

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

UNITED STATES OF AMERICA

v.

RICHARD PINEDO,

Defendant.

Criminal No. 18-cr-

UNDER SEAL

**UNITED STATES' MOTION TO SEAL ALL FILINGS
ASSOCIATED WITH THE PROPOSED INFORMATION**

The United States, by and through undersigned counsel, asks for an Order sealing the proposed information and this motion (collectively the "information"), including the docket in this matter, until the United States makes a motion to unseal.

I. Reasons for Sealing the Proposed Information and Associated Documents

1. Defendant Richard Pinedo (defendant) is a California resident who, from approximately 2014 through December 2017, provided online services designed to circumvent the security features of online payment processors, to include selling bank account numbers without authorization from the account holders. The defendant has not made an initial appearance in any federal court regarding the charges described in the proposed Information.

2. The Court has the inherent power to seal court filings when appropriate, including the proposed information. *See United States v. Hubbard*, 650 F.2d 293, 315–16 (D.C. Cir. 1980) (citing *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978)). The Court may also seal the information to prevent serious jeopardy to an ongoing criminal investigation when, as in the present case, such jeopardy creates a compelling governmental interest in preserving the confidentiality of the information. *See Washington Post v. Robinson*, 935 F.2d 282, 287-89 (D.C. Cir. 1991).

3. In addition, pursuant to Local Criminal Rule 49(e)(4), “the filing of every . . . document [prior to the initial appearance of a criminal defendant] under seal shall not require a motion to seal.”

4. Discussions between the government and the defendant have culminated in a proposed plea agreement, under which the defendant will plead guilty to an information charging him with identify fraud, in violation of 18 U.S.C. § 1028(a)(7). The government expects that the agreement will incorporate a Statement of the Offense setting forth the factual basis for the guilty plea. That Statement explains that the charge and accompanying plea are based on the defendant’s having sold bank account numbers without authorization from the account holders to individuals, some of whom were located outside the United States. Some of these individuals used the unauthorized bank account numbers obtained from the defendant to circumvent the security measures of online payment processors.

5. The Government now moves to seal the proposed information.¹ In this case, sealing is necessary to avoid possible material prejudice to the government’s ongoing investigation into a particular facet of Russian interference in the 2016 presidential election—namely, an operation that used social media platforms to influence the U.S. political system, including efforts to interfere, through fraud and deceit, in the 2016 U.S. presidential election. Premature disclosure of the nature of the charges against the defendant may alert other subjects to the direction and status of the investigation. Once alerted to this development, potential targets may destroy or tamper with evidence or otherwise seriously jeopardize the investigation.

¹ The Government will also file a separate motion for leave to file additional sealed materials, including the anticipated plea agreement, and to close the courtroom for the plea hearing.

6. The United States has considered alternatives less restrictive than sealing, including, for example, the possibility of redactions, and has determined that none would suffice to avoid potential material prejudice to this investigation.

II. Period of Time That the Government Seeks To Have The Matter Remain Under Seal.

7. The government requests that the proposed information and its materials remain sealed until the need to maintain the confidentiality of these materials expires, after which time the United States will move to unseal the materials. The government will promptly advise the Court if it is determined that sealing is no longer required to protect the interests at stake here.


WHEREFORE, the United States respectfully requests that the proposed information and all related filings, including the docket in this matter and this Motion to Seal and proposed Order, be sealed until further Order of the Court.

Date: February 7, 2018

Respectfully submitted,

Robert S. Mueller, III
Special Counsel

By: _____


Jeannie S. Rhee
L. Rush Atkinson
Ryan K. Dickey
The Special Counsel's Office

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UNDER SEAL

ORDER TO SEAL

The United States, pursuant to Local Rule 49(E)(4) of the Local Criminal Rules for the U.S. District Court for the District of Columbia, having moved to seal the proposed information, the Motion to Seal, and proposed Order in this matter, and

The COURT, having considered the government's submissions, including the facts presented by the government to justify sealing; having found that revealing the material sought to be sealed would jeopardize an ongoing criminal investigation; having considered the available alternatives that are less drastic than sealing; finding none would suffice to protect the government's interest in protecting the integrity of the investigation; and having found that this government interest outweighs at this time any interest in the disclosure of the material; it is hereby

ORDERED that the United States' motion is GRANTED, and the proposed information and all documents associated with it, including the docket in this matter, will be SEALED until further order of the Court.

Date: February _____, 2018
