

# FEDERAL PUBLIC DEFENDER

## WESTERN DISTRICT OF PENNSYLVANIA

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April 15, 2009

Marcia M. Waldron, Clerk  
United States Court of Appeals  
for the Third Circuit  
21400 United States Courthouse  
Independence Mall West  
601 Market Street  
Philadelphia, PA 19106-1790

**Re: IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR AN ORDER DIRECTING A PROVIDER OF ELECTRONIC COMMUNICATIONS SERVICE TO DISCLOSE RECORDS TO THE GOVERNMENT  
Appeal No. 08-4227**

Dear Ms. Waldron:

On February 18, 2009 the Court granted the Federal Public Defender's motion to proceed as Amicus Appellee in the above case. In her motion, undersigned counsel advised that the Federal Public Defender anticipated joining the brief of Amicus Appellees Electronic Frontier Foundation ("EFF"), the American Civil Liberties Union ("ACLU"), the ACLU of Pennsylvania ("ACLU-PA") and the Center for Democracy and Technology ("CDT"), and that she would seek leave to file a separate brief if needed.

On March 16, 2009, the above Amicus Appellees and Amicus Appellee Susan Freiwald, Esq. filed their respective briefs. After a review of the arguments presented therein, undersigned counsel does not believe further briefing on the statutory and constitutional issues is required and writes to advise the Court that she joins fully in the arguments of other Amicus Appellees.

Very truly yours,



Lisa B. Freeland  
Federal Public Defender

cc: Robert L. Eberhardt, Assistant United States Attorney  
Witold J. Walczak, Legal Director, ACLU of Pennsylvania