

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CRIMINAL CASES**

Directions: Counsel must make a **docketing statement (criminal) filed** entry in CM/ECF within 14 days of filing a notice of appeal or cross appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form and any extended answers, (2) any transcript order form, and (3) any CJA 24 authorization form. Counsel who filed the notice of appeal is responsible for filing the docketing statement even if different counsel will handle the appeal. In criminal cases, counsel who represented the defendant below must continue on appeal unless the court of appeals grants a motion to withdraw. Appellants proceeding pro se are not required to file a docketing statement. Opposing counsel may file objections to the docketing statement within 10 days of service using the entry **docketing statement objection/correction filed**.

Appeal No. & Caption	11-5151, In re Application of the United States for an Order
Originating No. & Caption	1:11DM3, 1:11EC3, 10GJ3793, In re Application of the U.S.
District Court & Judge	U.S. District Court, E.D. Va., U.S. District Judge Liam O'Grady

Jurisdiction (answer any that apply)		
Date of entry of order/judgment appealed from	November 10, 2011	
Date this notice of appeal filed	November 23, 2011	
If cross appeal, date first notice of appeal filed		
Date of filing any post-judgment motion		
Date order entered disposing of any post-judgment motion		
Date of filing any motion to extend appeal period		
Time for filing appeal extended to		
Is appeal from final order or judgment?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If appeal is not from final judgment, why is order appealable?		

Transcript (transcript order & CJA 24 must be attached if transcript not yet on file)		
Is transcript needed for this appeal?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Has transcript been filed in district court?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
(For CJA counsel) Is CJA 24 attached?	<input type="radio"/> Yes	<input type="radio"/> No

Case Handling Requirements (answer any that apply)	
Case number of any prior appeal in same case	
Case number of any pending appeal in same case	
Identification of any case pending in this Court or Supreme Court raising similar issue	U.S. v. Jones, 10-1259 (U.S. arg. 11/10/11)
	If abeyance or consolidation is warranted, counsel must file an appropriate motion.
Is expedited disposition necessary?	<input type="radio"/> Yes
	<input checked="" type="radio"/> No
	If yes, motion to expedite must be filed.

Issues (Non-binding statement of issues to raise on appeal. Attach additional page if necessary.)
<p>1. Whether the district court erred in holding that the December 14, 2010 order (the "Twitter Order") issued by the Magistrate pursuant to 18 U.S.C. § 2703(d) requiring Twitter to produce information concerning Movants-Appellants' communications is valid and constitutional.</p> <p>2. Whether the district court erred in holding that judicial orders and documents related to the Twitter Order and similar orders to companies other than Twitter should remain sealed.</p> <p>3. Whether the district court erred in holding that public docketing is not required for judicial orders and documents related to the Twitter Order and similar orders to companies other than Twitter.</p>

Appellant's Name & Address	Counsel's Name & Address
Name: See attached. Address:	Name: See attached. Address:
E-Mail:	E-Mail:
Phone:	Phone:

Certificate of Service: I certify that on December 22, 2011 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

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Signature: /s/ Aden J. Fine

Date: December 22, 2011

*In re Application of the United States of America for an Order
Pursuant to 18 U.S.C. § 2703(d), No. 11-5151*
Docketing Statement Attachment

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