATES MAGISTRATE JUDGE

43 Based on the foregoing, your affiant believes that there is probable cause to believe that the

use and monitoring of a mobile tracking device for the Target Broadband Access Card/Cellular

Telephone will lead to evidence of violations of the statutes listed above; as well as to the

identification of individuals who are engaged in the commission of these offenses.



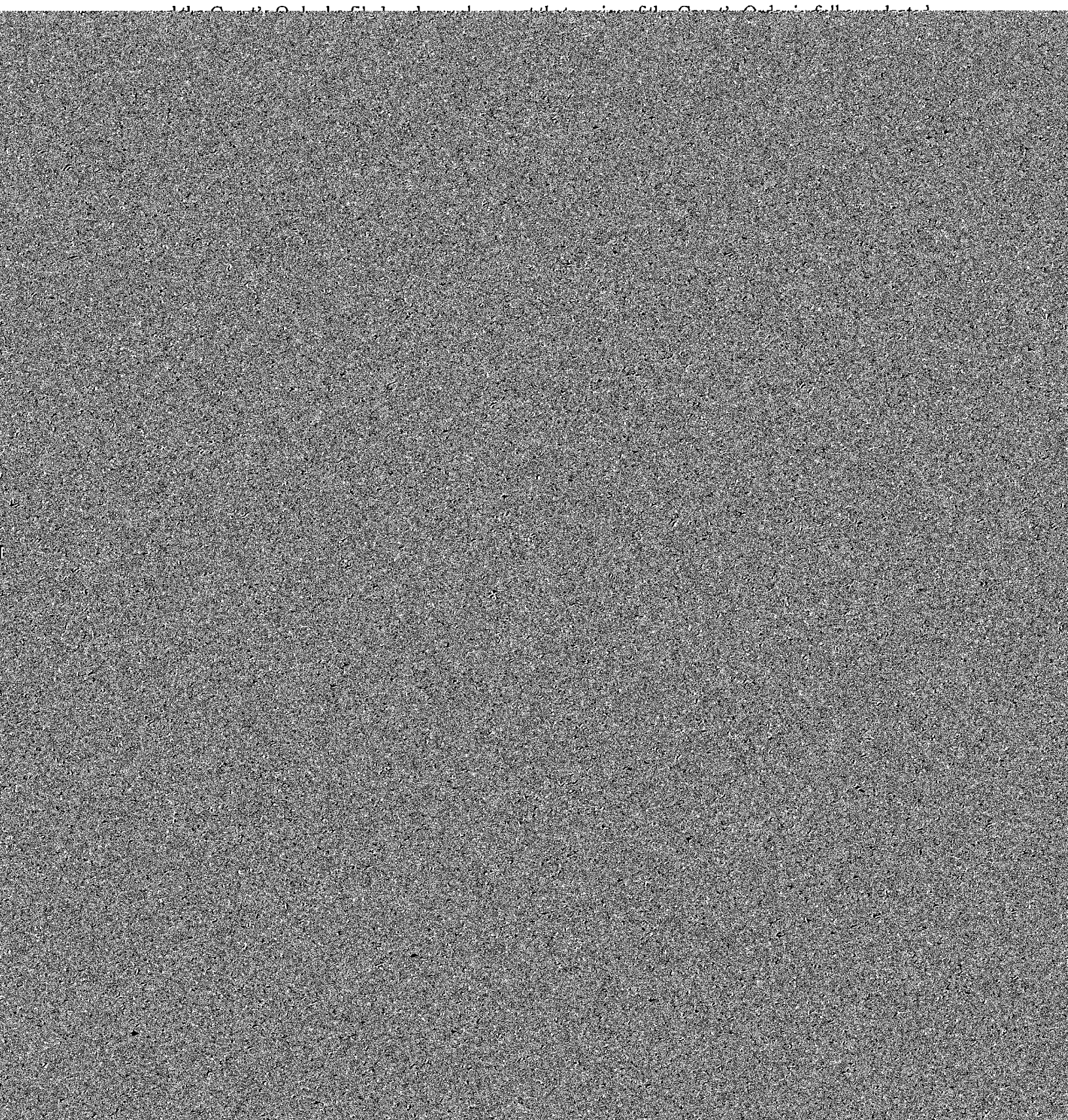
Special Agent William Ng
Federal Bureau of Investigation

Sworn to before me and subscribed to in my presence, this 11th day of July, 2008



RICHARD SEEBORG
United States Magistrate Judge


4) Because disclosure of this Application and the attached Affidavit could jeopardize the ongoing investigation, Applicant further requests that this Application, the attached Affidavit,



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dark jacket with a hood, was observed entering the back entrance of the Fed Ex/Kinko's on

large one-time withdrawals only at the end of each quarter. the next quarter ending June 30.



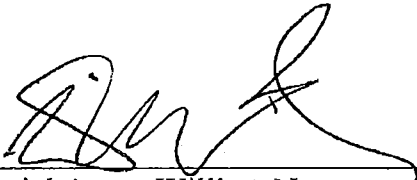
Information on the Social Security Administration "Social Security Administration"

42. Based on the foregoing, your affiant believes that there is probable cause to believe that the

use and monitoring of a mobile tracking device for the Target Broadband Access Card/Cellular

Telephone will lead to evidence of violations of the statutes listed above, as well as to the

identification of individuals who are engaged in the commission of these offenses.



Special Agent William Ng
Federal Bureau of Investigation

Sworn to before me and subscribed to in my presence, this 11th day of July, 2008



RICHARD SEEBORG
United States Magistrate Judge