

UNITED STATES

JUN 05 2015

FOREIGN INTELLIGENCE SURVEILLANCE COURT
Lee Ann Flynn Hall, Clerk of Court

WASHINGTON, D.C.

**IN RE MOTION IN OPPOSITION TO
GOVERNMENT'S IMMINENT OR
RECENTLY-MADE REQUEST TO
RESUME BULK DATA COLLECTION
UNDER PATRIOT ACT § 215**

Docket No. Misc. 15-01

ORDER

On June 5, 2015, Kenneth T. Cuccinelli, II, and FreedomWorks Foundation (collectively “Movants”) submitted the above-captioned motion. In order to provide for full consideration of issues raised in the motion, consistent with this Court’s statutory obligation to conduct proceedings “as expeditiously as possible,” 50 U.S.C. § 1803(c), it is HEREBY ORDERED as follows:

(1) Any response by the Government to the motion shall be submitted no later than June 12, 2015. Such response shall be limited to the merits of whether the bulk acquisition of non-content call-detail records is lawful under Title V of the Foreign Intelligence Surveillance Act (FISA), as amended by the USA FREEDOM Act of 2015, Public Law No. 114-23, and consistent with the Fourth Amendment to the Constitution, and shall not address any issues regarding whether the Movants have standing under FISA or Article III of the Constitution to seek the relief requested by the motion.


(2) No later than June 12, 2015, Movants may submit a supplemental brief, no longer than five pages, addressing the effect of Section 109 of the USA FREEDOM Act on whether the

bulk acquisition of non-content call-detail records is lawful under Title V of FISA during the 180-day period before Sections 101 through 103 of the USA FREEDOM Act take effect.

(3) No further briefing is permitted without the permission of the Court.

(4) The Government shall immediately serve on the Movants a copy of its unclassified “Memorandum of Law,” captioned “In Re Application of the Federal Bureau of Investigation for an Order Requiring the Production of Tangible Things” and filed with this Court on the night of June 2, 2015, and submit to the Court a certificate of such service. Upon receipt of that certificate of service, the Court intends to make a copy of that Memorandum of Law available to the public on its website.

So ORDERED this 5th day of June, 2015, in Docket No. Misc. 15-01.


MICHAEL W. MOSMAN
Judge, United States Foreign
Intelligence Surveillance Court