

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

IN RE FOUR APPLICATIONS FOR SEARCH
WARRANTS SEEKING INFORMATION
ASSOCIATED WITH PARTICULAR
CELLULAR TOWERS
A/K/A TOWER-DUMP WARRANTS

CRIMINAL NO. 3:25-CR-38-CWR-ASH

MOTION FOR EXTENSION OF TIME

The United States of America respectfully requests additional time to file a motion to reverse or vacate the Magistrate Judge's order declining to issue search warrants.

Under the Federal Magistrates Act, 28 U.S.C. § 631, et seq., magistrate judges have the authority to decide non-dispositive pretrial matters. 28 U.S.C. § 636(b)(1)(A). The issuance of a search warrant is included within a magistrate judge's pretrial authority. *See Gomez v. United States*, 490 U.S. 858, 868 n.16 (1989).

On or about November 22, 2024, the United States presented to the Magistrate Judge four search warrants for cell tower data. The Magistrate Judge, declining to sign the search warrants at that time, asked the United States to address the Magistrate Judge's concerns regarding the constitutionality of the requested search warrants. On or about December 3, 2024, the United States submitted to the Magistrate Judge a memorandum¹ addressing those concerns. On or about December 10, 2024, the Magistrate Judge asked the United States to address four specific questions regarding the requested search warrants. On or about January 10, 2025, the United States had a conference call with the Magistrate Judge to address those questions. On February 20, 2025, the search warrants were again presented to the Magistrate Judge for the law enforcement agent to sign to create an official record for the Magistrate Judge's impending order declining to sign the

¹ The United States' memorandum and the requested search warrants were filed under seal.

search warrants. On February 21, 2025, the Magistrate Judge issued an order declining to sign the search warrants. *See* Doc. No. 6.

Section 636(b)(1)(A) of Title 28 of the United States Code provides that a party aggrieved by a magistrate judge's decision on a non-dispositive pretrial matter, which includes search warrants, may serve a written objection within fourteen days of being served. This would result in a due date for the United States of Friday, March 7, 2025. The United States intends to file a written motion stating its objections.

The United States respectfully requests an additional fourteen (14) days to file its motion. This extension is not sought for purposes of delay. The matter before this Court involves a rather novel issue that has not been directly or specifically addressed by this Court or the Fifth Circuit. Furthermore, undersigned counsel for the United States have had full calendars in the interim period, and additional time is needed to adequately brief the issues.

As no other party is currently involved in this matter, there is no opposition to this motion.

Accordingly, the United States respectfully requests an extension of fourteen (14) days to file its motion to reverse or vacate the Magistrate Judge's order declining to sign the search warrants, resulting in a due date of Friday, March 21, 2025. The United States requests any other relief the Court deems appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2025, I electronically filed the foregoing Motion with the Clerk of the Court using the Electronic Case Filing System (ECF), which served to send notification of this filing to counsel of record.

This the 4th day of March, 2025.