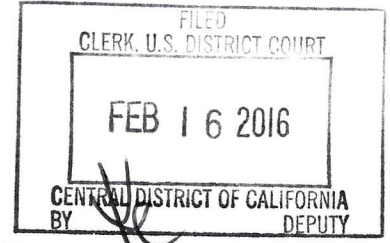


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10 Attorneys for Applicant  
 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 IN THE MATTER OF THE SEARCH OF  
 14 AN APPLE IPHONE SEIZED DURING  
 15 THE EXECUTION OF A SEARCH  
 16 WARRANT ON A BLACK LEXUS IS300,  
 17 CALIFORNIA LICENSE PLATE  
 35KGD203

No. ED 15-0451M

[PROPOSED] ORDER COMPELLING APPLE,  
 INC. TO ASSIST AGENTS IN SEARCH

18  
 19 This matter is before the Court pursuant to an application  
 20 pursuant to the All Writs Act, 28 U.S.C. § 1651, by Assistant United  
 21 States Attorneys Tracy Wilkison and Allen Chiu, requesting an order  
 22 directing Apple Inc. ("Apple") to assist law enforcement agents in  
 23 enabling the search of a digital device seized in the course of a  
 24 previously issued search warrant in this matter.

25 For good cause shown, IT IS HEREBY ORDERED that:

- 26 1. Apple shall assist in enabling the search of a cellular  
 27 telephone, Apple make: iPhone 5C, Model: A1532, P/N:MGFG2LL/A,  
 28 S/N:FFMNQ3MTG2DJ, IMEI:358820052301412, on the Verizon Network, (the

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 CENTRAL DISTRICT OF CALIFORNIA  
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1 "SUBJECT DEVICE") pursuant to a warrant of this Court by providing  
2 reasonable technical assistance to assist law enforcement agents in  
3 obtaining access to the data on the SUBJECT DEVICE.

4 2. Apple's reasonable technical assistance shall accomplish  
5 the following three important functions: (1) it will bypass or  
6 disable the auto-erase function whether or not it has been enabled;  
7 (2) it will enable the FBI to submit passcodes to the SUBJECT DEVICE  
8 for testing electronically via the physical device port, Bluetooth,  
9 Wi-Fi, or other protocol available on the SUBJECT DEVICE; and (3) it  
10 will ensure that when the FBI submits passcodes to the SUBJECT  
11 DEVICE, software running on the device will not purposefully  
12 introduce any additional delay between passcode attempts beyond what  
13 is incurred by Apple hardware.

14 3. Apple's reasonable technical assistance may include, but is  
15 not limited to: providing the FBI with a signed iPhone Software  
16 file, recovery bundle, or other Software Image File ("SIF") that can  
17 be loaded onto the SUBJECT DEVICE. The SIF will load and run from  
18 Random Access Memory ("RAM") and will not modify the iOS on the  
19 actual phone, the user data partition or system partition on the  
20 device's flash memory. The SIF will be coded by Apple with a unique  
21 identifier of the phone so that the SIF would only load and execute  
22 on the SUBJECT DEVICE. The SIF will be loaded via Device Firmware  
23 Upgrade ("DFU") mode, recovery mode, or other applicable mode  
24 available to the FBI. Once active on the SUBJECT DEVICE, the SIF  
25 will accomplish the three functions specified in paragraph 2. The  
26 SIF will be loaded on the SUBJECT DEVICE at either a government  
27 facility, or alternatively, at an Apple facility; if the latter,  
28 Apple shall provide the government with remote access to the SUBJECT

1 DEVICE through a computer allowing the government to conduct passcode  
2 recovery analysis.

3 4. If Apple determines that it can achieve the three functions  
4 stated above in paragraph 2, as well as the functionality set forth  
5 in paragraph 3, using an alternate technological means from that  
6 recommended by the government, and the government concurs, Apple may  
7 comply with this Order in that way.

8 5. Apple shall advise the government of the reasonable cost of  
9 providing this service.

10 6. Although Apple shall make reasonable efforts to maintain  
11 the integrity of data on the SUBJECT DEVICE, Apple shall not be  
12 required to maintain copies of any user data as a result of the  
13 assistance ordered herein. All evidence preservation shall remain  
14 the responsibility of law enforcement agents.

15 7. To the extent that Apple believes that compliance with this  
16 Order would be unreasonably burdensome, it may make an application to  
17 this Court for relief within five business days of receipt of the  
18 Order.

19  
20  
21  
22 DATED: February 16, 2016

  
\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE