

**IN THE MATTER OF THE APPLICATION OF THE
UNITED STATES OF AMERICA FOR AN ORDER
AUTHORIZING (1) INSTALLATION AND USE OF A
PEN REGISTER AND TRAP AND TRACE DEVICE OR
PROCESS, (2) ACCESS TO CUSTOMER RECORDS,
AND (3) CELL PHONE TRACKING**

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**NOTICE OF MOTION BY ELECTRONIC FRONTIER FOUNDATION FOR LEAVE  
TO FILE BRIEF *AMICUS CURIAE***

**PLEASE TAKE NOTICE** that the Electronic Frontier Foundation (“EFF”) hereby moves for an order granting EFF and additional amici who may join EFF leave to file, on or before June 30, 2006, a memorandum of amicus curiae in opposition to the government’s application seeking access to post-cut-through dialed digits pursuant to 18 U.S.C. § 3123 in the above captioned matter.

**DATED: June 14, 2006**

Respectfully submitted,

By

Kevin S. Bankston (CA Bar No. 217026)  
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## **PROOF OF SERVICE**

**In the Matter of the Application of the United States  
CASE NO. H-06-356M  
US District Court, Southern District of Texas**

I am over the age of 18 years, am not a party to this action and am employed by Amicus Electronic Frontier Foundation.

On June 14, 2006, I served the within:


**NOTICE OF MOTION BY ELECTRONIC FRONTIER  
FOUNDATION FOR LEAVE TO FILE BRIEF AMICUS CURIAE**

on the parties in said action by U.S. Mail, first class, postage prepaid, as follows:

Robert Stabe  
U.S. Attorney's Office  
Southern District of Texas  
P.O. Box 61129  
Houston, TX 77208

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: June 14, 2006

  
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Barak R. Weinstein