

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 STEWART DAVID NOZETTE, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Criminal No. 09-0565M

UNDER SEAL

**FILED**

OCT 16 2009

Clerk, U.S. District and  
Bankruptcy Courts

ORDER TO SEAL

Having considered the Government's Motion to Seal the Criminal Complaint, Affidavit, Attachment, any supporting document and docket entries, and Arrest Warrant, which complaint was signed out on October 16, 2009, and for good cause stated therein, the Court makes the following:

FINDINGS OF FACT

1. Fed. R. Cr. P. 6(e)(4) permits the sealing of a complaint for any legitimate prosecutorial reason.
2. Sealing the Criminal Complaint, Affidavit, Attachment, and any supporting document and docket entries, and Arrest Warrant in the above-captioned matter will further the legitimate prosecutorial interest in locating and obtaining custody of the defendant, Stewart David Nozette.
3. The public docketing at this time of the Complaint, the Affidavit, Arrest Warrant, Government's Motion to Seal, and this Order, could compromise the government's ability effectively to obtain custody of the defendant, who remains at large.

4. Accordingly, the government submits that under Washington Post v. Robinson, 935 F.2d 282, 289 n.10 (D.C. Cir. 1991), these facts present an extraordinary situation and a compelling government interest which justify the sealing of the Criminal Complaint, Affidavit, Attachment, and any supporting document and docket entries, and Arrest Warrant the Motion to Seal, and any Order to Seal, until such time as the defendant, Stewart David Nozette, is arrested.

Based on the foregoing Findings of Fact, the Motion is hereby

GRANTED, and it is hereby

ORDERED that in the above-captioned matter be sealed by the Clerk of the Court the Criminal Complaint, Affidavit, Attachment, and any supporting document and docket entries, and Arrest Warrant until the defendant is arrested, except that the United States Government may disclose the existence and/or contents of the Complaint, Affidavit, Attachment, and any supporting document and docket entries and the Arrest Warrant in the above-captioned matter to appropriate law enforcement personnel, both in the United States and internationally, to the extent that such disclosure is in the furtherance of efforts to obtain custody of the defendant, Stewart David Nozette; and it is


FURTHER ORDERED that the Clerk's office shall not make any entry on the public docket in this case of the Complaint, Affidavit, Attachment, and any supporting document and docket entries and the Arrest Warrant in this case, the filing of the Government's Motion to Seal, and the Order granting such motion, until further order of this Court.

FURTHER ORDERED that the Government's Motion to Seal and this Order be sealed until further order of this Court; and it is

FURTHER ORDERED the Complaint, Affidavit, Attachment, and any supporting

document and docket entries and the Arrest Warrant, and this Order shall be automatically unsealed when the defendant, Stewart David Nozette, is arrested.

FURTHER ORDERED that the Clerk of the Court shall provide to the United States Attorney's Office certified copies of the Complaint, Affidavit, Attachment, and any supporting document and docket entries and the Arrest Warrant upon request.

Date: 10/16/09   
UNITED STATES MAGISTRATE JUDGE

cc: ANTHONY ASUNCION  
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