

IN THE UNITED STATES FOREIGN INTELLIGENCE SURVEILLANCE COURT

2015 JUN 12 PM 5:07

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

LEEANN FLYNN HALL
CLERK OF COURT

FISC Case No.: 15 – 01 Misc.

MOTION TO ALLOW FILING OF NOTICE OF RELATED DOCKET

The Center for National Security Studies, amicus in Docket Number 14-01 Misc., respectfully requests that the Court allow filing of the attached Notice bringing to the Court's attention the relation between that docket and the current one.

Respectfully submitted,



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RESUME BULK DATA COLLECTION) FISC Case No.: 15 – 01 Misc.
UNDER PATRIOT ACT § 215)

NOTICE OF RELATED DOCKET

This is to bring to the Court's attention the relatedness of two of the Court's miscellaneous dockets: Nos. 14-01 and 15-01.

In No. 14-01, the Center for National Security Studies filed on April 3, 2014, with prior leave of this Court, a Brief of Amicus Curiae on the Lack of Statutory Bulk Telephony for this Court's Bulk Telephony Metadata Orders. In granting leave by a December 18, 2013 order in Docket BR 13-158, this Court (McLaughlin, J.) directed: "The brief will be filed in a miscellaneous docket that can be accessed by any judge of the Court when considering an application for such collection under Section 1861 in the future." Further leave to file the amicus was granted in an order entered in Misc. No. 14-01 on April 3, 2014.

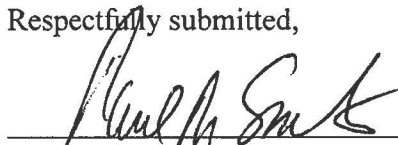
No. 15-01 is captioned: "In re Motion in Opposition to Government's Imminent or Recently-Made Request to Resume Bulk Data Collection under Patriot Act § 215." One of the documents now filed in No. 15-01 is a Memorandum of Law of the United States, originally filed in BR No. 15-75, which describes this Court's prior bulk telephony orders and, at p. 5, "submits that this Court's analysis continues to reflect the better reading of Section 1861."

The amicus brief in No. 14-01 sets forth a detailed analysis of Section 1861 as it read prior to the June 1, 2015 sunset that, by the precise terms of the sunset statute, caused Section 1861 (title V of the Foreign Intelligence Surveillance Act) to be amended to its limited pre-

PATRIOT Act form. The amicus in No. 14-01 supports the conclusion, later reached by the Second Circuit, that the pre-sunset Section 1861 did not authorize the bulk metadata program.

As this Court has provided that the amicus brief in No. 14-01 would be available to any judge of the Court when considering an application for bulk metadata collection in the future, we respectfully request that the relatedness of the two miscellaneous dockets be noted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul M. Smith", is written over a horizontal line.

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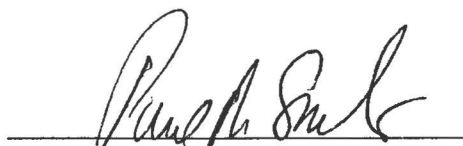
CERTIFICATE OF SERVICE

I hereby certify that copies of the attached pleadings were today served by first-class U.S.

Mail on the following counsel:

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