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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

IN RE: PUBLIC FIRST LAW
CENTER,

Movant.

MISC. NO. 26-00199-SASP-KJM

MOVANT’S REPLY TO
GOVERNMENT’S RESPONSE TO
MOTION TO UNSEAL SEARCH
WARRANT PROCEEDINGS [DKT.
11]

**MOVANT’S REPLY TO GOVERNMENT’S RESPONSE TO MOTION TO
UNSEAL SEARCH WARRANT PROCEEDINGS [DKT. 11]**

Pursuant to Civil Local Rule 7.2, Public First Law Center (Public First)
respectfully submits this reply to the Government’s response to Public First’s
motion to unseal search warrant proceedings.

The Government states it “does not object to the unsealing of the warrants,
docket entries, and associated non-affidavit materials for the warrants the
government has identified.” Dkt. 11 at 1. Regarding affidavits, the Government

reads Criminal Local Rule 79.2 to “not require the unsealing of the underlying affidavits submitted in support of the warrant applications.” *Id.* at 2. The Government is mistaken.

Nothing in LR 79.2 excludes from unsealing the affidavits attached to the search warrant application. A supporting affidavit is the heart of a search warrant proceeding. Consistently, the District has construed Rule 79.2 to include supporting affidavits. *In re Civil Beat Law Ctr.*, No. 22-MC-286-DKW-KJM, 2022 U.S. Dist. LEXIS 122074, at *4-6 (D. Haw. July 11, 2022) (unsealing “all court records” filed in the relevant search warrant proceedings, including affidavits); *see United States v. Leong*, No. 21-CR-142-LEK, 2023 U.S. Dist. LEXIS 228323, at *24-29 (D. Haw. Dec. 22, 2023) (unsealing search warrant and affidavit in response to motion based on LR 79.2 and the common law).

Regardless, the common law right of access applies and supports unsealing *all* of the search warrant materials. *E.g.*, *United States v. Bus. of the Custer Battlefield Museum*, 658 F.3d 1188, 1192-93 & n.4 (9th Cir. 2011) (“Affidavits in support of seizure or search warrants are central to a court’s probable cause determination.”). LR 79.2 is not the only basis for unsealing here. *See* Dkt. 1 at PageID.9-11.

As long as it has an opportunity to respond to any issues raised by the Government, Public First does not object to the Government's request for additional time to review the supporting affidavits and provide a further response.

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/s/ Benjamin M. Creps

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