

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 08-20314

v.

HON. NANCY G. EDMUNDS

ISSAM HAMAMA,

Defendant.

**DEFENDANT'S EMERGENCY MOTION FOR A PROTECTIVE ORDER OF
DEFENDANT'S EMAIL ACCOUNTS PENDING DECISION BY THIS COURT ON
DEFENDANT'S MOTION TO QUASH SUBPOENAS**

Defendant, Issam Hamama, by and through undersigned counsel, respectfully requests this court immediately issue a protective order for the contents of email account

Hamama_sam@yahoo.com and ih749@hotmail.com pursuant to F.R.Cr.P. 16(d)(1).

On December 1, 2010, Defendant filed a motion to quash a subpoena for the contents of the two email accounts listed above. *ECF Document 42*. Defendant also sent by facsimile notices of objection to disclosure of the contents of the email accounts to the respective Internet Service Providers, Yahoo! and MSN, along with courtesy copies of the motion and brief.

On December 7, 2010, Defendant noticed peculiar activity on one of his email accounts. Defendant now believes that the ISPs may be acting on the Government's subpoenas. If the ISPs produce the contents of the email accounts, the Defendant's motion would be rendered moot before this court has had an opportunity to decide the matter. Accordingly, Defendant requests that this court issue a protective order to prohibit the Government from obtaining the contents of the email accounts until this court has decided the matter. Alternatively, if the Government has

already received the materials pursuant to their subpoenas, the Defendant requests that all such material be turned over to the court until such a time as this court decides the motion.

In support of this motion, defendant relies on the same brief submitted in support of the motion to quash the subpoenas which is Document 42-1 on the ECF system.

Respectfully submitted,

/S/ Haytham Faraj
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CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2010, I electronically filed the foregoing paper with the Clerk of Court using the ECF system which will send notification of such filing to the following: Mr. Michael Martin, Assistant U.S. Attorney at michael.c.martin@usdoj.gov and Ms. Cathleen Corken, Assistant U.S. Attorney at cathleen.corken@usdoj.gov.

/S/ Haytham Faraj
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UNITED STATES OF AMERICA,

CASE NO. 08-20314

Plaintiff,

v

HON. NANCY G. EDMUNDS

Issam Hamama,

Defendant.

**ORDER FOR PROTECTIVE ORDER OF THE CONTENTS OF THE DEFENDANTS
YAHOO AND HOTMAIL EMAIL ACCOUNTS**

The Court has reviewed the Defense' motion for an emergency protective order of the contents of email accounts Hamama_sam@yahoo.com and ih749@hotmail.com, pending review and decision by this court of the Defendant's motion to quash the subpoenas issued for the contents of the two email accounts.

Now, therefore, IT IS HEREBY ORDERED that the Defense' Motion for a protective order is hereby granted. The Government is proscribed from obtaining or reviewing the contents of email accounts Hamama_sam@yahoo.com or ih749@hotmail.com until the Defendant's motion to quash is decided.

IT IS FURTHER ORDERED that if MSN or Yahoo! have acted on the subpoena and produced the contents of the email accounts, that all such material shall immediately be delivered to this court until the motion to quash the subpoenas is decided.

NANCY G. EDMUNDS
United States District Judge

Dated: